

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL PAK 5/2023  
(Please use this reference in your reply)

30 August 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the threats and intimidations against Mr. **Hamza Azhar Salam** following his journalistic reporting on allegations of corruption.

Mr. **Hamza Azhar Salam** is a human rights defender, a journalist and the founder and editor of news website *The Pakistan Daily*. Previously, he worked for several media outlets including BBC and Geo News, covering Pakistani politics and society. As part of his journalistic career, he has extensively reported on allegations of corruption involving politicians and businessmen in Pakistan.

According to the information received:

On 8 December 2022, Mr. Hamza Azhar Salam published an article in *The Pakistan Daily* entitled "Farah Gogi purportedly travelled to Dubai in April 2019 on Bahria Town's private plane"<sup>1</sup>. The article alleged that in April 2019, Pakistani businessman and CEO of real estate development firm Bahria Town, Mr. Malik Riaz, facilitated an act of corruption involving the then Prime Minister, Mr. Imran Khan. According to the article, Mr. Malik Riaz's private plane was used to transport a friend of the then First Lady of Pakistan, Bushra Bibi, Ms. Farah Gogi, to Dubai where she sold a high jewelry set that had been gifted to Prime Minister Khan by Saudi Crown Prince Mohammad bin Salman, in violation of domestic regulations stipulating that gifts received by government representatives from foreign leaders belong to the State.

On 9 December 2022, Mr. Hamza Azhar Salam received a threatening phone call from a representative of Bahria Town, who warned that if Mr. Salam's article and tweet about the story were not deleted, "routes, alternate to legal routes" would be used.

On the same day, Mr. Hamza Azhar Salam received a legal notice from Mr. Malik Riaz's legal counsel, referring to "false, misleading, derogatory, prejudicial and libelous narrative and statements". The notice requested an "unconditional apology" from both Mr. Hamza Azhar Salam and *The Pakistan Daily*, as well as a total compensation of 10 billion rupees (approximately 35 million USD).

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<sup>1</sup> <https://thepakistandaily.com/farah-gogi-travelled-to-dubai-in-april-2019-on-bahria-towns-private-plane/>

In late March 2023, it was verbally reported to Mr. Hamza Azhar Salam through a third-party that Mr. Malik Riaz was considering having him arrested using a fake case with the help of the caretaker Chief Minister of Punjab, about whom the journalist had previously reported on in an alleged tax fraud case. It was then verbally suggested to Mr. Hamza Azhar Salam that he may face an “accident”.

On 15 June 2023, Mr. Hamza Azhar Salam received an email from the firm representing Mr. Malik Riaz, warning him that another legal notice would be served upon him, “followed by the initiation of 'defamation proceedings' as well as 'criminal proceedings' against [him] before the Honourable Courts”. The email also mentioned that Mr. Salam’s actions would “definitely have far reaching consequences, ones [he] might not be able to comprehend”.

On the same day, Mr. Hamza Azhar Salam left his home and went into hiding out of fear of a physical attack.

On 4 July 2023, Mr. Hamza Azhar Salam received a second legal notice from the same law firm, this time representing Mr. Muhammad Azhar Siddique, the firm’s lead advocate. The legal notice for “False, Misleading, Derogatory, Prejudicial & Libelous Narrative and Statements” was issued in relation to another article published by Mr. Hamza Azhar Salam on 13 June 2023, entitled “What do Malik Riaz, Imran Khan & Farah Gogi have in common?”<sup>2</sup>. In the notice, Mr. Salam was warned that defamation proceedings against him and *The Pakistan Daily* would “commence shortly”. In addition, the notice requested that Mr. Salam pay a compensation of 2 billion rupees (approximately 7 million USD) to Mr. Muhammad Azhar Siddique, who was mentioned in the 13 June 2023 article.

On 7 July 2023, a rejoinder was sent to Mr. Hamza Azhar Salam by the same law firm, in which they requested that Mr. Salam and *The Pakistan Daily* each pay an additional compensation of 5 billion rupees to Mr. Malik Riaz in relation to the 13 June 2023 article, bringing the total amount demanded by Mr. Riaz to 20 billion rupees (approximately 70 million USD). The rejoinder reiterated that a criminal complaint for defamation would be submitted against Mr. Hamza Azhar Salam.

At the time of writing, Mr. Hamza Azhar Salam has not yet received any summons from the court.

In July 2023, Mr. Hamza Azhar Salam also started receiving online threats on Twitter. One anonymous account in particular issued a series of threatening tweets: “*What’s taking Malick so long man? just get rid of this garbage from this world*”; “*Why file a defamation proceedings against journalists and waste money when in power you could kidnapped and abduct them*” and “*Hamza you are wrong about everything or everyone except Malick Riaz [...] he is coming for you baby*”.

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<sup>2</sup> <https://thepakistandaily.com/what-do-malik-riaz-imran-khan-farah-gogi-have-in-common/>

Without wishing to prejudge the accuracy of the information, we express our serious concern at the reported intimidation and online threats against Mr. Hamza Azhar Salam, as well as the possible judicial proceedings against him, which appear to be directly linked to his legitimate human rights work against corruption and the exercise of his right to freedom of expression.

We are concerned that criminal defamation proceedings may be abused to target journalists and those who report on allegations of corruption, misconduct of politicians, public officials or businesses, or other cases of public interest.

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.

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details as to any investigations that have been carried out into the various threats, including possible legal proceedings, against Mr. Hamza Azhar Salam, and, where available, information as the results of any such investigations. Please also indicate if Government officials have denounced and taken any measures against these threats on any occasion.
3. Please explain how Pakistan's criminal defamation laws, including article 499 of the Pakistan Penal Code, and their application comply with international human rights standards, including the right to freedom of expression. Please elaborate on any steps to prevent the abuse of defamation laws to unduly restrict freedom of expression, and possible steps of your Excellency's Government towards decriminalizing defamation.
4. Please provide information about measures taken to protect journalists, civil society organization, and human rights defenders working on anti-corruption or other sensitive issues against any form of harassment, criminalisation, or acts of intimidation of any kind.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

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

## Annex

### Reference to international human rights law

In connection with the above-alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards:

We would like to refer your Excellency's Government to Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which guarantees the right to freedom of opinion and expression. Article 19 requires the States to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on public affairs, discussion of human rights, and journalism (Paragraph 11). Free press and other media should be able to comment on public issues without censorship or restraint and to inform public opinion, and the public has a corresponding right to receive media output (Paragraph 13).

We would like to underline that the above-mentioned allegations appear to be in contravention of article 19(3) of the ICCPR, under which any restriction on freedom of expression must be provided by law and be necessary for the respect of the right of others, or for the protection of national security or public order, or of public health or morals. Restrictions must be sufficiently clear, accessible and predictable (CCPR/C/GC/34), pursue a legitimate objective, and be necessary and proportional. The requirements of necessity and proportionality have the aim of ensuring that restrictions "target a specific objective and do not unduly intrude upon the rights of targeted persons". The ensuing interference with third parties' rights must also be limited and justified in the interest supported by the intrusion (A/HRC/29/32). Finally, the restrictions must be "the least intrusive instrument among those which might achieve the desired result" (CCPR/C/GC/34).

We wish to reiterate that defamation laws should never serve to stifle freedom of expression and that they should never be used to prevent criticism of public figures. The Human Rights Committee in General Comment 34 (CCPR/C/GC/34) has called for the decriminalization of defamation, stating that criminal laws should only be used for the most serious cases and that imprisonment is never an appropriate penalty. The Special Rapporteur on freedom of opinion and expression has called upon States to "repeal criminal defamation and seditious libel laws and laws criminalizing the criticism of State institutions and officials. Criminalization of speech (other than in the most egregious cases of incitement to violence and hatred) is disproportionate, gags journalism and damages democratic discourse and public participation" (A/HRC/50/29, para. 111).

Moreover, we would like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to highlight article 6(b and c) of the Declaration which states that everyone has the right, individually and in association with others, freely to publish, impart or disseminate to

others views, information and knowledge on all human rights and fundamental freedoms and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

We would also like to bring to the attention of your Excellency's Government Article 12 (2) and (3) of the UN Declaration on Human Rights Defenders, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration.