Testimony of Omid Memarian
Hearing on "Global Internet Freedom and the Rule of Law, Part II"
U.S. Senate Judiciary Subcommittee on Human Rights and the Law

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Mr. Chairman, members of the Subcommittee;

I welcome this opportunity to speak on the important matter of Internet freedom. I hope our efforts might help people around the world, including in my home country of Iran, to have more access to information via the Internet and the other means of communication enjoyed around the world today.

My name is Omid Memarian. I am a journalist and senior researcher for the International Campaign for Human Rights in Iran, an independent nonprofit that monitors Iran's compliance with international human rights standards.

For many in this room, access to information via the Internet might seem a natural part of their daily routine. But millions of people around the world fight to enjoy such access, including the people of Iran. In 2004, I was arrested by the Iranian security forces and held in a secret prison and in a solitary confinement. Then I was taken to Evin prison, where hundreds of political prisoners are being kept since the June 12th presidential elections. During my time in solitary confinement, I was beaten and physically and psychologically tortured, and told that I should stop posting my writings on my blog and stop working as a journalist. There was no actual crime in my case; I was arrested and abused for using the Internet to share information. Since then, hundreds of journalists, bloggers and civil society activists who have used the Internet to study and learn, and to spread their ideas and messages, have been detained. Just last year, the blogger Omid Mirsayyafi died in detention.

When I moved to the United States in 2005, I learned that my website had been shut down. But don't get me wrong, it was not the Iranian government who shut down my website, it was the domain and host provider in the US that did it. In an email, the company mentioned the restriction on any transaction with Iranian companies. I learned later that many other pro-democracy and pro-human rights websites had to change their domain on account of those restrictions, and get dot.ir domains, which can be easily monitored by the Iranian authorities.

The June 12th elections and massive reactions to the reported results evoked a violent crackdown. Those who used YouTube videos, social networking websites and chat rooms to send out the people's narrative of the events, rather than the government's narrative have come under particular pressure. While their efforts have been not only extremely influential, but also breathtaking, inspiring and informative, they have been very costly for those who fight for freedom of speech and free access to the Internet.

Access to information in general and to the Internet in particular is an inseparable part of human rights. Protecting it is the shared responsibility of our time. Since the election,

I've worked with human rights organizations and news agencies to document the post election violence in Iran. I've learned that if it had not been for the government's extensive crackdown on the Internet and on the other means of communication, more people would have known what was going on, and the government would not have been able to pursue its bloody repression. We have learned in school that "information is power". In some countries, information and spreading the truth among the people means saving lives and alleviating the suffering of those who are in pain. That's why I, and many of my fellow citizens, who are aggressively trying to stop the tragic human rights violations in Iran by gathering and spreading information about current events, believe that providing Internet access for the Iranian people, and other people in the world in similar conditions, is not a political, but a moral act. There is a direct, and positive connection between free access to Internet-information, and the quality of people's lives.

The Internet continues to be a powerful medium for propagating political opinions, information on corruption, injustices and human rights violations, and other information that is essential to holding governments accountable to their citizens, as well as facilitating exchanges of perspectives. And that trend has been accelerating. Iranian bloggers are amongst the top 10 most active in the world, even though thousands of blogs and political websites – and even Google-- have been filtered in Iran. The fact that some governments prevent free access to the Internet for their people is not all about politics. It is also an effort to control cultures by preventing their people from experiencing new ideas and values that connect them to the rest of the world and let them develop their capacities as human beings. Such governments, including the Iranian government, prevent their people from engaging with the international community and the global economy and culture, just because they have chosen the path of marginalization and irresponsibility.

Iran is among very few countries in the Middle East where, if free and fair elections were held tomorrow, radicals and fundamentalists would not come to power. Iran's vibrant civil society, educated population and thriving younger generation have been pushed back by repression.

I believe that countries that have faith in the freedom of speech, and freedom of access to the Internet as a mean to achieve that, have a crucial role to reach out and help citizens of states that reject those internationally guaranteed human rights.

When I decided to participate in this hearing, I talked to many of my friends-- bloggers, journalists and those who have difficulties to even send a simple email or chat on Yahoo messenger. Almost all of them believe that any kind of support to give Iranians more access to the Internet is supporting human rights and democracy in the country, supporting security in the Persian Gulf region, and most importantly saving the lives of many people who are threatened by restrictions on information that allow the Iranian government to operate behind closed doors as it violates their basic rights.

Almost all of them believe that it's a form of moral support. It should not be seen or used as a means to pursue hidden political purposes, but as promoting human rights as defined by international standards. Providing Internet access for Iranians should not be seen as a part of a possible regime change plan in Iran, because it is up to the Iranian people to

decide what to do with their freedom. The Iranian people, with all the characteristics that I mentioned above, are capable of making decisions for their future. But supporting efforts to provide them free access to information and Internet gives them the possibility to enjoy rights to information and communication that belong to them, as they belong to all people.

Some of you in this room might think that Iran's nuclear program is the most urgent issue that the United States and other members of the international community are facing today. But this is wrong. I can assure you that you can easily reach a deal with the Iranian government over its nuclear development program. But how legitimate, or trustworthy, could such an agreement be, when the government kills innocent protesters on the streets and tortures people inside the prisons? Providing free access to Internet for the Iranian people and human rights defenders, journalists and activists, sheds light on the governments' notorious actions and allows the citizens to hold them accountable for their policies and practices.

