

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on violence against women, its causes and consequences

Ref.: AL IRN 10/2022
(Please use this reference in your reply)

26 May 2022

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 42/22, 43/4, 46/18 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **attacks, harassment, asset freezing, and serious threats made against staff members of the BBC News Persian Service and their families by authorities of the Islamic Republic of Iran.**

Concerns about threats and harassment against staff working for overseas-based Farsi language news outlets on the grounds of their affiliation with these networks were raised by several Special Procedures mandate holders in joint communication IRN 17/2019 sent on 18 December 2019; with specific concerns about harassment and threats of BBC Persian Service staff raised in joint communications IRN 4/2020; IRN 29/2017; and IRN 4/2017 sent on 5 March 2020, 24 October 2017, and 27 January 2017 respectively. We regret that, to date, we have not received responses to those communications. This issue has also been raised by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in reports to the 40th and 49th Human Rights Council Sessions in 2019 (A/HRC/40/67) and 2022 (A/HRC/49/75), and a report to a General Assembly in 2019 (A/74/188).

Furthermore, we wish to highlight that the targeting of BBC News Persian staff and their families has been included in the 2019 Secretary General's report on reprisals (A/HRC/42/30) for harassment and threats in relation to action taken by Special Procedures mandate-holders and for the journalists' statements made at the 37th, 38th, and 39th sessions of the Human Rights Council.

According to information received:

The BBC Persian Service, launched in 1940, is one of the BBC's oldest non-English language services. In 2009, the BBC launched the satellite television channel BBC Persian Television to complement its existing radio and online services.

Since its launch, journalists of BBC News Persian, particularly women journalists, and their families, both within and outside Iran, have been systematically targeted by Iranian authorities. Beginning in July 2017, Iranian

authorities started criminal investigations into the activities of journalists and other staff working for BBC News Persian. The government alleges that the work conducted by BBC News Persian constitutes a crime against Iran's national security.

Following the nationwide protests in the Islamic Republic of Iran in November 2019, there was an increase in the number of incidents of harassment of family members of journalists and targeting of journalists. The escalation of harassment from 2019 included intimidation of family members of journalists who reside in Iran, increased financial pressure (in the form of asset freezing), the use of counter-intelligence activity aimed at undermining the professional reputation of BBC News Persian staff, and online attacks via social media. The occurrence of harassment of family members appears to coincide with the visibility of such issues on the global stage, the Iranian domestic political and economic climate, and whether or not the family has been able to see their journalist relative.

According to reports, such incidents had initially subsided following public condemnation by United Nations Special Procedure mandates holders in reports to the Human Rights Council and General Assembly. These efforts led to a public statement from the Islamic Republic of Iran at the Human Rights Council stating that they do not target journalists' family members. The statement was followed by a reduction in reported incidents.

Incidents against staff and families have been constant, but seem to intensify during certain periods in Iran and often following BBC News coverage. The periods in question include the increase in the sanctions regime and economic downturn, protest movements, and during reporting critical of the Iranian authorities' policies and actions (including the government response to the COVID-19 pandemic). It also seems that families are being increasingly contacted by authorities following the new government's ascension to power under President Raisi in August 2021.

Family intimidation and harassments

Family members of BBC News Persian in Iran have reportedly been subjected to different forms of harassment and intimidation including arrest; detention; solitary confinement; questioning; threats that jobs or pensions will be lost; confiscation of passports and travel bans. Incidents of harassment of family members in many cases follow reunion trips where they have travelled to meet their BBC News Persian journalist relative, either in the United Kingdom of Great Britain and Northern Ireland (UK) or a third country. Upon return to Iran, family members including elderly parents have been called in for questioning. During the interrogations, the family members are asked amongst other things to inform the authorities of the schedule of the travels of the journalists, to put officials in touch with journalists, particularly by meeting them in third countries, such as Turkey or Iraq, and to ask the journalists to leave their jobs at BBC News Persian.

Asset Freeze of BBC News Persian staff and its impact on their families

Since 2017 approximately 150 BBC News Persian staff have been listed on an asset freeze list, which prevents them from being able to engage in transactions of any kind related to property. The past four years have revealed that names are removed from the list following their departure from the BBC. However, this is not uniform nor consistent.

The asset freeze also affects the families of staff. When a BBC News Persian staff member has any share in property, it cannot be sold or rented. As a result of financial sanctions on BBC News Persian staff, their family members and extended relatives cannot benefit from the share of the properties they own together or inherit. Following the injunction to freeze the assets of BBC News Persian staff, all the beneficiaries of joint properties or inheritance have been deprived from equity in property they own. These financial sanctions on the families have reportedly created more pressure upon BBC News Persian staff to leave their jobs.

