



## **Dangerous Charges Brought Against Pavel Durov By France**

*This transcript may not be 100% accurate due to audio quality or other factors.*

**Glenn Greenwald (GG):** On last week's episode we covered, but we understood right away it was the very disturbing, and from the perspective of internet freedom, very dangerous news that the Russian born founder and CEO of the privacy app platform telegram, That is used by close to a billion people on every continent around the world to speak with privacy and with freedom, was detained by the French police immediately upon landing his jet in Paris. Now, one of the mysteries of that incident was why would he go to France, given what I'm certain had been the informed and understood risk that he might be arrested in France, given the French government's growing anger with free speech platforms, including Rumble, which is no longer available in France, and one of the reports from a reliable French newspaper suggested that the reason Pavel Durov travelled to France was he was invited to lunch by French President Emmanuel Macron, which certainly seems to have been a pretextual invitation designed to lure the Telegram founder onto French soil so that he could be arrested and then prosecuted. There was a lot of speculation about what those charges were. We covered a press release by the prosecutors that didn't make clear explicitly that it was about Pavel Durov on Monday night, but now we have confirmation that the detention was based on a series of charges that a court has in its first instance found, is a plausible and reasonable set of crimes that weren't further investigation and that require Pavel Durov to remain in France, bar him from leaving France, paid millions of dollars in order to be free. And if you look at this indictment, which we're about to show you, essentially it would be the end of internet freedom. It would be the clear message to anyone who has any sort of tech platform, whether it be Rumble or Twitter or anything else, that they had better start immediately and unquestioningly complying with every order from every government, including Western European governments, not only about the censorship orders those governments issue, but also their demands to have fallen unfettered access to the private data information of every user. And if they even think about failing, if they don't build their system to give these governments a back door, they very well may end up being criminally prosecuted, and if Pavel Durov, a multi-billionaire, can be, obviously any of the other ones can as well. Now let's go back to the top a little bit, and we will see the document released by the French

prosecutors today. Just to give you a sense for how sweeping and deliberately dangerous these charges are. There's the prosecutor of the Republic and this is his statement, quote, "Pavel Durov, founder and CEO of instant messenger and platform Telegram, was arrested in the outskirts of Paris on Saturday, the 24th of August, then taken into police custody at 8 p.m.. This measure comes in the context of a judicial investigation opened on the 8th of July, 2024, following a preliminary inquiry initiated by section J3 of the Paris Public Prosecutor's Office, specifically the organ that fights against, quote, ' cybercrime'." The document goes on, quote, "This judicial investigation was opened against persons unnamed on charges of, quote – and there's a variety of charges that we told you about on Monday night called complicity, in which it's alleged that a variety of users on telegram, not Pavel Durov, but other users, use Telegram to engage in various crimes, whether money laundering or sale of prohibited technology or the sale and transfer of child pornography. And the charges against Pavel Durov stemmed from a theory that, as the operator of the social media platform, he can be criminally liable for the criminal acts of anybody who uses his platform. Which, as I said when we first reported this, would be akin to arresting AT&T executives and charging them with the crimes of allowing people to have a platform who, say, use the telephone to commit and plan criminal acts. Obviously, the second that you bring on a prosecution like that, the telephone companies will be highly incentivised to shut down the accounts of any conceivable person who even breathes an ounce of dissent and only allows people who are full fledged explicit supporters of the US government or its ideological dogma to communicate. It's the same analogy for operators of these tech platforms. Now, in addition to all of these complicity charges, meaning if someone commits a crime using your platform, so somebody uses Twitter to spread criminal disinformation in France, and then Elon Musk can become criminally liable for that or Mark Zuckerberg can be if that happens on Facebook, there's also other charges here that are even more disturbing, including, quote, "The refusal to communicate at the request of competent authorities, information or documents necessary for carrying out and operating interceptions allowed by law". In other words, when the French government wants Telegram to turn over information about its users, even though Telegram is constructed with an encryption shell, that makes it impossible even for Telegram to find out that data, simply building a privacy app with encryption that cannot have a back door, that does not have a backdoor that allows the government or even Telegram to enter, is itself now a criminal offence that can not only result in prosecution of the corporation or fines of the corporation, but arrest of the individuals who are running that corporation. Now, if we go down a little bit, we will see there's a bunch of complicity charges. But then there's also this charge that is unbelievably alarming, quote, "Providing cryptology services, aiming to ensure confidentiality without certified declaration". In other words, anybody who provides encryption, which was the technology that really became popular after the Snowden reporting as a way for people to protect their communications from government intervention, simply providing encryption, and the second charge here is, quote, "Providing a cryptology tool, not solely ensuring authentication or integrity monitoring without prior declaration", any kind of encryption that doesn't allow the government to have a backdoor to have full access to, is now a criminal offence that can subject the heads of these technology companies to prison. Now, as we're about to show you, Pavel Durov explaining in just a little bit, but this is going back to the Snowden reporting and even back to the controversies of the 1990s, when the

Clinton administration tried to exploit the terrorist attack in Oklahoma City to say, look, there are these dangerous domestic elements that we cannot allow to use the internet using encryption and hiding behind encryption, we need to monitor what they're saying, and so we have to have a backdoor into the internet. And the reason why that's so dangerous is the minute that you build a backdoor into any kind of encryption service, you can't just have a backdoor that can be used by the government. Once you have a backdoor, it can be used by anybody. Imagine if that your house, you have extreme amounts of security at the front of your house, and then you say, let's build a back door that's very easily accessible, because we want our neighbours to be able to come in when we're travelling or we want our kids, if they come home when we're not here, to be able to enter our house. You can build a backdoor that will allow that, but that back door can be used by anybody else. They can circumvent all the security measures you put in the front and so criminals or people who have extremely malicious intentions against you, government agents without a search warrant, everybody can use that back door. Once you have a backdoor to encryption, it's not encryption any longer. It now has an opening for terrorist groups, for non-state actors, for governments all over the world to invade the system, and cryptology, encryption is basically an illusion. Now, if we go down to the next document, just to get a sense here for how it's being reported by the New York Times today, quote: *The Telegram founder Charged With Wide Range of Crimes in France*. "Pavel Durov, who was arrested near Paris over the weekend as part of a broad investigation into criminal activity on the platform, was also barred from leaving the country. Durov, the entrepreneur who founded the online communications tool Telegram, was charged on Wednesday in France with a wide range of crimes related to illicit activity on the app and barred from leaving the country. It was a rare move by legal authorities to hold the top technology executive personally liable for the behaviour of users on a major messaging platform, escalating the debate over the role of technology companies in online speech and the limits of their responsibility. Mr. Durov, 39, who was detained by French authorities on Saturday, was placed under formal investigation on a range of charges, including complicity and managing an online platform to enable various crimes and a refusal to cooperate with law enforcement. Laure Beccuau, the Paris prosecutor, said in a statement that Mr. Durov had been ordered to pay a bail of €5.5 Million, and was released but must check in at a police station twice a week. If Mr. Durov was eventually convicted, he could face up to ten years in prison, the prosecutor said." Ten years in prison, not for committing any crimes, but providing a social media platform designed to enable privacy and free expression that were used by other people to commit crimes.

Here is the European version of Politico today, adding a few details. There's the headline: *France charges the Telegram CEO Pavel Durov, releases him on €5M bail*. Quote, "The Russian born tech tycoon faces six charges and is barred from leaving France". "French authorities on Wednesday indicated Telegram CEO Durov with six charges related to illicit activity on the app. The charges include complicity and managing an online platform for illegal transactions in organised groups, and refusal to cooperate with law enforcement authorities, the Paris prosecutor's office said in a press release. Quote, 'The only statement I'd wish to make is that Telegram is in conformity with every aspect of European norms on digital matters. It's absurd to think that the head of a social network is being charged,' Durov's

lawyer David Olivier Kaminski said after the announcement." I just want to stress here how dangerous some precedent this is. And you don't have to use some sort of farfetched, extreme extrapolation of some kind of extreme case that might come from this precedent. It's designed to do exactly this. If Elon Musk allows free speech on Twitter or on X, as he has been doing, and the EU concludes that some of the views that Musk allows to be expressed on X constitute criminal disinformation, as EU officials or Brussels bureaucrats decide, those views are false and therefore disinformation, then Elon Musk and X itself can be criminally liable for allowing a platform to be used to spread or express political opinions that the EU government has wanted to make unconstitutional. That's the purpose of this indictment, is to create a precedent where exactly that can happen.

