

Iran : risques liés à la publication d'information « sensible » sur les réseaux sociaux

Recherche rapide de l'analyse-pays

Berne, 21 janvier 2019

Conformément aux standards COI, l'OSAR fonde ses recherches sur des sources accessibles publiquement. Lorsque les informations obtenues dans le temps imparti sont insuffisantes, elle fait appel à des expert-e-s. L'OSAR documente ses sources de manière transparente et traçable, mais peut toutefois décider de les anonymiser, afin de garantir la protection de ses contacts.

Impressum

Editeur

Organisation suisse d'aide aux réfugiés (OSAR)

Case postale, 3001 Berne

Tél. 031 370 75 75

Fax 031 370 75 00

E-mail: info@osar.ch

Internet: www.osar.ch

CCP dons: 10-10000-5

Versions

français, allemand

COPYRIGHT

© 2019 Organisation suisse d'aide aux réfugiés (OSAR), Berne

Copies et impressions autorisées sous réserve de la mention de la source

1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes :

1. Quels sont les risques encourus par un-e ressortissant-e iranien-n-e ayant publié depuis l'étranger des messages critiques du régime iranien en place et qui retourne dans son pays ?
2. Quels sont les risques encourus par un-e ressortissant-e iranien-n-e ayant quitté l'Iran de manière illégale et qui y retourne ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Surveillance et censure des réseaux sociaux utilisés en Iran et à l'étranger

Les principaux réseaux sociaux tels que Facebook, Twitter et YouTube sont toujours bloqués en Iran. Pendant 2017 et 2018, les autorités ont augmenté la pression sur Telegram et ses utilisateurs-trices. Instagram pourrait être banni en 2019. Selon le dernier rapport annuel d'*Amnesty International* (AI), des réseaux sociaux comme Facebook, Twitter et YouTube sont toujours bloqués en Iran. En 2017, les autorités iraniennes ont exigé de Telegram qu'il relocalise ses serveurs en Iran et qu'il procède également à la fermeture de dizaines de milliers de comptes, accusés de « menacer la sécurité nationale » ou « d'offenser les valeurs religieuses ». Cette demande a été rejetée par Telegram (AI, 22 février 2018). En avril 2018, le *Tehran Times* rapportait que le vice premier ministre *Es'haq Jahangiri* avait annoncé qu'il n'utilisait plus Telegram et que cette décision faisait suite à une directive envoyée à tous les départements gouvernementaux et qui interdisait l'utilisation de cette application. Peu de temps avant, le leader suprême *Ayatollah Ali Khamenei* avait lui aussi renoncé à l'utilisation de Telegram, motivant sa décision par le besoin d'en finir avec le monopole de Telegram et qu'il fallait soutenir des applications concurrentes domestiques (*Tehran Times*, 22 avril 2018). En début d'année 2019, *Bloomberg* rapportait que le *Conseil national du cyberspace iranien* planifiait de bloquer Instagram, le dernier réseau social dont l'utilisation était encore tolérée (*Bloomberg*, 10 janvier 2019). Selon le *Département d'État des États-Unis* (USDOS), pendant l'année 2017, les utilisateurs-trices de Telegram ont fait l'objet de harcèlement de la part des autorités en raison du contenu des messages publiés sur les serveurs de l'application. Citant *Reporters sans frontières*, USDOS rapporte que 173 000 comptes Telegram ont été bloqués et 94 internautes, principalement des utilisateurs-trices de Telegram, ont été arrêté-e-s pendant l'année (USDOS, 20 avril 2018).

Les réseaux sociaux restent très utilisés, notamment parce qu'il est possible de contourner les restrictions en place. Dissensions entre le gouvernement et la branche judiciaire au sujet du blocage des réseaux sociaux. Pour le président Rouhani, il est vain de s'opposer aux nouvelles technologies. Selon *Freedom House*, malgré ces restrictions, les Iranien-n-es utilisent largement les réseaux sociaux, en particulier Telegram et Instagram, pour communiquer, discuter de questions sociétales ou pour engager des débats politiques (*Freedom House*, pas de date, accès 15 janvier 2019). Selon *Bloomberg*, les restrictions mises en place par les autorités sont facilement contournées par les Iranien-n-es qui utilisent des « Virtual Private Networks » (VPN) pour continuer à utiliser des réseaux tels que Facebook, Twitter et YouTube ou des applications telles que WhatsApp ou Telegram. Les restrictions sont donc surtout symboliques et visent à rassurer la frange la plus conservatrice du gouvernement. En pratique, il existe donc toujours un espace virtuel de discussion et de contestation. Par ailleurs, bons nombres de politicien-ne-s et de fonctionnaires de haut rang, à commencer par le président *Rouhani* lui-même, sont très présents sur les réseaux sociaux (*Bloomberg*, 10 janvier 2019). En avril 2018, *Rouhani* a défendu, dans un message publié sur Instagram, les droits des Iranien-n-e-s de choisir entre différents réseaux sociaux. Par ailleurs, il a affirmé que soutenir des applications domestiques ne revenait pas à imposer des restrictions sur d'autres réseaux sociaux (Tehran Times, 22 avril 2018). Plus récemment, en janvier 2019, *Rouhani* a réaffirmé son opposition au blocage des réseaux sociaux, affirmant que le gouvernement était en désaccord sur ce sujet avec la branche judiciaire. Pour *Rouhani*, la résistance contre les nouvelles technologies est une approche « dépassée » (*Channel NewsAsia*, 21 janvier 2019).

Une criminalisation des opinions politiques dissidentes exprimées sur les réseaux sociaux qui s'est intensifiée depuis 2013. Selon *Human Rights Watch* (HRW), depuis l'élection du président *Rouhani*, en août 2013, les agents des services de sécurité et de renseignement, y compris le *Corps des gardiens de la révolution islamique*, ont intensifié la répression à l'encontre des personnes dissidentes actives sur internet et le système judiciaire a prononcé des punitions particulièrement sévères à l'encontre de bloggers-euses et d'utilisateurs-trices de réseaux sociaux (HRW, 2 décembre 2014). Selon *Freedom House*, en 2015, les autorités ont annoncé l'établissement d'une unité, appelée « Elections Security Headquarters », chargée de « surveiller le cyberspace ». La même année, la cyber-police (FATA) a également mis en place une unité chargée de surveiller les jeux vidéo. Une opération militaire, « Eghterdare Sarallah » a également été lancée pour surveiller les réseaux sociaux (*Freedom House*, pas de date, accès 15 janvier 2019). Les cibles de cette surveillance peuvent être multiples. D'après un rapport conjoint du *Service danois d'immigration* (DIS) et du *Conseil danois pour les réfugiés* (DRC), qui cite comme source un professeur associé d'une université danoise, une personne qui s'exprime sur les réseaux sociaux à propos des droits des Kurdes, des droits religieux ou de l'identité sunnite fera l'objet d'une attention particulière de la part des autorités (DIS/DRC, février 2018).

Surveillance probable des activités sur les réseaux sociaux de ressortissant-e-s iranien-n-e-s vivant à l'étranger. D'après la *Commission de l'immigration et du statut de réfugié du Canada* (IRB), qui cite plusieurs sources, les autorités iraniennes surveillent les activités en ligne, y compris à l'étranger. L'IRB fait référence à un jugement datant de 2012 de la *Cour européenne des droits de l'homme* (CEDH) où celle-ci confirme que, sur la base d'information disponible, elle considère que l'Iran surveille les communications internet et les dissident-e-s politiques aussi bien en Iran qu'à l'étranger et ceci à travers une unité de renseignement spéciale, « l'Unité Cyber » (IRB, 20 janvier 2014). Selon *Jamileh Kadivar*, une chercheuse à