Intimidation and harassments of BBC Persian staff

The BBC Persian staff have reportedly been subjected to various forms of harassments, including surveillance, threats, and the spread of false and defamatory news stories designed to undermine the reputation of their professional work. During the interrogation of family members of the journalists in Iran, the authorities have reportedly presented them personal and detailed information about staff addresses, phone numbers and even apartment floor plans, which suggest surveillance of BBC News Persian staff in London. The security concerns have reportedly increased following the extraterritorial actions of the intelligence agents of the Islamic Republic of Iran, including the reported abduction of an Iranian political activist and journalist from Iraq and his subsequent execution, as well as the attempted abduction of an Iranian journalist from the United States of America. BBC News Persian staff have reportedly received threats that a similar fate could await them. Furthermore, the interrogations of family members in Iran seem to be conducted with the ultimate aim of arranging a meeting in third countries between the concerned journalist and Iranian state officials. These third countries where journalists have previously travelled for family reunions now appear unsafe for journalists. Since the journalists cannot travel to Iran to visit their families due to the risk of reprisal, the increased extraterritorial threats have further impacted their abilities to maintain relationships with their families. BBC Persian journalists residing in London have also reported receiving threatening phone calls from people within the UK. These threats have contributed heavily to the increased security risk and anxiety of the BBC staff members.

BBC News Persian staff are also the target of defamatory news stories in Iranian state media, especially after reporting on issues that are sensitive for the Government. There are concerns that Iranian intelligence is planting information with people who are perceived to be at odds with the Iranian government, in order to bestow a sense of credibility to the attacks on BBC News Persian. A particular pattern unfolds whereby attacks on individual

journalists perpetrated by state media in turn provoke further online attacks and threats towards these staff members. The state media amplifies fake news about the journalists, focusing primarily on personal lives and relationships. Of particular concern is the gendered dimension of this defamation.

According to testimonies a new form of harassment is the threatening of sources, particularly those outside of Iran following their interviews with the BBC News Persian journalists.

Gendered attacks, harassment of women journalists, and gendered censorship

Harassment of women journalists of BBC News Persian has taken on a gendered dimension. BBC News Persian female journalists are subjected to the same types of attacks as male journalists, but attacks against women are additionally gendered and sexualised. In addition to death threats, women journalists face online threats of sexual violence towards them and their families, such as rape threats along with comments about being a woman. Moreover, online platforms and domestic and state-controlled media have disseminated defamatory stories and manipulated images that focus on discrediting the female staff of BBC News Persian.

This form of harassment has led women journalists to self-censor themselves online and in their profession. They have had to remove themselves from social media and public spaces, which are key resources for journalists. They are also self-censored in relation to the types of stories they are willing to cover for fear of provoking online attacks on them and their families.

While we do not prejudge any of the information received, we would like to reiterate our grave concern over the continuation of reported harassment and intimidation of the BBC News Persian staff and their family members, which appears to be aimed at preventing them from continuing their journalistic activities with BBC News Persian. We express concern that the systematic attacks, including harassment, asset freezing, serious threats, and defamation campaigns implemented by the authorities against BBC News Persian journalists appear to be directly related to the legitimate exercise of the right to freedom of expression in the performance of their professional duties. We are concerned that the allegations as presented above and in previous communications show a pattern and practice of employing these measures by the authorities of the Islamic Republic of Iran to hinder journalists from carrying out their work. We are particularly concerned at the gendered physical and psychological threats and attacks against women journalists of BBC News Persian including death and rape threats online. Given the importance of an online presence for the exercise of contemporary journalism, online violence undermines women journalists' ability to fully participate in the profession, limiting their professional opportunities and progression.

We are additionally concerned that such attacks to silence journalist work may have a "chilling effect" on the work of other journalists in the Islamic Republic of Iran and elsewhere reporting on the country and may deter them from reporting on issues of public interest. Such a situation contributes to the existing hostile environment for the exercise of freedom of expression in the Islamic Republic of Iran.

Moreover, the alleged surveillance of the journalists, raises additional concerns. We express deep concern at the apparent disregard for the prohibition on unlawful and arbitrary interference in the private life of BBC News Persian staff and their families. Furthermore, the threats against sources of the journalists are troubling, as they could adversely affect the work of journalists and seriously compromise their sources. We recall that the protection of journalistic sources is one of the basic conditions for press freedom under international human rights law. Without such protection guarantees, sources may be deterred from assisting the press in informing the public on matters of public interest.

We also wish to express our serious concern regarding the reported interrogation, and harassment of the families of BBC News Persian residing in the Islamic Republic of Iran and the impact of asset freezing of the BBC News Persian staff on them. It is deeply troubling that these measures are employed against the families with the apparant aim of exerting pressure on the journalists to leave their jobs.

