

October 11, 2017

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

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

Dear Secretary Tillerson and Secretary Mnuchin:

We are writing to raise concerns regarding recent events in which Apple and Google appear to have deleted mobile applications (“apps”) developed by Iranian users from their respective mobile application stores (“app stores”). These events are an impediment to the free flow of information and private entrepreneurship independent of the government of Iran. We are concerned that the actions by Apple and Google were mandated by current U.S. sanctions laws and regulations administered by the United States Department of the Treasury’s Office of Foreign Assets Control (“OFAC”), and are herein requesting OFAC to reconsider the scope of its current licensing policies and amend those policies as needed to ensure that Iranians are able to make their own apps available on app stores operated by U.S. parties.

On February 7, 2014, OFAC, in consultation with the State Department, issued General License D-1 (“General License with Respect to Certain Services, Software, and Hardware Incident to Personal Communications”) in order to facilitate the Iranian people’s access to information. GL D-1 was widely praised as an effective example of securing human rights, protecting access to online information, and avoiding government censors.

As a result of GL D-1, the Iranian people – including Iranian youth – were permitted access to apps made available from app stores run by U.S. companies, such as Apple and Google. Upon being granted access to apps made available from app stores like Apple and Google, many young Iranian developers themselves created their own apps for purposes specifically relevant to the Iranian people and submitted those apps to app stores operated by Apple and Google, where they were posted. The startup ecosystem created by young Iranian entrepreneurs has gained international attention for its promoting opportunities for both men and women to secure independence from the traditional state dominated economies of Iran. This movement has continued despite persecution by hardline elements.

Recently, though, both Apple and Google appear to have come to the conclusion that GL D-1 does not provide license authorization for U.S. companies, such as themselves, to host apps developed by Iranian users on their app stores. The disappearance of popular apps created by young Iranian developers and previously made accessible to Iranian users has created shockwaves amongst Iranians online – a potent feeling that they are being unfairly punished for the seemingly perpetual geopolitical dispute between their government and the government of the United States.

We have appreciated the consideration that has gone into previous efforts by the U.S. government to broaden general license authorizations aimed at easing the burdens placed on the Iranian people by the U.S.'s comprehensive trade and investment embargo with Iran. We have likewise valued the manner in which the Departments of State and Treasury have received our ideas in the past regarding these matters. We believe that recent events merit OFAC to consider broadening the scope of GL D-1 as to expressly authorize U.S. parties to host apps developed by Iranian users on their app stores. Alternatively, if OFAC has concerns about issuing a general license authorization regarding the hosting of such apps, then OFAC should promulgate a statement of licensing policy specific to this matter so as to inform interested parties that OFAC will review license applications to engage in such conduct under a favorable presumption. These steps are critical to remediate the backlash that has been stirred amongst Iranians online and to ensure that the Iranian people are able to fully access personal communications technologies and evade the reach of their own government's censors.

We trust that your agencies will engage in a thoughtful review of this letter and reconsider its current licensing policies regarding this matter. Further, we hope that this recent issue is not the result of any policy shift away from building bridges with the Iranian people through technology, but instead the result of unforeseen circumstances and technological developments outpacing current licensing. We would appreciate a meeting with appropriate representatives to discuss this matter in fuller detail and engage in a frank conversation regarding any concerns about broadening GL D-1. We thank you for your consideration, and we look forward to your responses.

Sincerely,

Access Now  
ASL19  
Center for Human Rights in Iran  
Electronic Frontier Foundation  
Iranian American Bar Association  
National Iranian American Council  
PARS Equality Center  
Public Affairs Alliance of Iranian Americans  
United4Iran