l'Université de Westminster, après les protestations de 2009, les Iraniens vivant à l'étranger ont commencé à être victimes de harcèlement de la part de la police iranienne et des forces de sécurité pour leurs activités sur les réseaux sociaux. Les unités de surveillance d'internet du gouvernement ont alors commencé à surveiller les activités en ligne des Iraniens vivant à l'étranger. Certains ont reçu des courriels de menace à cause de leurs activités en ligne. Citant une autre source (Fassihi, 2009) Jamileh Kadivar note que des personnes qui sont retournées en Iran après juin 2009 ont été arrêtées et questionnées sur leurs comptes Facebook ou d'autres messages publiés en ligne. Sur la base de sa propre expérience, Jamileh Kadivar affirme que ses activités en ligne ont été surveillées aussi bien en Iran qu'à l'étranger (Jamileh Kadivar, 2015). D'après un rapport du DIS/DRC, qui cite Middle East Concern et une source anonyme, les autorités iraniennes surveillent l'utilisation des réseaux sociaux par des ressortissants iraniens vivant à l'étranger. Par exemple, dans le cas où un ressortissant iranien annoncerait sa conversion religieuse sur les réseaux sociaux depuis l'étranger, les autorités iraniennes en seraient informées et cette personne aurait de fortes chances d'être surveillée à son retour en Iran (DIS/DRC, 23 février 2018). Selon Freedom House, il n'est pas clair si les autorités peuvent surveiller le contenu des messages postés sur les réseaux sociaux étrangers. Ce qui est sûr, c'est que toutes les plateformes et tous les contenus hébergés en Iran peuvent faire l'objet de requêtes arbitraires de la part de diverses autorités pour fournir des informations sur les utilisateurs-trices (Freedom House, pas de date, accès 15 janvier 2019).

3 Sanctions légales à l'encontre de personnes accusées d'avoir publié des messages anti-gouvernementaux ou « immoraux » sur les réseaux sociaux

Des lois dont la large interprétation permet de criminaliser et de punir lourdement des opinions politiques dissidentes exprimées sur les réseaux sociaux. Selon Freedom House, bon nombre de lois limitent la liberté d'expression sur internet et prévoient de lourdes sanctions en cas de violation. Par exemple, la loi de 2000 sur la presse interdit de publier des idées qui sont contraires aux principes islamiques ou qui vont à l'encontre des droits du public, sans que ces derniers soient clairement définis. Le gouvernement et les autorités judiciaires utilisent souvent ces dispositions pour criminaliser des opinions critiques du régime (Freedom House, pas de date, accès 15 janvier 2019). Dans son dernier rapport annuel sur l'Iran, AI rapporte que le gouvernement a emprisonné des dizaines de personnes pour avoir exprimé leur opposition au régime en place. Ces personnes n'ont pas eu droit à des procès équitables et ont régulièrement subi des actes de torture et autres mauvais traitements. Dans la plupart des cas, ces personnes ont été poursuivies sur la base d'accusations fallacieuses liées à la sécurité nationale. Peu avant l'élection présidentielle de mai 2017, des journalistes et professionnels des médias qui avaient utilisés l'application Telegram ont été condamnés à de lourdes peines de prisons, certaines supérieures à dix ans (AI, 22 février 2018). Selon Freedom House, la loi « Computer Crimes Law » de 2009 prévoit des punitions en cas d'espionnage, de piratage, de phishing, de diffamation et de publication de matériel

vu comme portant dommage à la « moralité publique » ou résultant en la « dissémination de mensonges ». Les sanctions sont sévères et incluent la peine de mort pour des infractions à la moralité publique et la chasteté, ainsi que de longues peines de prison et de lourdes amendes pour des fournisseurs de services qui ne respectent pas les restrictions de contenus du gouvernement. En 2017 et 2018, les autorités ont arrêté de nombreuses personnes pour leurs activités en ligne. Toutefois, les peines de prison étaient plus courtes que lors des années précédentes (*Freedom House*, pas de date, accès 15 janvier 2019).

Des punitions pouvant aller jusqu'à la peine de mort pour des messages anti-gouvernementaux ou « immoraux » publiés sur les réseaux sociaux. Selon la BBC, un activiste politique iranien, *Vahid Savadi Nasiri*, est mort en détention en décembre 2018 des suites d'une grève de la faim de 60 jours. Selon l'*Iran Human Rights Monitor*, cité par la BBC, cet activiste avait été arrêté en 2015 et condamné à huit ans de prison pour avoir publié sur son compte Facebook des messages jugés comme « insultant pour le leader suprême » et considérés comme de la « propagande contre l'État ». Pardonné et libéré, il a ensuite été arrêté à nouveau quelques mois plus tard sur la base d'accusations similaires (BBC, 13 décembre 2018). Selon le journal *The Independent*, un homme de 21 ans a été condamné en mars 2017 à la peine capitale pour avoir envoyé des messages « insultant l'Islam » à travers une application de message instantané. Selon des avocats de droits humains, *Sina Dehghan*, âgé de 19 ans à l'époque des faits, aurait été persuadé d'avouer ses « crimes » contre la promesse d'être ensuite relâché. Suite à ses aveux, il a quand même été condamné à mort. Le contenu exact des messages n'est pas connu (*The Independent*, 30 mars 2017). Selon le *UK Home Office*, citant un rapport de l'*International Campaign for Human Rights in Iran*, le gouvernement iranien a annoncé en février 2015 que 12 utilisateurs-trices de Facebook avaient été arrêté-e-s pour avoir « propagé la corruption et effectué une mission visant à changer le style de vie familiale ». De plus, 24 autres citoyen-ne-s ont été invité-e-s à répondre de leurs activités sur Facebook. Citant un rapport de *Middle East Eye*, daté du 23 août 2016, le *UK Home Office* note qu'en août 2016 l'Iran a indiqué avoir arrêté ou convoqué 450 utilisateurs-trices de réseaux sociaux pour leurs activités en ligne. Ces utilisateurs-trices étaient des administrateurs-trices de pages sur des réseaux sociaux tels que Instagram, Telegram et WhatsApp et, selon le gouvernement, étaient responsables « d'activités immorales » et d'avoir « insulté des croyances religieuses » (*UK Home Office*, octobre 2016). En décembre 2014, *Human Rights Watch* (HRW) rapportait qu'un homme de 30 ans, *Soheil Arabi*, avait été condamné à la peine capitale en raison de messages publiés sur son compte Facebook et qui constituaient, selon les autorités judiciaires, une « insulte au prophète ». En mai 2014, huit utilisateurs-trices de Facebook ont été condamné-e-s à des peines de prison allant de huit à 21 ans en raison de messages jugés insultants pour des fonctionnaires et pour les « valeurs religieuses sacrées » (HRW, 2 décembre 2014).

Le traitement des activistes politiques à leur retour en Iran se fait au cas par cas avec un risque de punition plus sévère pour ceux et celles qui ont une plus haute visibilité. Arrestation possible pour des personnes ayant eu des activités politiques marginales sur les réseaux sociaux. D'après la *Commission de l'immigration et du statut de réfugié du Canada* (IRB), qui cite plusieurs sources, le traitement des activistes anti-gouvernementaux qui retournent en Iran se fait au cas par cas. Citant un professeur de sciences politiques, l'IRB indique que les personnes qui sont connues pour leurs activités dissidentes en dehors de l'Iran vont être traitées durement à leur retour en Iran. Selon le directeur de *Small Media*, cité par l'IRB, si une personne n'est pas connue, il est difficile de prévoir comment celle-ci sera traitée à son retour en Iran. Parfois même une personne qui n'a pas une haute visibilité

en tant qu'activiste peut être arrêtée à son retour en Iran pour des activités politiques mineures qu'elle a effectués en ligne pendant son séjour à l'étranger (IRB, 20 janvier 2014).

4 Sanctions légales à l'encontre d'opposants politiques ayant quitté l'Iran de manière illégale

La sortie illégale du territoire iranien est généralement punie par une amende au retour, même si la loi prévoit des peines de prison. Néanmoins, cette infraction pourrait être un facteur aggravant en cas d'antécédents ou d'actes criminels commis en Iran. Selon le *UK Home Office*, qui cite un rapport de 2009 du *Service d'immigration danois* (DIS), d'après le représentant d'une ambassade occidentale, une amende est généralement infligée en cas de sortie illégale du territoire iranien, celle-ci se montant à environ 5 000 USD, l'équivalent de 5 000 francs suisses. Selon un avocat interrogé par le DIS, l'amende se situerait plutôt autour de 200-300 USD, ou 200-300 francs suisses. Les personnes coupables de cette infraction ne seraient pas détenues en cas de retour en Iran. Selon le représentant d'une autre ambassade occidentale, la punition à laquelle fait face une personne ayant quitté le territoire iranien sans autorisation dépend des actes que celle-ci aurait commis avant de quitter l'Iran. L'avocat indique qu'il est probable qu'une personne avec des antécédents en Iran serait punie pour ceux-ci en cas de retour. La punition pourrait même être aggravée en raison de l'infraction de sortie illégale du territoire. Selon le docteur *Kakhki*, conseiller spécial du *Centre pour la loi criminelle et la justice*, cité par le *UK Home Office*, un amendement de l'article 34 de la loi sur les passeports de 2010 rend la sortie illégale du territoire (sans documents de voyage valides) punissable d'une peine de prison qui varie d'un à trois ans ou d'une amende. La sévérité de cette punition est à la discrétion du juge (*UK Home Office*, juillet 2016).

