

Media and Internet under Control and Censorship

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Abstract

Free media inform the public, allow people's voices to be heard, and break the barriers of a closed society. Free media put pressure on autocratic regimes through revelations they make, and they become vessels of freedom. Free media provide breathing space for freedom and seeing the world in a better way. They question authority. They provide a medium for expression of different ideas. In the Islamic Republic there is no free media. People are in constant fear of the government. Journalists who work with both print and online media must operate in an environment in which they risk their publications being banned, and they themselves being threatened, imprisoned or worse. As a result, censorship by the authorities and self-censorship out of fear is widespread and is a massive issue in Iran today.

Biography

Mojtaba Saminejad is the founder and editor of RAHANA, a website documenting the work of an Iran-based human rights group opposing the repression of Iranian citizens. He studied journalism at the Islamic Azad University prior to his arrest, imprisonment and torture for almost two years due to his activities as a blogger. Reporters Without Borders recognized his blog as one of the best blogs defending freedom of expression in 2004.

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Banned Media and Imprisoned Journalists

Journalists have been target for suppression since the establishment of the Islamic Republic of Iran. Except for short periods in which the media have had relative freedom due to the political circumstances of the time, the Islamic Republic has continuously detained journalists and banned various media outlets. The vast majority of these actions have been in violation of the Constitution of the Islamic Republic and the laws governing media. Even during the 8-year presidency of Mohammad Khatami, which is referred to as the "springtime for media in Iran," more than a hundred newspapers were shut down by security forces or the judiciary, and journalists and bloggers were imprisoned in scores.³⁴ During this period the "Media Reform" bill, which was proposed by Khatami's government, was abandoned in the Iranian parliament after an order by Supreme Leader Ali Khamenei.³⁵

The Supreme Leader, who carries the title of the "Guardian Jurist," can issue any order, even orders superseding the Constitution. Using this authority, Ali Khamenei issued an order to the parliament of the Islamic Republic and its Speaker, and he effectively killed the Media Reform bill. This bill, which could have led to relative freedom and security for journalists, was never debated in the Iranian parliament.

The Constitution of the Islamic Republic and the laws governing the media have created several barriers for dissemination of information, and these laws effectively limit the media.

³⁴ See *Media during the Khatami era; smiling lips and crying eyes* by Jamshid Barzgar in original Farsi available on-line at: http://www.bbc.co.uk/persian/iran/story/2005/07/050728_a_jb_khatami_press.shtml [Accessed 17 April 2011]

³⁵ See *State Order* by Rajab-Ali Mazrooei, MP in the Sixth Majles published on-line at: <http://mazrooei.ir/post/241.php> [Accessed 17 April 2011]

Nevertheless, on several occasions, the security apparatus has taken upon itself to detain journalists for publishing various pieces, notwithstanding Article 23 of the Islamic Republic's Constitution, which states, "The investigation of individuals' belief is forbidden, and no one may be molested or taken to task simply for holding a certain belief."³⁶

Following the disputed presidential election in 2009, which led to widespread protests in Tehran and other cities, actions against media and arrest of journalists intensified. In 2009, Iran was ranked 172 among 175 countries in terms of freedom of the press. This alone shows the precarious situation of media in Iran.³⁷

Even though Article 24 of the Islamic Republic Constitution declares, "Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law," but in practice many publications were shut down following the 2009 presidential election and many websites were filtered even though they had not broken any law and could not reasonably be described as detrimental to Islam or the rights of the public. The legal process was not observed in a single case.

Section 12 of Iran's Media Law states, "Ministry of Culture and Islamic Guidance must, within one month, evaluate violations committed by publications either on its own or by the request of at least two members of the Oversight Committee. If necessary, the Ministry shall refer the matter to an eligible court for further action either directly or through the Oversight Committee."

Section 13 of this law allows the Media Oversight Committee to shut down media for specific offences, such as insulting Islam or the Supreme Leader, publication of state secrets, and inciting the public to act against the Islamic Republic. This Committee must, however, send the case to court within a week of shutting down a publication.

Examining the cases of the media that were shut down after the election shows that the Media Law was not observed in a single case. The authorities, based on their own determination, have banned media for the sole purpose of their political tendencies and closeness to the Reformist camp, and without going through the legal process.

Meanwhile the media that support the government can publish anything they want against those opposed to the government and the main figures within the government. They are free to publish lies, insults and false accusations. So far none of the complaints against pro-government publications has been properly addressed. A complaint against Kayhan by a number of prominent political and human rights activists, including Shirin Ebadi, was one clear example of such cases.

Following the 2009 election approximately 40 publications were banned and hundreds of websites and blogs have been filtered. As a result, thousands of journalists have lost their jobs. In 2010 alone 24 publications were banned by the authorities.³⁸

The detention of journalists has mostly been illegal. Article 32 of the Iranian Constitution declares, "No one may be arrested except by the order and in accordance with the

³⁶ See Article at: <http://www.iranonline.com/iran/iran-info/government/Constitution-3.html> [Accessed 17 April 2011]

³⁷ *Press Freedom Index 2009* published by Reporters Without Borders in Persian available at: <http://www.rsf-persan.org/article16946.html> [Accessed 17 April 2011]

³⁸ *Annual Report of the Human Rights House of Iran* for the year 1388 (2009) published on 2 Farvardin 1389 (22 March 2010) is published on-line at: <http://hrhi.org/?p=65> [Accessed 17 April 2011]

procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible." Journalists, who have not committed a crime, have been arrested solely for working in media that were critical of the government. They have been detained for months, without an arrest warrant, without being officially charged with an offence, and without an official case made against them.

In most cases arrested journalists have been tortured in order to extract confessions, even though Article 38 of the Islamic Republic Constitution bans torture for obtaining confession and considers any confession given under torture to be without legal merit.

In addition to clear violation of the law by security officials and the judiciary, the government explicitly pressures the few critical media that are still operational in order to prevent them from criticising the government and publishing any material that might suggest a protest movement exists in the country. The latest example of this was a directive which ordered the media to refrain from publishing the name, picture or any news about Mir-Hossein Mousavi, Mehdi Karroubi or Mohammad Khatami.³⁹ It should be noted that Section 4 of the Media Law states, "No governmental or non-governmental official has the right to exert pressure on the media in order to publish an article or a piece, or to try to censor or control the media."

According to Reporters Without Borders, around 80 journalists fled Iran following the 2009 presidential election. The Iran Human Rights House reports that in 2010 alone 43 journalists were convicted and 147 were arrested.⁴⁰

Filtering as the First Step in Confronting the Internet

The Islamic Republic has long been a closed government that tries to disrupt the free flow of information. In recent years it has tried very hard to do the same in cyberspace as well. When the government came into power in February 1979 it took control of the print media, radio and television, and it was comfortably in control. With the advent of the Internet, however, new challenges arose and the regime faced a new medium over which it could not so easily exert the same level of control.

Ahmad Jannati, Secretary of the Guardian Council, mentioned the Internet for the first time in a Friday Prayer Sermon in 1998. Referring to sexually explicit websites, he said that Internet is a bad thing and it should be blocked.

At that time few thought that confronting sexually explicit websites would become a pretext for filtering news and political websites and blogs, while sexually explicit websites have remained to varying degrees accessible to the public. Two years after this speech, the High Council of Cultural Revolution adopted a regulatory framework for filtering websites, and it put providing Internet service under the exclusive control of Islamic Republic of Iran

³⁹ *Effort towards Media Boycott of Mousavi and Karroubi in Iran* published on-line by BBC Farsi on 12 September 2009 at: http://www.bbc.co.uk/persian/iran/2009/09/090912_wmj-newspapers-ban.shtml [Accessed 17 April 2011]

⁴⁰ Detailed and Statistical Report on Violations of the Rights of Journalists and Media in 1388, published by Iran Human Rights House available on-line at: <http://www.rahana.org/archives/7843> [Accessed 17 April 2011]

Broadcasting, the state radio and TV organisation. The High Council of Cultural Revolution claimed that filtering would be limited to pornographic websites.

In November 2001 the Council created the Committee to Determine Illegal Internet Websites. The Minister of Culture and Islamic Guidance, Minister of Intelligence, Minister of Communications and Information Technology and Minister of Justice were members of this committee. Later, the police, the Minister or a representative from Ministry of Education, the Head of the Islamic Development Organisation, the Head of Islamic Republic of Iran Broadcasting, an information technology expert appointed by the Majles Industries and Mines Committee, and a Majles representative selected by the Majles Judiciary Committee were added to the Committee to Determine Illegal Internet Websites. This committee became the chief obstacle against free access to information through the Internet.

After this point news and political websites, as well as websites opposed or critical of the Islamic Republic were filtered. At that time there was no law establishing Internet offences and punishments associated with it. Government officials only relied on the resolution adopted by the High Council of Cultural Revolution.

Filtering of websites and blogs continues in Iran, and there are no accurate statistics on the number of websites and blogs filtered in Iran. In January 2009 Mehr News quoted Abdol-Samad Khorram-Abadi, a legal adviser to the Attorney General's Office, as saying that at least 5 million websites had been filtered.

First Action Against Internet Users

Once Iranians became familiar with the Internet, blogging and creating of news websites, the government's concern regarding the Internet grew, and it began taking actions other than filtering. The first such action was the widespread arrest of bloggers and some Internet users in 2004. Scores of bloggers were detained and physically tortured in prison. This writer was one of them.

In 2004 Judge Mortazavi, the Tehran Prosecutor, created an "Internet Office" within the judiciary. This institution was responsible for arrest of bloggers. This office was linked to the Revolutionary Guards. This office became inactive after several bloggers who were tortured revealed the details of their torture after their release. Yet, this office became active again in 2008 under the name of "The Revolutionary Guards Center for Study of Organized Cyber Crimes."

Several other bloggers and Internet users have been arrested over the years by several security and judicial institutions. One of the most prominent bloggers was Omid-Reza Mir-Sayyafi, who died while in prison.

Entry of the Revolutionary Guard in Cyberspace

After the establishment of the Revolutionary Guards Center for Study of Organized Cyber Crimes, the Revolutionary Guards actively sought to fight the free flow of information in cyberspace. On March 20, 2009 the Revolutionary Guards stated that it "has tracked and identified several members of organised networks who campaigned against religion, security, culture, public decency."

After the 2009 election and the protests in its aftermath, the Revolutionary Guards Center for Study of Organized Cyber Crimes issued statements and accused several news and political websites of propaganda against the Islamic Republic and dissemination of rumours through the Internet. The Center requested website administrators and bloggers to delete content provoking what they call rumours and disorderly conduct, otherwise they "would be dealt with severely." The same threat was also issued by the Revolutionary Guards a few months before the election.

In 2009 and 2010 this Center arrested scores of bloggers, website administrators and Internet users, and it hacked websites critical or opposed to the government. It played an important role in censorship and maintaining a closed society. Individuals arrested by this Center have written letters detailing shocking accounts of physical and mental torture. Many of them were forced to make televised confessions. Two of them, Vahid Asghari and Saied Malek-Pour have been sentenced to death.

After the 2009 election, through the use of its website Gerdab, the Center published pictures of protesters and asked for their identification, which led to the arrests of several protesters.

Adoption of Laws for Further Control

The "Computer Offences Bill" was adopted in the summer of 2006 in Majles, while prior to that several web writers and users had been arrested and many sites had been filtered. This bill allowed the judiciary to create the "Special Prosecutor's Office for Computer and Internet Offences." Based on this law Internet offences became a crime on par with theft and piracy, and the number of criminal offences increased in the country.

