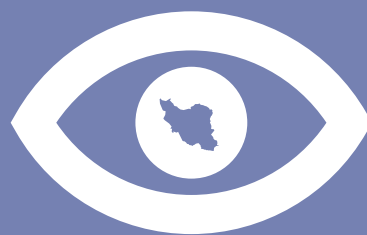


ARTICLE 19



# Tightening the Net

## A New Cabinet and New Attempts at Control

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September 2017

# Introduction

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Despite being elected on a mandate of greater freedoms and moderation, President Hassan Rouhani's appointment of hardliners to cabinet positions in the months since his re-election is a worrying confirmation that promised improvements for freedoms online will remain unfulfilled.

Developments in the period covered by this brief (from mid-June to the end of August 2017) exemplify the concerning situation for Internet freedoms in Iran.

First, raising many concerns is the appointment of the new Minister of Information Communications and Technology, Mohammad-Javad Azari Jahromi. His appointment has already stirred controversy, after a career spent in the Ministry of Intelligence, where he was personally involved in building surveillance infrastructure, and directly took part in interrogations and abuse of individuals involved in the 2009 Green Movement protests.

Already, there have been startling announcements which deepen concerns for freedoms online, including the new Minister's attitude of complicity with the hard-line Judiciary's attempts to censor and repress activity on Telegram, a popular social media and messaging platform.

As arrests and intimidation of online journalists and other Internet users continue, ARTICLE 19 urges Iran's new cabinet to act on the promises and platform on which Rouhani was elected, and pressure the nation's hard-line authorities to respect online freedoms.

ARTICLE 19 has been following government efforts to centralise data to Iran throughout the "Tightening the Net" reports and briefings, starting with the plans for the National Information Network<sup>1</sup>, built to bring and maintain the majority of online content, servers, data, and networks inside the country. This goal has become a particular concern during recent months, after the Supreme Council of Cyberspace released a regulatory document, writing into law the efforts to put all data in the hands of the Iranian government (See Appendix).

ARTICLE 19 continues to demand that Iran repeal vague laws and policies which erode the rights to freedom of expression and privacy which are guaranteed within Iran's constitution.

In this briefing, we also highlight the responsibility of technology companies and platforms, such as Telegram and Apple, to remain transparent about their policies, regarding cooperation with the Iranian government, and efforts to ensure continued access to information for Iranian users.

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<sup>1</sup> See ARTICLE 19's March 2016 report on the National Internet Network: <http://bit.ly/2wxuhiA>

# Censorship and Access to Information

## New Minister of Information Communications and Technology

After a four-year term under Rouhani's eleventh government, Mahmoud Vaezi left his post as the Minister of Communications Information and Technology, and was replaced by Mohammad-Javad Azari Jahromi, one of the youngest Ministers in Iran.

Vaezi's tenure as Minister marked the initiation of President Rouhani's relatively progressive agenda of freer and more accessible Internet. Vaezi's Ministry was a major departure from the previous Government, opening up the department's communication with the press to unprecedented level. Vaezi's weekly press conference was major departure from the attitude of the Ministry for the preceding five years, under the government of hardliner Mahmoud Ahmadinejad.

There were notable accomplishments, outlined in our May 2017 "Tightening the Net" briefing, prior to the May 2017 elections<sup>2</sup>, including increases in Internet speeds, and the prevention of censorship of certain platforms such as Instagram and Telegram. However, efforts to censor and centralise the Internet were continuing themes.

Despite no longer holding a cabinet position, Vaezi still maintains an important position in the Rouhani government as the Chief of Staff.

The Rouhani administration's main message with their Internet policy line has been innovation, opportunity, and increased access. Rouhani's selection of Jahromi is intended to fit this mould, and there had been numerous campaigns in the media boasting of his youthful and successful track record in working on the Internet during the weeks leading up to Rouhani's confirmation hearing. A popular state-produced short animation series, 'Dirin Dirin', featured Jahromi, presenting him as the answer to the problems of Iran's Internet environment.

At only 35 years old, the electrical engineer has served as ICT Deputy Minister, as well as Chairman of the Board & Managing Director at Iran's Telecommunications Infrastructure Company (TIC) from early 2016. Previously, he was a member of the Board at TIC from 2014 to 2016. He also had a position as a Non-Executive Member of the Board at Rightel—the third largest mobile network operator in the country—from 2014 to 2016. From 2009 to 2014, he served as General Manager of Communications Systems Security at the Communication Regulatory Authority (CRA)<sup>3</sup>.



Figure 1: Jahromi described as the youthful candidate for Iran's Minister of ICT position that needs to be approved in order to increase Internet speeds, and enable access, as featured in the Dirin cartoon.

<sup>2</sup> See 11 May 2017 report: <http://bit.ly/2qvRn4Q>

<sup>3</sup> See more on Jahromi's past work experience in Persian. <http://bit.ly/2v5cCy4>

The Tehran-based Technology website 'TechRasa,' which reports on Iran's start-up ecosystem, also praised of Jahromi's long resume, listing his various accomplishments in fulfilling Rouhani's mandate for Internet development<sup>4</sup>.