5 Sources

AI, 22 février 2018:

« Les autorités ont imposé des restrictions sévères à la liberté d'expression, d'association et de réunion pacifique, ainsi qu'à la liberté de religion et de conviction. Elles ont emprisonné des dizaines de personnes qui avaient exprimé leur opposition au gouvernement. Tous les procès étaient inéquitables. Des actes de torture et d'autres mauvais traitements étaient régulièrement infligés en toute impunité. Des peines de flagellation et d'amputation, entre autres châtiments cruels, ont été appliquées. Les autorités cautionnaient la discrimination et la violence généralisées fondées sur le genre, les opinions politiques, les convictions religieuses, l'origine ethnique, le handicap, l'orientation sexuelle et l'identité de genre. Plusieurs centaines de personnes ont été exécutées, parfois en public, et des milliers

d'autres se trouvaient sous le coup d'une condamnation à mort. Certaines avaient moins de 18 ans au moment des faits qui leur étaient reprochés. [...]

Les autorités ont continué de réprimer sévèrement les droits à la liberté d'expression, d'association et de réunion pacifique, emprisonnant des dizaines de détracteurs non violents sur la base d'accusations fallacieuses liées à la sécurité nationale. Parmi les personnes prises pour cible figuraient des dissidents politiques pacifiques, des journalistes, des professionnels des médias en ligne, des étudiants, des cinéastes, des musiciens et des écrivains, ainsi que des défenseurs des droits humains, dont des défenseurs des droits des femmes, des défenseurs des droits des minorités, des militants écologistes, des syndicalistes, des militants abolitionnistes, des avocats et des personnes cherchant à obtenir vérité, justice et réparation pour les exécutions de masse et les multiples disparitions forcées survenues dans les années 1980.

De nombreux prisonniers d'opinion ont entrepris des grèves de la faim pour protester contre le caractère injuste de leur incarcération.

*À la suite des manifestations contre le régime qui ont débuté dans tout le pays fin décembre, les autorités ont arrêté plusieurs centaines de contestataires. Selon certaines sources, les forces de sécurité ont tué ou blessé des manifestants non armés en faisant une utilisation excessive de la force, y compris au moyen d'armes à feu. **Le 31 décembre, le ministre de l'Information et des Technologies de communication a bloqué l'accès à l'application Instagram et à celle de messagerie populaire Telegram, utilisées par les militants pour faire connaître le mouvement de contestation et le soutenir.***

Un peu plus tôt dans l'année, les autorités judiciaires avaient exercé des pressions persistantes sur le ministère de l'Information et des Technologies de communication pour qu'il exige de Telegram qu'il relocalise ses serveurs en Iran et qu'il ferme des dizaines de milliers de comptes accusés de « menacer la sécurité nationale » ou d'« offenser les valeurs religieuses ». Telegram a indiqué avoir rejeté ces deux demandes.

D'autres réseaux sociaux, dont Facebook, Twitter et YouTube, demeuraient bloqués.

*Les journalistes et les professionnels des médias en ligne ont été confrontés à une nouvelle vague d'interrogatoires violents et d'arrestations et détentions arbitraires avant l'élection présidentielle de mai. En particulier, **ceux qui utilisaient Telegram ont été condamnés à de lourdes peines d'emprisonnement, supérieures à 10 ans dans certains cas.** [...]*

Tous les médias demeuraient soumis à la censure, et les chaînes de télévision étrangères par satellite étaient toujours brouillées. Les autorités judiciaires ont intensifié leurs manœuvres de harcèlement à l'encontre des journalistes travaillant pour le service en persan de la BBC. Elles ont gelé les avoirs de 152 journalistes employés actuellement ou par le passé par la chaîne d'information et leur ont interdit de réaliser des transactions financières. » Source: Amnesty International (AI), Iran 2017/2018, 22 février 2018: www.amnesty.org/fr/countries/middle-east-and-north-africa/iran/report-iran/.

BBC, 13 décembre 2018:

« An Iranian political activist jailed for his messages on social media has died after spending 60 days on hunger strike, his family says.

Vahid Sayadi Nasiri had been accused of insulting Supreme Leader Ayatollah Ali Khamenei and other offences.

He was released last March after serving two-and-a-half years in prison but detained again five months later.

The activist demanded his transfer from a high-security unit of a prison in the city of Qom to a different location.

Vahid Sayadi Nasiri was initially arrested in September 2015 and sentenced to eight years in prison for "insulting the supreme leader" and "propaganda against the state," according to the advocacy group Iran Human Rights Monitor.

The charges were related to posts he had made on his Facebook page. He was later pardoned and released early.

However he was arrested again in August, just months after his release, reportedly on similar charges.

He began his hunger strike in October in protest at the conditions of his imprisonment and his lack of access to a lawyer, according to Iran Human Rights Monitor.

He also said the principle of separation of prisoners' crimes was being violated as he was being held with ordinary criminals and was being attacked and harassed, the group said.

Conditions in the Qom prison are described as harsh, correspondents say.

The activist had reportedly been taken to hospital in the wake of his hunger strike.

His sister, Elaheh, said the family had been informed by authorities of his death. No other details were immediately available. » Source: BBC, Vahid Sayadi Nasiri: Jailed Iran activist dies on hunger strike, 13 décembre 2018: www.bbc.com/news/world-middle-east-46547845.

Bloomberg, 10 janvier 2019:

« Iran's National Cyberspace Council is planning to block Instagram, the last social-media platform freely accessible in the country. This is unlikely to trouble Iranian Instagrammers, who will continue to use the platform through virtual private networks, or VPNs, that route traffic through internet connections abroad. This easy workaround allows Iranians to evade government filters and access banned platforms like Twitter, Facebook and YouTube, and use messaging apps like WhatsApp and Telegram.

It will be instructive to see what President Hassan Rouhani does when the ban, which is backed by Iran's conservative judiciary, takes effect: he has over 2.2 million Instagram followers. Many senior officials, including cabinet ministers and parliamentarians, openly flout the bans on Twitter and Telegram. Iran's Supreme Leader, Ayatollah Ali Khamenei, has over 500,000 followers

on his English-language Twitter and 2.3 million on his Persian-language Instagram. The communications firm Burson Cohn & Wolfe ranks Khamenei and Rouhani as among the “most effective” world leaders on Instagram, just behind Donald Trump.

The plan to ban Instagram despite its use by the Islamic Republic’s highest officials shows that Iran’s leadership has not yet decided how it feels about social media, and is struggling to find a middle path between the unfettered access enjoyed by much of the world and China’s walled-garden approach. Ambitious official plans to develop a closed-loop Iranian “national internet” with social-media and messaging platforms that can be monitored by the government — akin to China’s Sina Weibo and WeChat — have come to nothing, as have efforts to filter international platforms.

It is not clear that Iranian authorities have the ability to prevent unauthorized VPN use, as China has sought to do. Tracking down users is not easy. Many VPNs are free, and don’t require credit-card payments.

In any case, unlike in Beijing, there is no consensus in Tehran over what should and shouldn’t be allowed. Rouhani and his communications minister, Mohammad Javad Azar Jahromi, have advocated more open access to social media. Khamenei is more conservative, but his own use of Western platforms betrays an ambivalence about the opportunity and threat they represent.

