

Writ petition: 958-2013
'Youtube Case'

Dated: August 2, 2013

Submitted to: Justice Syed Mansoor Ali Shah
Lahore High Court

Honourable Sir,

Let me begin by thanking you for allocating so much of your time to this case. The "YouTube Case" as it is known puts Pakistan at a critical juncture. I would like to commence my submission with a brief introduction of myself:

I, Imtiaz Noor Mohammad, resident of Karachi, have been involved in Pakistan's marketing community for over 10 years, and throughout this time, I have also been a strong proponent of technology and technology-driven initiatives leading to changes in education, business, communications and, most of all, content creation.

Background:

The "YouTube ban" was initiated as a result of violence in Pakistan, over the release of a film, uploaded to YouTube. It is said that the film contained blasphemous content, which "enraged the general population and hurt their religious feelings."

There are no two opinions on the public anger, violence and the unfortunate loss of life and property. The critical factor at hand though is, would any Muslim who is concerned about his/her faith, actually go and search for such content that has been deemed blasphemous by their fellow Muslims?

Human Search Behaviour:

People will search for what they hear and are interested in finding. This is proven time and again when we look at search trends data available on various search engines. I have used Google as a source of my study.

Search queries for cricket match scores and updates go up exponentially when a major series is in progress. Similarly, the search volumes for movies go up exponentially when a movie is close to launch.

Would it be fair to restrict access to so much content, catering to an extremely diverse group of users, based on one video?

Government accountability:

According to a news report in the Express Tribune, on July 2, 2013¹, the State Minister for IT had formed a four-person committee to review 8 million URLs, which are allegedly blocked.

If this report is true, then we now know there are 8 million URLs that have been blocked, which the people of Pakistan do not have access to, and this is not covered under any law, legal framework or independent oversight.

I urge that the following be done in the interest of transparency, accountability and in the interest of citizens:

- a. Make public the list of banned URLs followed by an inquiry into who authorized the restriction of access and on what grounds;
- b. The members of the Inter Ministerial Committee be made public and held accountable to the people of Pakistan for their actions;
- c. That the minutes of all the proceedings of the Inter Ministerial Committee be made a matter of public record;
- d. That the Government through its authorized bodies, including the PTA, launch awareness programmes on self censorship instead of state censorship (the SECP and SBP have already run many campaigns on public awareness through direct engagement and via the media; the only campaigns the PTA has run so far is one aimed at telling people that a SIM card must be registered in the user's name).

Way forward:

To conclude, I would like to make one humble suggestion. The only way forward is to educate the public on the importance of self-censorship. Every internet connection is issued to an adult (CNIC required when purchasing the connection), hence every connection should come with a condition, stipulating that each individual is responsible for the content he/she consumes.

Just as mobile operators are not held liable for offensive phone calls or text messages, it is futile to place the blame on external content companies who crowdsource content and allow users to upload it to their platforms directly.

I would like to conclude this submission by thanking your honour for your valuable time and contribution in the case. Should the Honourable Judge wish to seek any further information with regards to statements in this submission, I will happily make myself available.

Imtiaz Noor Mohammad

Referenced Sources1:

<http://tribune.com.pk/story/571480/youtube-ban-four-member-committee-to-review-objectionable-urls/>