## TECHRASA

HOME ARTICLES ▼ REPORT & ANALYSIS VIDEO PODCAST

As we mentioned in the previous articles, Jahromi Azari has played an important role in ICT development in the past years. These are some of the achievements of Iran's ICT ministry during President Rouhani's government in the past four years:

- Completing the 5th 5-year ICT infrastructure development plan from 15% to 100%.
- Building and developing the main fiber-optic network from 51,497 KM to 62,602 KM, almost 11,105 KM.
- Expanding the capacity of country's data transfer network from 900 Gbps to 10,041 Gbps, almost 11 times.
- Expanding the capacity of the country's broadband network from 624 Gbps to 6,800 Gbps, almost 10 times.
- Expanding the capacity of the country's international data transit from 116 Gbps to 558 Gbps, almost 5 times.
- Expanding the provincial data centers from 4 to 19 centers to host the Iranian services inside the country.
- Expanding the Internet Exchange Points (IXP) from 1 to 8 points to avoid redundant international data traffic and lower ISPs and end users expenses.
- Building 8 Content Delivery Networks (CDN) to provide faster internet access.
- Reducing tariffs for infrastructure services and lowering the cost of producing domestic content on the Internet.
- Launching the first and second phase of smart filtering which helped some of the social media platforms and websites to not get blocked entirely.
- Bringing the broadband internet (mobile and cable) to 43 million people from 5.3 million in the beginning of the government.
- Expanding the 3G network from 4 cities to 900 cities, almost 225 times.
- Developing the 4G network from scratch and expanding it to 742 cities.
- Developing the access to the National Information Network for rural areas from scratch and expanding it to 27,397 villages.

Figure 2: TechRasa lists Jahromi's various accomplishments and professional roles, without alluding to his position as a member of the Ministry of Intelligence, or as direct interrogator of protesters.

Media reports from inside the country have, however, omitted Jahromi's role in the construction of the surveillance infrastructure of the Ministry of Intelligence under President Mahmoud Ahmadinejad's administration from 2009-2013. Members of Parliament reviewing his candidacy questioned whether he intended to bring the same surveillance sensibilities which he initiated at the Ministry of Intelligence to the Ministry of ICT<sup>5</sup>.

In response to these discussions, Jahromi stated on 20 August 2017, "In my career, I have never been in charge of surveillance itself, but rather I was in charge of making the technical infrastructure for the surveillance equipment industry and I'm proud of it."<sup>6</sup>

During the period of Jahromi's management of infrastructure at the Ministry of Intelligence, the following tools for suppressing dissent and freedom of expression were put in place: wiretapping equipment, geo-locators, and voice recognition apparatus, used by both the Ministry of ICT, the Revolutionary Guards (IRGC), and the Ministry of Intelligence.

According to the NGO Campaign for Human Rights in Iran (CHRI), five activists who were part of the campaign team for the presidential candidate Mir Hossein Mousavi, arrested during the wave of repression during the 2009 protests, were personally interrogated by Jahromi.<sup>7</sup>

On Twitter, Jahromi stated he had never been an interrogator or participated in actively surveilling anyone. He even responded to a Twitter user who asked him how he would respond to protesters who remember him from 2009, by asking for concrete evidence from them. CHRI has stated these activists do not wish to reveal their identities for fear of further state repression.<sup>8</sup>

<sup>4</sup> See TechRasa's article: "Meet the Youngest Iranian Cabinet Member as ICT Minister" <http://bit.ly/2wDvTHo>

<sup>5</sup> See MP Mohammad Ali Pourmokhtar comments in a 15 August 2017 session of parliament here: <http://bit.ly/2vca4hT>

<sup>6</sup> See Jahromi's 20 August 2017 statement to parliament in his role at the Ministry of Intelligence. <http://www.farsnews.com/13960521001218>

<sup>7</sup> See reporting by CHRI from 16 August 2017 here. <http://bit.ly/2vca4hT>

<sup>8</sup> See Twitter exchange between Jahromi and a Twitter user about his involvement in 2009 interrogations. <https://twitter.com/azarijahromi/status/898006650325479425>

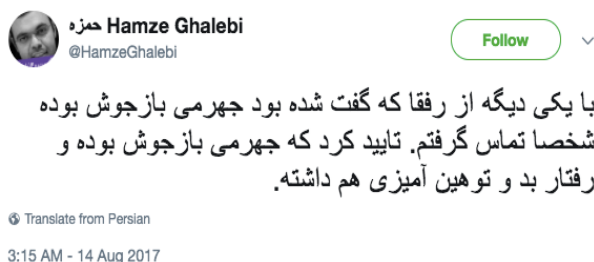


Figure 3: Hamzeh Ghalebi, who worked on Mousavi's campaign team, tweeted on 14 August 2017 that a friend of his, a former political prisoner, was personally interrogated by Jahromi in 2009: "He confirmed that Jahromi had been his interrogator who treated him badly."

On 20 August 2017, Jahromi was confirmed as a cabinet member by parliament with 152 'yes', 120 'no', 7 'absentee' and 9 'invalid' votes. Rouhani marked Jahromi's confirmation in parliament with this speech:

"For the first time we are including a cabinet member that was born after the revolution, and came of age in the age of cyberspace. My first experience with him has been at the Supreme Council of Cyberspace where his discussions and thoughts on cyberspace were extremely valuable... I am asking him for the quick initiation of the National Information Network, and that he expands the opportunities on the Internet for production, wealth, and employment."<sup>9</sup>

Rouhani's glowing remarks about Jahromi contradict his own government's past work. The "launching" and "unveiling" of the National Information Network had, at the time of the speech, already taken place under the leadership of Vaezi<sup>10</sup>. Additionally, Rouhani has yet to comment on this new Minister's previous involvement in surveillance and repression.