This uncertainty has allowed a social-media ecosystem to thrive. Iranian celebrities, athletes, news organizations — even obnoxious rich kids — have established large followings on Western platforms, which have become a leading source of information and entertainment. And many Iranian businesses routinely use social-media and messaging apps for digital marketing and e-commerce: Consider the Instagram account of Kalleh, a leading dairy company, or of Digikala, Iran’s answer to Amazon. Blocking Instagram will technically criminalize a key part of the business model for countless retailers, advertisers, and influencers — though many companies will likely carry on regardless, just as they have flouted the ban on Telegram.

For ordinary Iranians, these apps, used in conjunction with VPNs, allow a space for conversation and contention — in a kind of digital public square. Many are also using them to identify government failings and demand accountability, by directly communicating with politicians and officials who are active on social media. Social-media campaigns have recently been instrumental in forcing officials to allow women in sports stadiums, to get teachers a raise and draw attention to environmental causes. [...]

But in practical terms, the ban is no more than symbolic, an empty gesture of reassurance toward the fearful. Iran’s experience with the Russian messaging app Telegram is more revealing. It was banned with effect from April 30 last year, ostensibly because it had become a “safe haven for criminal acts.” (Among other things, it was said to have been used by currency traders to spread rumors, fueling the panic buying of U.S. dollars and the crash of the Iranian rial.) Dutifully, conservative politicians deactivated their Telegram channels ahead of the ban.

To try and gain control of Telegram, the government sought to position a set of locally developed Telegram “clients,” which would serve as a pass-through, giving Iranians access to some channels but not others. While the local Telegram clients did see some uptake in use, event-

ally most users found VPNs to get around the ban altogether. According to a study conducted at the University of Tehran, daily visits to Iranian Telegram channels fell from 2.4 billion to just 850 million per day immediately after the ban. But just two weeks later, the number was up to 1.6 billion visits. By November, even the conservative politicians had returned to Telegram.

So if Rouhani does suddenly vanish from Instagram, his 2.2 million followers needn't despair: He'll be back soon. » Source: Bloomberg, Try As it Might, Iran Can't Ban Social Media, 10 janvier 2019: www.bloomberg.com/opinion/articles/2019-01-10/iran-s-attempt-to-ban-instagram-is-doomed-to-fail.

Channel NewsAsia, 21 janvier 2019:

« Iranian President Hassan Rouhani on Monday (Jan 21) said resistance against new technologies is "outdated" as he once again criticised the judiciary's blocking of social media.

"Resisting new technologies and modern developments is an outdated approach," Rouhani said in a speech broadcast by state television.

"We can see that some still oppose new phenomena especially those related to communication and information," he added.

Iran in recent years has blocked access to many social media platforms such as Facebook, Twitter and YouTube and in May the judiciary blocked the Telegram messaging app.

In May Rouhani said the government does not approve of the judiciary's blockage of Telegram - the country's most popular social network with some 40 million users or around half the population.

In his speech Monday he said preventing Iranians from accessing social would amount to creating a forbidden fruit which they would crave more and more.

"Filtering is not the solution. We must raise the society's digital literacy so that they can use it (social media) without being harmed by it," Rouhani said.

"We don't have free media in Iran and only have state television and radio," he said.

"Everything is congested in the cyberspace ... everyone wants to say everything in this space since they don't have any other media," he added.

In January, Iranian media said the judiciary was mulling banning Instagram, the last major platform still freely available in the country.

Despite social media restrictions, Iranians including top officials such as Rouhani himself and Foreign Minister Mohammad Javad Zarif continue to use services such as Twitter, which are widely accessible via proxy servers. » Source: Channel NewsAsia, Resisting

new technology is 'outdated' says Iran's Rouhani, 21 janvier 2019: www.chan-nelnewsasia.com/news/world/resisting-new-technology-is-outdated-says-iran-s-rouhani-11149526.

DRC/DIS, 23 février 2018:

« Converts who announce their conversion in public may face serious problems. If the returned convert has been very outspoken about his/her conversion on social media, including Facebook, the authorities might become aware of it and arrest and interrogate the convert upon return. A Western embassy (3) said that the subsequent process would depend on what the returnees inform the authorities about. The embassy did not consider that the converts would receive harsh punishment if they are not high - profiled and are not involved in propagating Christianity or activities perceived as a threat to national security.

Declaring conversion on Facebook in itself does not lead to persecution but likely to monitoring. One source explained that a photo indicating a conversion posted on the internet would be evaluated by the authorities along with the profile and activities of the converted person. If the person did not have any previous affiliation with Christianity before leaving the country, he/she will not be persecuted. (...)

124. If someone has announced his/her Christianity on Facebook while abroad, the person would probably be surveyed by the Iranian authorities. However, declaring your conversion on Facebook in itself does not mean that you will be persecuted but monitored, if returning to Iran. If you are open about your activities, an arrest or interrogation by the government upon return is not unlikely. But declaring you are a Christian when you return to Iran, will cage you into a life of no rights, and put you at risk. Being a Christian is considered a political opposition to the regime. » Source: Danish Refugee Council (DRC) et Danish Immigration Service (DIS), Iran: House Churches and Converts, 23 février 2018, p. 8, 34: www.ecoi.net/en/file/local/1426255/1788_1520517773_house-churches-and-converts.pdf.

DRC/DIS, février 2018:

« Furthermore, it is reasonable to assume that people active on the social media are under some kind of monitoring by the authorities, an associate professor noted. [...]

59. With regard to whom the authorities will target, the source explained that anyone outspoken about Kurdish ethnic and religious rights and Sunni identity on for example social media can be in focus. Furthermore, the source said, it is reasonable to assume that people active on the social media are a target of some kind of monitoring by the authorities. People belonging to particular tribes and particular mosques are a target. Families, individuals or tribes who are affiliated with women rights, Kurdish rights or suspected of having separatist sympathies are targeted. In this connection it was mentioned that families traditionally affiliated with political parties and families connected to smuggling are a target of monitoring by the regime. Some local Sunni-Muslim sheikhs are also a target and recently, they have been accused of Wahhabi and Islamic State propaganda by the authorities. The information concerning the sheikhs is difficult to verify but it has been mentioned in the media. » Source: Danish Refugee Council (DRC) et Danish Immigration Service (DIS): Iran: Issues concerning persons of ethnic minorities, including Kurds and Ahwazi Arabs, 23. février 2018,

p. 7, 23: www.ecoi.net/en/file/local/1426253/1788_1520517984_issues-concerning-persons-of-ethnic-minorities-including-kurds-and-ahwazi-arabs.pdf.

Freedom House, pas de date (accès 15 janvier 2019):

« Self-censorship is extensive, particularly on political matters. Widespread arrests and harsh sentences meted out to journalists, activists, and ordinary citizens, as well as perceptions of pervasive surveillance, serve to deter unfettered expression online. Many journalists and bloggers abandoned their online activities or used pseudonyms after the crackdown on 2009 protests linked to that year's disputed presidential election, resulting in a palpable drop in the amount of original content produced by users based inside the country. The situation slightly improved after Rouhani assumed the presidency in 2013, especially among reformist journalists. Nevertheless, the same restrictions remain in place, and journalists continue to be prosecuted. [...]

Digital Activism

Despite formal blocks on Facebook and Twitter, Iranians use social media to communicate, raise awareness of societal issues, and even engage in political debates. In the lead-up to the May 2017 presidential election, all of the main candidates used the internet, social networking platforms, and messaging apps, particularly Instagram and Telegram. Even conservative candidates who had once railed against social media used such applications during the campaign, demonstrating their importance for political activism in Iran. [...]

Twitter continues to be employed by Iranian activists to raise the profile of political prisoners, minorities facing discrimination, and human rights issues. On December 30, 2016, over 30,000 Twitter users from around the world used the hashtag #SaveArash to voice their support for imprisoned civil rights advocate Arash Sadeghi, who was 68 days into a hunger strike. He remained behind bars as of 2018. [...]

Iran remains an extremely dangerous environment for internet users. Numerous laws tightly restrict online speech and allow harsh punishments for those who deliberately flout these constraints or inadvertently draw the ire of authorities. The constitution provides for limited freedom of opinion and expression, but a variety of haphazardly enforced statutes limit these rights in practice. The 2000 Press Law, for example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights, none of which are clearly defined. The government and judiciary regularly invoke this and other vaguely worded legislation to criminalize critical opinions.

The 2009 CCL outlines punishments for spying, hacking, piracy, phishing, libel, and publishing materials deemed to damage "public morality" or result in "dissemination of lies." Punishments are severe and include the death penalty for offenses against public morality and chastity, as well as long prison sentences, draconian fines, and other penalties for service providers that fail to enforce government content restrictions.

In December 2016, President Rouhani launched the "Citizens' Rights Charter," a nonbinding document. Article 26 features a commitment to freedom of speech and expression "within the limits prescribed by the law," while Article 37 states that online privacy should be respected.

In August 2017, the SCC released new regulations entitled “Policies and Actions Regarding the Organization of Social Media Messaging Applications.” The regulations outline what is viewed as legal for messaging apps operating in Iran and formalize previous demands that foreign messaging apps work with Iranian authorities to license themselves and move their data centers inside Iran. The new rules also task the ICT Ministry with forming a committee to suggest a licensing process for domestic and foreign messaging apps.

In February 2018, Azari Jahromi, the ICT minister, published drafts of five bills meant to codify the legal regime governing ICT policy in Iran. The five bills cover the following subjects: eGovernment, electronic identification, and the responsibilities of ICT service providers, electronic financial transactions, and data protection. Despite their broad reach, none of the proposed bills deal with the restrictions on internet users’ human rights stemming from the CCL.

Prosecutions and Detentions for Online Activities

Authorities arrested numerous individuals for their online activities in the past year, though convictions led to shorter prison sentences compared to previous years.

As Telegram grew in prominence in Iran, security forces turned their attention toward the administrators of the communication app’s various channels, which allow users to post public messages to large groups. This was particularly notable around the May 2017 presidential election, when security forces arrested 12 admins of reformist-aligned Telegram channels; six of them were charged and sentenced to prison terms ranging from two to five years in August 2017. Security forces also coerced admins into deactivating or deleting their channels. [...]

In June 2018, journalist and political activist Hengameh Shahidi was arrested after criticizing government policies on social media and participating in interviews with foreign media. She was detained upon leaving a hospital where she had been treated for a heart attack. She had previously been imprisoned for five months in 2017 as part of a government crackdown on dissidents and reformists ahead of the presidential election.

Also in June 2018, poet and filmmaker Baktash Abtin was sentenced to three months of community service and about US\$1,200 in fines for “propaganda against the state,” having posted a photo to his Instagram account of Mazdak Zarafshan, a man who was attacked and injured by police in December 2016. Zarafshan was the son of a lawyer who had represented the families of murdered dissidents.

Amid domestic political tensions between reformists and conservatives, hard-liners within the judiciary and IRGC have conducted a campaign against perceived “infiltration” by Western ideas, individuals, and companies. Numerous foreigners or Iranians with dual nationality who were active in journalism, human rights, or ICT development work have been imprisoned by the authorities, often with little explanation.

For example, Nazanin Zaghari-Ratcliffe, a journalist with Iranian-British dual citizenship, was arrested in April 2016 at the Tehran airport by the IRGC. She was sentenced that September to five years in prison for supposedly spying and designing websites that support sedition. Although she became eligible for early release in November 2017, she remained in prison and

faced new charges of propaganda against the state in May 2018. Two months later, a judge declared that she would not be released until Britain settled a US\$394 million debt that Iran claimed it was owed under a 1976 deal involving military equipment.

Istanbul-based Iranian tech entrepreneur Arash Zad, an editor and contributor at the online magazine Weblogina and the technology websites Arashzad and Ladybug, was arrested by the IRGC in July 2015 as he prepared to return home to Turkey. After being held for more than two years, he was released without explanation in December 2017. Phishing emails from his account were reportedly sent to his contacts while he was in custody.

Surveillance, Privacy, and Anonymity

The online sphere in Iran is heavily monitored by the state. In January 2017, it was announced that the administrators of Telegram channels with more than 5,000 members would be offered incentives to register with Ministry of Culture and Islamic Guidance. There was no punishment for noncompliance. Admins who registered were required to provide their channel name, full legal name, home address, and national identification number. In addition, they had to give “temporary co-administration” privileges to an “iransamandehibot” bot. The presence of a government bot monitoring all channel discussions would pose a serious threat to the privacy and personal security of channel admins and members, particularly in channels sharing content deemed to be politically, religiously, or culturally sensitive. In April 2017, it was reported that 8,000 Telegram channels and 1,000 Instagram pages had registered.

The SCC had announced in May 2016 that foreign messaging apps must move all data on Iranian users to servers located within the country. The order seemed to be aimed at Telegram, which had been under increased pressure from the authorities and was eventually blocked in 2018 (see Blocking and Filtering). Storing data on local servers would leave foreign companies more vulnerable to government demands to hand over data on dissidents and censor unfavorable views. In July 2017, then ICT minister Vaezi claimed that Telegram had moved its servers to Iran. Chief executive Pavel Durov denied the claims, but said Vaezi was likely referring to the fact that Telegram rented local CDN caching nodes from a global provider, as it did in many countries.

The legal status of encryption in Iran is somewhat murky. Chapter 2, Article 10 of the CCL prohibits “concealing data, changing passwords, and/or encoding data that could deny access of authorized individuals to data, computer and telecommunication systems.” This could be understood to prohibit encryption, but enforcement is not common. Nonetheless, the authorities have periodically blocked encrypted traffic from entering the country through international gateways, particularly during contentious moments such as elections.

In 2015, amid preparation for elections to the parliament and the Assembly of Experts, a body of clerics that appoints the supreme leader, the deputy interior minister for security announced that a new “Elections Security Headquarters” would be established “to monitor cyberspace.” Similarly, the IRGC launched a military exercise named “Eghtedare Sarallah” in September 2015, which included the monitoring of social media activities. In June 2015, the Cyber Police (FATA) created a new unit for monitoring computer games.

It remains unclear how or how thoroughly the authorities can monitor the content of

messages on foreign social networks, given that some apps encrypt their messages. However, all platforms and content hosted in Iran are subject to arbitrary requests by various authorities to provide more information on their users. Local platforms do not guarantee the kind of user protection offered by some of their international counterparts, which may explain users' hesitancy to adopt them. » Source: Freedom House, Freedom on the Net 2018 - Iran, (pas de date, accès 15 janvier 2019): <https://freedomhouse.org/report/freedom-net/2018/iran>.

HRW, 2 décembre 2014:

« Iran's judiciary should vacate the death sentence of a 30-year-old man who faces imminent execution for Facebook posts linked to his account. On November 24, 2014, Iran's Supreme Court upheld a criminal court ruling sentencing Soheil Arabi to hang. The court transferred his file to the judiciary's implementation unit, opening the way for his execution.

A Tehran criminal court had convicted him in August of sabb al-nabbi, or "insulting the prophet," referring to the Prophet Muhammad, which carries the death penalty. Arabi's legal team has asked the judiciary to suspend the death sentence and review the case. [...]

Vahid Moshkhani, Arabi's lawyer, told Human Rights Watch that instead of upholding or overruling the lower court verdict, the Supreme Court unlawfully added the charge of efsad-e fel arz, or "sowing corruption of earth," to Arabi's case. In addition to carrying a possible death sentence, the charge also forecloses the possibility of amnesty, he said.

Moshkani said the Supreme Court rejected his client's defense that he had not written many of the Facebook posts and that he was merely sharing others' views on the social media site. Article 263 of the revised Islamic Penal Code provides that a person who "insults the Prophet" while drunk or by quoting others, among other acts, will be subjected to 74 lashes and not sentenced to death. [...]

Human Rights Watch previously expressed concern regarding the broad definition of "sowing corruption on earth" in the revised penal code, under which authorities can prosecute, convict, and sentence political dissidents and others exercising their basic rights to freedom of speech, assembly, association, and religion. Human Rights Watch is opposed to the death penalty in all cases, due to its inherently cruel and irreversible nature.

Iran is one of the world's most prolific jailers of writers, according to Reporters Without Borders. As of July, at least 65 journalists, bloggers, and social media activists were in prison on various charges related to their speech or writings. Since President Hassan Rouhani's inauguration in August 2013, security and intelligence agents, including the Revolutionary Guards, have apparently stepped up a crackdown on dissent through the Internet, and Iran's judiciary has meted out particularly harsh punishments for bloggers and social media users.

In May 2014, police arrested four young men and three women after a video showing them dancing to the popular song "Happy" went viral on YouTube. Authorities released them to face trial on charges that included engaging in "illicit relations." In the same

month, a Tehran revolutionary court sentenced eight Facebook users to prison terms ranging from eight to 21 years for allegedly posting messages to insult government officials and "religious sanctities," among other crimes. » Source: Human Rights Watch (HRW), Iran: Death Sentence for Facebook Posts, 2 décembre 2014: www.hrw.org/news/2014/12/02/iran-death-sentence-facebook-posts.

IRB, 20 janvier 2014:

« Several sources indicate that the treatment of anti-government activists who return to Iran is case specific (Small Media 14 Jan. 2014; Professor of History 13 Jan. 2014; Professor of Political Science 5 Jan. 2014).

The Professor of history said that, after the elections, "a number of academics in Iran who were fired from their positions based on their political opinion or secularism during the Ahmadinejad period, are now being called back to work" (13 Jan. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a representative of the United Nations High Commissioner for Refugees (UNHCR) indicated that UNHCR Turkey is aware of political activists or perceived activists who have been identified through techniques such as photographic screening or interrogation by the authorities upon their arrival at the Tehran airport from abroad (17 Jan. 2014).

The Professor of political science indicated that people "who are known for their anti-government activities outside Iran are treated harshly" when they return (5 Jan. 2014). The Director of Small Media similarly indicated that "if an activist is known to authorities, he or she will most likely be targeted and face prosecution upon return" (Small Media 14 Jan. 2014). The Director cited two recent cases of anti-government activists who returned to Iran and were arrested: one in December 2013 and another one in January 2014 (ibid.).

The IHRDC representative stated that

There have been numerous reports about Iranians who are arrested upon their return to Iran. Mahmoud Alavi, the Iranian Minister of Intelligence, has made remarks indicating that individuals who left Iran in the aftermath of the 2009 presidential election should not be afraid of returning to Iran. In recent months, however, a number of individuals who returned to Iran have been charged or arrested. *Hamid Babaei, a graduate student in Belgium, was reportedly arrested and charged with espionage and having contacts with foreign enemy states. He has been sentenced to six years of imprisonment. Serajeddin Mirdamadi, a reformist activist, was charged with national security crimes after returning to Iran. He has not been sentenced yet, but his attorney has stated that his charges could carry a sentence between three months to a year of imprisonment. Another example is Mohammad Amin Akrami, a cyber activist who was arrested after returning to Iran from India ... (15 Jan. 2014).*

Other sources also report on the arrests upon return to Iran of Hamid Babaei (All Human Rights for All in Iran 9 Jan. 2014), Serajeddin Mirdamadi (Radio Zamaneh 9 Jan. 2014), and Mohammad Amin Akrami (ICHR 18 Dec. 2013). According to All Human Rights for All in Iran, an

Austrian-based NGO funded by the European Union and the Austrian Development Co-operation to assist Iranian human rights defenders (*All Human Rights for All in Iran n.d.*), Hamid Babaei was reportedly not arrested for his anti-government activities, but rather for refusing to give authorities information about Iranians in Belgium (*ibid.* 9 Jan. 2014). Sources indicate that Samad Khatibi, a filmmaker who campaigned for President Rouhani, was arrested in November upon his return to Iran (*IHRDC* 15 Jan. 2014; *The Guardian* 5 Dec. 2013). The *Guardian* reports that he was arrested "upon arriving in Tehran from the Netherlands" (5 Dec. 2013). The *IHRDC* representative indicated that "he has since been released" (15 Jan. 2014).

According to the Director of Small Media, if the activist is not known, it is hard to say how he or she will be treated (14 Jan. 2014). He explained:

The risk upon return depends on the visibility of the individual both online and offline. If someone is not visible enough, they may not be at risk, however it is not possible to say that they will not be at risk because often the authorities act rather arbitrarily. Sometimes, even people who are not high profile activists are arrested and prosecuted upon return to Iran for minor political activities that they have done online while being outside of Iran. (Small Media 14 Jan. 2014)

The European Court for Human Rights (ECHR), in the "Case of S.F. and Others v. Sweden," states that Iranians returning from abroad are screened on arrival in Iran (ECHR 15 Aug. 2012, 15). The same source notes that some of the factors which may lead to an inquiry by the Iranian authorities on return include being of "Kurdish and Persian origin, culturally active and well-educated" (*ibid.*, 15-16). [...]

4. Overseas Monitoring Capabilities of the Iranian Government

Several sources indicate that Iranian authorities monitor online activities (Small Media 14 Jan. 2014; Professor of History 13 Jan. 2014; ECHR 15 Aug. 2012), including online activities outside of Iran (*ibid.*; Professor of History 13 Jan. 2014). The Director of Small Media said that such monitoring includes social media, blogs, and popular media, including small websites, which may be highly visible (14 Jan. 2014). The Professor of political science stated that "all Iranian websites are closely monitored by the regime" (5 Jan. 2014). The Professor of history indicated that the Iranian government is "very active" in cyber-monitoring, including monitoring e-mail and online conversations (13 Jan. 2014).

The ECHR, in the "Case of S.F. and Others v. Sweden" stated that relevant country information on Iran ...confirms that Iranian authorities effectively monitor Internet communications and regime critics both within and outside of Iran. It is noted that a specific intelligence "Cyber Unit" targets regime critics on the internet. (ECHR 15 Aug. 2012, 15)

Without specifying whether it applies to anti-government activists, a Small Media report indicates that the Iranian Cyber Police (FATA) often uses unconventional methods to catch cyber criminals, including acts of manipulation on social networking sites. One of the most popular methods used by FATA is the creation of fake Facebook profiles, through which they may encourage other users to divulge personal information. (Oct. 2013, 3)

The Director of Small Media indicated that Iranian authorities do not have the technical capacity

to conduct "blanket monitoring," which means that they do not follow all Iranian citizens' online activities (14 Jan. 2014). Similarly, the Professor of history indicated that the government does not seem to monitor all online activities (Professor of History 13 Jan. 2014). **The Professor of history stated that the Iranian government mostly focuses on monitoring the activities of people that they think want to overthrow the regime.** Their definition of people who want to overthrow the regime does not only consist of people who want to overthrow the regime militarily, but also any real or perceived organized opposition to the regime, including people who take on the cause of religious minorities. For example, people who take on the cause of Baha'is may be considered to want to overthrow the regime ... (ibid.).

The Professor of history stated that the Iranian authorities are aware of the actions of Iranians in Canada (ibid.). He added that he is aware of a case of an Iranian living in Canada who was interrogated when visiting Iran, because the authorities knew that this person worked for an outspoken critic of the government (ibid.). OpenCanada.org, the online news source of the Canadian International Council, an independent foreign relations council that aims to "strengthen Canada's role in international affairs" (OpenCanada.org n.d.), indicates that, according to Michael Petrou [an author of "international news and Canadian foreign policy" (Maclean's 20 June 2012)]:

[t]he Iranian embassy actively monitored the activities and loyalties of Iranians, particularly students, in Canada ... Dissidents were also tracked, and on at least one occasion security officials in Iran visited a dissident's family after he took part in an anti-regime demonstration. (OpenCanada.org 22 May 2013)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Michael Petrou reportedly also indicates that [t]he closure of the Iranian embassy sharply curtailed Iran's activities in Canada. However, informal ties persist between the government of Iran and members of the Iranian diaspora in Canada, as well as institutions such as mosques, and Iran's English-language broadcaster, Press TV. Several regime-linked individuals also have homes and family here. (ibid.)

The Professor of political science stated that although the Iranian embassy in Canada is closed, the regime has "many agents" among the Iranian community, including students and businesspeople (5 Jan. 2014). The Director of Small Media also indicates that Iranian authorities use human intelligence to monitor people's activities in Iranian networks abroad (Small Media 14 Jan. 2014). He said that sometimes Iranians infiltrate activist groups, and gather information on the activists (ibid.). Further information about the use of overseas agents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. [...] » Source: Immigration and Refugee Board of Canada (IRB), Iran: Treatment of anti-government activists by authorities, including those returning to Iran from abroad; overseas monitoring capabilities of the government (2012-2013), 20 janvier 2014: www.refworld.org/publisher_IRBC_QUERYRESPONSE_IRN_533923f74_0.html.

Jamileh Kadivar, 2015:

« Another problem after the 2009 protests was the sense of vulnerability among Iranians abroad who found themselves vulnerable to "social media" harassment by the Iranian

police and security forces (Tribunal decisions no date). After the protests, the Internet-monitoring units expanded their responsibilities and began monitoring the online activity of Iranians abroad as well. Receiving a threatening email because of their online or offline activities was one of their problems. Fassihi (2009) noted that some people, who had travelled to Iran after June 2009, were arrested and questioned about their Facebook accounts or posts online. The personal observation of the author confirms that some friends were questioned about their online activities, and asked to answer the questions about themselves and others, when they went to the airport. My experience also indicates that my activities on social and mobile media were surveilled inside and outside Iran. [...]

After 2009, the Iranian authorities took some steps towards limiting social media and information flow. The 'Green Movement' demonstrated the shortages of primary filtering and monitoring tools, and forced the Iranian government to pass legislation and devise more complex methods to control and monitor the users. The main steps the Iranian government took with regards to social media after the 2009 election include the following: Surveillance and censorship; control of the content made by different social media platforms; blocking Internet communications (Facebook, Twitter, YouTube, and Wikipedia); monitoring, content filtering and blacklisting websites; decrypting e-mails; hacking the Green Movement' websites by cyber army; threatening active websites and activists in cyberspace with legal action; posting online photos of the active protesters on different websites and asking people to identify them; control of the telecommunications industry; creation of "Supreme Council on Cyberspace" as a legal framework; slowing down the Internet to disconnect relation and communication among activists inside Iran and outsiders; and nationalizing Iranian cyberspace. While some of these activities such as censorship and the filtering of several websites were accepted by the Iranian government before 2009, surveillance policies were strengthened after the protests and found legal justifications to limit the activities in different social media platforms. In this atmosphere, people had a sense of being surveilled in cyberspace, and this feeling increased mistrust and fear in both real and virtual worlds. Subsequently, they internalised this sense of surveillance inside themselves. The dominant political and security atmosphere during the movement adjusted to the two models of study. » Source: Jamileh Kadivar, A Comparative Study of Government Surveillance of Social Media and Mobile Phone Communications during Iran's Green Movement (2009) and the UK Riots (2011), 2015, p.177, 183: www.google.ch/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&ved=2ahUKEwibq8zFvO_fAhVD6aQKHW-aDh44ChAWMAR6BAqGEAI&url=https%3A%2F%2Fwww.triple-c.at%2Findex.php%2FtripleC%2Farticle%2Fview%2F655%2F717&usq=AOvVaw2atNefizsPy-syo5MOoX6fy.

Tehran Times, 22 avril 2018:

« "Breaking monopolies and backing the domestic messaging apps do not mean imposing restrictions on other social media platforms. People preserve the right to choose and they can simultaneously use various social media platforms," Rouhani wrote in a message on his Instagram page on Sunday.

A recent decision by Supreme Leader Ayatollah Ali Khamenei to shut down his Telegram channel fuelled speculation about imposing an imminent ban on the popular messaging app, which authorities say takes over 40 percent of Iran's internet bandwidth.

The office of the Supreme Leader cited ending Telegram's monopoly and supporting domestic messaging apps as main reasons behind the decision.

In the meantime, First Vice-President Es'haq Jahangiri announced that he was quitting Telegram followed by a directive sent to all government departments telling them to stop using the app.

Supporters of Telegram estimate that about 40 million Iranians, almost half of the country's population, use it, claiming that the app has become a source of income for hundreds of citizens across the country.

The Supreme Council of Cyberspace has earlier set five conditions for foreign messengers to operate in Iran.

Storing and processing Iranian users' data inside the country, complying with the rules and regulations related to the protection of users' privacy as well as responding to queries from judicial authorities are among the stated conditions. » Source: Tehran Times, Rouhani vows to protect access right to social media, 22 avril 2018: www.tehrantimes.com/news/422886/Rouhani-vows-to-protect-access-right-to-social-media.

The Independent, 30 mars 2017:

« A 21-year-old man has been sentenced to death by Iranian authorities for "insulting Islam" through messages he sent on an instant messenger app.

Human rights lawyers claim that Sina Dehghan, who was just 19 when he sent the messages, was tricked into signing his own death warrant after being persuaded to confess to the breach of Islamic law with the promise of release if he did so.

But after obtaining a confession, prosecutors dropped the agreement and sentenced Dehghan to death in January this year, according to the Centre for Human Rights in Iran.

The content of the messages, said to have been sent using the Line app, is unknown.

A source told CHRI: "During his interrogation, Sina was told that if he signed a confession and repented, he would be pardoned and let go.

"Unfortunately, he made a childish decision and accepted the charges. Then they sentenced him to death."

His family was allegedly told if they kept quiet about the charges, he was more likely to go free.

Prosecutors asked that Dehghan be sentenced to death for "insulting the prophet" as well as to 16 months in prison for 'insulting the supreme leader'.

The sentence has now been upheld by the country's Supreme Court, according to the CHRI, although a request for a judicial review has given his family hope that his life could still be spared.

His mother said in a video interview obtained by CHRI: "According to Sina's lawyer, steps have been taken for a judicial review, and with the good news we're hearing from him, God willing this case will come to end positively as soon as possible."

Co-defendants Sahar Eliasi and Mohammad Nouri were also convicted of posting anti-Islamic material on social media.

Nouri was issued a death sentence, but it is unknown if the Supreme Court has given its final ruling.

Eliasi had his seven-year prison sentence reduced to three on appeal.

Dehghan was undertaking compulsory military service at the time of his arrest in 2015 and had just four days left to serve.

Japanese-based Line has since added end-to-end encryption to its messages, although it is not known how they came to be seen by the authorities. [...]

According to Iran's Islamic penal code, insulting the prophet is punishable by death, although a clause states if the accused states the insults were the result of a mistake or were made in anger, the sentence can be reduced to 74 lashings of the whip.

Human Rights organisation Article 19 said of Dunham: "He is now on death row, yet the imminence of the execution of Sina is an affront both to international standards and Iran's own criminal code.

"It is also clear that Sina was only given access to a court-appointed lawyer, who failed to adequately defend him in trial."

It added that the death penalty imposed on Dehghan and others illustrate how individuals are "at the mercy of a system where forced confessions, false promises, and threats to family members undermine not only national judicial processes, but the international standards Iran has signed up to.

"Iranian authorities have an opportunity to act to stop the execution, and to take visible steps to implement their own codes of practice. We ask simply that a review of the case be undertaken immediately and the death penalty dropped." » Source: The Independent, Iranian man sentenced to death for 'insulting Islam' through messaging app, 30 mars 2017: www.independent.co.uk/news/world/iranian-man-sina-dehgham-death-sentence-insult-islam-muslim-line-messaging-app-arak-prison-amnesty-a7658466.html.

UK Home Office, octobre 2016:

« 6.2.3 International Campaign for Human Rights in Iran noted in an article titled 'Iran's IRGC Intensifies Crackdown on Facebook Users with 12 Arrests and 24 Summonses' dated 5 February 2015 that: 'An IRGC cyberspace specialist, Mostafa Alizadeh, announced in a statement on Iranian state television on February 1, that 12 Iranian Facebook users have been arrested on charges of "spreading corruption, and [carrying out a] mission to change family lifestyles." He added that 24 other citizens were summoned

to answer questions about their Facebook activities. 'On January 31, a press release by the Center for Investigation of Organized Cyber Crimes, a subsidiary of the IRGC Cyber Defense Command, was published that stated several Facebook users had been arrested in a surveillance project by the IRGC named "Operation Spider" that is aimed at identifying and rooting out Facebook pages and activities that spread "corruption" and western-inspired lifestyles.'