This is not a local issue. It concerns a country stuck between other countries that either suffer from radicalism or that export terrorists to the rest of the world, a country between two major sources of conflict in the region, Iraq and Afghanistan. That's why such support is directly related to the security of the region and the world in a long run.

We should not forget that if it were not for the Internet, we would have the same picture of the Iranian government that we had 9 months ago. And if it were not for the limited access to Internet that exists, God knows how many more people would have been killed or tortured inside prisons in Iran.

As a journalist and human rights defender, I would like to stress the importance of applying standards in a balanced—not political—way. Not only Iran, but numerous other countries, violate the right to access the Internet, and the United States should support compliance across the board. Otherwise, the charge of holding double standards will stick.

With that in mind, I would like to make four main points in my testimony this morning in relation to global Internet freedom:

Modifying the U.S. sanctions on Iran

Certain sanctions or interpretations of the sanctions have seriously damaged the ability of Iranians to access the Internet and need to be modified.

1) Software download is blocked to IPs from Iran: Many of major companies such as Google and Microsoft block downloads to people in Iran in fear of sanctions. For example, Google Talk or Google Chrome, one of the safest web browsers, is not available for download to Iranian users. This policy is only harming ordinary Iranian users, since the Iranian government can already download such software through its proxies in Europe and Dubai. All mass market software which is useful for publishing, communications, and education should be exempted from the sanctions.

2) Online advertising is not allowed for Persian websites: Many companies such as Google or Facebook do not include Persian (Farsi) as a supported language for online advertising websites or allow targeting users with such a language. This is problematic when activists want to use such advertising tools to reach out to Iranians in Iran. It also prevents many of the human rights activist websites from making small amounts of money on advertising that can help them to pay for their server costs. There is no money transaction involved between Iran and U.S. This is about allowing advertising to be shown on websites in Persian that are based outside of Iran.

3) Concerning allowing people in Iran to pay for domain purchase and related issues, many of the domains belonging to Iranian human rights activists were stolen by Iranian government-sponsored hackers because such activists have difficulties registering such domains under their names and have to do this through proxies. As a result there is no way to verify their location or identity when their web domains are stolen. Just in the past few months, a few hundred domains registered on Godaddy have been stolen by the Iranian government and there is no way to get them back because the original owners were not allowed to buy those domains legally on Godaddy in the first place.

4) Funding is needed to allow hiring a limited number of web developers in Iran. Many of the small activist groups need to hire developers to build their websites. The number of web developers with a command of the Persian language outside of Iran is very few. These groups need to be allowed to hire web developers in Iran. The amount of payments could be capped to $10000 per year to make sure such a solution is not abused for other purposes.

5) Online access and advertising should be exempted from the current sanction regime via a categorical order. Without a categorical order, such a problem can not be solved. The reason is that the Iranian market is very small and many of the US-based Internet companies prefer to stay away from it instead of spending tens of thousands dollars on legal fees to apply for an export license.

6) European companies who still sell surveillance or censorship technology to the Iranian government need to be exposed and face sanctions. A number of large European companies have provided Iranian government with technologies to monitor SMS and communications between Iranians. Without the pressure from the U.S. government, it is unlikely that the European Union will take actions against them.

With regard to how Iranians can be supported in terms of Internet access and security, and how some of the online activism can be supported financially, I advocate for the following:

Internet access

1) Giving VPN accounts to the activists and journalists in Iran: VPN provides the best security and functionality compared to any other solution. VPN accounts would need to be bought from different VPN providers and distributed to the activists through different online websites. Each major human rights or pro-democracy website would be given

between 100-500 VPN accounts. They would distribute them to trusted activists in Iran they know.

2) Purchasing Skype credits for activists in Iran: Using Skype credits, activists in Iran can make secure international calls. Skype's encryption is one of the best among all the voice services.

3) Anti-jamming for satellite broadcasts: The Iranian government sends jamming signals to commercial satellites. Many of the commercial carriers are reluctant to broadcast independent or reform-oriented Iranian TV content because their satellite can be blinded by the Iranian government. Commercial satellites can be jammed because the upload and download signal is the same and the upload signal is a fixed frequency. However, military satellites are built to resist such jamming. For Iranian broadcasts, the US government could dedicate a specific satellite, which is hardened against jamming using technologies similar to military satellites.

4) Provide Iranians with free satellite Internet: The technology for Internet access is not cheap but considering the importance of Internet access in Iran, it is worth investing on this issue. There are technologies for one-way delivery of content or two-way interactive Internet access. Providing such services free of charge to the Iranian people can go a long way in breaking the monopoly of the Iranian government on the dissemination of Information in Iran.

5) Email security: Unfortunately, no secure free email provider exists. Yahoo is particularly insecure, while Gmail provides more security but is still vulnerable to key loggers. For activists, there is a need for an email service to have security as high as PayPal accounts or bank accounts. For example, the login process should be resistant against keyloggers. This can be achieved by showing images or other techniques.

6) PC security: One idea is to provide the activists with free security software and anti-virus software.

Collaborating with the human rights community

Finally, private companies and initiatives can provide resources to support the development of technology designed to combat internet censorship including those technologies that surpass filters. There are a number of professionals and companies that are focused on developing software that provide such technologies for Iranian users that could be supported.

Thank you again for this opportunity to speak on this important subject.