

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
AL PAK 2/2021

22 January 2021

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; Working Group on Arbitrary Detention and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 43/4, 42/22 and 43/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a series of alleged meritless charges brought against a number of independent journalists and human rights defenders, which appears to show an alarming pattern of restrictions to the right to freedom of expression of journalists in Pakistan.**

The complaints that are listed below includes cases which the courts have dismissed as well as those in which prosecution or investigation is ongoing and some in which journalists were questioned or threatened but not prosecuted.

Allegations of threats and intimidation against Ms. Gul Bukhari were the subject of a communication sent by a number of Special Procedures mandate holders on 16 July 2018 (AL PAK 4/2018). We thank your Excellency's Government for its response dated 5 October 2018, but we remain concerned about her situation given the new allegations received.

According to the information received:

The case of Mr. Asad Ali Toor

Mr. Asad Ali Toor is an Islamabad-based journalist who has notably reported on the Pakistan Armed Forces and on incidents involving a Justice of the Supreme Court.

A few days after the legal proceedings were brought against Mr. Farooqi and Mr. Alam, on 14 September 2020, Mr. Toor was charged with a First Information Report (FIR) under Sections 505 (statements conducing to public mischief), 500 (punishment for defamation) and 499 (defamation) of the Pakistan Penal Code, together with Sections 37 (unlawful online content), 11 (hate speech) and 20 (offences against dignity of a person) of the PECA 2016. The FIR was lodged on the basis that Mr Toor allegedly disseminated online "material", but no further details were provided. At the time of sending this communication however, no information on the contents of the alleged "material" has been made available to Mr. Toor.

Mr. Asad Ali Toor was ultimately cleared by the Federal Investigation Agency (FIA) of the charges against him before both the lower judiciary and the

Lahore High Court, Rawalpindi Bench.

The case of Mr. Ajeeb Ali Lakho

Mr. Ajeeb Ali Lakho is a human rights defender and has worked as a journalist for about 25 years and currently works with local and national daily newspapers, namely Koshish, Aman and Jurat. In December 2018, he reported on the alleged illegal trade and smuggling of Iranian diesel by some high level police officers. Following publication of his report, twenty-one cases were registered against Mr. Lakho.

These FIRs include the following: FIR No. 41/2019, registered at Police Station Market District, Larkana, Sindh, under Sections 385 (placing a person at risk of injury in order to commit extortion) and 386 (extortion by placing a person at risk of death or grievous hurt) of the Penal Code and Section 6 (offence of terrorism) of the Anti-Terrorism Act 1997; FIR No. 44/2019 registered at Police Station Market District, Larkana, Sindh, under Section 23(1) Sindh Arms Act; FIR No. 93/2019 registered at Police Station Kandiaro District, Noushro Feroze, Sindh, under Sections 364 (kidnapping or abducting in order to murder), 341 (punishment for wrongful restraint) and 511 (punishment for attempting to commit offences punishable with imprisonment for life or for a shorter term) of the Penal Code; FIR No. 52/2019 registered at Police Station Sobhadero, under Sections 392 (punishment for robbery) and 506 (punishment for criminal intimidation) of the Penal Code; FIR No. 47/2019 registered at Police Station Gambat, Sindh, under Sections 406 (punishment for criminal breach of trust) and 506 (punishment for criminal intimidation) of the Penal Code; FIR No. 55/2019 registered at Police Station Gambat, Sindh, under Sections 406 (punishment for criminal breach of trust), 420 (cheating and dishonestly inducing delivery of property), 506 (punishment for criminal intimidation) and 34 (acts done by several persons in furtherance of common intention) of the Penal Code; FIR No. 21/2019 registered at P.S Garhi Yaseen District Shikarpur, under Section 9-C of the Control of Narcotic Substances Act (death or imprisonment for life for possession of narcotic substances); FIR No. 51/2019 registered at P.S Gambat District Khairpur, under Sections 341 (punishment for wrongful restraint), 353 (assault or criminal force to deter public servant from discharge of his duty), 427 (mischief causing damage to the amount of fifty rupees), 504 (intentional insult with intent to provoke breach of the peace), 147 (punishment for rioting), 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object) of the Penal Code and Section 7 of the Anti-Terrorism Act 1997; FIR No. 55/2019 registered at P.S Sorah District Khairpur under Sections 506 (punishment for criminal intimidation), 114 (abettor present when offence is committed), 148 (rioting, armed with deadly weapon) and 149 (every member of unlawful assembly guilty of offence committed in prosecution of common object) of the Penal Code; FIR No. 22/2019 registered at P.S Sarhad District Ghotki under Sections 9-C of the Control of Narcotic Substances Act; FIR No. 227/2019 registered at P.S A Section Kand Kot under Sections 353 (assault or criminal force to deter public servant from discharge of his duty), 324 (attempt to commit murder) and 427 (mischief causing damage to the amount of fifty rupees) of the Penal Code; FIR No. 10/2019 registered at PS Kacho Ketu District Kandhkot Kashmore under Section 365A (kidnapping or abducting for extorting property, valuable security, etc.) of the Penal Code; FIR No. 1009/2019 registered at P.S Kahnpur