## Twitter in Iran

Much as it was when Rouhani was first elected in 2013, the status of censorship on Twitter is a major point of discussion in Iran. Most notably, new Minister Jahromi is active on Twitter, commenting and sometimes responding to Iranians on his account<sup>11</sup>. In a 21 August 2017 interview with a reporter, Jahromi stated:

*"I do use it [Twitter], as it is an appropriate platform for public diplomacy, engaging in communications with the rest of the world, to share opinions on issues, and if we limit our social media to just Telegram where Iranians are only gathered is a mistake. The reason for the filter of Twitter was not because of immorality or cultural issues, but there were issues related to national security. We must engage in negotiations and discuss where we should go."*<sup>12</sup>

These remarks contradicted those of the head of the Committee Charged with Determining Offensive Content (CCDOC),<sup>13</sup> Abdul Sayyed Khoramabadi, who had announced only a week before that holding an account on filtered social networks such as Twitter was a "violation", and that Twitter accounts belonging to members of the Ministry of ICT were "problematic."<sup>14</sup>

Despite the new Minister's enthusiasm for change in Iran's Internet environment, it is clear that old challenges from various institutions and political factions will maintain controversy around issues like Twitter censorship, a situation unlikely to be resolved in the near future.

In a surprising, and seemingly unsubstantiated statement, Jahromi announced on 28 August 2017 that the government and Twitter were engaging in negotiations to unblock the platform. When Twitter was requested for comment by the BBC, they stated, "We do not have any opinions or comments on this issue."<sup>15</sup>

<sup>9</sup> See Rouhani's speech welcoming Jahromi to his cabinet after Parliament voted to accept him as Minister of ICT. <http://bit.ly/2wDlgn5>

<sup>10</sup> See 28 August, 2016 launch. <http://bit.ly/2iwq6NO>

<sup>11</sup> See footnote 7.

<sup>12</sup> See interview here: <https://twitter.com/khabaronline/status/899599506265735168>

<sup>13</sup> The CCDOC is composed of 13 members including the Attorney General (head of the Judiciary, and consequently the head of the Committee), Minister of Intelligence and National Security, Minister of Culture and Islamic Guidance, Minister of Justice, Minister of Information and Communications Technology, Minister of Education, Minister of Research and Science, the Chief of Police, an expert on ICT chosen by Parliament, a member of Parliament's legal committee (as chosen by this committee and approved by parliament), the head of the Islamic Development Organization, the head of the IRIB, and a representative of the council of Islamic Revolution.

<sup>14</sup> See Khoramabadi statements here in Radio Farda here: <https://www.radiofarda.com/a/28676339.html>

<sup>15</sup> See reporting by BBC Persian from 28 August 2017. <http://www.bbc.com/persian/iran-41077720>

Twitter was censored prior to the 12 June 2009 Iranian elections, in reaction to the momentum of the reformist coalition on social media, especially the now-detained Green Movement leader and Presidential candidate, Mir Hossein Mousavi. Twitter's opaque statements about the nature of their engagement with the Iranian government raises a number of concerns for the rights of Iranian Internet users. Twitter's cooperation with the Turkish government, a policy of censoring to avoid a Twitter ban, had previously raised some concerns for freedom of expression and access to information in a secure manner for Turkish users.<sup>16</sup>

ARTICLE 19 encourages Twitter to become transparent and vigilant about the rights of Iranian users online.

## Apple in Iran

ARTICLE 19 has previously noted the limitations that financial sanctions from the United States have placed on access to certain services for Iranians over the Internet in our May 2017 "Tightening the Net" briefing.

In March 2017, diaspora human rights organisations made a statement condemning technology companies that were withholding their services from Iranians.<sup>17</sup> Under US law, technology companies face legal repercussions for providing financial services to Iranian individuals or companies, as it would constitute breaking US sanction regulations. These can be payments for purchase of a service or product over their online platforms (i.e. AirBnB, Coursera, Amazon, Ebay, etc.) by Iranians. This is to comply with the Office of Foreign Assets Controls (OFAC) in the US Treasury and its regulations, which place sanctions on US entities that engage in business with entities in Iran through the Transactions Sanctions Regulations 31CFR Part 560.

These regulations remained in place even after the 2015 nuclear negotiations between Iran and Western governments. Remaining U.S. sanctions and regulations mean that the Central Bank of Iran and other Iranian banks and financial institutions cannot do business with U.S. entities.<sup>18</sup>

Prior to March 2017, application developers on the Apple Store, such as the "Iranian Uber" *Snapp* and the Amazon-like platform *Digikala*, were told by Apple to remove payment options or their app would be removed from the application store for violating sanctions.

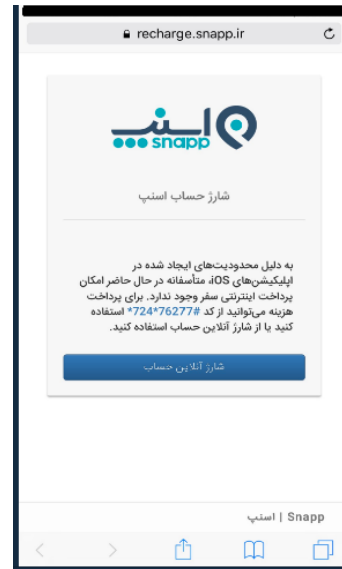


Figure 4: A screenshot of Snapp from February 2017, after they removed the payment option on the application. Snapp explains to users here that "because of limitations from iOS applications, unfortunately at the moment there is no possibility to process payments online. For the processing of the payment you can use the code \*724\*76277# or use the online charging method from your bank."

Despite compliance with Apple's financial regulations, in August both *Snapp* and *Digikala*, alongside a number of other applications, were completely removed from the Apple Store. Figure 5 shows the notice many of these companies received from Apple.

Apple has now extended restrictions beyond what is demanded by the regarding financial transactions. This is particularly surprising given that the Google Play store, continues to offer services and transaction options to Iranian individuals and companies. Google and Apple have largely remained tight-lipped about their approaches to Iran, however Google's Android software (and associated apps for Android phones on the Google Play store) are typically used on hardware which does not belong to American companies. Samsung, a popular Android phone in Iran, is a South Korean company with a flagship store in Tehran.

In response to removals, the Minister of ICT, Mohammad-Javad Azari Jahromi, announced, through his Twitter account, that Apple was not respecting the rights of Iranian consumers, and that the Ministry would follow up with legal action.

<sup>16</sup> Efe Kerem Sozeri's report on the history of Twitter censorship in Turkey from 12 August, 2016. <https://www.dailydot.com/layer8/twitter-censorship-journalists-turkey-coup/>

<sup>17</sup> See "Memo to Tech and Social Media Companies: Allow Iranians Access to Online Tools" <http://bit.ly/2xsdnyb>

<sup>18</sup> This regulation is spelled out by the Department of the Treasury, Office of Foreign Assets Control, 31 CFR Part 560, Iranian Transactions Regulations Executive Order 13599 of February 5, 2012 ("Blocking Property of the Government of Iran and Iranian Financial Institutions").

Dear Developer,

We are unable to include your app [REDACTED] on the App Store. Under the U.S. sanctions regulations, the App Store cannot host, distribute, or do business with apps or developers connected to certain U.S. embargoed countries.

This area of law is complex and constantly changing. If the existing restrictions shift, we encourage you to resubmit your app for inclusion on the App Store.

Figure 5: The email notification many Iranian iOS application developers received from Apple about the removal of their application.

In reality, the likelihood of Iran having the ability to seek legal action seems small. While millions of Iranians are using Apple products, Apple does not have a registered office in Iran, neither does it operate in the Iranian market. An Iranian user wanting to create an Apple account will have to register using an address in another country (there is no option to select Iran as your country of residence) and register a non-Iranian payment option.

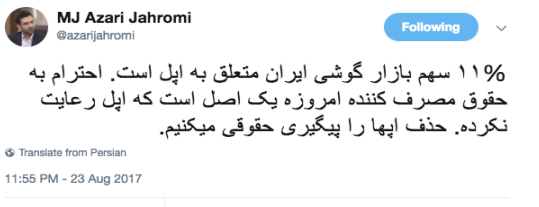


Figure 6: Minister of ICT Jahromi tweeted on 23 August, 2017 “11% of the mobile market share in Iran belongs to Apple. Respecting consumer law is a right that Apple is not abiding. We will respond to these removals with legal action.”

On 30 August 2017, Saeed Taheri, an Iranian iOS application developer, was notified by Apple that he could not receive payments for the work he had done via Apple Connect (the Apple developer network that pays developers for the profits on their iOS applications) due to “IRANSANCTIONS” (see Figure 7). He had registered with Apple through a Tajik bank. According to the Apple notification, the Tajik bank had notified Apple that the account belonged to an Iranian.

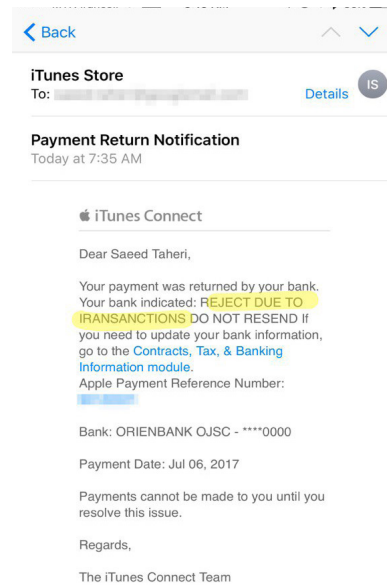


Figure 7: Saeed Taheri received this notice that Apple could no longer process his payments due to “IRANSANCTIONS”

Due to sanctions, Apple products bought and sold in Iran must necessarily be smuggled into the country. On 18 July 2016, the Communications Regulation Authority, which is a department of the Ministry of ICT, announced that Apple must register an official office inside Iran or face a nationwide ban on the buying and selling of all Apple products.<sup>19</sup>

The government intended to make it mandatory for all mobile phones to be registered inside the country through the phone vendor in order to be permitted SIM coverage. The aim of this ultimatum, according to officials, was to recover lost tax revenue on iPhones smuggled into the country.

The privacy implications of phone registration, however, are that the Government could identify users. A year after the ultimatum and announcement of the plan to require all phones to be registered, the government has failed to act. The new Minister's threats of legal action against Apple is yet another item on the list of unconvincing demands and threats which the Iranian government has made to Apple in the past.

<sup>19</sup> See Tansim report on CRA's 18 July 2018 announcement. <http://bit.ly/2g7XrxN>



On 23 August 2017, in a meeting with the head of the Communications Regulatory Authority (CRA), Jahromi re-pledged to stop the smuggling of mobile phones, and stated he would make sure to implement the phone registration system, despite having failed to do so since its announcement the previous year.

<sup>20</sup>

Despite the removal of the iOS applications of Iranian start-up businesses, it appears Apple is allowing applications which belong to Iran's clerical elite to remain on its online store. Iranians can access the Supreme Leader Ayatollah Khamenei's application (see Figure 8), which brings his latest news and speeches to users.

It is unclear why members of the Iranian elite can maintain their applications, while start-ups, even after the removal of financial payments, remain targeted. It is apparent that the Apple store has been able to flag Iranian users and app developers by identifying their nationality through banks, or publicity for the application catering to Iranians.

ARTICLE 19 calls upon Apple to become transparent about their policies towards Iran.

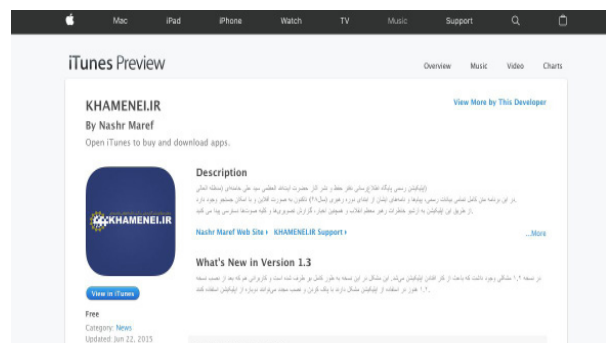


Figure 8: The Khamenei.ir Application remains freely accessible on the App Store, while Iranian start-ups have had their iOS applications removed.

<sup>20</sup> Report about Jahromi's pledge at CRA to register all mobile phones in Iran, after failing to launch the previous year. <http://www.citna.ir/news/202658>



# Arrests and Intimidation

## New Regulations for Messaging Applications and Implications for Privacy

The Supreme Council of Cyberspace (SCC), the ultimate decision-making body for Internet policy in Iran, released a new regulation entitled “Policies and Actions Regarding the Organisation of Social Media Messaging Applications” (See Appendix for complete translation of regulation) on 7 August 2017. This new regulation is the follow-up to a less formal ultimatum released by the SCC in May 2016, in which they called upon platforms such as Telegram to either move their servers inside the country, or face censorship.

The May 2017 deadline, however, passed without action from either Telegram or Iranian censors. On 27 July 2017, however, then-Minister of ICT announced that Telegram had started hosting its servers inside Iran, as per the government’s previous request. Vaezi was quoted in the semi-official ISNA news agency saying, “As a result of meetings with Telegram managers, some of its servers have been moved to the country.”<sup>21</sup> Telegram, however, quickly denied this claim, and explained that they had only relocated their Content Delivery Network (CDN) servers, to store popular media content shared on public channels.<sup>22</sup>

In a 23 July 2017 post, Telegram explained that they would start hosting encrypted CDNs in high traffic locations such as Iran, to increase download speeds for photos and videos.<sup>23</sup> Many fear that Telegram might eventually comply with Iran in order to maintain its large user base, and avoid being blocked, while this is not the case with the initiation of local CDN servers. Were this to happen, there would be serious repercussions for the right to privacy in Iran, given that Telegram is Iran’s most widely used social media and messaging platform.

Telegram has already been at the centre of privacy concerns<sup>24</sup> for the Iranian community. The localisation of CDN servers to Iran has intensified demands by civil society and human rights groups that Telegram remain transparent about their relationship and processes with the Iranian authorities.

Given Iran’s efforts to control and centralise data with the intention of monitoring and repressing the rights of Iranians, ARTICLE 19 demands that Telegram:

- increase the credibility of their security;

- implement encryption by default;
- remain vigilant against the demands of the Iranian government;
- and document and report all its communications with the Iranian government in a transparent manner.



Figure 9: Durov’s response to claims that servers have been relocated inside of Iran

## Policies and Actions regarding the Organisation of Social Media Messaging Applications

While the SCC has formalised their intention to localise the infrastructure of messaging applications within Iran, in order to give them access to data, the wording of this new regulation on social media messaging applications remains vague and difficult to implement.

This policy is particularly concerning for freedom of expression and privacy in Iran, as seen in the six points of policies and ten points of actions set out in the SCC regulation document (See Appendix for translation of the document).

Concerns arise around Article 1.4, in which the aim of the regulation is stated: “storing big data inside the country”. The government’s efforts to actively partake shape infrastructure of local platforms (detailed in Article 2.2) exacerbate already-problematic laws which violate the rights to freedom of expression and privacy, such as the 2010 Computer Crimes Law (CCL).<sup>25</sup>

ARTICLE 19 has identified the following as particularly concerning, given that the government’s use of data has the aim of violating users’ rights to freedom of expression and privacy.

<sup>21</sup> See Vaezi’s statements here: <https://www.voanews.com/a/telegram-iran/3964830.html>

<sup>22</sup> CDNs are highly-distributed platforms of servers built to deliver content, including web applications and streaming media. This network of servers are dispersed across different physical and network locations in order to respond to user requests for web content and the fast, and secure delivery of such content.

<sup>23</sup> 23 July 2017 Telegram announcement about CDN hosting: <https://telegram.org/blog/encrypted-cdns>

<sup>24</sup> See ARTICLE 19’s November 2015 statement regarding Telegram’s security and privacy concerns. <http://bit.ly/2qvRn4Q>

- Article 48, within the fifth section of the law, incorporates a corresponding regulation to collect data related to telephone conversations over the Internet.<sup>26</sup>
- Article 21 allows the judiciary to fine or shut down ISPs which do not filter content, among other punishments for not adhering to regulations to censor or surveil online.<sup>27</sup>

All of these provisions make the implementation of the new SCC regulations a devastating prospect for the privacy and freedom of expression of Iranians online if technology platforms were to comply.

