Under the Approving Gaze of Human Rights Violators

A Submission on ‘Arvan Cloud’ to the Sanctioning Authorities in the EU, US, UK, and Australia
Justice Beyond Borders is a human rights research organisation that seeks to utilise the international law, to free MENA communities from the impunity enjoyed by these actors.

Revelling in the unique expertise and insight of a vast network of lawyers, scholars and practitioners, Justice Beyond Borders produces investigation reports, legal analysis, and policy papers in areas that have been otherwise overlooked, that:

- Bolsters the existing accountability measures;
- Reactivates accountability mechanisms that have been dormant or ineffectual due to political or legal obstacles;
- Contributes to national, regional or international initiatives that advocate for, and raise public awareness to, the effective use of new and existing justice and accountability mechanisms.

*Cover photo: Abr Arvan Booth, The 25th Iran International Electronic, Computer & E-Commerce Exhibition (ELECOMP), Tehran, July 2019, Photo: Iman Behboudi*
1. Introduction

Launched in 2015 by a group of young IT experts during a conference organised by the then-Ministry of Information and Communications Technology (ICT), Arvan Cloud (alternatively referred to as Abr Arvan and registered as Noyan Abr Arvan Co. (Private Joint Stock), hereinafter ‘the Company’) is a Tehran-based IT enterprise. Specialising in a range of services such as public Content Delivery Network (CDN), cloud security, video platforms, live broadcasting, Infrastructure as a Service (IaaS), and Platform as a Service (PaaS), the Company's primary focus lies in delivering cloud and CDN servers.

FANAP Holding, a subsidiary of Pasargad Financial Group, held 65% of Arvan Cloud's shares in March 2022 and currently on its website, Arvan Cloud is showcased as one of its subsidiaries. Pasargad Financial Group (Arzesh Afarinan Pasargad Group) is affiliated with Pasargad Bank, which is linked to the Execution of Imam Khomeini's Order (EIKO). Both Pasargad Bank and EIKO sanctioned by U.S. Department of the Treasury.

On November 14, 2022, the Council of the European Union adopted restrictive measures against Arvan Cloud for its support of the Iranian government’s activities to control access to the Iranian intranet. Subsequently, on June 2, 2023, the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) designated the company, along with its two senior employees, Pouya Pirhosseinloo (co-founder and CEO) and Farhad Fatemi (co-founder, tech lead, and senior site reliability engineer), as well as an affiliated company based in the United Arab Emirates. This action was taken due to their involvement in facilitating the Iranian regime's censorship of the Internet in Iran.

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1. ‘Abr Arvan’ on ‘Fanap-Companies’, accessed 10 February 2024, https://fanap.ir/en/companies/%D8%A7%D8%A8%D8%B1%D8%A2%D8%B1%D9%88%D8%A7%D9%86/12696140.
4. ‘Fanap-Holding’, accessed 10 February 2024, https://fanap.ir/en/companies/%D8%A7%D8%A8%D8%B1%D8%A2%D8%B1%D9%88%D8%A7%D9%86/1/12696140.

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Adding to the international response, on September 13, 2023, Australia also designated Arvan Cloud, and on September 15, 2023, the UK government sanctioned the company for providing technology instrumental in repressing the Iranian people.

The “Council Regulation (EU) No 359/2011 of 12 April 2011 Concerning Restrictive Measures Directed against Certain Persons, Entities, and Bodies in View of the Situation in Iran” stipulates that in instances “where observations are submitted, or where substantial new evidence is presented” by the sanctioned individual or entity, “the Council shall review its decision.” Furthermore, the regulation mandates that the sanction list undergoes a regular review at least every 12 months.

The company holds a 49% share of the cloud market in Iran and continues to host a myriad of government websites. Notably, these include, but extend well beyond, the Office of the President, the Cabinet, the Islamic Republic News Agency, the Social Security Organisation, and the Ministry of Culture and Islamic Guidance.

Despite facing international sanctions, the Company has achieved a fourfold increase in operating income. Furthermore, it has maintained its ties with the ICT Ministry. In a July 2023 interview, the Company’s CEO confirmed that one of their data centres is situated within the International Payam Airport in Karaj which is owned by the ICT Ministry.

By submitting the following evidence, Justice Beyond Borders asserts that Arvan Cloud has not only been complicit in the systematic and widespread violation of the human rights of the Iranian people in the past, but the effects of its conduct persist and continue to impact the present. These rights include access to a free internet, the right to freedom of information and expression, and the right to privacy. Additionally, Justice Beyond Borders submits that the company has been indirectly involved in the systematic and widespread violation of the right

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17 See: https://who.is/whois/president.ir.
18 https://who.is/whois/dolat.ir.
19 https://who.is/whois/irna.ir.
20 https://who.is/whois/tamin.ir.
to life, freedom from torture, right to liberty, prohibition of enforced disappearance, and freedom of assembly. The company has failed to initiate any remedial action to address its contribution to the abuses.

Therefore, any upcoming review by sanctioning bodies should meticulously consider the compelling evidence and analysis presented by Justice Beyond Borders, shedding light on Arvan Cloud’s ongoing role in human rights violations.

2. National Internet Network (NIN)

Since 2005, Iran has been implementing the National Internet Network (NIN) to establish a secure and stable infrastructure network, often referred to as the Iranian intranet (Persian: شبکه ملی اطلاعات, Shabake-ye Melli-ye Ettelâ'ât). The NIN, defined by the Supreme Council of Cyberspace as "a network based on the Internet Protocol with switches and routers and data centres which allows for data requests to avoid being routed outside of the country and provides secure and private intranet networks". Originating in 2005 at the ICT Ministry, the project officially began in 2013 under Iran’s Fifth Economic Development Plan, with around $200 million allocated for development. President Hassan Rouhani signed an engineering program in September 2020. The NIN aims to challenge the Internet’s monopoly, leading to the deprecation of Cisco Systems routers and switches to achieve full independence.

The primary strategy for restricting access to information contrary to the rules of the Islamic Republic has been the filtering of websites and social media accounts. However, the NIN is viewed as a more enduring and sustainable plan in progress. If fully implemented, the Iranian population would be unable to access the internet beyond the permitted framework, even when utilizing VPNs or other tools designed to bypass the filtering system.

In accordance with the 'Master Plan and Architecture of the National Information Network,' sanctioned on 22 September 2022 by the Supreme Council of Cyberspace, Cloud and Content Delivery Network (CDN) servers are deemed fundamental components of the infrastructure, crucial for achieving complete independence from the outside world. These services, along with messaging, email, search engine, and operating system, are identified as ‘basic’ for the full functionality of the National Information Network (NIN). It is mandated that the government, either directly or indirectly through entities like Arvan Cloud, must offer these five basic services to ensure the complete operationalisation of the NIN.

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27 2021، های جادی درباره ابرآروان صحبت:۰۲۱، صحبتهای جادی دیاری ابرآروان، https://www.youtube.com/watch?v=z-3bp0gIRG4.
28 The original version of the document is available only for the users inside Iran at: https://majazi.ir//parameters/majazi/modules/cdk/upload/content/circularinformation/62/16031894828832h31cnc16n3s2n5mhesv2681.pdf. An archived version of the document is available at: http://web.archive.org/web/20210905153947/http://www.majazi.ir/cdk/func/getFile/file_ctp_id/49/fid/file_field/rul_file/file/MTYwMzE4OTQ4Mjg4MzJoMzMzFjbmMxYzU3M3MybjVtaGVzdmwyNjgxLnBkZg%3D%3D/.
29 Ibid.
3. Arvan Cloud’s Involvement in Human Rights Violations

Arvan Cloud provides cloud and CDN services to government offices, companies, and private businesses in Iran, reducing their dependence on, aiming to cease reliance on foreign companies. While such a contribution may be seen positively in a democracy or semi-democracy for economic development, it should be interpreted as a part of the government’s master plan to establish essential infrastructure for the National Internet Network (NIN). As stated in the preceding section, the Master Plan of the National Information Network (NIN) explicitly designates cloud and CDN services as indispensable components of its infrastructure. Notably, Arvan Cloud commands a significant 49% share of the entire market for cloud services, further underscoring its pivotal role in this crucial aspect of the NIN.

Arvan Cloud has facilitated the authorities in advancing their plan to implement a completely closed internet (intranet) for the population. Even before reaching this ultimate objective, the growing number of Iranian websites and platforms utilizing the company’s services, especially those offering crucial public services such as the public sector, banks, online shops, taxi applications, etc., enhances their independence from foreign service providers. Therefore, in the event of popular protests or social unrest, where the authorities aim to hinder the flow of online communications and limit the dissemination of information domestically and internationally, a total or partial internet shutdown will not affect both public and private essential services, allowing normal life to continue. This empowers the authorities to prolong internet shutdowns or restrictions as long as it serves their purpose, without concerns about disrupting their own office operations or causing unnecessary social dissatisfaction.

On 14 November 2019, in response to the abrupt tripling of fuel prices, protests erupted across the country.30 The Country’s Security Council meeting, led by the then Minister of Interior and participated by several high-ranking officials, including the former ICT Minister Mohammad Javad Azari Jahromi, opted to implement a total internet blackout as a measure to suppress the protests and conceal their brutal crackdown on demonstrators.31 While this incident was not the first time Iranian authorities blocked users’ internet access, it marked the longest and most severe internet shutdown up to that date, isolating protestors from each other and the outside world.

Over the ensuing days, security forces killed or severely injured thousands of people, including at least 23 children, and detained over 7,000 individuals, subjecting most of them to torture, ill-treatment, and other egregious human rights abuses.32 Enforced disappearance and sexual

abuse were prevalent during this period. The Iran’s Atrocities Tribunal (also known as Aban Tribunal), a voluntary body of five six internationally renowned lawyers, conducted a thorough and independent two-year investigation, concluding that the Iranian authorities committed multiple crimes against humanity. These crimes were identified as intentional widespread and systematic attacks on a civilian population based on planned, coordinated, and directed by the highest echelons of the State.\textsuperscript{33}

In late November 2019, Azari Jahromi, the Minister of ICT at the time, was sanctioned by the United States Treasury for his role in the Iranian regime’s widespread internet censorship.\textsuperscript{34} The regulation explicitly states, “In his government roles, Azari Jahromi played a role in launching Iran’s National Information Network (NIN), which has enhanced the Iranian government’s ability to monitor, restrict, and completely block internet usage in Iran.”\textsuperscript{35}

He is the same minister who promoted Arvan Cloud on several occasions. For example, on 25 March 2018, he posted a very supportive tweet about Abr Arvan that reads:

"If you need cloud computing services, I introduce Abr Arvan to you. These Iranian young individuals could produce a science-based product and provide a proper infrastructure for startups, in the time of the sanctions imposed on Iranians by the claimants of internet freedom."\textsuperscript{36}

Azari Jahromi also shared a picture on his Instagram, depicting him while visiting the Arvan Cloud Booth at Tehran International Exhibition on 19 July 2019, where he high-fived the

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\textsuperscript{35} Ibid.

\textsuperscript{36} MJ Azari Jahromi [@azarijahromi], ‘باین از جوانان کنم. محصولی دانش‌پژوهان ایرانی که بازی‌شان در تحفه‌های انرژی و زیست‌محیطی دانشگاه، ایران، نیازمند منابع باین کسب و کارهای نوپا باشد.
arvancloud.com/fa #کالای_ایرانی

Screenshot of Azari Jahromi’s Tweet, 25 March 2018

Azari Jahromi also shared a picture on his Instagram, depicting him while visiting the Arvan Cloud Booth at Tehran International Exhibition on 19 July 2019, where he high-fived the
company’s CEO, Pouya Pirhosseinloo. Mahmoud Vaezi, the Chief of Staff of President Rouhani at the time, is also present in the photo. Highlighting that Abr Arvan had secured its first foreign client, Azari Jahromi captioned the photo as follows:

“No loan, no rent, no astronomical budget, and no clamor over being national; they developed a crucial infrastructure service. Last night, they managed to provide service to more than fifteen thousand Iranian companies and acquire their first international client. Kudos to them!”

Some of the most pioneering figures in Iran’s internet access sector, such as Amir Emad Mirmirani, known by the nickname Jadi, have confirmed that promoting Arvan Cloud and enabling its unprecedented growth took place within a context where state control over online activities are severe. He has underscored that, through the expansion of cloud infrastructure, Arvan Cloud has played a crucial role in minimizing the costs associated with government-initiated internet shutdowns. Jadi was arrested in October 2022 in the midst of protests following the tragic death of Jina Mahsa Amini. Subsequently, he was sentenced to six years of imprisonment.

Another Tehran-based IT expert, ‘Hamed’, who arrived at a similar conclusion independently, has discredited the allegations made by Arvan Cloud in refuting their role in the development of the required infrastructure for National Information Network (NIN). In a 25-minute long video posted on his YouTube channel, he debunked the fallacies and deceptive arguments presented by Arvan Cloud.

After scrutinizing the 'Master Plan and Architecture of the National Information Network' from the Supreme Council of Cyberspace in comparison to

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37 ""Riding the Clouds": Abr Arvan Cloud Company and the Perspective of Internet Restriction in Iran", Zamaneh Media (blog), 29 August 2021, https://en.radiozamaneh.com/31799/.
38 ‘@azarijahromi • Instagram Photos and Videos’, accessed 4 February 2024, https://www.instagram.com/p/B0GDxpPg95q/.
39 ibid.
40 ibid.
42 "چیزی که در ایران کمک به نمایشگاه شبکه الکترونیکی ایران 2021" https://www.youtube.com/watch?v=UCmO3b4EO18.
Arvan Cloud’s projects and activities, Hamed reached the conclusion that the company has intentionally and voluntarily contributed to the development of the NIN. This contribution, made without coercion, has played a role in mitigating the social and economic costs associated with internet shutdowns, addressing both past incidents and potential future occurrences.43

Justice Beyond Borders submits that the situation can be only categorised as a 'mutually beneficial arrangement.' This implies that while Arvan Cloud is allowed to expand, it also aligns with the government’s larger plan – developing the necessary infrastructure for implementing the National Internet Network (NIN). In simpler terms, authorities perceive Arvan Cloud’s business plan as a component of their overarching strategy, aiming to have the capability to shut down the internet at will and for any duration.

The contribution of the company to the government’s master plan to implement the NIN was emphasized by a high-ranking employee of Arvan Cloud and admitted by the CEO, Pouya Pirhosseinloo, in a conversation between the two parties on X (formerly Twitter) a few days after the internet shutdown in 2019.

On November 25, 2019, the company’s employee, using the handle "aleskxyz," tweeted to Arvan Cloud CEO, Pouya Pirhosseinloo:

"Mr. Pirhosseinloo, my dear colleague,

What has made me feel very anxious is that our work improves the national internet infrastructure.

If we do our job well, the government can more easily cut off the internet.

I prefer nothing over the national internet.

I will reconsider my job [at Arvan Cloud] very seriously at the end of the year."44

Screenshot of the first tweet by Aleskxyz to Pouya Pirhosseinloo, 25 November 2019

43 Ibid.
44 The original tweet has been removed, but a screenshot is available on the Voice of America website at:
In response, Pirhosseinloo acknowledged what his employee argued and replied:

"Your words are correct, but we must look at the bigger picture: Whatever creates economic value in the country will increase the GDP and, consequently, enhance the power of governments."

