



For immediate release –16 November 2010

**PRESS RELEASE**

**UK: Police Monitoring Website Takedown Illegal**

**The takedown of [fitwatch.org.uk](http://fitwatch.org.uk) in response to a request from a police officer violates freedom of expression and the website should be immediately restored. The UK should reform its laws as part of its proposed Freedom Bill to require that any requests to remove websites by public bodies or private parties is approved by a judge.**

*“Freedom of expression on the internet cannot be bullied away at the insistence of authorities without the approval of a judge,” says Dr Agnes Callamard, ARTICLE 19 Executive Director. “The site should be immediately restored.”*

According to news sources, Fitwatch’s web hosting company was contacted by an acting detective inspector at the Metropolitan Police demanding that the website be taken down, implying that the host would likely be held liable for the content if it did not do so.

The seizure was problematic for two reasons. First, the request came from a police officer and was not approved by an independent magistrate. If the authorities believe that there are unlawful materials available on a website hosted in the UK, they may ask a court to seize or ban the materials, as they would be required to do in the case of a newspaper or broadcaster. Under the Human Rights Act and the European Convention on Human Rights, speech can only be limited to protect a legitimate interest, as set out under Article 10(2) of the ECHR. It must be proscribed in law, must be “necessary in a democratic society” and must be in response to “a pressing social need”.

In this case, the police officer used threats to bypass the legal process and freedom of expression protections.

Secondly, the police officer demanded the takedown of the entire website and the seizing of its domain and IP addresses for 12 months. Under human rights law, any restrictions of free expression must be limited in scope. If there was only one illegal page, the law requires that only that page, rather than the entire website with its protected political speech, be removed. The site has been critical of police surveillance of lawful demonstrations for several years and hosted a wealth of materials and debates about police activities. Even the offending page contained legal advice and is not clearly a violation of any law.

In response to similar incidents in Europe, ARTICLE 19 recently urged the European Union to revise the E-Commerce Directive to require that all EU Member States ensure that an independent tribunal makes a ruling before companies acting as hosts to internet content are required to remove it, and that all states increase protection to hosts to limit their liability for content generated by users.

**NOTES TO EDITORS:**

- For more information please contact: David Banisar, Senior Legal Counsel, ARTICLE 19, [banisar@article19.org](mailto:banisar@article19.org) or [oliver@article19.org](mailto:oliver@article19.org) +44 20 7324 2500
- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit [www.article19.org](http://www.article19.org)