The creation of this policy and action document is particularly significant given that all bodies of Iran's communications and Internet operations controlled by the SCC, which is only accountable to the office of the Supreme Leader. The SCC has no recourse to force foreign social media companies to comply with a ruling, but the regulation will place significant pressure on social media companies which wish to remain unfiltered in Iran.

The SCC regulation has created extra incentive for both foreign and local companies to aid the state's surveillance efforts in order to receive market and financial benefits, and to avoid censorship.

## The hard-line Judiciary and the new Ministry of ICT

The Rouhani government had previously taken a strong stance against the judiciary's decision to arbitrarily incarcerate the administrators of Telegram channels in March 2017.<sup>28</sup> However, on 28 August 2017, the new Minister of ICT, Jahromi announced that there was no difference between the policies of the Ministry of ICT and the Judiciary in terms of plans to limit and control Telegram, effectively ending the Rouhani government's opposition to the Telegram crackdowns.

Jahromi additionally announced his intention to block 8,000 additional Telegram channels, a judiciary demand previously rejected by former-Minister of ICT, Vaezi. Khoramabadi, the head

of the CCDOC and the Deputy Prosecutor General, threatened to take Vaezi to court for his refusal to block thousands of channels on Telegram, though he has so far failed to prosecute.

The new Minister's announcement of cooperation with the Judiciary regarding Telegram was particularly alarming, as it coincided with Tehran's Prosecutor General's announcement of the arrest of certain Telegram administrators in March 2017,<sup>29</sup> mostly supporters of the Rouhani administration, who were to serve sentences of six months to five year for their Telegram activities.<sup>30</sup>

It is necessary that Jahromi, and the entire Rouhani administration, take a stand for freedom of expression, especially for journalists, bloggers and Internet users, and also pressure the judiciary to implement due process in the arrests of online communicators.

<sup>25</sup> See "Islamic Republic of Iran: Computer Crimes Laws," <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

<sup>26</sup> *Ibid*

<sup>27</sup> See ARTICLE 19's translation and analysis of Article 21 of CCL on pg. 41; available here <http://bit.ly/1RecP6R>

<sup>28</sup> See page 10 of the July 2017 "Tightening the Net" brief that discusses the Rouhani government's condemnation of the judiciary's decision to incarcerate Telegram administrators. <http://bit.ly/2eIQqNp>

<sup>29</sup> See page 8 of July 2017 "Tightening the Net" report. <https://www.article19.org/data/files/medialibrary/38827/FINAL-12-7.pdf>

<sup>30</sup> See DW reporting on Jahromi's announcement from 29 August 2017. <http://bit.ly/2vFQWEc>

## Crackdowns on Reformist Journalists

June to August 2017 has seen an unprecedented crackdown on reformist journalists: below are some of the cases which are raising particular concern for freedom of expression.

On 12 August 2017, Sasan Aghaei, deputy editor of reformist newspaper 'Etemad', was arrested with a warrant from the Culture and Media Court. He had already been arrested following the controversial 2009 president election, and was also incarcerated in January 2013 alongside many journalists. Aghaie has been known to create tensions with Iran's authorities with his criticisms of both the Rouhani government and Iran's hardliners, both on Twitter and Telegram.<sup>31</sup> The charges against Aghaie remain unknown.

On 21 August 2017, Yaghma Fashkhami, a journalist for the reformist website Didbaniran<sup>32</sup> was arrested for unknown reasons by officials from the Ministry of Intelligence. Fashkhami had previously been arrested in 2014 for his work at another reformist publication, the 'Rozan' Newspaper.

These arrests have provoked reactions from many reformist and moderate members of Parliament, including the speaker of Parliament, Mohammad Reza Aref, who tweeted (see Figure 10): "Members of the press must have secure environment for their activities. Any restriction for their activities will put freedom of information in danger."<sup>33</sup>



Figure 10: Speaker of Parliament Aref Tweets about the need for a secure environment for the press.

Elyas Hazrati (see Figure 11), another reformist MP, explained he had been following up regarding Aghaie's arrests: "Today for the third time I went to culture and media court to follow up over arrest of Sasan Aghaie and discussed his situation with authorities."<sup>34</sup>

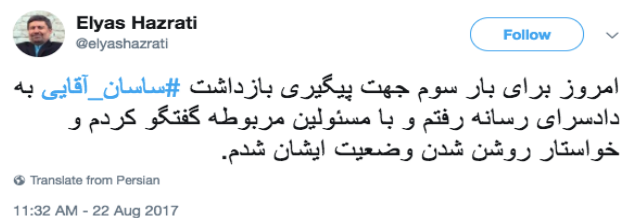


Figure 11: Reformist MP Elyas Hazrati seeks due process in Sasan Aghaie's case on Twitter.

Maintaining our previous calls against the arrest of online journalists and bloggers, ARTICLE 19 urges the Iranian Judiciary to cooperate with MPs, and follow due process in the detainment of these individuals.