6.2.4 The same report also noted: 'Alizadeh said that since September 2014, the IRGC has intensified its review of Facebook pages, and that 350 Facebook pages managed by 36 individuals had been identified and 130 of them deleted from Facebook. 'Last year, the IRGC arrested and prosecuted eight Facebook users on charges of "assembly and collusion against national security," "propaganda against the stage," "insulting the sacred," "insulting Heads of Branches," and "insulting individuals." Soheil Arabi, another Facebook user, has been sentenced to death for insulting the Prophet on Facebook.

6.2.5 **Human Rights Watch in their world report for 2016 stated that: 'In April [2015], an appeals court in Tehran sentenced six social media users to five to seven years in prison for their Facebook posts on charges of "assembly and collusion against the national security" and "insulting the sanctities." On July 13, 2014, a Tehran revolutionary court had previously sentenced eight Facebook users to a total of 127 years in prison for allegedly posting messages deemed to insult government officials and "religious sanctities," among other crimes. 'On June 8 [2015], authorities announced a wave of arrests of social media users and activists who "published illegal invitations on social networks ... [and] had anti-security tendencies." [...]**

6.2.8 **Middle East Eye's report 'Iran rounds up 450 social media users for 'immoral activities' dated 23 August 2016 noted that: 'Iran has "arrested or summoned" around 450 social media users over their online activities, a website linked to the powerful Revolutionary Guards said on Tuesday. Gherdab, the cyber arm of the Guards, said the people targeted administered pages on social networks including smartphone applications such as Instagram, Telegram and WhatsApp. "These people were carrying out immoral activities, insulted religious beliefs or had illegal activities in the field of fashion," said Gherdab. It said the suspects would be put on trial without specifying how many exactly have been placed under arrest.'**

6.2.9 **Reporters Sans Frontières reported in September 2016 that: 'For the past year, different sections of the Revolutionary Guards have been announcing the dismantling and systematic arrest of networks of people who act "against society's moral security," "modelling criminals" (those who have photos and videos of models) and those who "insult religious beliefs." RSF has registered more than 800 cases of this kind since the start of 2016. The Centre for Monitoring Organized Crime, a Revolutionary Guard unit that polices the Internet, announced on 23 August that "450 individuals responsible for pages on social networks such as Telegram, Whatsapp and Instagram" had been summoned and arrested.'**

6.2.10 **Freedom House's report 'Freedom in the Press 2016' published in September 2016 noted that: 'Bloggers and online activists face many of the same legal repercussions for their work as do professional journalists. The judiciary frequently denies accused journalists and bloggers due process by referring their cases to the Revolutionary Courts, which generally feature closed-door hearings and denial of access to an attorney. Among**

other arrests during 2015, reports emerged in September that well-known technology blogger and internet entrepreneur Arash Zad had been arrested at a Tehran airport while attempting to exit the country the previous month. He was believed to have been arrested by the intelligence unit of the IRGC. Authorities did not provide a reason for his arrest or information about where he was being detained.' » Source: UK Home Office: Country Policy and Information Note: Iran: Journalists and internet based media, october 2016, p.15-19: www.ecoi.net/en/file/local/1326134/90_1477551488_2016-10-ukhome-cpin-iran-journalists-and-internet-based-media-v2-0.pdf.

UK Home Office, juillet 2016:

« *The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information noted that: 'Mr. Hossein Abdy, Head of Passport and Visa Department, stressed that the Iranian constitution allows for Iranians to live where they wish. It is not a criminal offense in Iran for any Iranian to ask for asylum in another country. He further stated that approximately 60% of Iranians who have asylum in other countries, travel back and forth between Iran and other countries.'* [...]

The Danish Immigration Service report of 2009 also made reference to information provided by 'a western embassy' which stated that: 'A fine is given for leaving the country illegally'. The information read: The fine for illegal exit can run up to 50 million Iranian Rial which amounts to approximately 5,000 USD. To the knowledge of the embassy, people who have left Iran illegally are not detained upon return. The embassy did not know what happens if a person is unable to pay the fine.' A different 'western embassy' advised the Danish Immigration Service that 'an Iranian citizen can return even if he or she has left the country illegally', but that 'the punishment a person might face upon return depends on the acts committed before leaving Iran'. The embassy also stated that '[a] fine may be given for illegal exit' but that it 'did not know the size of the fine'.

5.1.5 An unnamed 'Attorney at Law' provided the following information to the Danish Immigration Service regarding the potential punishments for persons who return to Iran after departing the country illegally: ***The Attorney at Law confirmed that there is a fine for leaving Iran illegally. However, he believed the fine to be around 200-300 US dollars. It was added that if a person has outstanding issues with the authorities (other than leaving illegally) he or she may very likely be punished for these upon return. The punishment will be according to law. However, it may also come to a stricter punishment since the person has left Iran illegally. It was further explained that if a person continues to leave Iran illegally the penalty might rise accordingly. Hence, continuous illegal departures from Iran will result in harsher criminal punishment.'***

5.1.6 Gh. Mahdavi, the Director General of the Bureau of International Affairs at the Judiciary of the Islamic Republic of Iran advised the Danish Immigration Service that; ***'the fine for leaving Iran illegally is a few hundred dollars and there is no other punishment'***.

5.1.7 Dr Kakhki, a special adviser to the Centre for Criminal Law and Justice and Associate of the Centre for Iranian Studies at Durham University, stated the following in 'General report on risk of return' dated 5 December 2014: ***'According to a new amendment of Article 34 of Passport Law (21/2/2010), any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years***

imprisonment, or will receive a fine between 500,000 and 3 million Tomans (approx £108-£650). The assigned punishment in this article is called a “Taaziri” punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the “Taaziri” punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime.’ Iran Human Rights Documentation Centre state that Article 34 of the Penal Code stipulates that ‘a ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application.’ [...]

5.1.11 Asked about the situation for returnees, a Western diplomat and expert on Iran had never heard of any Iranian with political affiliations who went back to Iran. The source assumed that as long as a returnee has not been member of an oppositional political party or involved in political activities in other ways, she or he would not face problems upon return to Iran.’ » Source: UK Home Office, Iran: Illegal Exit, juillet 2016, p.13-18: www.ecoi.net/en/file/local/1240332/1226_1453188359_ciq-iran-illegal-exit-january-2016.pdf.

USDOS, 20 avril 2018:

« Authorities continued to block online messaging tools, such as Facebook, YouTube, and Twitter, although the government operated Twitter accounts under the names of Supreme Leader Khamenei, President Rouhani, Foreign Minister Zarif, and other government-associated officials and entities.

During the year the social media platform Telegram was widely used by government officials, activists, media organizations, and citizens, although the government restricted access to some Telegram content. In August the SCC announced new regulations requiring that all foreign social media platforms, like Telegram, move all their data to servers inside the country or risk being closed. Telegram users in the country were harassed throughout the year for content posted through its servers. RSF reported in June that 173,000 Telegram accounts were blocked and 94 internet users, mainly Telegram users, had been arrested since the start of the year. In April, Prosecutor General Mohammad Jafar Montazeri announced that Telegram’s new voice-call option was blocked in the country because “intelligence agencies cannot monitor it.” In March, eight Telegram administrators were arrested, with no reason provided.

Government organizations, including the Basij “Cyber Council,” the Cyber Police, and the Cyber Army, which observers presumed to be controlled by the IRGC, monitored, identified, and countered alleged cyber threats to national security. These organizations especially targeted citizens’ activities on officially banned social networking websites such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government or raised sensitive social problems. » Source: Département d’Etat des Etats-Unis (USDOS), Country Report on Human Rights Practices 2017 - Iran, 20 avril 2018: www.ecoi.net/en/document/1430093.html.

L'OSAR est l'association faîtière nationale des organisations suisses d'aide aux réfugiés. Neutre sur le plan politique et confessionnel, elle s'engage pour que la Suisse respecte ses engagements en matière de protection contre les persécutions conformément à la Convention de Genève relative au statut des réfugiés. Les activités de l'OSAR sont financées par des mandats de la Confédération et par des dons de particuliers, de fondations, de communes et de cantons.

Vous trouverez les publications de l'Organisation suisse d'aide aux réfugiés OSAR sur l'Iran ainsi que sur d'autres pays d'origine de requérant-e-s d'asile sous www.osar.ch/pays-dorigine.

La newsletter de l'OSAR vous informe des nouvelles publications. Inscription sous www.osar.ch/newsletter.