The employee replied:

"Your words are right. I feel that the impact of our work is completely direct in online suppression.

You have witnessed that after the recent events [the November 2019 protests and internet shutdown], many businesses have requested to move their servers inside the country.

This was what [the IRI] had wished for many years!"
bolstering the NIN and facilitating internet shutdowns. Despite this awareness, they have actively and willingly continued to advance their projects.

The evidence available in the public domain also demonstrates the high level of trust the Islamic Republic authorities, in general, have in the Company, extending well beyond the former ICT. Some of the most important offices and governmental bodies, such as the Office of the President, the Cabinet, the Islamic Republic News Agency, and the Ministry of Culture and Islamic Guidance, are currently among Arvan Cloud’s customers.

This close relationship became even more strengthened in 2021, more than a year after the 2019 internet shutdown and brutal crackdown on protests, when the Company signed a Memorandum of Understanding (the MoU hereafter) with the Ministry of ICT to jointly implement the ‘Iran Cloud’ National Project with another company.

This project, launched by the Ministry of ICT, aimed to construct, operate, and transmit an integrated cloud network. On 31 January 2021, this project was introduced in line with the development of the NIN and the electronic government. Amir Nazemi, the Deputy ICT Minister, stated that the aim of this project is “to be independent of foreign services.” In short, Arvan Cloud has been chosen as one of the two main operative companies in the National Information Network development. The share of Arvan Cloud in the scheme included the development of data centres, cloud infrastructure, and services in five provinces.

Article Four of the MoU required the Company to “take all necessary measures and provide the required facilities which comply with the conditions of the Steering Committee, to abide by the conditions of national defence, public security, and the authority of the judiciary and other Iranian competent authorities.” The clauses of the article determine the scope of such a requirement, including providing “lawful interception (LI) of all equipment and services if necessary”, “management of shutting down and returning the access or restricting it and implementing short or long-term policies”, “assisting the responsible bodies, including intelligence entities in security and protection matters with no delay”, and “immediately implementing the orders of the Ministry of ICT or any other responsible state bodies regarding shutting down or changing the provided services”.

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47 See: https://who.is/whois/president.ir.
48 https://who.is/whois/dolat.ir.
49 https://who.is/whois/irna.ir.
51 Ibid.
54 ‘“Riding the Clouds”’. 
The article and its clauses clearly outlined that Arvan Cloud agreed in advance to cooperate with the Iranian authorities, including the Intelligence apparatus, to shut down or restrict its services that certainly affect the right of the users to access the internet. Moreover, by signing it and complying with it, Arvan Cloud is effectively implicated in the violation of the right to privacy by creating a backdrop for the state and security forces to intercept all equipment and services. The word ‘lawful’ in the phrase ‘lawful interception’ is not defined in the MoU or referred to any specific regulation or law.

Although Arvan Cloud argued that LI is “a universal legal concept that allows the police and national or international legal authorities to access the data of the users who have committed cyber felonies such as fraudulent transactions, illegal access to services and other illegal activities including phishing and child pornography” and that “all operators and service providers across the world are mandated to comply with lawful interception; in cloud infrastructure, this data includes the information of the cloud or domain owners”, the following elements prove otherwise:

1. The broad and ambiguous use of the word ‘lawful’ in a context like Iran where police and security forces, acting under the blank permission of the courts, have a long record of intercepting the private data of users, especially political dissidents, journalists, and human rights defenders, and consequently arbitrarily arresting them,
committing torture and ill-treatment against them, and eventually, after enduring grossly unfair trials that led to imprisonment and even death penalties, actually or potentially implicates Arvan Cloud, as a party to this MoU, in all those human rights abuses.

2. Even if the security and police forces go through a process mentioned in general laws of the country to obtain a lawful order for interception, those laws and regulations are themselves, against human rights rules, as examined in detail in the works of Amnesty International, Article 19, Human Rights Watch, and confirmed by UN Experts.

The ‘mutually beneficial arrangement’ between the government and Arvan Cloud, as well as the implementation of the MoU, have strengthened the infrastructure required for the implementation of the NIN and, on the way to that, given the authorities a much more open hand to impose total or partial shutdowns with no or much lesser concerns over the political, social, and economic consequences. Such measures were used during the first weeks of the 2022-23 uprising after the tragic death of Jina Mahsa Amini in the custody of the morality police. Similar to the crackdown on protests in November 2019, the security forces, judiciary, and high-ranking officials were involved in widespread and systematic violations of the protesters' human rights. The UN Special Rapporteur on the Situation of Human Rights in Iran stated that the violations could amount to crimes against humanity.

In sum, the publicly available evidence establishes that Arvan Cloud has made significant contribution to creating an infrastructure that, while rapidly scaling up its own economic interests, was aligned with the overall policies of the Islamic Republic to limit the access of the population in Iran to the World Wide Web, and promoted, facilitated, and empowered by them. Such infrastructure was also necessary to reduce the political, social, and economic costs of internet shutdowns in events such as the 2019 and 2022-23 anti-government uprisings. The evidence also points to the company’s management team being fully aware of the State master plan and willingly contributing to its furtherance by accelerating and broadening it on a massive scale even before signing the January 2021 MoU.

In December 2023, the former Deputy ICT Minister declared that Arvan Cloud had terminated its contract with the Ministry citing "controversies" as the reason. Nevertheless, the MoU was only a highlight in the long-standing relationship between the government and Arvan Cloud.

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Cloud, and even if it never materialized to the full extent, it still is a solid indication of the company’s agreement to internet shutdowns and restrictions in advance, as well as their full compliance with the laws and practices that violate basic human rights. The statement from the Company's CEO stands as another indication to support this argument. Referring to the contract with the ICT Ministry, he mentioned, "[it] was a very good project; we left the project for non-business and non-technical reasons."  

4. Legal Analysis

For the purpose of establishing a foundational body of argument, Justice Beyond Borders adopts the language of international criminal law (ICL) for legal analysis where it appears more suitable to comprehend the situation, its gravity, and implications. The threshold to substantiate an argument in criminal law is considerably higher than that used in the human rights law framework. In simpler terms, an act that amounts to an international crime is undoubtedly a violation of human rights.

Since the Nuremberg Trial and its subsequent proceedings against World War II criminals, including some industrial and corporate institutions, the principles of corporate legal responsibility have been established. This includes the individual criminal responsibility of those in positions of decision-making within the company, as well as the legal responsibility of the entity.

The European Union has a long track record of holding companies and their executives accountable for their involvement in human rights violations, utilizing restrictive measures or human rights sanctions against them. The new directive on corporate sustainability due diligence, informally agreed upon by EU co-legislators in December 2023, prescribes a set of new and stronger measures to hold companies accountable for human rights violations. According to the directive, EU countries will be able to launch inspections and investigations and impose penalties on non-compliant companies, including "naming and shaming" and fines of up to 5% of their net worldwide turnover.

The ongoing criminal proceedings in Sweden and France against European countries for complicity in war crimes and crimes against humanity in Sudan and Syria are rooted in the legacy of Nuremberg. In the case of Lundin, the Swedish oil company, although the company...
no longer exists in the previous name and underwent a rebranding process in 2022, its former executives have been charged and brought to court for crimes committed during their tenure.

It is also recognised in international criminal law that any person who knowingly and willingly contributes to the furtherance of a criminal plan can be held accountable, even if the contribution itself does not consist of a criminal act. It is not required that the person was also involved in formulating the plan. It is only required that the person knows about the criminal intention of those who initiate the plan.

In the case of Arvan Cloud, the evidence available on public domain as reviewed in the previous section establishes that they significantly contributed to the government master plan of creating a national internet network that will effectively prevent millions of people in Iran from enjoying their right to freedom of information, freedom of expression, and access to the internet. It will also intensify the level of control the State will have on dissident voices, as well as the level of oppression against them.

