

December 6, 2012

President Barack Obama
The White House
Washington, DC 20500

The Honorable Hillary Clinton
Secretary
U.S. Department of State
2201 C St NW
Washington, DC 20520

The Honorable Timothy Geithner
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear President Obama, Secretary Clinton, and Secretary Geithner,

We write to convey our strong support for initiatives that increase access to information and communications for the Iranian people.

The State Department's Comprehensive Strategy to Promote Internet Freedom and Access to Information in Iran, submitted to Congress pursuant to P.L.112-158 on November 8, 2012, outlines number of positive efforts underway to help advance the free flow of information for Iranians. However, there are a number of important areas that remain unaddressed or for which efforts should be improved and expanded. We strongly encourage the State Department, as well as the White House and the Treasury Department, to address these critical areas.

We commend the State Department's continued, visible engagement with companies and civil society on both licensing policy and broader issues surrounding Internet freedom. Private companies should be actively and openly encouraged to take full advantage of export authorizations and General Licenses to offer their services in Iran, or to apply for Specific Licenses where they remain necessary. The State Department, working with the White House and Treasury Department, should expand its role in helping companies understand the environments in which they operate.

The Treasury Department should also issue a General License to ensure that sanctions do not continue to obstruct ordinary Iranians from accessing the tools necessary to communicate domestically and globally. We commend the Treasury and State Departments for working to authorize non-commercial "personal communications services" through a General License in 2010. However, current sanctions continue to prohibit a wider set of vital hardware, software, connectivity services, and transactions incidental to such services. Congress conveyed its support for exempting these items from sanctions in 2010 (CISADA Section 103(b)(2)(iii)). In order to protect the free flow of information to the Iranian public, a new General License should be issued to specifically protect the availability of the following:

- Hardware: Consumer Communications Devices including mobile phones, laptops,

- modems, and satellite hardware.
- Software: including commercial products and consumer-level encryption tools such as VPNs, anti-virus and anti-malware software, and proxy tools.
- Services: including satellite Internet access, anti-filtering services (VPNs), domain name registration, and web hosting.
- Transactions: including authorization of banking transactions for all licensed and authorized goods and services, including those listed above, and banking services such as PayPal.

For items that are not authorized by a new or existing General License, steps should be taken to streamline and expedite the licensure process, including by implementing a set period for license applications to be considered.

With regard to targeted sanctions, the Comprehensive Internet Freedom strategy notes the set of legal authorities available to enforce accountability on human rights violations in Iran. These mechanisms should be more clearly enforced and leveraged to end satellite jamming, surveillance, and Internet filtering. We would encourage the following steps:

- Designate individuals and entities responsible for systematic and widespread violations of freedom of expression, including through satellite jamming, under human rights sanctions.
- Enforce export controls on the international availability of single-purpose surveillance technologies, that has been documented as having been used in human rights abuses in Iran, such as mobile forensics data extraction and analysis technology, nonconsensual mobile tracking technology, and tactical malware.
- Work with the international community to develop a multilateral export control regime on the most problematic surveillance technologies and equipment used in the disruption of information communications networks, in violation of human rights.
- Consider further sanctions on international and domestic vendors that knowingly assist serious and widespread human rights abuses by the Iranian government including through providing financial, material, or technological support for the Iranian government's sophisticated surveillance and filtering regime, beyond expected lawful interception requirements built into network equipment.

At the same time, targeted sanctions should be carefully constructed so as not to have a net negative effect on freedom of expression within Iran. For instance, sanctions against the Telecommunication Company of Iran and MTN Irancell would have a detrimental effect on communications inside the country because they would severely compromise the infrastructure upon which most Iranians rely for communications.

Finally, considering the importance of access to information, we encourage the State Department to continue to support the protection of freedom of expression including in supporting measures to assist secure communications locally within

repressive countries, to bypass telecommunications shutdowns and combat the development of ‘national networks’ or intranets cut off from the world wide web. For four years, a key source of support for anti-censorship and anti-surveillance programs has been funding administered under State and BBG programs which has played an important role in the growth and professionalization of several freedom-of-expression tools, namely the anti-filtering services Tor, Ultrasurf and Psiphon, which millions of people living in Iran use daily.

Federal spending on Internet Freedom programs remains a small fraction of the expenditures on other freedom of information programs, leaving potential opportunities and risks unaddressed. Stable support should be made available, including through private-public partnerships, to take advantage of new and complementary technologies, such as low-cost smartphones, ubiquitous access to satellite dishes and high-speed broadband.

We look forward to working with relevant agencies and with Congress to advance the important goal of enabling increased access to information and communications by the Iranian public.

Sincerely,

International Campaign for Human Rights in Iran
National Iranian American Council
United For Iran
Center for Democracy & Technology
Committee to Protect Journalists
Human Rights Watch

Please address responses to: International Campaign for Human Rights in Iran, 137 Montague St., #384, New York, NY 11201