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U.S. TO AID IN FIGHT AGAINST IRAN'S INTERNET CENSORSHIP

by BRIAN PATIENT

On July 20, 2009, the Iranian government passed a new law to increase its access to information about Internet users.¹ The Iranian Parliament introduced the law, requiring Internet service providers to save all data sent and received for a minimum of three months, five weeks after Mahmoud Ahmadinejad won Iran's controversial presidential election.²

Both the U.S. government and some Iranian citizens view the law as the Iranian government's attempt to strengthen its already tight censorship of the Iranian people.³ In response to this post-election censorship, the U.S. Congress enacted the Victim of Iranian Censorship (VOICE) Act to provide Iranian

citizens with greater freedoms in the digital age.⁴ The Act provides \$50 million to assist the Iranian people in avoiding their government's Internet restrictions.⁵

However, it remains unclear whether the Iranian government will even be able to implement the new Internet law.⁶ From an American perspective, Iran's control over its citizens has been challenged.⁷ According to Jason Peterson, a Foreign Services Officer with the U.S. government stationed in Beirut, Lebanon, "based on the election results and how the aftermath was handled, the government's power over the country has been called into question."⁸ Even if the Iranian government's power has weakened since the election, the Iranian government is not open to U.S. intervention.⁹ The Iranian government, through its state-run media sources, has criticized the VOICE Act and accused the U.S. government of trying to undermine the Iranian regime.¹⁰

POST-PRESIDENTIAL ELECTION CENSORSHIP & U.S. RESPONSE

After the 2009 presidential election results were announced, supporters of Mir Hossein Mousavi, the opposition candidate, relied on the Internet to voice their protests and to organize peaceful demonstrations in Tehran.¹¹ In response to this use of the Internet, the Iranian government tightened the censorship of its people by using an advanced filtering system to block websites.¹²

As an additional measure, the Iranian government passed a new law that requires all Internet service providers to save all data sent and received for a minimum of three months.¹³ The government's stated purpose for the legislation's enactment was that it was an effort to provide more security against cyber crimes.¹⁴ According to Qorban-Ali Dorri-Najafabadi, Iran's prosecutor general, "the law protects the rights of the people and prevents violation of their privacy in cyberspace."¹⁵

According to media watchdog group, Reporters without Borders, this law fails to provide more Internet security and, rather, reflects the government's ongoing efforts to censor its people.¹⁶ "The government is acutely aware of the rising influence of weblogs and is attempting to filter Internet sites that provide blog hosting and setup."¹⁷

However, some Iranian citizens remain skeptical about the regime's ability to censor its own people even with this new legislation.¹⁸ Former Iranian President Ali Akbar Hashemi Rafsanjani expressed doubts that any government action would slow the movement toward a freer Iran.¹⁹ He stated, "any wakened consciousness would not be satisfied with the resulting situation."²⁰ Additionally, according to Iranian blogger Potkin Azarmehr, "given how Internet savvy the young Iranians are and the help they are getting from Iranian expats. . .there will be a way around" any law the government passes.²¹

The U.S. government intends to assist Iranian citizens as they find a way around government censorship.²² The U.S. Congress took a step towards doing so by drafting the VOICE Act in July 2009.²³ The Act seeks to provide money to educate Iranians on anti-censorship methods and to create Internet protocols for overcoming government filters.²⁴ On Oct. 28, 2009, President Obama signed the VOICE Act into law.²⁵

The Act calls for an examination by the U.S. government into the business practices of non-Iranian corporations that have provided Internet censoring technology to the Iranian government.²⁶ The Act also allocates \$30 million to the Broadcasting Board of Governors (BBG), the government agency responsible for all U.S. civilian international broadcasting.²⁷ The BBG will use these funds to help develop technologies to prevent the Iranian government from blocking Internet access.²⁸

Furthermore, Congress set aside an additional \$20 million for an education program titled the "Iranian Electronic Education, Exchange, and Media Fund."²⁹ This fund will create an educational program to help Iranians learn how to circumvent blocked websites and share information more freely.³⁰