The ‘Council Regulation (EU) No 359/2011 of 12 April 2011 Concerning Restrictive Measures Directed against Certain Persons, Entities and Bodies in View of the Situation in Iran provides that both individuals and entities could be subjected to restrictive measures if they are “complicit in or responsible for directing or implementing grave human rights violations in the repression of peaceful demonstrators, journalists, human rights defenders, students, or other persons who speak up in defence of their legitimate rights, including freedom of expression…”’ (emphasis added).

On the 14th of November 2022, when imposing restrictive measures against Arvan Cloud, the Council of the European Union stated:

“Arvan Cloud is an Iranian IT company supporting the Iranian government’s efforts to control access to the Iranian intranet. Since 2020, it is a major partner in the project of the Iranian government, in general, and the Iranian Minister of Information and Communications Technology, in particular, to set up a separate, Iranian version of the internet. Such a national intranet with connecting points to the global internet will help control the flow of information between the Iranian intranet and the global internet. As such, Arvan Cloud is involved in censorship and efforts of the Iranian government to control access to information and to restrict exercise of fundamental freedoms in Iran.”

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government to shut down the internet in response to recent protests in Iran. Arvan Cloud is also associated with persons responsible for serious human rights violations in Iran, notably the EU-listed Iranian Minister of Information and Communications Technology.”

Justice Beyond Borders submits that for the following reasons, Arvan Cloud was and still is complicit in human rights violations, particularly through its knowing and willing contribution to the Islamic Republic master plan, known as NIN. The evidence of Arvan Cloud’s significant contribution to the implementation of the government plan to establish an intranet that controls access to the population of Iran, intensifies censorship, and leads to internet shutdowns must be understood in two folds, and within the specific context of Iran:

1. **Indirect contribution:**
   Since its inception in 2015 to date, under the approving gaze of the Iranian authorities and benefiting from facilitation and relaxation in obtaining permissions and other legal and procedural requirements from the government, Arvan Cloud has developed and expanded its cloud services to an unprecedented level. This included providing services to several major government bodies. The evidence reviewed in the previous section confirms that Arvan Cloud’s executives were well aware that such a business plan is encouraged by the government as it advances the infrastructure required to establish the NIN and shut down the internet in times of unrest and uprisings, at least as of late 2019, and yet, continued it with no change in their business plan. By furthering the infrastructure, the Company has enhanced the government’s ability to violate the basic human rights of the people in Iran to a large degree. While the impact of such contribution is still ongoing, Arvan Cloud and the negative impact of its business plan continue to grow and never stopped. Such indirect contribution certainly falls within the realm of complicity in committing human rights violations.

2. **Direct contribution**
   By entering into the MoU in January 2021, Arvan Cloud accepted to directly contribute to the development of the NIN in at least five provinces. It also agreed to fully collaborate with the government to shut down services, which in the national internet network means shutting down the internet, as well as allowing the police and security forces to intercept user data. Even if, as Arvan Cloud argues, the MoU’s obligations were never materialized due to them pulling out of the contract, the mere signing of the MoU demonstrates that the Company a) was fully aware that the contract involved violations of the right to privacy, as well as violations of the right to freedom of expression and information in a widespread and systematic manner, such as shutting down the internet, and still made the commitment, b) had no problem with serving the government’s purposes by implementing it as it was. It clearly shows the level of trust between the Iranian government and Arvan Cloud, as only two companies were privileged to be partners for the government in the NIN projects. It is noteworthy that despite the existence of many IT companies and startups with great potentials, only a handful of them have been allowed to grow to a degree that they are able

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73 Council Regulation (EU) No 359/2011 of 12 April 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran, 2022, no. 11.
to execute national projects, and Arvan Cloud has been one of them. In a country like Iran, such trust can only be granted to those in complete agreement and harmony with the government's overall policies in the field. Entering the MoU itself, even if it remained inchoate, included all elements of a conspiracy to commit human rights abuses, recognised as a substantial wrongdoing in the legal systems of many civilised countries.

