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Legal Practice Division (LPD)

Dear friends,

Vitayu vsikh.

Having just spoken at a conference on how the Ukrainian crisis is affecting M&A in India, I thought I would share some rather interesting learnings I had along the way. While we all know that technology is playing a key role in the crisis, most of our attention is focused on the SWIFT restrictions and the financial sector. If we stop to ask, “what about the social media war?”, attention then shifts swiftly to Telegram!

The Telegram messaging app is the digital battle space of this crisis. It is the battleground in an information war. It is a tool used by both sides, as also everyone connected or interested in the crisis. Data shows that in the short timeframe between February 23 and February 24, 2022 – the start of the crisis - the followers in Telegram news channels spiked by about 3 million among both Russians and Ukrainians!

Telegram has become the voice of President Volodymyr Zelensky, within and outside of Ukraine. Be it seeking global support, informing citizens of potential air raids, and breaking news from the battlefield, he uses Telegram. Similarly, when most mainstream social media cut off Russian government and other Russian channels, they turned to the same app. In addition to propaganda, Telegram is the source for the latest unfiltered information on armed strikes, military movements, safe refugee routes, and aid.

@UkraineNOW - the repurposed Ukrainian Covid-19 Telegram channel - provides 24/7 updates about the war. Not just displaced Ukrainians, but Russian families too, scan endless feeds of photos and videos for anything or anyone familiar. It is being said that whoever can sustain their information campaigns on Telegram has the best chance of shaping world views around what’s going on inside Ukraine.

Interestingly, Telegram has Russian origins! The Russian brothers Nikolai and Pavel Durov created Telegram in 2013. Pavel Durov, Telegram's CEO, commonly known as ‘the Russian Mark Zuckerberg,’ believes technology is meant to set you free. Now in exile in Dubai, he says he lost everything, but would do it again - without hesitation - to keep technology free.

Initially, it was extremist groups who couldn’t use social media platforms, such as Facebook, Twitter, and YouTube, that provided Telegram its first set of admirers. With little moderation, amazing speed, security, and privacy, Telegram almost became a terror tool. This balanced out when pro-democracy groups in South Korea, Cuba, and Iran also picked it up. Once used mainly by society’s fringe groups, Telegram has quickly become a war-messaging service.

What is so unique about Telegram? Telegram is open source, allowing any user to patch a problem with the platform. It doesn't have an algorithm deciding restriction on content. There is no advertising. Translation of languages is easy, making content of any language available to all. It is easy to create a channel - public/private feeds of photos/videos set up by a person/organisation - to broadcast any information to a captive audience of millions. Its architecture also allows limitless groups, and channels may be followed by an unlimited number of people. On the flip side, it is users' security that is a cause of concern amongst privacy advocates. Given that messages are not fully encrypted by default (user needs to turn on that function, unlike Signal or WhatsApp), potential third-party access to content is a drawback in theory.

Whereas Facebook and Twitter are banned in Russia, it seems difficult for a ban to be imposed on Telegram, which is an important tool for Russia to spread its stance on the crisis. Especially in a scenario where Russian news websites keep getting hacked, are often taken down, and have outages.

This is the first time we are seeing social media taking part in a crisis as big as the current one between Russia and Ukraine. It is being said that the cohesion, progress, and resistance of the Ukrainian people in the face of the present crisis are the result of the effective management of a social media war. Citizen guerrilla movement, national resistance, and support from the villages of Ukraine is being attributed to Telegram!

I pray for the victims of the crisis and hope the conflict is amicably resolved at the earliest for the benefit of all concerned and a return to peace in the war-torn area.

In the meantime, I hope technology remains free and sets us all free.

Shchyri vitannya,

Sajai Singh

Co-Chair, IBA Technology Law Committee

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