<sup>25</sup> See "Islamic Republic of Iran: Computer Crimes Laws," <https://www.article19.org/data/files/medialibrary/2921/12-01-30-FINAL-iran-WEB%5B4%5D.pdf>

<sup>26</sup> Ibid

<sup>27</sup> See ARTICLE 19's translation and analysis of Article 21 of CCL on pg. 41; available here <http://bit.ly/1RecP6R>

<sup>28</sup> See page 10 of the July 2017 "Tightening the Net" brief that discusses the Rouhani government's condemnation of the judiciary's decision to incarcerate Telegram administrators. <http://bit.ly/2elQgNp>

<sup>29</sup> See page 8 of July 2017 "Tightening the Net" report. <https://www.article19.org/data/files/medialibrary/38827/FINAL-12-7.pdf>

<sup>30</sup> See DW reporting on Jahromi's announcement from 29 August 2017. <http://bit.ly/2vFQWEc>

<sup>31</sup> See 13 August 2017 Radio Farda reporting on the arrest. <https://www.radiofarda.com/a/f8-sasan-aghae-arrested/28674337.html>

<sup>32</sup> See reformist website Didbaniran: <http://www.didbaniran.ir/>

<sup>33</sup> See Aref's tweet here: [https://twitter.com/ir\\_oref/status/900027426935259136](https://twitter.com/ir_oref/status/900027426935259136)

<sup>34</sup> See Hazrati's tweet here: <https://twitter.com/elyashazrati/status/899942264922927109>

# ARTICLE 19 Recommendations

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Events within the chosen timeframe (mid-June to end of August 2017) are cause for considerable alarm.

The appointment of a Minister with a history of involvement in surveillance and persecution of protesters not only undermines President Hassan Rouhani's reputation as a moderate leader, elected with a mandate to encourage greater freedoms, but also has worrying implications for freedom of expression and other rights online.

Already, the new Minister's remarks about cooperation with the repressive Judiciary are a stark contrast to the previous Minister of ICT, who often stood against the Judiciary's efforts to restrict the online space.

Additionally, ARTICLE 19 is concerned by the expansive list of laws and regulations that the Supreme Council of Cyberspace has added to the new Social Media Messaging Applications Regulation, which will be implemented as law.

Beyond the responsibilities of the government to uphold freedom of expression and access to information, ARTICLE 19 calls upon technology companies to maintain transparency in their relations with the Iranian government, as well as their policies regarding the rights and privileges of their Iranian users.

Measures taken by technology companies, whether in compliance with or contradiction to the legislation of Iran, should not undermine the rights to freedom of expression, access to information, or privacy of their users.

As reported in ARTICLE 19's "Tightening the Net" reports, we are especially concerned by the situation of arbitrary arrests of online users, and in particular the latest arrests of reformist journalists publishing online.

The following are recommendations for the various bodies within the Iranian government responsible for these areas of concern.

Additionally, we maintain recommendations made in the July 2017 report.<sup>35</sup>

The Government of President Hassan Rouhani should:

- Adhere to its campaign message and promises of strengthening Internet freedoms, and address the contradictions between its campaign rhetoric and that of its Ministry of ICT, especially regarding the recent appointment of Mohammad-Javad Azari Jahromi, the Minister.
- Stand up for freedom of expression, access to information, and privacy, as per promises and the electoral platform upon which he was elected. Rouhani must reverse policies which contradict his electoral promises.
- Work with the Supreme Council of Cyberspace to revoke pressures on social media messaging applications to relocate their servers inside of Iran, and should work to nullify the new "Policies and Actions regarding organising social media messaging app."
- Prevent the Ministry of Intelligence from making unlawful arrests of journalists and media workers.
- Instruct the Minister of ICT to stand up against the Judiciary's efforts to restrict freedom of expression online.
- Reverse the Ministry's policies on censorship of websites and Telegram channels.

The Iranian Parliament should:

- Maintain their demands for a guarantee of fair trial for reformist journalists.

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<sup>35</sup> Jul 2017 "Tightening the Net" report. <http://bit.ly/2u1WWPT>

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The Judiciary should:

- End arbitrary arrest and interrogation of social media users, in line with the Iranian constitution and the ICCPR.

To Foreign Technology Companies:

- Telegram should maintain transparency on communications and cooperation with the Iranian government, especially regarding the establishment of infrastructure inside of Iran which requires cooperation with the Iranian government.
- Telegram should ensure that its platform's features, which must include encryption by default, afford its users the highest form of security against state surveillance.
- Telegram must stand vigilant against the Iranian government's requests that it move its servers and data inside the country. Telegram must assure users that it will not place more than media content of public channels (the encrypted CDN servers) inside of Iran.
- Twitter should maintain transparency around communications and cooperation with the Iranian government, especially regarding negotiations on the lifting of the censorship of Twitter. Twitter must respect and maintain values of freedom of expression, access to information, and privacy for Iranian users in all of its policies and presence in Iran.
- Apple should maintain transparency and clarity around its policies regarding the rights of Iranian users to access Apple services, and should justify its actions according to the legal dimensions of U.S. sanctions.

# Appendices

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Policies and actions regarding organizing social media messaging app

The decisions has made in Supreme Council of Cyberspace:

Meeting number 40 on May 3, 2017

The reason we produced this document is to create policies and take the necessary measures to organize messaging platforms in a way that will expand and encourage domestic messaging applications and regulate foreign messaging applications.

By social media messaging applications we mean platforms that provide messaging features for groups and individuals.

Domestic messaging applications refer to platforms that are owned at least in 50% of shares owned by Iranian citizens, while their servers resides inside the country. These regulations are meant to assert Iranian laws and regulations over all messaging platforms.

## Article 1 - Policies

1. To save and protect our national identity and religion.
2. To prevent crimes and manage capabilities and apply the laws and regulations of the country
3. Building confidence in the protection of citizen rights, national and public security
4. Storing big data inside the country and make it inaccessible for those who are not vetted.
5. Development and support to increase domestic content for safe socializing, economic development as per needs and Iranian values.
6. Preparation and support of Iranian messaging applications.

## Article 2 - Actions

1. Information and Communications Technology Ministry will manage and organise the social media messaging applications through the below actions:
  - 1.1 Create and produce a policy licensing both domestic and foreign messaging applications in the working committee that includes: the Ministry of Information and Communications Technology, the Ministry of Culture and Islamic Guidance, the Ministry of Intelligence, the Vice President for Science and Technology, the Attorney-General of Iran, the Islamic Propaganda Organization, the Law Enforcement Force of the Islamic Republic of Iran (Iran Cyber Police (FATA), Islamic Republic of Iran Broadcasting (IRIB). Their decisions will then passed on to the Center for National Cyberspace (CNC) within a month for approval.
    - 1.1.1 Note 1: the representative of each organisation must hold at least a deputy position within that organisation.
    - 1.1.2 For non Iranian messaging app who seek a licence to work in Iran they must store their data and server inside Iran and have representatives in Iran.
  - 1.2 Issue, suspend or cancel the licence to work in Iran and monitor the activities of the license holder based on terms and conditions of licences.
  - 1.3 Create a single procedure to issue the licence and monitor the activities of licence holder based on the terms and conditions of the licence.





- 1.3.1 Processing a licence in single way should not be longer than 45 working days and organization who issue the licence are responsible for that.
- 1.3.2 Information registration of domestic messaging applications must be administered through a single method.
2. To aid national messaging applications to become competitive against foreign alternatives, the Ministry of Information and Communication Technology will work to collaborate with companies to provide necessary government resources.
  - 2.1.1 Provide low interest loan for Iranian messaging application developers.
  - 2.1.2 Facilitate the possibility of interconnection between applications and operators
  - 2.1.3 The possibility of providing e-services to public such as e-government, banking and council through domestic messaging app.
  - 2.1.4 Decreasing the tariff for bandwidth for these companies.
  - 2.1.5 Aid in supplying network infrastructure, storage and security.
  - 2.1.6 Aid in the development of the messaging application outside of Iran in order to increase authority in cyberspace.
    - 2.1.6.1 They should provide support on all levels of development. The ministry will continue to support user growth, traffic, and application features and innovation until Iran has at least 3 messaging applications with over 5 million users.
3. In order to aid the development of national messaging applications, the Ministry of Culture and Islamic Guidance will take the following actions:
  - 3.1.1 Create and produce terms and conditions for content publishing, advertising, data protection, and create protocol to confront violations. They will work with the following departments to find solutions to respond to respond to violations: the Ministry of Culture and Islamic Guidance, the Ministry of Information and Communications Technology, the Ministry of Science, Research and Technology, the Ministry of Education, the Ministry of Health and Medical Education, the Ministry of Justice, Islamic Republic of Iran Broadcasting (IRIB), the Attorney-General of Iran, the Law Enforcement Force of the Islamic Republic of Iran, the Islamic propaganda organization, the Head of divinity schools in Iran and representatives of trade unions. Final decisions will be passed onto the it to Center for National Cyberspace and consulted with with previous policies from the Supreme Council of Cyberspace (SCC).
  - 3.1.2 Monitoring the shared and advertised content, and data protection based on licence and policies.
  - 3.1.3 Help, support and prepare g content production based on Islamic and Iranian culture with collaboration with Islamic Republic of Iran Broadcasting (IRIB), the Ministry of Education, the Ministry of Science, Research and Technology, the Islamic propaganda organization, the Ministry of Information and Communications, the Vice President for Science and Technology, the Ministry of Youth Affairs and Sports, the Deputy for Women and Family Affairs, the Islamic Seminary Management Center, the Computer Research Center of Islamic Sciences, different councils, group, the private sector and public users with related interests.
4. National Center of Cyberspace should look at working group decision and in case of contradiction with decision that approved in Supreme Council of Cyberspace inform those groups.







5. Islamic Republic of Iran Broadcasting (IRIB) must produce content that promotes the domestic messaging application on both TV and Radio.
6. The Judiciary must produce regulation that protects the domestic messaging application and reviews the Instances of Criminal Content within a month and pass it to the Supreme Council of Cyberspace. This is to assure protection of citizen rights, privacy, and public security.
  - 6.1 The regulation has to be formulated so users determine what content is shared on social media while giving the companies developing the messaging application the ability to compete with foreign companies.
7. The private and public sector must share their advertisements only within domestic messaging applications with over 1 million users. The Ministry of ICT must share the list of approved domestic applications. The central bank of Iran must provide payment options for businesses who use domestic messaging applications. The National Center for Cyberspace must also pass the necessary regulations within two months.
  - 7.1 Foreign messaging applications are not permitted these options.
8. Surveillance over user data is forbidden unless sanctions through the decision of Supreme National Security Council (SNSC).
9. Users are responsible for their activities on social media and messaging applications. They must cooperate with law enforcement based on Iran law.
10. Using foreign messaging app for communication in government and public bodies is forbidden.