3. General Observations

Arvad Cloud has also argued that as a Cloud company, it is only a service provider and cannot play any role in shutting down the internet or any other wrongdoing. This argument has been proven wrong in previous paragraphs by demonstrating evidence of Arvan Cloud’s executive knowledge of the government’s ultimate goal and the role they have been playing in furtherance of the goal. The only thing that should be added is that the context of the Islamic Republic, where Iranian IT companies operate, cannot be equated with democratic or even semi-democratic contexts. Actions do not take place in a vacuum, but in a certain context that cannot be omitted or overlooked under any circumstances. A shopkeeper who sells a knife to someone whose aggressive face, violent body language, and words imply his intent to commit murder is complicit in the man’s crime and cannot walk away by saying that they are just a knife shopper and only sell knives.74

Arvan Cloud has not been forced or coerced, neither in developing a business plan that contributed to the NIN as the government master plan, nor in entering the MoU with the government. The executives of Arvan Cloud and their investors made an informed, cold-blooded choice that must be held accountable for its negative impact on human rights. The choices that led to the development of an infrastructure that violates the rights of millions of people in Iran have not been undone and cannot be undone. The company has never offered an effective remedy to the affected population or tried to reconcile with them through acts such as public admission or sharing information.

The argument that the former Minister of IT, who was their promoter, is no longer in power, or they are no longer a party to the government’s program to fully establish NIN, and as a result, they should be removed from the sanctions list is as absurd as saying that although someone caused serious injury and has never been held accountable, that person is no longer killing or intent to kill anymore!

International law and European state practices establish the continuity of corporate responsibility to respect human rights. It stipulates that once a legal entity is implicated in gross human rights abuses, changes in management or company policies, and even dramatic alterations leading to the company's cessation or dissolution, cannot dismantle the rights of

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74 While this submission is being prepared, there is an ongoing case in the United States where the parents of Ethan Crumbley, a 15-year-old who opened fire on November 30, 2021, killing four classmates and injuring six others and his teacher with a semi-automatic handgun his father had bought him as a Christmas gift days earlier, are being charged with involuntary manslaughter. See: https://news.sky.com/story/teenager-who-killed-four-classmates-in-detroit-with-gun-given-to-him-for-christmas-jailed-for-life-13026036.
the victims for remedy or compensation. A prominent example illustrating this concept is the legal actions taken against I.G. Farben.

I.G. Farben, a German chemical and pharmaceutical conglomerate formed in 1925 from a merger of six chemical companies (BASF, Bayer, Hoechst, Agfa, Chemische Fabrik Griesheim-Elektron, and Chemische Fabrik vorm.),\(^75\) played a major role in advancing the Nazi war machinery and the operation of concentration camps. The directors of I.G. Farben were tried and convicted by the Nuremberg Tribunal and its subsequent trials,\(^76\) and the company was seized by the Allies and officially put into liquidation in 1952.\(^77\) However, the families of Holocaust victims have continued to take legal actions against companies such as Bayer that still operate to date.\(^78\)

Therefore, the significant contribution and complicity of Arvan Cloud in the aforementioned human rights violations cannot be remedied by publishing statements to condemn online censorship or the monopoly of providers filtering, while at the same time, they maintain their trustworthy position among the Islamic Republic ruling class, benefiting financially, politically, and securely.

5. Conclusion and Recommendations

The evidence examined in this submission, tested against legal principles, confirms the complicity of Arvan Cloud in implementing grave human rights violations. Arvan Cloud has enabled the Islamic Republic of Iran (IRI) by facilitating the intranet idea, advancing Iran’s disconnection from the world, and reducing the cost of internet shutdown for the government. Based on this conclusion, Justice Beyond Borders submits that Arvan Cloud and its executives must remain listed as human rights violators in any upcoming review by the sanctioning authorities.


