

[Draft] Statement of the Noncommercial Stakeholders Group (NCSG) on the Suspension of Domain Services

To: Internet Society, Public Interest Registry (PIR); Identity Digital

From: The ICANN NonCommercial Stakeholders Group (NCSG)

Date: 28 September 2026

Background

Domain name services have increasingly been affected by local policies and laws around the world, suspending access to an entire platform and affecting third party access to digital services. The suspension of domains often happens without proper notice and an appeals process in place. The processes are opaque and do not provide the domain name registrant with an opportunity to preserve access to legitimate services or provide evidence to correct errors. Suspension of domains is one of the bluntest mitigation mechanisms that can affect people's access to many digital services. This letter addresses a recent example of this and asks for certain measures to be taken when domain name registries have to take action because of the applicable law.

On 26 August 2026, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) designated Autistici/Inventati (A/I), an Italy-based nonprofit collective that has provided free email, hosting, mailing lists, and related services to activists, journalists, and civil society organisations since 2001, a "Specially Designated Global Terrorist" pursuant to Executive Order 13224 and added it to OFAC's Specially Designated Nationals and Blocked Persons List. OFAC's stated basis is that A/I provided hosting, encrypted email, and chat services to groups it alleges are linked to the Kurdistan Workers' Party (PKK). A/I has publicly and categorically rejected these allegations.

An SDGT designation blocks any US persons and companies from working with the designated entity – including PIR and Identity-Digital, which manages the '.org' top-level domain and provides registry services, respectively. Legally required to comply with the order, PIR put A/I's domain on a serverhold).

In the two weeks that followed, A/I's domains stopped resolving, and on 6 September 2026, A/I announced it was ceasing operations. By its own account and independent reporting, the shutdown affected approximately 16,000 mailboxes, 1,500 websites, 5,500 mailing lists, and 10,000 blogs. The overwhelming majority of those services belonged to individuals and organisations with no connection to the conduct alleged in the designation and had not themselves been named, designated, or accused of wrongdoing.

The designation itself demands scrutiny

NCSG recognises any governments' legitimate responsibility to address terrorism and other unlawful conduct. That responsibility must be exercised consistently with legality, due process, and freedom of expression and association. When a national measure foreseeably disrupts the communications of thousands of people in other jurisdictions, on other continents, through globally shared Internet infrastructure, the responsible government must consider its extraterritorial impact and demonstrate that the measure is necessary, proportionate, and appropriately targeted.

Otherwise, shared Internet infrastructure risks becoming an instrument for the unchecked and unquestioned extension of state power across borders. Immediate severance was not necessary

OFAC did not require immediate severance. Alongside the designation, it issued Counter Terrorism General License No. 36, authorising U.S. persons to wind down transactions involving Autistici/Inventati through 12:01 a.m. EDT on 25 September 2026. That license exists to give registries, registrars, and other U.S.-connected infrastructure providers roughly a month to **notify** affected users, arrange an orderly migration, and avoid unnecessary disruption. In this case, the registry cut off services to A/I far ahead of that deadline. The NCSG is looking to the parties to better understand the reasoning behind implementing the service cut immediately, rather than at the end of the wind down period. To the extent that any recipient of this statement caused, requested, or maintained the suspension before the licence expired, **we ask PIR (and ISOC by virtue of its relationship with PIR) and Identity Digital to explain why the authorised wind-down period was not used.**

This is a human rights and due process concern, not only a compliance question

The underlying allegation has not been tested by any court or independent body, and A/I explicitly disputes the allegations. The population actually affected is not A/I as an organisation, but the roughly 16,000 individual users who relied on it, many in contexts where alternatives are scarce and a sudden, unannounced loss of email and hosting has real safety and accessibility consequences, not to mention the consequences for freedom of expression. Restricting rights at that scale, with no individualised assessment of who is actually affected, is the disproportionate impact human rights due diligence exists to prevent.

PIR has publicly committed to this kind of assessment: it worked with ARTICLE 19 and the Danish Institute for Human Rights on a [human rights impact assessment](#), built commitments to freedom of expression and access to remedy into its policies, and set up an [appeal process](#) for .ORG registrants. We'd like PIR to say how that framework was applied here, and if it wasn't, why not.

A precedent with consequences beyond this case

Whatever the merits of the underlying designation, the manner of this shutdown sets a precedent: a small number of U.S.-based registries and registrars can, with far less notice than the government itself allowed, cut off tens of thousands of users from core communications infrastructure over a foreign policy determination that has not been independently reviewed. Governments already citing dependency on U.S. jurisdiction as grounds for data localisation and alternative DNS arrangements will read that precedent closely. How ISOC, PIR, and Identity Digital handle this case matters to anyone who wants to ensure the domain name system remains resilient and rights-respecting in the face of unilateral state action.

What we are asking

We ask ISOC, PIR, and Identity Digital to each, independently:

1. Issue a public statement of its position on this matter, including whether and how the General License 36 wind-down period factored into the decision to disrupt A/I's domain services before 25 September 2026;
2. Clarify what process, if any, preceded that decision; which entity initiated or instructed each domain status change; what contractual or legal provision was relied upon; whether A/I received notice and an opportunity to respond; and whether [PIR applied its human rights impact assessment framework and appeal process](#);
3. Publish a standing, transparent procedure for how OFAC and comparable designations will be handled in future, including a presumption in favour of using any available wind-down period before service is disrupted; and
4. Explain what contractual safeguards, escalation procedures, and human-rights due-diligence requirements apply when government sanctions lead contracted parties to suspend domain names without a court order .

Finally, we ask all parties to engage with the NCSG and the wider ICANN community on building resilience against this kind of unilateral, extraterritorial disruption of the domain name system going forward

Human rights and the rule of law are not opposing principles here. OFAC's own general license shows that compliance with the designation and continued service for uninvolved users were compatible for a month. We're asking ISOC, PIR, and Identity Digital why that compatibility wasn't preserved.