According to legislation co-sponsor, Sen. Joe Lieberman, I-Conn., the Act "will help the Iranian people stay one step ahead of their regime, in getting access to information and safely exercising freedom of speech, assembly and expression online."³¹

The Iranian government, however, is not pleased with this U.S. intervention.³² The government contends it is not censoring the Iranian people.³³ It views the new U.S. legislation as unnecessary and unwanted.³⁴ Fatemeh Alia, a senior member of the Iranian Parliament, called the VOICE Act "a U.S. attempt to destabilize the Iranian government."³⁵ Furthermore, Iranian cleric Ayatollah

Jannati asserts that the U.S. government is using the VOICE Act to engage in hostilities with Iran.³⁶ In reference to the Act, he stated, “It shows [U.S. government officials] have no good intentions towards Iran, and constantly want to engage in enmity.”³⁷

Regardless of how the Iranian government feels about the U.S. aid, it will be interesting to see how the recent legislation in both Iran and the U.S. affects Internet censorship within Iran. It is clear the U.S. government is committed to helping those in Iran who can create change by continuing to voice their opinions on the Internet.³⁸ It seems that with this U.S. support, the Iranian people will have more resources to overcome the Internet censorship that has plagued their country for the last decade.³⁹

NOTES

1 *Iran Internet Law Sparks Suspicion*, ALJAZEERA, July 21, 2009, <http://english.aljazeera.net/news/middleeast/2009/07/2009720132832678525.html>.

2 *Id.*

3 See Eli Lake, *Senate OKs Funds to Thwart Iran Web Censors*, THE WASH. TIMES, July 26, 2009, available at <http://www.washingtontimes.com/news/2009/jul/26/senate-help-iran-dodge-internet-censorship/>.

4 *Id.*

5 *Id.*

6 See *Rafsanjani Doubts Iranians Satisfied with Election Aftermath*, CNN.com, July 4, 2009, <http://www.cnn.com/2009/WORLD/meast/07/04/iran.rafsanjani/index.html>.

7 See Telephone Interview with Jason Peterson, Foreign Services Officer, United States State Dep't. (Nov. 12, 2009).

8 *Id.*

9 *Iran Raises Voice against VOICE*, PRESS TV, Nov. 15, 2009, <http://www.presstv.ir/detail.aspx?id=111296§ionid=351020101>.

10 *Id.*

11 Brad Stone and Noam Cohen, *Social Networks Spread Defiance Online*, N.Y. TIMES, June 16, 2009, available at <http://www.nytimes.com/2009/06/16/world/middleeast/16media.html>.

12 Brian Shelter and Brad Stone, *Web Pries Lid of Iranian Censorship*, N.Y. TIMES, June 22, 2009, available at <http://www.nytimes.com/2009/06/23/world/middleeast/23censor.html>.

13 *Iran Internet Law*, *supra* note 1.

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*

18 *Rafsanjani Doubts Iranians Satisfied with Election Aftermath*, *supra* note 6.

19 *Id.*

20 *Id.*

- 21 Iran Internet Law, *supra* note 1.
- 22 Lake, *supra* note 3.
- 23 *Id.*
- 24 *Id.*
- 25 National Defense Authorization Act for Fiscal Year 2010, H.R. 2647, 111th Cong. (2009).
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 *Id.*
- 30 *Id.*
- 31 National Defense Authorization Act, *supra* note 25.
- 32 *Iran Shrugs Off Another Year of US Sanctions*, <http://www.presstv.ir/>, Nov. 13, 2009, <http://www.presstv.ir/detail.aspx?id=111193§ionid=351020101>.
- 33 *Iran Curbs Media after Poll Result*, Aljazeera.net, June 15, 2009, <http://english.aljazeera.net/news/middleeast/2009/06/200961581957321161>.
- 34 Iran Raises Voice, *supra* note 9.
- 35 *Id.*
- 36 Iran Shrugs Off Another Year, *supra* note 32.
- 37 *Id.*
- 38 Lake, *supra* note 3.
- 39 Christopher Rhoads, *Iran's Web Spying Aided by Western Technology Cracks Down on Internet Use*, THE WALL STREET JOURNAL, June 17, 2009, available at <http://online.wsj.com/article/SB124562668777335653.html>.