Now, if you go down a little bit to the next article from the New York Times, it explores, another one does, the article from today, what the precedents are. One with the title, quote: *Can Tech Executives Be Held Responsible for What Happens on Their Platforms?* Quote, "The arrest of Pavel Durov, Telegram's founder, as part of an investigation into illicit activities on the messaging app, set off worries about the personal liability of tech executives." "This month X closed its Brazil operations after one of its executives was threatened for not taking down certain content. Last year, Changpeng Zhao, the founder of Binance, the parent company of TikTok, pleaded guilty to federal money laundering violations that took place on his cryptocurrency platform." Sorry, now that's not the parent company of TikTok, but that is a cryptocurrency and that was the charge brought against him. "In 2021, Twitter executives in India faced arrest over posts that the government wanted removed from the site. And on Wednesday, Durov, who founded the online communications Telegram, was indicted in France as part of an investigation into the platform's complicity, including crime's possible distribution of sexual abuse imagery. For years, internet company executives rarely faced personal liability in Western democracies for what took place on their platform. But as law enforcement agencies, regulators and policymakers ramp up scrutiny of online platforms and exchanges, they are increasingly considering when to hold company leaders directly responsible. That shift was punctuated by the charges against Mr. Durov, raising questions over whether tech executives like Meta's Mark Zuckerberg also risked being arrested when they next set foot on European soil". And remember the Rumble CEO Chris Pavlovski was in Europe at the time this happened, and he immediately got out of Europe, out of fear that they could do the same thing to him, particularly since France already banned Rumble from that country for the "crime" of refusing following French orders to remove Russian state media such as RT and Sputnik from the Rumble platform. The article goes on, quote, "Mr. Durov made himself a target with an anti-authoritarian ethos". Let me say that again," Mr. Durov made himself a target with an anti-authoritarian ethos that governments should not restrict what people say and do online except in rare instances, experts said. Unlike Meta, Google and other online platforms that typically comply with government orders, Telegram was also called out by French authorities for failing to cooperate with law enforcement. Tech companies are paying close attention to the legal liability that their executives may face. This year, Meta successfully fought to have Mr. Zuckerberg, its chief executive, removed as a named defendant in a lawsuit brought by New Mexico's attorney general against the company for child protection failures. In China, Russia and other

authoritarian countries, US tech companies have sometimes pulled out their employees to prevent them from being arrested". Let's just think about that. The other evil countries that were told about, the tyrannical, bad countries, like China and Russia, US tech companies have had to pull out their executives from Russia and China based on threats of arrest of those tech executives, from failing to comply with censorship orders of the Russian or the Chinese government. And once again, we have exactly, in the West, what we're told only the repressive bad countries do. The article goes on, quote, "The concern is employees will be used as a leverage," as leverage, like hostages, "to force companies to do things like remove content unfavourable to the government." This is the key part. If we can just highlight that again. This is the real game being played. They're going to throw around all kinds of allegations about child pornography and other harmful content being distributed on the platform. And as we talked about on Monday night, I have no doubt that's true. Just like if you allow free speech, some people are going to say hateful and damaging things. It's the price we pay for freedom. But this has always been the government's pretext for saying they need control of the internet. They need to protect you from predators, they need to protect you from terrorists. And in order to do that, they need to have full and unfettered access to all of your communications online, which the core of the Snowden reporting was that that is the goal of the NSA, is the complete elimination of privacy in the digital age. And when even the New York Times is saying here, if we can go back to that last sentence just a little bit up, is that the concern about what these prosecutions are really about, is that tech executives and employees of these companies will be used as leverage, meaning hostages, to force companies to do things like remove content unfavourable to the government. This is why I say that the dangers and menaces to internet freedom from this incident cannot be overstated. So many of these laws were implemented that all were designed to empower the government to control the flow of information over the internet, because of how scared they are about the proliferation of anti-establishment sentiments that can only now be heard on the internet. And they said out and especially after 2016 to institute a very systemic campaign to control the flow of information. And this imprisonment of a multibillionaire tech executive in France, not in Saudi Arabia or in Qatar, or in Egypt, but in France, in the heart of Western Europe, is designed to create a massive climate of fear among other tech executives to force them to immediately comply.

A few more details from the Wall Street Journal article today. Quote: *French Authorities Charge Telegram Founder Pavel Durov*. Quote, "The move opens up a deeper probe into whether the tech entrepreneur failed to counter the spread of illegal content on the app". "Durov has a murky history with governments around the world, which have sought to both target the entrepreneur and win him over. In 2018, French President Emmanuel Macron invited to move Telegram to Paris during a lunch meeting, The Wall Street Journal has reported." They wanted, the French did, to get Telegram into France as a way of getting it under their control, and when he refused, they turned him into their enemy to be imprisoned. Quote, " A year earlier, French spies had joined their counterparts in the United Arab Emirates to hack into Durov's phone." We are talking here about an extremely security conscious multibillionaire whose entire business is protecting privacy. And yet the French and the UAE ally hacked into his phone and monitored his communications. The article goes on, quote, "At

the time, French security officials were concerned about ISIS's use of Telegram to recruit operatives and plan attacks. For years, Durov imposed few, if any, restrictions on content shared on Telegram, despite mounting concern, particularly in Europe, that big online platforms were enabling illegal activity, spreading misinformation and fuelling racism and anti-Semitism". This is the heart of the matter. They're not really concerned with child porn or drug trade. This is a tiny little problem, that you would never subvert internet freedom to combat. What they're concerned about is that the Wall Street Journal just said, what the New York Times just said, namely, they want to make sure that they can criminalise the spread of what they regard as either disinformation or hate speech to be determined in the sole and exclusive discretion of governments around the world. And obviously, governments around the world are going to characterise as fake news or disinformation any reporting or any commentary that criticises them. That's what this is really about. The Wall Street Journal article goes on, quote, "The company ignored subpoenas and court orders sent by law enforcement authorities, which piled up in a rarely checked company email address, according to a person close to Durov. Telegram said it now complies at the European Union's Digital Service Act, which requires online companies to cooperate with authorities in countering the spread of illegal content on their platforms. Now ironically, this is all happening, this French crackdown on internet freedom, and obviously France is not acting alone, they're acting in concert with their European allies, as well as the American allies, who have the problem of the First Amendment, but the French do not, this is all happening at exactly the same time that the French government, the upholders of democracy and the rule of law, have decided to ignore the results of the French election. You may remember we covered extensively the first parliamentary elections for the EU and France, followed by the domestic elections for the parliament in France, where a left wing coalition won. Macron's coalition came in second, and Marine Le Pen's populist right wing coalition came in third. And the Macron sector not only didn't get a majority, they didn't even get the most votes, and yet they've just ignored this election. Macron's handpicked protege Gabriel Attal, continues to be prime minister. They just continue in power as though these elections never happened. Here is our friend of the show, Arnaud Bertrand, who we hope to have on this week to talk about this, who says the following: Quote, "It just keeps getting weirder. France's most renowned investigative newspaper reveals that Pavel Durov told the policeman who arrested him when he landed that he came to have dinner with Macron. Did Macron himself set up a trap to lure Durov to his arrest?" Now, Arnaud Bertrand has also been covering how the French election results have been just ignored. The Macron government just goes on governing, including in the French parliament, as though these elections never happened. These people who continuously claim that they have to control the internet to save democracy are the biggest severtes of it. Now we have our guest on the line, who I'm very eager to talk to. But before I do, I just want to show you this clip of Pavel Durov being interviewed in 2016 by Lesley Stahl in 60 Minutes, in which she presses him about why it is that Telegram built an encryption system that governments can't enter, and why he doesn't just build a backdoor to allow governments to enter, which, of course, is the view of 60 Minutes. And here's what he had to say.

**Lesley Stahl (LS):** Is there anything in your mind that says, gee, we have to, we have to allow law enforcement to get in because what's going on is just unacceptable?

**Pavel Durov (PD):** You know, the interesting thing about encryption is that it cannot be secure just for some people.

**LS:** ISIS and other terrorist groups, they just push a button on an application like yours, specifically yours, an application, and it's going around the world like that.

**PD:** Well, again, this is the world of technology and it's impossible to stop them at this point. ISIS could come up with their own messaging solution within a month or so if they wanted to, because the...

**LS:** You mean create their own Telegram?

**PD:** Exactly.

**LS in video:** Since Paris, Durov has been purging ISIS propaganda from Telegram, but says if asked to unlock any private messages, he would tell the authorities that the encryption code makes it mathematically impossible. Using a similar argument as Apple.

**LS:** So you're basically saying that even if you wanted to, your hands are tied.

**PD:** Yes.

**LS:** You can't do it.

**PD:** We can not.

**LS:** So this is one of the great debates of our time. Which is more important? Is it more important to shut down this kind of terrorism or preserve privacy?

**PD:** I'm personally for the privacy side, but one thing that should be clear is that you cannot make just one exception for law enforcement without endangering private communications of hundreds of millions of people, because encryption is either secure or not.

**GG:** There's always been the point. You can either have an internet that protects privacy, that makes it difficult, if not impossible, for the government or other non-state actors to spy on what it is that you're doing and saying online, or you can have internet that allows backdoor access to governments and therefore backdoor access to everybody in there for the end of privacy in the internet era. And whenever people ask me what is the primary most important revelation of the Snowden reporting, I would always say it was that the NSA's aspiration, not their pipedream, but their very explicit goal that they became extremely close to fulfilling, is the full scale elimination of privacy, individual privacy and communicative privacy in the digital age. We published documents saying that that was the NSA goal and their ubiquitous surveillance, provided that. There are platforms who have to try and preserve internet freedom online, Rumble as one, X under Elon Musk is another, Telegram is certainly one,

and you see these very systemic attacks on each of them with this major escalation with Pavel Durov. And the question is, is do you think that the internet should be what it was promised to be, which was a tool of liberation, to permit human beings to communicate without prying eyes being cast upon them and without governments dictating what can and can't be said, which would degrade the internet into the most severe weapon of coercion and control ever in human history, or do you think it should fulfil its promise of being a tool, a weapon in the hands of people around the world to liberate them, to speak and organise freely without centralised government control? France's indictment of Pavel Durov is a major escalation, to creating the model where the internet is having anything to do with privacy, but instead is another weapon in the hands of establishment power and status quo ruling class elites to use the internet to fortify their power even more.

Thanks for watching this clip from System Update, our live show that airs every Monday through Friday at 7 p.m. eastern exclusively on Rumble. You can catch the full nightly shows live or view the backlog of episodes for free on our Rumble page. You can also find full episodes the morning after they air across all major podcasting platforms, including Spotify and Apple. All the information you need is linked below. We hope to see you there.

**END**

**Thank you for reading this transcript. Please don't forget to donate to support our independent and non-profit journalism:**

<b>BANKKONTO:</b>	<b>PAYPAL:</b>	<b>PATREON:</b>	<b>BETTERPLACE:</b>
Kontoinhaber: acTVism München e.V.	E-Mail: <a href="mailto:PayPal@acTVism.org">PayPal@acTVism.org</a>	<a href="https://www.patreon.com/acTVism">https://www.patreon.com/acTVism</a>	Link: <a href="#">Click here</a>
Bank: GLS Bank			
IBAN: DE89430609678224073600			
BIC: GENODEM1GLS			

The acTVism Munich e.V. association is a non-profit organization with legal capacity. The association pursues exclusively and directly non-profit and charitable purposes. Donations from Germany are tax-deductible. If you require a donation receipt, please send us an e-mail to: [info@acTVism.org](mailto:info@acTVism.org)