

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

Ref.: AL IRN 7/2024  
(Please use this reference in your reply)

24 April 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 53/4, 52/9, 53/12, 49/24 and 49/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning recent alleged human rights violations against **staff members of the BBC News Persian Service, and their families, and the inclusion of the BBC Persian in the Sanctions List of the Islamic Republic of Iran. The violations include continuing attacks in Iran to the journalists and their families, extra-territorial harassment and intimidation, asset freezing, and serious threats by the 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 10/2022 sent on 26 May 2022; 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 40<sup>th</sup> and 49<sup>th</sup> 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 37<sup>th</sup>, 38<sup>th</sup>, and 39<sup>th</sup> 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.

BBC News Persian operates only from outside of Iran and, although banned by the authorities, the service is available to audiences within Iran via satellite TV and circumvention tools, acting as a vital source of independent news for the Persian speaking audience.

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. Iran also brought an injunction to freeze the assets of 152 individuals associated with BBC News Persian, preventing them from buying, selling or inheriting property in Iran, thus also affecting their families and livelihoods. Legal challenges to the sanctions have not been successful. It is unclear on which basis the authorities have taken these actions. 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. Prior to that financial pressure in the form of continued asset freezing was imposed in 2017 for 152 individuals – predominantly current and former BBC News Persian staff, , the use of counter-intelligence activity aimed at undermining the professional reputation of BBC News Persian staff, and online attacks via social media, were reported. 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.

Incidents against staff and families have been constant, but seem to intensify during certain periods in Iran and often following BBC News Persian 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.

#### *Recent examples of threats and harassments*

Recently, family members of a BBC News Persian staff were detained by the Intelligence Service. They were interrogated about the whereabouts and motivations of their relative who works for the BBC. The interrogators threatened to keep them in solitary confinement. They told them to persuade their relative at the BBC to come to a neighbouring country to Iran. This is not the first time for this occurs. It is a constant threat for the family and a constant source of guilt for the BBC staff.

The harassment and intimidation also extend to BBC News Persian sources. While BBC News Persian staff operate from abroad, their work depends upon access to sources within Iran who as a result risk being threatened and harassed.

In addition, Iran directly targets the journalists based outside Iran, including through surveillance, harassment, threats (including death threats in some cases), and the spread of fake and defamatory news stories designed to undermine the reputation of BBC News Persian staff and their families.

Intimidation of BBC News Persian's family members in Iran happens regularly and in various forms: arrest, detention, solitary confinement, questioning, threats that jobs or pensions will be lost; confiscation of passports and travel bans. In this context, and since the protests in 2022, the BBC's Security team have reported that the risk to the personal safety of staff of BBC News Persian in London has increased, including credible death threats requiring police intervention and protection in the UK. It is reported that the BBC is in contact with both the UK Government and the Metropolitan Police on this issue and provides additional support to staff when necessary.

In October 2022, BBC News Persian was listed as a sanctioned organisation<sup>1</sup> for 'supporting and instigating terrorism, violence, hate-mongering and human rights abuse', in response to its reporting on the unrest and protests in 2022. The consequences of listing include denial of entry visas to Iran, seizure of all assets and property owned in Iran, and the freezing of all financial transactions in Iran and closure of bank accounts.<sup>2</sup> This is additional to the above-mentioned assets freeze ordered in 2017. Separately, it is reported that a senior Iranian judicial figure also called for BBC News Persian to be listed as a 'terrorist organization'.

#### *Convictions in absentia for BBC News Persian journalists*

In February 2024 the BBC became aware, through the publication of documents from the hacking group Edaalat Ali, that a number of current and former BBC News Persian journalists have reportedly been convicted in absentia in Iran of the crime of 'propaganda against the Islamic Republic'. Affected individuals were not informed of the charges or the judicial proceedings against them. These national security related charges were never disclosed to the individuals before the information in February 2024 became public. The leaked information included a database of millions of public and undisclosed criminal cases allegedly from Iran's Judiciary. One of these referenced a closed confidential case which outlined the conviction of a number of journalists working for international Persian media, including 10 from BBC News Persian. The information suggests a court in Tehran tried and convicted BBC News Persian journalists in February 2022 in absentia. According to the information, each individual was sentenced to one year's imprisonment.

It has been further reported that since the September 2022 protests, BBC News Persian journalists and staff have been investigated for and threatened with national security prosecution in Iran because of their reporting on events in

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<sup>1</sup> <https://sanctionlist.mfa.ir/files/sanction/sanction/77.pdf>.

<sup>2</sup> <https://sanctionlist.mfa.ir/>.

Iran for the BBC, preventing them from returning to their country because of the risk of criminal prosecution on national security crimes which may include the death penalty.

*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, especially online. Women journalists have been subjected to intensified online and social media threats of death, rape and sexual assault, in particular after having reported on stories deemed sensitive for the Iranian Government. This campaign of online attacks is either generated by Iran or is coming from within Iran and the Iranian Government is failing to take adequate measures to address it. The spread of fake and defamatory news stories is designed to undermine the reputation of BBC News Persian staff and their families. These attacks escalated and intensified during BBC reporting on the protests.

In one example from September 2023, an Instagram page connected to the Islamic Revolutionary Guards Corps, called “Gharargah Shahid Doran” (Martyr Doran Base)<sup>3</sup>, showed images of BBC Persian female journalists among others, each of whom is targeted by individual comments attacking their reputations with the aim of discrediting their work as journalists. This was later published in Iran’s state broadcaster (IRIB) newspaper<sup>4</sup>, with the headline: *“While the number of female employees and presenters who have been [sexually] assaulted in hostile TV channels is increasing day by day, these same networks and people have claimed compassion for chaste and noble Iranian women, and of course, they have been a messenger of freedom for them!”*

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, inclusion in Sanctions List of the Islamic Republic of Iran, asset freezing, serious threats including death, 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, including what appears to be a misuse of national security legislation and counter terrorism sanctions, 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.

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<sup>3</sup> <https://www.instagram.com/p/Cw339o4ImFu/>

<sup>4</sup> <https://jamejamdaily.ir/Newspaper/item/201835>

We are particularly alarmed by the alleged death threats against the journalists and their families, which put them in a situation of increased vulnerability and violate their fundamental right to physical and mental integrity and personal security. In this respect, we refer your Excellency's Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats". We wish to stress that the fundamental right to life and security of the person as set forth in articles 6(1) and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government in 1975, require the State to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors (Human Rights Committee General Comment no. 35).

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 are further concerned at the criminal prosecution of journalists in absentia, in the context of highly politicized and securitized cases before a judiciary which does not appear to meet the requirements of independence and impartiality and freedom from political interference, as required by the right to fair trial under international law (under Article 10 of the UDHR and Article 14 of the ICCPR). Such proceedings may have denied the charged individuals with notice of the charges and proceedings as required by Article 14 (3) (a) of the ICCPR (General Comment 32, para. 31) and consequently the opportunity to consult with counsel of their choosing, lodge a defence, or appeal any sentence handed down. In this regard we draw attention to the concerns expressed about the independence of the judiciary from political interference and fair trial safeguards in the Concluding Observations on Iran by the United Nations Human Rights Committee in 2023 (CCPR/C/IRN/CO/4, paras. 39-42).

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 apparent aim of exerting pressure on the journalists to leave their jobs. We are further concerned at the misuse of financial sanctions, imposed in

2017 and 2022, including on the pretext of countering terrorism. These appear to be based on overly broad criteria which lack legal certainty, including as regards the concept of ‘terrorism’. They are thus prone to abuse and result in infringements upon freedom of expression and the media and the rights to privacy and family life. We note that sanctioning BBC News Persian for ‘supporting and instigating terrorism’ indicates that Iranian law abusively extends beyond acts that are truly of a terrorist nature according to international standards.<sup>5</sup>

In addition, the accusation that BBC News Persian was ‘supporting and instigating’ terrorism as well as violence, ‘hate-mongering’ and ‘human rights abuse’ goes beyond the accepted scope of legitimate restrictions on freedom of expression and the media based on countering terrorism or hate speech, as set out in the six-part test on hate speech in the Rabat Plan of Action (A/HRC/22/17/Add.4) (referring to context; speaker; intent; content or form; extent of the speech; and likelihood of harm occurring, including imminence) and in the recommendations on incitement to terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, Practice 8) (including requirements that incitement must: be precisely prescribed by law and avoid vague terms; be based on a precise underlying definition of terrorism; be strictly necessary and proportionate to counter terrorism; and include both an intent to incite terrorism and an objective risk that it will be committed).

We also emphasize that the sanctions do not appear to meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35) (including as regards the standard of proof for listing, the definition of terrorism, notification and the right to effective judicial review of sanctions in a fair hearing, subsequent periodic review and time-limited expiry of sanctions, and compensation for persons wrongly listed).

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

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<sup>5</sup> As defined by the 19 United Nations sectoral conventions on terrorist offences, Security Council Resolution 1566 (2004) and the Declaration on Measures to Eliminate International Terrorism and the Declaration supplementing the 1994 Declaration on Measures to Eliminate International Terrorism, approved by the General Assembly in 1997, as well as the model definition of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (E/CN.4/2006/98, para. 72).

enabling environment without fear of threats or acts of intimidation and harassment of any sort.

3. Please provide updated information on the conviction of the 10 BBC journalists in absentia and the reasons for the one-year sentence.
4. Please explain the legal grounds and factual bases for the 2017 assets freeze and 2022 sanctions listing of BBC Persian, and how these are compatible with the requirements of legal certainty, due process, and judicial protection. Kindly indicate how counter-terrorism sanctions comply with a strict understanding of the definition of terrorism as elucidated by international law norms including, but not limited to, United Nations Security Council Resolution 1566 (2004).
5. Please provide updated information on the 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.
6. 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.
7. 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.
8. Please provide information on measures taken to protect the physical and mental integrity of BBC News Persian journalists and their family members, and to investigate serious allegations of death threats against them. If no investigation has been opened or is envisaged, please explain why.
9. 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.

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.

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan

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

Margaret Satterthwaite

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Ben Saul

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

## **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 life under article 6, 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. This right 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 also draw the Government's attention to paragraphs 75(a) to (i) of the 2018 report of the Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering Terrorism (A/HRC/40/52) on the impact of terrorism measures on civic spaces and human rights defenders. Any restriction on expression or information that a government seeks to justify on grounds of national security and counterterrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34).

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.