



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

September 10, 2024

Alena Douhan

Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of
human rights
Geneva, Switzerland

Alexandra Xanthaki

Special Rapporteur in the field of cultural rights
Geneva, Switzerland

Cecilia M. Bailliet

Independent Expert on human rights and international solidarity
Geneva, Switzerland

Dear Special Procedures Mandate Holders,

Please find enclosed the U.S. response to communication AL USA 11/2024 (097-24) dated May 23, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read 'Branka Bell', with a long horizontal flourish extending to the right.

Branka Bell
Acting Deputy Representative
Human Rights Delegation

U.S. response re. AL USA 11/2024

In response to your May 23 letter, the United States is a deeply committed proponent of Internet freedom and has undertaken extensive efforts to create an environment that fosters the exchange of information, including for purposes of participation in international organizations. More information about our authorizations and policies that support Internet access, as well as participation in international organizations, in countries you have cited is provided further down in this letter.

First, though, we wanted to make clear that there exists a far bigger impediment to the ability of citizens in these countries to access information about the wider world through the Internet – and that is the policies of their own governments. Authorities in these countries engage in extensive online censorship through actions such as Internet shutdowns, platform/website blocking, surveillance, and the development of localized “intranets.” These challenges in accessing the global Internet can ultimately impede UN functions. A number of trusted, open-source resources provide extensive, fact-checked information regarding Internet freedom in these countries. [REDACTED]

The United States government has prioritized Internet freedom as a major foreign policy focus for more than a decade. Intrinsic to the concept of Internet freedom is recognition that human rights and fundamental freedoms must be protected both online and offline. Just as people must be able to exercise their rights to freedoms of expression, association, religion or belief, and peaceful assembly offline, they must also be able to exercise these same rights online. We promote Internet access for all and the design, development, governance, and use of digital technologies in a manner that supports democratic values and institutions, advances societal and economic progress, and respects, protects and promotes human rights. At the same time, we seek to counter the misuse of digital technologies to repress, control, divide, discriminate, and/or disenfranchise. We advance these priorities globally through a multifaceted approach that combines bilateral diplomacy, engagement in multilateral and multi-stakeholder fora, and funding to civil society-led policy and advocacy projects.

With regard to access to telecommunication services, the U.S. government has issued broad authorizations under our existing sanctions programs in support of the free flow of information online:

- Iran (31 CFR § 560.540 updated on May 17, 2024, which codified the September 23, 2022 General License D-2),
- Russia (General License 25D updated on June 12, 2024),
- Cuba (31 CFR §515.578, updated May 29, 2024, and 31 CFR 515.542),
- DPRK (CFR §510.213), and
- Syria (31 CFR § 542.511 and 31 CFR § 542.519 updated on June 6, 2024).

The United States has similarly taken extensive efforts to mitigate any unintended impacts of sanctions with respect to the official business of international organizations. These efforts include the Department of the Treasury Office of Foreign Asset Control's (OFAC) issuance of general licenses related to the official business of certain international organizations and entities (IO GLs), which generally authorize a wide range of transactions for the conduct of the official business of enumerated organizations. The enumerated organizations include the UN, including its Programmes, Funds, and Other Entities and Bodies, as well as its Specialized Agencies and Related Organizations.

We note that these efforts are consistent with our broader policy goal of ensuring that sanctions do not unduly affect those not targeted. With regard to access to humanitarian goods, the United Nations Security Council adopted UNSCR 2664, which establishes a humanitarian carveout to the asset freeze measure across United Nations sanctions regimes. Consistent with UNSCR 2664, the U.S. amended the following authorizations: 31 CFR Parts 536, 539, 541, 544, 546, 547, 548, 549, 551, 552, 553, 555, 558, 562, 569, 570, 576, 578, 579, 582, 583, 584, 585, 588, 590, 594, 597, 598, and 599; as well as issued Supplemental Guidance for the Provision of Humanitarian Assistance. The United States implements measures intended to ensure that U.S. sanctions do not impact the provision of food, medicine, or other humanitarian goods to countries subject to sanctions, nor the conduct of humanitarian activities by non-governmental organizations. U.S. sanctions laws and regulations include exemptions and general licenses to facilitate the provision of vital humanitarian aid both to blocked persons and the exchange of information and informational materials in the jurisdictions identified in your letter. Additionally, the U.S. government issues specific licenses designed to ensure ongoing access to food, medicine, and other humanitarian goods.

In addition to steps the U.S. government has taken to mitigate the impact of economic sanctions-related restrictions on communications devices and software and the operations of international organizations like the UN, as described above, the U.S. government has taken similar steps under its export control system:

- With respect to Russia and Belarus, no U.S. government license is required to export consumer communications devices and software to subsidiaries and joint ventures of U.S. and allies/partner country companies in Russia and Belarus. A license exception is available authorizing the export of certain devices and software to independent non-governmental organizations in Russia and Belarus, as well as most individuals in those countries.
- With respect to the Crimea region of Ukraine and certain other temporarily occupied territories of Ukraine, no U.S. government license is required to export software necessary to enable the exchange of personal communications over the Internet.
- With respect to Cuba, certain license exceptions are available to authorize the export of consumer communications equipment and software as well as for exports for use by certain international organizations.
- With respect to Iran, transactions that comply with the terms and conditions of OFAC general licenses for personal communications devices and software do not require additional U.S. Department of Commerce authorization.

While we have taken great strides to create an enabling environment to support the free flow of information and participation in international organizations, and have publicly and privately engaged with the private sector in furtherance of that policy, U.S. and global companies make their own risk-based decisions related to compliance with U.S. and other international sanctions, as well decisions in response to identified commercial risk, which may result in their reluctance or refusal to engage in certain activities.

The U.S. government welcomes and responds to inquiries from the public concerning sanctions compliance to ensure that the business community understands the breadth of applicable exemptions and authorizations and to help prevent unnecessary de-risking due to their lack of understanding. Additionally, the U.S. government regularly issues public guidance to provide additional clarity on our actions, including our general licenses.