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 observation on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please indicate what measures since our previous communications have been taken by your Excellency's Government to ensure that journalists in the Islamic Republic of Iran and elsewhere reporting on the Islamic Republic of Iran are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.
3. Please provide updated information on the current status of the asset freeze against BBC News Persian staff. Please provide information about the justification and legal basis for the asset freezing. In particular, please explain how this is compatible with your Excellency's Government's obligations under international human rights law.
4. Please provide information about the legal and factual basis for interrogating the families of journalists working abroad. Please explain how this is compatible with your Excellency's Government's obligations under international human rights law.
5. Please provide information whether your Excellency's Government has conducted, or is considering to conduct, any independent investigation of the allegations raised in the previous and present communications on the attacks against BBC News Persian journalists.

6. Please outline any special measures that your Excellency's Government is considering to take to protect women journalists, including in the digital space and against online threats.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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 may 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.

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

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Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Reem Alsalem
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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR or "the Covenant"), ratified by the Islamic Republic of Iran on 24 June 1975, including the right to liberty and security of person under article 9, the right to privacy guaranteed under article 17 and the right to freedom of expression guaranteed under article 19(2).

In particular, we would like to emphasize article 9 of the Covenant enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. In its General Comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of assembly (art.21) and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

Article 17 of the ICCPR provides that "1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation and 2) Everyone has the right to the protection of the law against such interference or attacks." Article 17 of the ICCPR also includes the right to the protection of personal data. We would like to refer your Excellency's Government to the report of the High Commissioner for Human Rights, which states that "any limitation to privacy rights reflected in article 17 must be provided for by law, and the law must be sufficiently accessible, clear and precise so that an individual may look to the law and ascertain who is authorized to conduct data surveillance and under what circumstances. The limitation must be necessary for reaching a legitimate aim, as well as in proportion to the aim and the least intrusive option available" (see A/HRC/27/37, para. 23).

We would also like to appeal to your Excellency's Government to take all measures to guarantee the right to freedom of opinion and expression, as provided in article 19 of the ICCPR. Freedom of expression entails that "everyone shall have the right to hold opinions without interference" as well as 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." This right includes not only the exchange of information that is favorable, but also that which may shock or offend. The right to freedom of expression may be restricted only if the restriction is provided by law and necessary and proportionate to protect a legitimate objective, as established under article 19(3).

In this regard, we would like to highlight that the Human Rights Committee in General Comment No. 34 has stated that under no circumstance can an attack on a person, because of the exercise of his freedom of opinion or expression be compatible with article 19. The Committee furthermore states that as journalists are frequently

subjected to threats, intimidation and attacks because of their activities, all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted (CCPR/C/GC/34). As underlined by the Special Rapporteur on freedom of expression, an attack against a journalist is not only a violation of his or her right to impart information, but also undermines the right of individuals and society at large to seek and receive information, both of which are guaranteed under articles 19 of the ICCPR. An attack against a journalist is therefore an attack against the principles of transparency and accountability, as well as the right to hold opinions and to participate in public debates, which are essential for democracy (A/HRC/20/17).

We wish to stress that the obligation to respect and to ensure respect of the human rights of journalists, media professionals and all human rights defenders rests on the State. It encompasses a positive duty of States to ensure that persons are protected from any act that would impair the enjoyment of their rights, including by taking effective measures or exercising due diligence to prevent any harm caused by private persons or entities. In this regard, we also note that the obligation to protect is particularly important in the case of threats and attacks made against journalists by non-State actors.

We are concerned that the measures taken against BBC Persian staff and their families are not taken to protect a legitimate purpose but rather to target an independent media outlet that engages in reporting and criticism with which the Government disagrees. In particular, we are concerned that the measures against BBC Persian are aimed at depriving the public, both in Iran and around the world from receiving information. Therefore, these measures appear to constitute an attempt to silence and censor critical reporting.

In connection with the sexualised and gendered nature of the threats received by the BBC Persian Service's women journalists, we would like to refer to report A/HRC/38/47 of the Special Rapporteur on violence against women. As highlighted in the report, the violent and gendered nature of the threats against women journalists often leads to self-censorship and the Special Rapporteur recommends "that human rights and women's rights protected offline must also be protected online and should fully integrate the right to live free from emerging forms of online and information and communications technology-facilitated violence against women, while respecting the right to freedom of expression and the right to privacy and data protection".

With regards to concerns raised for the safety of women journalists, we remind your Excellency's Government of the legal obligations of States under international human rights law to respect, protect and fulfil women's rights, including the rights to non-discrimination and equality set out in Article 3 and 26 of the ICCPR and Article 3 of the International Covenant on Economic, Social and Cultural Rights, ratified by the Islamic Republic of Iran in 1975.

We wish to emphasize that States have an obligation to investigate threats and acts of violence against all those who promote, protect and defend human rights, including journalists, promptly, thoroughly and effectively through independent and impartial bodies. Following investigations, States must ensure that those responsible are brought to justice so as to prevent impunity, and make reparation to individuals whose rights have been violated. The latter generally entails appropriate compensation

and can involve, where appropriate, restitution, rehabilitation and measures of satisfaction, such as public apologies, guarantees of non-repetition and changes in relevant laws and practices.