

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.**

REFERENCE: AL G/SO 214 (67-17) Terrorism (2005-4)  
GBR 4/2013

2 September 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism pursuant to Human Rights Council resolutions 16/4 and 22/8.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the detention of Mr. **David Miranda**, a Brazilian national transiting through London International Airport and the **destruction of hard drives at the Guardian newspaper in London**.

According to information received:

On Sunday 18 August 2013, Mr. David Miranda, a Brazilian national, was detained and questioned by United Kingdom officials for nine hours under Schedule 7 of the Terrorism Act 2000. He was travelling from Berlin to Rio de Janeiro, transiting through London. British authorities later justified Miranda's detention on the "suspicion of the possession of highly sensitive stolen information that would help terrorism".

Mr. Miranda is the partner of Guardian journalist Glenn Greenwald, who recently authored a series of stories about mass online surveillance programmes carried out by the National Security Agency of the United States of America and the United Kingdom's Government Communications Headquarters. At the moment of his detention, Mr. Miranda himself was working for the Guardian newspaper which financed his trip to Europe. British officials retained a number of Mr. Miranda's belongings, some possibly containing information related to his work assisting his partner.

Previously to this episode, the Guardian newspaper reportedly allowed British officials to visit its premises and to destroy hard drive computers that allegedly contained leaked information on the activities of American and British national intelligence agencies. The editor of the Guardian newspaper further reported that British authorities also threatened taking legal action against the Guardian because of its reporting on Government surveillance initiatives.

Grave concerns are expressed at the alleged intimidation of journalists and the media investigating national security initiatives of mass surveillance.

While we do not wish to prejudge the accuracy of these allegations, the Special Rapporteurs would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

The Special Rapporteurs deem it appropriate to make reference to Human Rights Council Resolution 12/18, which calls upon States to refrain from using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law. Moreover, the Special Rapporteurs wish to draw your Excellency's Government's attention to General Assembly resolutions 57/219 and 66/171 which affirmed that States must ensure that any measure taken to combat terrorism comply with their obligations under international law. Finally, reference is made to Security Council resolution 1456 (2003), paragraph 6, which reiterates that "States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law."

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any judicial investigation, or any criminal charges, and other inquiries carried out in relation to this case.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Given the seriousness of the allegations, we would like to inform your Excellency's Government that we intend to issue a press release on the issues contained herein.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Ben Emmerson  
Special Rapporteur on the promotion and protection of human rights  
and fundamental freedoms while countering terrorism