

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
AL IRN 29/2017

24 October 2017

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 situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 34/18 and 34/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **targeting of 152 BBC Persian staff**, former staff and contributors, through harassment and ban from registered transactions to buy or sell movable and immovable assets and property in Iran, and harassment and intimidation against their family members.

BBC Persian (BBC Farsi) is the Persian language news channel of BBC World Service, launched on 14 January 2009, broadcasted by satellite and also available online. It is aimed at Persian speakers in Afghanistan, Iran, Uzbekistan and Tajikistan. The channel is funded by the Foreign and Commonwealth Office of the United Kingdom, but remains editorially independent. BBC Persian has been banned from Iran since 2010, based on allegations of acting against the national interest of Iran.

The 152 individuals are nationals of Iran, and are at the same time dual nationals of Australia, Austria, Canada, France, Germany, United Kingdom and the United States of America.

Concerns about the criminal prosecution of one BBC staff on the grounds of her affiliation with BBC, was raised by several Special Rapporteurs in a joint communication of 27 January 2017 (IRN 4/2017). We regret that no response has been received to this communication.

According to the information received:

In August 2017, the Shahid Moghadas Courthouse in Evin Prison in Tehran reportedly issued an injunction to ban 152 BBC Persian staff, former staff and contributors from any transactions that require registration in order to buy, sell or inherit property or movable and immovable assets in Iran. The deputy prosecutor-general of Iran ratified the order in August. Reportedly, no explanation has been given for the order. Neither the BBC or the staff were notified of the court order.

The asset freeze was only discovered when a relative of a BBC employee tried to sell a property on their behalf.

The staff of BBC has since learned that the injunction is linked to an underlying criminal investigation into BBC Persian Staff on allegations of conspiracy to commit a crime against national security in Iran and abroad. The injunction is said to be in place until 20 December 2017, when the outcome of the criminal investigation is due to be announced.

In addition to the injunction, it has been reported that BBC Persian staff and their families have been subject to threats and repressive measures over a number of years, reportedly for the purpose of pressuring them against continuing their work as journalists with BBC Persian. These measures include the arrest and detention of staff and their families, the confiscation of passports and travel bans on family members leaving Iran to prevent them from seeing their relatives, surveillance and harassment and spread of defamatory news stories designed to undermine the reputation of BBC Persian staff and their families. As a result, it has been reported that BBC Persian staff are unable to return to Iran as they risk arrest, interrogation and imprisonment. Family members inside Iran have reportedly been brought in for interrogation, threatened and asked to urge their family members to stop working for the BBC. A large number of relatives of BBC Persian staff have reportedly lost their jobs or business as a result of intimidation from the authorities, sometimes for the explicitly stated reason for their connection with a journalist who works for the BBC. It has furthermore been reported that staff has been subject to false accusations of sexual impropriety, spying and financial crimes.

While we do not prejudge the accuracy of the information received, we would like to express concern about the restrictions imposed by the court order on staff, former staff and contributors to BBC Persian in Iran, which appears to be directly related to their journalistic work and affiliation to BBC. We are particularly concerned about the alleged history of harassment and intimidation of BBC Persian staff and their family members, which appears to be aimed at preventing them from continuing their journalistic activities with BBC Persian.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. We would therefore 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 concerning the legal grounds for the injunction and the evidence used in this regard, and explain how these are compatible with Iran's obligations under international human rights law.
3. Please provide detailed information about the allegation of criminal investigation that has been launched into the 152 staff and contributors to BBC Persian, and explain the evidence used to accuse them for "conspiracy against national security" in Iran and abroad. In particular, please explain how affiliation to BBC Persian amounts to "conspiracy against national security".
4. Please provide details of any measures taken to protect BBC Persian staff, former staff, contributors and their family members from harassment and intimidation.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures 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(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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 our highest consideration.

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

Asma Jahangir
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Annex
Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right to fair proceedings before an independent and impartial tribunal, in accordance with article 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We would also like to refer to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provide for the rights to freedom of expression. Paragraph 3 of article 19 sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. While national security is a legitimate basis for restricting the right to freedom of expression under article 19(3), it is not enough to simply claim it as a justification to pursue illegitimate purposes such as silencing critical voices. We wish to reiterate the principle enunciated by Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including on the free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship.