



National Iranian American Council | Community. Democracy. Universal Rights.

January 23, 2019

IMO
555 Bryant St. #233
Palo Alto, CA 94301
United States

Dear Sir or Madam:

We are writing on behalf of the National Iranian American Council (NIAC)—the largest Iranian-American grassroots organization in the United States—regarding the recent blockage preventing Iranian and American IMO users from communicating with each other. According to reports, U.S.-based IMO users have had their Iran-based contacts erased over the past week with little to no explanation. While there are unconfirmed reports that Iranian authorities may have blocked IMO, we respectfully request clarification as to whether IMO itself has taken any action to limit communications between users based in Iran and the United States.

Given that IMO has been among the most popular messaging apps used by Iranians to contact friends and loved ones abroad, its loss of service has frustrated many in our community, who are now switching to competing applications such as WhatsApp that still connect U.S. and Iran-based users without issue.

Due to U.S. sanctions targeting Iran, U.S.-based service providers have taken steps to ensure compliance with regulations administered by the U.S. Department of the Treasury's Office of Foreign Assets Control. At times, these measures have veered into over-compliance, which has undermined personal exchanges between the U.S. and Iranian people. We are concerned that the erasure of Iranian user contacts from the IMO apps of American users may be the result of IMO's own efforts to comply with U.S. sanctions laws.

To the extent that this is the case, we respectfully note that OFAC has published General License D-1, which authorizes U.S. persons to export fee-based services incident to the exchange of personal communications over the Internet. This includes instant messaging, chat and email, social networking, and the sharing of photos and movies. We believe that there is a strong basis to conclude that IMO—which provides a communication service—would fall within the scope of GL D-1 insofar as it provides a service incident to the exchange of personal communications over the Internet. In such a case, IMO would be authorized to provide its communication services to Iranian users, including those resident in Iran.

We are keen to understand IMO's view of this matter, including whether IMO has taken any action that has resulted in the service interruption. To the extent that IMO has taken such action, we are also interested as to whether IMO has undertaken its own legal analysis as to this issue, requested interpretive guidance from OFAC as to the scope of GL D-1's application,

or sought specific license authorization from OFAC to provide its service to Iranian users in the case that IMO believes its service falls outside the scope of GL D-1. For instance, Section (d) of GL D-1 notes that specific licenses may be issued on a case-by-case basis for the exportation or provision of services incident to personal communications not specified in the license. To the extent necessary, we would strongly urge IMO to make use of this specific licensing policy so as to ensure that its services are provided to the broadest population set, including Iranian users resident in Iran. Doing so will help ensure that IMO does not undermine personal communication between the American and Iranian people in ways that are not just anathema to U.S. policy objectives, but that also appear facially discriminatory.¹

We strongly urge IMO to clarify the reason for this service interruption as soon as possible. If the disruption is the result of efforts by the Iranian government to clamp down on communication tools, the general public and policymakers deserve to know. However, if the fault is IMO's perceived compliance with U.S. sanctions laws, we urge IMO to carefully review its sanctions compliance procedures and ensure that the company is not implementing its policies in an unnecessarily blunt manner so as to discriminate against persons of Iranian origin. We urge IMO to take all the steps it can to enable U.S. and Iran-based users from communicating once again. It is vital that communications tools be widely available to the people of Iran, especially at a time when Iranians are being prevented from visiting the U.S. due to the Trump administration's discriminatory travel ban.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamal Abdi', with a stylized flourish at the end.

Jamal Abdi
President, National Iranian American Council

¹ For reference, please see our correspondence with the software company Slack:
<https://www.niacouncil.org/update-slack-responds-niacs-letter/>.