

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

REFERENCE:  
UA PAK 6/2017

16 August 2017

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 34/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the **allegations of criminal investigations and different acts of intimidation by security agents against the journalist Mr. Taha Shakeel Siddiqui, which appear to be in connection with the exercise of the right to freedom of expression in the performance of his profession.**

Mr. **Taha Shakeel Siddiqui** is a Pakistani journalist, correspondent for Channel France 2, The New York Times, Der Spiegel and The Guardian. Mr. Siddiqui is also Bureau Chief of TV Channel WION. He reports mainly about issues related to terrorism, persecution of minorities, economic instability, corruption, and civil-military affairs. Mr. Siddiqui is the 2014 laureate of the Albert Londres Prize.

According to the information received:

On 18 May 2017, Mr. Siddiqui received a call from a person who identified himself as an agent of the Counter-Terrorism Department of the Federal Investigation Authority of Pakistan (FIA). The caller demanded that Mr. Siddiqui appear before him at the FIA headquarter for an interrogation, but responded vaguely when questioned about the reasons for his requests. Allegedly, the agent mentioned that the investigations were related to his journalistic work, and threatened Mr. Siddiqui that it was in his own interest to appear before him.

Since the call, Mr. Siddiqui has on a number of occasions seen plain-clothed persons standing near his house, allegedly monitoring his activities and those of his family.

On 6 July 2017, Mr. Siddiqui's case was transferred from the Counter-Terrorism Department to the National Response Centre for Cyber Crime within the FIA. Reportedly, Mr. Siddiqui's first hearing before the Islamabad High Court concerning the case was deferred from its original date as his turn did not come in front of the judge that day. However, to this date Mr. Siddiqui has not been notified of a new date for the hearing.

While I do not wish to prejudge the accuracy of these allegations, serious concern is expressed at the allegations of criminal investigations and acts of intimidation by security agents against Mr. Taha Shakeel Siddiqui and his family. I am concerned that these acts appear to have the intention of preventing Mr. Siddiqui from exercising his profession. I also express concern at the broader impact of these actions on the exercise of independent journalism in Pakistan, ultimately posing an obstacle for the free flow of information and ideas in and outside the country.

The allegations, if true, would appear to be in contravention of the right to freedom of opinion and expression, as established by article 19 of the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Pakistan on 23 June 2010. Under this provision, limitations may only be adopted when provided by law and when necessary and proportionate to protect the rights or reputations of other, or national security, public order, public health or morals.

As has been interpreted by the Human Rights Committee (HRC) in its General Comment 34 (CCPR/C/GC/34), article 19 requires States parties to guarantee the right to seek, receive and impart information and ideas of all kinds regardless of frontiers, including political discourse, commentary on one's own and on public affairs, discussion of human rights, journalism, among others (paragraph 11). In this sense, the HRC considered that "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential (and requires) a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output" (paragraph 13).

It should be recalled, in addition, that States have the responsibility of ensuring that legal measures, such as anti-terrorism or national security laws, are not used to limit freedom of expression by leading to the arrest and detention, or to fear of arrest and detention, among journalists (A/HRC/20/17, paragraph 59).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the investigations currently taking place against Mr. Siddiqui by the Federal Investigation Authority, including their legal basis, their procedural state and their compatibility with article 19 of the ICCPR.
3. Please provide information on the measures adopted by your Excellency's Government to ensure that Mr. Siddiqui and his family are not subject to any act of intimidation, including receiving threatening phone calls and being monitored.

While awaiting a reply, I urge that all necessary interim measures to ensure that the right to freedom of expression is fully respected in Pakistan be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations. Moreover, I request that your Excellency's Government adopt effective measures to prevent future restrictions on the free exercise of journalism.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression