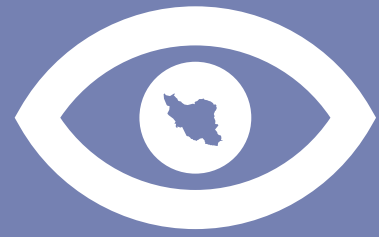


ARTICLE 19



# Tightening the Net Online Freedoms in Iran Following Rouhani's Reelection

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July 2017

# Foreword

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During Iran's 2013 Presidential elections, social media was limited to Facebook and Twitter, which maintained a narrow user base of mainly young people. However, the filtering of the platforms reduced their influence in the country and on public debate ahead of the elections.

Fast-forward to 2017, however, and Telegram is a major presence on the social media scene after several years of establishing itself in Iran. The messaging application that has harnessed the power of a social network through the use of its channels.

Today Telegram users are not just young people - a large number of the older generation are using the platform. Among them are those who are not familiar with the Internet and might struggle to open a news site in an Internet browser, but now, thanks to smartphones, the speed of the Internet, and membership of various Telegram news channels, they can access news instantaneously and share it with others.

The reformists and moderates who tasted relative victory

during the 2016 parliamentary elections using the accessibility of this platform made their best efforts to ensure it was not blocked for the 2017 election. Although broadcast media in its traditional forms are monopolized by hardliners, Telegram remains a vital social network for reformists, moderates and their allies.

While the possibility of Telegram voice communication in Iran was quickly taken away almost before it began, there has been significant success in the fight to keep Telegram open to users and avoid blocking channels, groups and Telegram messaging. The way Telegram is used by Iranians is likely the most significant development on the Iranian Internet, especially when looking at Rouhani's reelection.

Nima Akbarpour,  
Technology Reporter,  
Click Farsi Presenter on BBC Persian

# Introduction

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*This briefing explores some of the developments and concerns for Internet rights under the moderate administration of Rouhani following his reelection during the 19 May Presidential election. This is the second in a series of quarterly briefings that will continue ARTICLE 19's reporting on Iran's Internet from our [Tightening the Net](#)<sup>1</sup> series, with the aim of documenting the changes affecting online rights in Iran. This report covers Internet freedom in Iran from mid-May to the end of June 2017.*

Rouhani led his election campaign with promises and boasts of a new Internet freedom policy. In the first live debate, he [reminded the debate audience](#) of improvements to Internet freedoms under his administration, and quipped to rival candidates: "If it wasn't for this government, even our friends here today couldn't have campaigned on the Internet."

Our previous report assessed some of the gains and shortcomings of Rouhani's administration as he went into the election. Now that his successful reelection has occurred, we look at two ongoing themes that have revealed themselves following the election:

1. The Rouhani administration's struggle against repressive

policies and actions towards online freedoms by the country's hardliners, including the Supreme Leader, the Revolutionary Guards and the judiciary;

2. The Rouhani administration's own shortcomings in its policies to deliver on the rhetoric of Internet freedom.

We explore developments in access to information, especially the welcome lack of information controls during the elections; statements from the administration and the Supreme Leader about Internet freedom after Rouhani's victory; developments on the National Information Network (NIN) and net neutrality; and finally the arrests and intimidation of Telegram users.



The President Hassan Rouhani met his rival conservative candidate Ebrahim Raisi backstage during the first Presidential debate.

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<sup>1</sup> See "Tightening the Net: Online Freedoms in Iran Ahead of the 2017 Elections," <https://www.article19.org/resources.php/resource/38743/en/tightening-the-net-online-freedoms-in-iran-ahead-of-the-2017-presidential-elections>

# Censorship and Access to Information

## Access to Online Information During the Election

The 2017 Presidential elections were largely perceived as uneventful compared to previous election cycles, which saw the filtering of popular platforms and a complete Internet shutdown in 2009, as well as severe throttling of Internet speeds in 2013<sup>2</sup>. In contrast with previous election periods, there were fewer attempts to undermine the rights to freedom of expression and information online during the 2017 Presidential elections. In particular, it was the first time since 2009 that there were not disruptions in speeds or access to the Internet during a Presidential election. Additionally, this was the first Presidential election since 2009 where websites providing circumvention technology were not filtered or throttled. In practice this meant that Internet users in Iran were able to access content that is otherwise blocked in the country. Tor<sup>3</sup> and Psiphon<sup>4</sup>, circumvention tools used widely in Iran reported regular usage throughout May.

However, as noted in the previous “Tightening the Net” briefing, Telegram voice calls remained blocked in the lead up to the election. On 14 April, the judiciary blocked Telegram

voice calls, a move they only publicly confirmed on 22 April, with the explanation that they were “harmful to national security, especially so close to an election<sup>5</sup>.” The block on this feature was not lifted after the election and remains in place to this day.

A week prior to the election, during the 8 May 2017 ‘specialist council’ of the 70th meeting of the Supreme Council of the Cultural Revolution (SCCR), a member of the Supreme Council of Cyberspace (SCC) was recorded discussing the development of “cultural guidance for mobile operators”, including the opportunities and threats the availability of features such as video calls have brought. It is unclear whether the SCC’s “culture guidance for mobile operators” will pass into law, but if the SCCR passes such a directive as a bill, the judiciary will have no other choice but to implement it as a law<sup>6</sup>. It is clear the purpose of such guidance is to have further control over freedom of expression and access to information on mobile connectivity. This is especially significant given that over half the number of Iranians connecting to the Internet do so over their mobile phones<sup>7</sup>.



Image of May Meeting of the Supreme Council of the Cultural Revolution

<sup>2</sup> See Open Net Initiative’s “After the Green Movement,” for Internet controls in 2009 <https://goo.gl/vF2qHs>, and Collin Anderson’s “Dimming the Internet” report for 2013 throttling. <https://arxiv.org/pdf/1306.4361v1.pdf>

<sup>3</sup> Tor enables users to bypass government censorship and to communicate anonymously. The Tor network is a collection of servers located across the world, run mostly by volunteers. The network helps users connect to the Internet anonymously by sending traffic between at least three Tor servers before allowing it to reach its destination. This makes it nearly impossible for anyone monitoring the Internet to understand where the traffic is coming from and where it is going. Tor “exit nodes” are the final set of servers used in the connection process. This is where a user’s traffic exits the Tor network and connects to the world wide web. Psiphon

<sup>4</sup> Psiphon is an open-source Internet censorship circumvention tool that uses a combination of secure communication and obfuscation technologies and has over a million users inside of Iran.

<sup>5</sup> See page 6 of the May 2017 “Tightening the Net” report. <https://www.article19.org/resources.php/resource/38743/en/tightening-the-net-online-freedoms-in-iran-ahead-of-the-2017-presidential-elections>



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## Internet Freedom Post-Election

One of the defining themes highlighted by Rouhani throughout his campaign was his supposed credentials as a liberator of the Internet. At one campaign stop in Hamedan, Rouhani confronted the country's 'hardliners' by stating, "our young people have chosen the path to freedom. You [hardliners] have come to all the meetings in these past four years to close all the social networks."<sup>8</sup>

Eighteen days after Rouhani's re-election however, his Minister of Information Communication and Technology (ICT), Mahmoud Vaezi announced that the Rouhani government had effectively improved methods to control the Internet and had shut down a number of online platforms<sup>9</sup>. The Minister boasted of these Internet controls during a 6 June 2017 parliamentary session as his government's efforts to preserve threats to 'national security' online, seen especially as a move to placate the nation's hardline conservative base and illustrate strength on the Rouhani's government's stance on national security. He went on to describe how Iranian officials are working with the messaging app Telegram to create a safer space in the interest of curbing sexual abuse, child abuse, 'violence', 'terrorism' and 'anti-religious content'. It should be noted Telegram has previously denied cooperation with the Iranian government, except to block pornographic content deemed inappropriate on distributors such as Apple's App store<sup>10</sup>. The implications of such a cooperation between the country's most widely used messaging and social media application, and a government notorious for its abuses through surveillance would be devastating for freedom of expression. ARTICLE 19 has previously demanded Telegram clarify and maintain transparency with its relationship with Iran, and continues to do so<sup>11</sup>.

"We also launched the project of intelligent refinement and have blocked about 400 million videos through this method. If previously there were 8% of websites that were problematic, we have now brought it down to 1.5%. Also, over the past three years, we have closed 7 million addresses that have been notified to us by the relevant authorities and blocked 121 relevant pieces of software as well as circumvention tools."<sup>12</sup>

Minister of ICT, Mahmoud Vaezi,  
6 June 2017 Parliamentary session.

The ICT Minister did not explain why widespread censorship has continued in Iran, nor did he indicate which platforms are being targeted for what he described as "intelligent refinement". The Minister has previously referred to a presumably similar process of "intelligent filtering," which was only known to have been deployed on Instagram. The technical problems, as well as the concerns for freedom of expression with this kind of 'intelligent' censorship were discussed in the last "Tightening the Net" briefing<sup>13</sup>.



Image of Minister of ICT, Mahmoud Vaezi walking to the podium to inform the parliament of his Ministry's work over the past three years.

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<sup>6</sup> See the report on the 70th session of the Supreme Council of Cultural Revolution in Mehr News. <http://www.mehrnews.com/news/3973071/%D9%84%D8%B2%D9%88%D9%85-%D8%AA%D8%AF%D9%88%DB%8C%D9%86-%D9%BE%DB%8C%D9%88%D8%B3%D8%AA-%D9%81%D8%B1%D9%87%D9%86%DA%AF%DB%8C-%D8%A8%D8%B1%D8%A7%DB%8C-%D8%AA%D9%84%D9%81%D9%86-%D9%87%D9%85%D8%B1%D8%A7%D9%87>

<sup>7</sup> The latest Internet statistics from the Ministry of ICT indicates there are about 27 million Internet users connecting through their mobile phones out of a total of 42.5 million Internet users in total. See this April 2017 ISNA report <https://goo.gl/uGDLSc> and this Zoomit report for overall penetration. <https://goo.gl/bpVSGz>

<sup>8</sup> Quotes from Rouhani's 8 May campaign rally in Hamedan. <http://www.itmen.ir/index.aspx?pid=99&articleId=207494>

<sup>9</sup> See ISNA reporting on Vaezi during the 6 June parliamentary sessions [www.goo.gl/wBBvvp](http://www.goo.gl/wBBvvp)

<sup>10</sup> See Global Voices Advox reporting on concerns about Telegram's security in Iran <https://advox.globalvoices.org/2015/08/28/is-telegrams-compliance-with-iran-compromising-the-digital-security-of-its-users/>

<sup>11</sup> See 18 November, 2015 statement "Iran" Privacy and censorship fears around Telegram messaging app" <https://goo.gl/PcR1vk>

<sup>12</sup> See ISNA reporting on Vaezi during the 6 June parliamentary sessions [www.goo.gl/wBBvvp](http://www.goo.gl/wBBvvp)

<sup>13</sup> See page 3 of the May 2017 Article 19 "Tightening the Net" briefing [https://www.article19.org/data/files/medialibrary/38743/Online\\_freedom\\_in\\_Iran\\_final.pdf](https://www.article19.org/data/files/medialibrary/38743/Online_freedom_in_Iran_final.pdf)

While Rouhani and his Minister of ICT differed on the presentation of their Internet agenda, the Supreme Leader Ayatollah Khamenei held an altogether different stance on the track record of this administration. During a post-election 11 June speech to all the heads and leaders of the Islamic Republic's various institutions, including the President Hassan Rouhani, Khamenei criticized the shortcomings of the Rouhani administration in their Internet policy.