On November 2007 the government adopted regulation governing websites and weblogs. Based on this regulation, websites and weblogs that did not register with Ministry of Culture would be blocked. Upon registration, users are required to provide personal information such as their name, phone number, birth certificate number, home address and email address.

The Bill to Strengthen Punishment for Disruptors of Psychological Security, introduced in the Eighth Majles, was among the most important measures taken by the Iranian government to restrict web writers, bloggers and Internet users. Based on this Bill, creating blogs and websites that "spread decadence, prostitution or atheism" are on par with crimes such as piracy, armed robbery, forcible rape, formation of prostitution gangs, human trafficking and abduction with the intent to rape. This Bill equates Internet crimes with "waging war against God" and "corruption on Earth," which, according to the Islamic Penal Code, carries the death penalty. "Training senior Internet officers" and "creation of Internet police" by the Iranian police was another action by the Iranian government in recent years to exert more control over the Internet.

Internet after the 2009 Presidential Election

Despite all the threats, arrests and adoption of different laws and creation of various government offices, Internet remains the most important medium for (free) flow of information in Iran, so much so that the 2009 post-election protests were called the first "digital revolution." Internet users and citizen-journalists sent minute-by-minute reports from Iran to the rest of the world.

The Islamic Republic has continued its threats and arrests of journalists, online writers and Internet users in order to block the free flow of information. After the election, the Islamic Revolutionary Guards Corps officially threatened protesters who disseminated information in the virtual world with serious confrontation.

Since the 2009 election, the Iranian government has either shut the Internet down completely or caused massive disruptions on the days before and after planned protests in order to prevent Iranian protesters from spreading news of the protests in cyberspace. The latest examples were the protests held on February 14 and 20, 2011.

After the election, thousands of news sites and blogs were filtered. As stated earlier there are no reliable figures available regarding the number of such websites. Blog administrators have been forced to close the accounts of bloggers opposed to or critical of the government. Blogfa, which is one of the largest Persian language blog sites, has been forced to do this. The administrator of Persian Blog was also detained for a while.

Among the filtered sites are Kalame, which belongs to Mir-Hussein Mousavi, and Saham News, which belongs to Etemad-e Melli Party, chaired by Mehdi Karroubi. Mousavi and Karroubi are the protesting candidates from the 2009 presidential election and leaders of the opposition movement. In addition, Rahana, the website of the Human Rights House of Iran was filtered fifteen times within a seven-month period.

Conclusion

The Islamic Republic is continuously trying to restrict and filter the Internet through the purchasing of filtering technology and by taking control of communications networks. Meanwhile, state radio and television are under the full control of the government. The Islamic Revolutionary Guards Corps has purchased the shares of the Telecommunications Company of Iran and completely controls it.

Pro-government media freely publish whatever they want against those opposed to or critical of the government. Various TV programs are produced against protesters, and the security apparatus's version of the accounts against protesters is continuously published in pro-government media.

At the moment at least 38 journalists and bloggers are in prison, while many others are out on bail and waiting for their sentences.

The print media is under the full control of the government, and the government issues orders regarding publication of news in them. Journalists are suffering in prison and their publications cannot print what they want. Online writers and bloggers are under the constant threat of detention and are pursued by the security apparatus.

The Islamic Republic considers publication of news regarding torture of prisoners and suppression of street protests as an unforgivable crime and an act against national security, whether committed by professional reporters or citizen-journalists. Journalists have lost their jobs, been imprisoned, are pursued by the authorities or have left the country. News websites are filtered and the fate of Omid-Reza Mir-Sayyafi is the same threat that every journalist faces.

Because of the control that the government has over the print media, and despite the severe obstacles faced by Internet users as the Islamic Republic continues to contain it, the Internet remains the most important medium for disseminating information in Iran. Preventing the purchase of Internet control technology by the Islamic Republic and providing access to unrestricted wireless Internet for all Iranians is one of the most important things that can be done for Iranian people, as well as full support for imprisoned journalists and bloggers, who are serving their sentences in prisons such as Evin and Rajaie Shahr, is another way of assisting journalists in Iran.