The Supreme Leader Ayatollah Khamenei during a 11 June speech.

“One of the things necessary to govern the country in an effective way is the issue of the Internet. Within the issue of the Internet, the most important factor is the NIN. In this realm there have been some real shortcomings, and the things it was meant to do are not occurring. This cannot be, it cannot be said that the Internet cannot be controlled. This will not solve our problems and it is not realistic. It is not just us, the whole world is dealing with the problems of the Internet. Countries that have created their own NIN and are controlling it to their own benefit and their own values are not just one or two -the best and most powerful countries have their own redlines, and they do not allow a lot of the components of the Internet, which are determined by the Americans, and created behind the scenes by them -they don't allow it in, they control it. We should control it too. This doesn't mean we want to keep people away from the Internet. ...we want to allow higher speeds and easier access while eliminating these threats. This is why the NIN is so important.”

Ayatollah Khamenei,  
11 June Speech

There has been much debate about the exact nature of the NIN. However, the Supreme Leader's scathing criticism of the Rouhani administration will pressure the administration to close in on Iran's Internet space in order to placate the nation's highest authority. The developments against net neutrality discussed in the following section will further highlight these concerns for freedom of expression and access to information.

It should however, be noted, that beyond Internet policy criticisms, President Rouhani has been the target of criticisms that have stirred up hardliners against him. During the same speech on 11 June, Khamenei made an allusion to the first President of the Islamic Republic, Abolhassan Banisadr, later disgraced and forced to exile after falling out with the founder of the Islamic Republic, Ayatollah Khomeini.

“The country should not be polarized. People should not be divided into supporters and opponents, as they were in 1980 by the president at that time. It's dangerous.”

The President was later shepherded out of a Quds Day rally on 23 June<sup>14</sup> by security guards after hardliners attacked and surrounded him by shouting “Death to Banisadr,” and “Rouhani, Banisadr, a Happy Union.”<sup>15</sup> These divisions that are consciously being sowed by the Supreme Leader will further deteriorate the ability of the Rouhani administration to fulfill its campaign promises and boasts of Internet freedom.

Additionally we showed concern for access to messaging platforms during the elections in our last briefing. We looked into the censorship of messaging applications such as Signal, Wispi, and certain features of Telegram<sup>16</sup>. According to user reports from 15 June, however, the messaging platform Wire has been filtered inside of Iran. Wire used the same encryption protocol as Signal, and much like Signal, was filtered without any statements or publicity by neither the Ministry of ICT or the Judiciary. The filtering of Signal and Wire are both a loss for Iranians seeking secure and trusted options for their communications in Iran.

<sup>14</sup> Quds Day is the last Friday of Ramadan initiated by the Islamic Republic, where people gather show solidarity with the Palestinian cause, and protest against Zionism and the Israeli occupation of Jerusalem and Jewish settlements. The rallies are typically dominated by members of the Basij paramilitary organisation, and radical, hardline supporters of the Supreme Leader.

<sup>15</sup> See translation of Khamenei's statement in CHRI as well as the attacks on Rouhani by Khamenei's supporters <https://goo.gl/6Anj1Q>

<sup>16</sup> See page 10 of the May 2017 “Tightening the Net” briefing. [https://www.article19.org/data/files/medialibrary/38743/Online\\_freedoms\\_in\\_Iran\\_final.pdf](https://www.article19.org/data/files/medialibrary/38743/Online_freedoms_in_Iran_final.pdf)

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## Net Neutrality

Various Internet Service Providers (ISPs) have been in talks with the public and the government for months about the possibilities of providing users with discounts when accessing domestic online traffic in their Internet data usage. On 11 March 2017, AsiaTech, an ISP provider in Iran announced that they were initiating discounts for traffic accessing local content<sup>17</sup>. Asia Tech's CEO explained the move as a way "to direct consumption of culture towards local traffic in the long-run." However, the real impact of this new traffic discount policy was felt when Iran's leading mobile ISP providers, the government owned MCI<sup>18</sup> Hamrahe Aval and the South African owned MTN Irancell announced on 22 and 23 May 2017 (respectively) that users would receive 50% discounts on their domestic Internet use<sup>19</sup>. MCI also clarified that the discount was implemented "in pursuit of the policies and goals of the NIN, with the goal of boosting rich Iranian content and local businesses."<sup>20</sup> Earlier in the month, the Communications Regulatory Organisation announced they would start penalizing ISPs if they did not divide local and international traffic, and start charging lower rates for the former.<sup>21</sup> These discounts and new regulations are worrying indicators for the ability of Iranians to easily access the world wide web.

At the 8 May 2017 meeting of the 'specialist council' for cyberspace for the 70th Assembly of the Supreme Council of Cultural Revolution<sup>22</sup> several decisions were made. The council announced their intention to solidify the project of NIN; define and implement a classification system for access to cyberspace in relation to the age of visitors; to develop a program to encourage local cultural use of the Internet; and to protect and promote indigenous products and software

online<sup>23</sup>. Days after these announcements, the Supreme Leader stressed the shortcomings of the NIN in controlling the dissemination of content that opposes the morals and values of the Islamic Republic, and called on the government to strengthen its hold over Internet use.

Concerns about the NIN have been extensively outlined by ARTICLE 19 in our March 2016 "Tightening the Net" research report.<sup>24</sup> Rating one type of content above another is a discriminatory interference that undermines access to information, contributing to the centralisation of control in information flows through the NIN. One of several phases of the NIN project, that aims to maintain most online content, servers, data and networks within the country, has been to create local alternatives to websites and Internet platforms. ARTICLE 19 suspects that the government intends to further monitor and regulate a network centralized the Iranian government. In our 2016 report, we expressed our concerns at the various ways in which the government were trying to incentivize domestic use, increasing potentials for government surveillance:

*In particular and of specific concern should be the country's attempt to capture a sizeable share of the domestic population of online users using access-denial and promotion schemes, effectively making the substitute domestic services faster and more user-friendly than their international alternatives. Such subsidisation schemes, when matched with a concerted censorship of foreign resources, could make the National Internet versions of common Internet services the 'path of least resistance' for Iranian users who have become accustomed to online access and seek continued service. Also using government sanctioned emails, search engines, browsers, social networks, and E-government services,*

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<sup>17</sup> See interview with the Asia Tech CEO Mohammad Ali Yousefzadeh in Fars News. <http://www.farsnews.com/printable.php?nn=13951221000551>

<sup>18</sup> Mobile Telecommunication Company of Iran (MCI), or known by users as Hamrahe Aval ('the first companion' in Persian) [https://en.wikipedia.org/wiki/Mobile\\_Telecommunication\\_Company\\_of\\_Iran](https://en.wikipedia.org/wiki/Mobile_Telecommunication_Company_of_Iran)

<sup>19</sup> The announcement by MCI can be seen here (in Persian) <https://goo.gl/Z9NaZS> and by MTN here in Zoomit (in Persian) <http://www.zoomit.ir/2017/5/22/156725/irancell-50-pecrent-decrease-bandwidth/>

<sup>20</sup> <https://goo.gl/Z9NaZS>

<sup>21</sup> See the announcement by the Deputy Director of the Communications Regulatory Organisation here <https://goo.gl/6Xb1mC>

significantly increases the government's ability for surveillance on domestic Internet users.<sup>25</sup>

Other researchers have called on civil society organisations to identify these encroachments as violations of the principle of "net neutrality."<sup>26</sup> The principle of 'net neutrality' was recently endorsed by the UN Special Rapporteur on freedom of opinion and expression. The Special Rapporteur, David Kaye said:

*Network neutrality — the principle that all Internet data should be treated equally without undue interference — promotes the widest possible access to information. In the digital age, the freedom to choose among information sources is meaningful only when Internet content and applications of all kinds are transmitted without undue discrimination or interference by non-State actors, including providers. The State's positive duty to promote freedom of expression argues strongly for network neutrality in order to promote the widest possible non-discriminatory access to information.*<sup>27</sup>

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<sup>22</sup> Ratified bills of the Supreme Council of Cultural Revolution become laws, which cannot be overruled (i.e. by parliament). It was declared the highest body for making policies and decisions in connection with cultural, educational and research activities within the framework of the general policies of the system and considered its approvals indispensable, when created by the founder of the Islamic Revolution in 1980

<sup>23</sup> See details of the 'specialist council' in this 8 May, 2017 Mehr News report. <https://goo.gl/pqPj48>

<sup>24</sup> "Tightening the Net: Iran's National Internet Project" <https://www.article19.org/data/files/medialibrary/38316/The-National-Internet-AR-KA-final.pdf>

<sup>25</sup> See page 36 of above report.

<sup>26</sup> To read more about net neutrality and the National Information Network, see Kyle Bowen's report on Small Media research in LSE Media Policy Project blog. <http://blogs.lse.ac.uk/mediapolicyproject/2016/05/09/net-neutrality-in-iran/>

<sup>27</sup> Available at: <https://freedex.org/the-special-rapporteurs-june-2017-report-to-the-human-rights-council/>



# Arrests and Intimidation

The March arrests of several Telegram administrators, reported in our previous “Tightening the Net” briefing<sup>28</sup>, has raised concerns both for the nature of arbitrary arrests, and the regulations placed on Telegram. On 14 March 2017, Iran’s Revolutionary Guards took control over a number of Telegram channels and arrested eight administrators of twelve Telegram channels<sup>29</sup> supporting the reformist political faction and the moderate President Hassan Rouhani. Authorities reportedly used the saramad.ir Telegram registration<sup>30</sup> information to collect information about the administrators of twelve Telegram channels in the March<sup>31</sup>, leading to the identification and arrests of the administrators.

## Control and Arrests of Telegram Users

In our previous briefing<sup>32</sup>, we expressed our concern that several Telegram administrators of reformist and pro-Rouhani channels had been arrested arbitrarily in March. According to reports, the arrests took place because the authorities were able to gain access to the channel administrators’ personal information on the saramad.ir platform<sup>33</sup>. Under Iranian regulation, Telegram channels with over 5000 followers are required to provide their administrator’s personal information as part of a mandatory registration process<sup>34</sup>.

The measures taken against these Telegram administrations in recent months demonstrate a tension between the Rouhani administration’s rhetoric in favour of improving internet freedoms, and the approach of the more hardline judiciary.

The Rouhani government and reformist members of parliament have sharply criticised the arrests.<sup>35</sup> On 30 May, thirty MPs wrote an open-letter raising concerns over the lack of due process in these cases. In particular, they noted that besides sweeping references to national security, those charged were still uninformed of the specific charges they faced contrary to rights to due process enshrined in Article 32 of the Iranian constitution.<sup>36</sup> Moreover, they had not been provided with legal counsel, contrary to the right in Article 25 of the Constitution<sup>37</sup>. This is in addition to Article 9 of the International Covenant on Civil and Political Rights (ICCPR), that guarantees proper adjudication before continued detention<sup>38</sup>.

As of 26 June, six of the administrators were still in detention, with only two released shortly after the arrest. On 19 June, all six administrators went on hunger strike to protest the lack of due process, especially in their denial of legal counsel, throughout their arrests.<sup>39</sup> One of the six, Nima Keshavari, was placed in solitary confinement after announcing his hunger strike.<sup>40</sup>

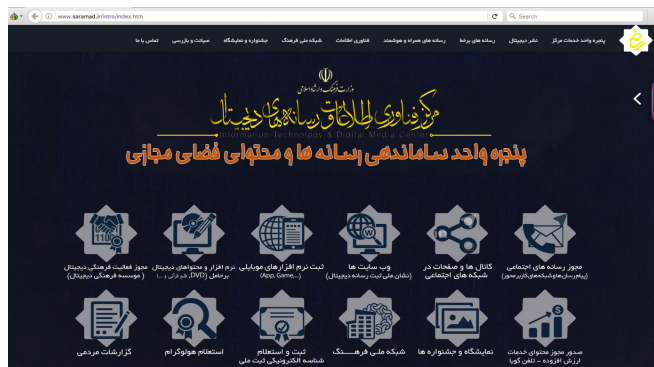


Image of Telegram registration platform, saramad.ir

<sup>28</sup> See page 10 of “Tightening the Net: Online Freedoms Ahead of the 2017 Elections,” <https://goo.gl/t3vSWT>

<sup>29</sup> See 17 March, 2017 Article 19 statement on Telegram arrests here: <https://www.article19.org/resources.php/resource/38678/en/iran-arrests-and-intimidation-of-telegram-administrators-and-journalists-ahead-of-the-elections>

<sup>30</sup> Saramad.ir Telegram registration was implemented by the Supreme Council of Cyberspace (SCC), requiring all public channels with over 5,000 followers on Telegram to register with the Cyber Police and the Ministry of Culture and Islamic Guidance at the portal Saramad.ir.

<sup>31</sup> See 17 March, 2017 documentation on Telegram arrests here: <https://persian.iranhumanrights.org/1395/12/twelve-administrators-of-reformist-telegram-channels-were-arrested/>

<sup>32</sup> See page 10 of “Tightening the Net: Online Freedoms Ahead of the 2017 Elections,” <https://goo.gl/t3vSWT>

<sup>33</sup> Saramad.ir Telegram registration was implemented by the Supreme Council of Cyberspace (SCC), requiring all public channels with over 5,000 followers on Telegram to register with the Cyber Police and the Ministry of Culture and Islamic Guidance at the portal Saramad.ir.

<sup>34</sup> The highest Internet policy body, the Supreme Council of Cyberspace (SCC), now requires, by policy order, that all public channels# with over 5,000 followers on Telegram to register with the Cyber Police and the Ministry of Culture and Islamic Guidance at the portal Saramad.ir.

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## Article 90 Commission for Due Process on Telegram Arrests

The families of the six Telegram administrators have filed a complaint demanding due process to the Parliament's Article 90 Committee, which is in charge of investigating public grievances against public institutions.<sup>41</sup> According to a report by the New York based NGO, Center for Human Rights in Iran (CHRI), the parliamentary committee has not released the results of its investigation as of 21 June<sup>42</sup>.

## Interrogations of Kurdish-Iranian Telegram Users

On 30 May, seven Kurdish-Iranian Telegram users were summoned for questioning by the Revolutionary Guards for their administration of a Telegram Channel supporting the reelection of President Hassan Rouhani<sup>43</sup>. The channel was called "With Rouhani Until 1400" and was run from the city of Gilan-e Gharb, in the predominantly Kurdish province of Kermanshah. No criminal charges were brought or reasons for the investigation provided, and they were released after questioning, several hours after their arrests.



Image of Nima Keshvari from [Centre for Human Rights in Iran](#)

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<sup>35</sup> See reporting by CHRI from 2 June. <https://www.iranhumanrights.org/2017/06/denied-due-process-detained-telegram-channel-admins-go-on-hunger-strike/>

<sup>36</sup> Article 32 which calls for due process safeguards to inform the accused of the charges they face. See Iran Human Rights Documentation Center's Translation: <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html?p=8>

<sup>37</sup> Article 25 gives the accused the right to chose their own legal counsel, or to be provided with one. Iran Human Rights Documentation Center's Translation: <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3017-the-constitution-of-the-islamic-republic-of-iran.html?p=7>

<sup>38</sup> See Article 9 section 3 of the ICCPR <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

<sup>39</sup> "Denied Due Process, Detained Telegram Administrators Go on Hunger Strike," by CHRI <https://goo.gl/kVrg3v>

<sup>40</sup> See the most recent updates on the case from CHRI. [https://twitter.com/ICHRI\\_Fa/status/87937360211779458](https://twitter.com/ICHRI_Fa/status/87937360211779458)

<sup>41</sup> [Article 90 of the Constitution of the Islamic Republic of Iran: Whoever has a complaint concerning the work of the assembly \[Parliament\] or the executive power, or the judicial power can forward his complaint in writing to the assembly. The assembly must investigate his complaint and give a satisfactory reply. In cases where the complaint relates to the executive or the judiciary, the assembly must demand proper investigation into the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.](#) <http://fis-iran.org/en/resources/legaldoc/constitutionislamic>

<sup>42</sup> See reporting by CHRI here, <https://goo.gl/PHV8TE>

<sup>43</sup> See Kurdish Human Rights Network Documentation from 30 May, 2017 here: <http://kurdistanhumanrights.net/fa/?p=3152>

# Summary of Article 19 Recommendations

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The reelection of President Rouhani to a second-term on a popular vote, was aided in particular to his rhetoric and boasts of his administration's ability to deliver on rights such as freedom of expression online. However, a month into his re-election there is cause for concern. The government has continued to adopt regressive policies, which allow restrictions on access to legitimate content and undermine net neutrality. It has also continued to pursue its previous efforts to centralise content and data, with serious negative consequences for Internet users' privacy. Meanwhile, the NIN is alive and well, with the government continuing plans for its implementation with the intention to tighten its control over the Internet. During this reporting period, there has been dissonance within the administration on the promised values of Internet freedom.

In addition, hardline institutions, including the office of the Supreme Leader, the Revolutionary Guards and the Judiciary, regularly challenge Rouhani administration on their efforts to keep the Internet accessible. In light of the above, ARTICLE 19 has the following recommendations.

Recommendations to the Office of the Supreme Leader, Ayatollah Khamenei

- To end their demands for a controlled Internet space under the all encompassing domain of 'national security' and 'foreign threats.'
- To restrain the powers of the Revolutionary Guards<sup>44</sup> to be restrained so as not to allow for the arbitrary arrests and interrogations of Internet users.

To the government of President Hassan Rouhani

- To unify its message on strengthening Internet freedoms, and address the dissonance between its campaign rhetoric and that of its Ministry of ICT. We urge this government to deliver on the promises and language of freedoms they were elected on.
- For transparency regarding the processes and reasons behind the censorship of content, from website

takedowns to content takedowns on social media sites. In particular, we urge both the Ministry of ICT and Telegram to provide transparent documentation on the nature of their relationship and cooperation.

- To work with the Supreme Council of Cyberspace to revoke the requirement for Telegram administrators running channels with more than 5000 followers to register their accounts with the government on the saramad.ir website. This policy has led to this data being abused by the authorities, including the country's judiciary and Revolutionary Guards, to arrests and detain Telegram administrators arbitrarily, in violation of international human rights standards and the Iranian constitution.
- As signatories of the International Covenant on Civil and Political Rights (ICCPR), to become party to the discussions and principles related to maintaining net neutrality, and work with the principles set within various UN mechanisms to uphold the rights to freedom of expression and access to information, especially<sup>45</sup>.

To the Iranian Parliament

- To maintain their demands for fair trial guarantees for the arrested Telegram administrators and continue to hold the judiciary to account for failing to uphold the constitutional rights of the Telegram administrators.
- To immediately complete the investigation of the Article 90 Commission

To the Judiciary

- The immediate cooperation in the parliamentary Article 90 Commission's investigation into the six arrested Telegram administrators.
- End the arbitrary arrests and interrogations of social media users, as per the Iranian constitution and the ICCPR.
- To immediately release the six remaining Telegram administrators.

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<sup>44</sup> The Revolutionary Guards remain accountable to the office of the Supreme Leader.

<sup>45</sup> Report HRC 32/13 on ICCPR, 18 July 2016; available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/32/13](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/32/13)