Katora, District Rahimyar Khan, Punjab under Section 215 (taking gift to help to recover property, etc.) of the Penal Code; FIR No. 151/2019 registered at Pano Akil, District Sukkur under Section 392 (punishment for robbery) of the Penal Code; FIR No. 106/2019 registered at Pano Akil, District Sukkur under Section 392 (punishment for robbery) of the Penal Code; FIR No. 105/2019 registered at Gambat, District Khairpur under Section 395 (punishment for dacoity, defined as an act of violent robbery) of the Penal Code; FIR No. 107/2019 registered at Gambat, District Khairpur; FIR No. 64/2020 registered at Gambat, District Khairpur under Sections 324 (attempt to commit murder) and 427 (mischief causing damage to the amount of fifty rupees) of the Penal Code; FIR No. 65/2020 registered at Gambat, District Khairpur under Section 23(j)(a), Sindh Arms Act 2013; FIR No. 66/2020 registered Gambat, District Khairpur under Section 23(j)(a), SAA 2013; and FIR No. 67/2020 registered at Sangi, District Sukkur under Section 324 (attempt to commit murder) of the Penal Code.

Mr. Lakho submitted a Writ Petition No. 1584/2019 in response to the 21 cases registered against him, the charges within which he considers to be false and frivolous. The Sindh High Court, Sukkhur Bench directed the respective courts where the cases were pending to decide on merit and accordingly. Mr. Lakho was ultimately cleared of all charges.

*The case of Mr. **Rana Arshad Sulehri***

Mr. Rana Arshad Sulehri is an Islamabad-based journalist and has recently reported on the military, including reports concerning former President Pervez Musharraf.

On 1 October 2020, the FIA issued Mr. Sulehri an undated notice, requesting him to appear before the Agency, with no further details provided. Subsequently, Mr. Sulehri requested that FIA officials disclose the name of the complainant and information about the allegations brought against him, which the authorities refused. On the evening of 7 October 2020, Mr. Sulehri's home was searched by FIA officials, who reportedly did not produce a search warrant.

Following these incidents, Mr. Sulehri filed a Writ Petition, No. 2939/2020. On 12 October 2020, the High Court ordered the FIA to submit a detailed report on the charges brought against Mr. Sulehri. The FIA then withdrew its initial notice and issued a new, undated one, which Mr. Sulehri received on 20 October, yet it did not provide any details on the accusations against him. During the hearing related to the Writ Petition No. 2939/2020, which took place on 2 November 2020, the FIA informed the High Court that it had no incriminating material against Mr. Sulehri.

On 3 November 2020, the Islamabad High Court directed the FIA to “consider prescribing special guidelines regarding proceedings against persons engaged in the profession of journalism on account of the profound effect on the freedom of press and independence of a journalist when the coercive powers are abused, giving rise to a perception of retaliation to professional functions performed”.

*The case of Mr. **Bilal Farooqi***

Mr. Bilal Farooqi is a human rights defender and the Editor of Express Tribune, an online English news site, and has reported on cases of enforced disappearances in Pakistan.

On 9 September 2020, a FIR No. 613/20 was registered against him at the Police Station Defence, South Karachi under Sections 500 (defamation) and 505 (statements conducing to public mischief) of the Penal Code, together with Sections 11 (hate speech) and 20 (offences against dignity of a person/criminal defamation) of the Prevention of Electronic Crimes Act 2016. The FIR alleged that he had shared “highly objectionable material” and “highly provocative posts” on his Facebook and Twitter accounts, but no further details were provided.

Two days later, on 11 September 2020, he was arrested by a uniformed policeman and two plainclothes individuals in front of his home. Mr. Farooqi is currently on bail.

The case of Mr. Mian Dawood

Mr. Mian Dawood is a lawyer and a court reporter, and also runs a YouTube channel on which he posts videos discussing political issues.

On 24 October 2020, Mr. Dawood received an undated notice from the FIA, which stipulated that the FIA Cyber Crime Reporting Center Islamabad was conducting proceedings against him with no information on the charges brought against him. He was requested to appear before the FIA or to face legal action under section 174 of Pakistan Penal Code.

Mr. Dawood attempted to challenge this notice before the Lahore High Court through a Writ Petition. However, the Lahore High Court refused to receive his petition, citing a lack of jurisdiction.

The case of Mr. Amir Mir

Mr. Amir Mir is a Lahore-based journalist, currently employed by Googly News Channel.

On 30 August 2020, Mr. Mir received a notice dated 28 August 2020 from the FIA, which reportedly requested him to provide his source of information for reports he released on YouTube.

Mr. Mir recently appeared before the FIA on various separate occasions in relation to his reporting on the arrest of a leading opposition figure. According to the information received, Mr. Mir was not provided any justification for the police interrogation, nor has he been informed of any charge that may have been brought against him.

The case of Mr. Absar Alam

Mr. Absar Alam is a senior journalist based in Islamabad, and former Chairman of the Pakistan Electronic Media Regulatory Authority (PEMRA).

On 11 September 2020, a FIR No. 492/2020 was registered against him at Police Station Dina in District Jhelum, under Sections 131 (abetting mutiny), 124A (sedition), 499 (defamation) and 505 (statements conducing to public mischief) of the Pakistan Penal Code, together with Section 20 (offences against dignity of person/criminal defamation) of the Prevention of Electronic Crimes Act 2016. The FIR is grounded inter alia on “sedition” charges and makes explicit mention of Mr. Alam’s Twitter account, through which he had reported on a corruption scandal. The complainant is a lawyer associated with the Insaaf Lawyers Forum, which has associations with the ruling party, Pakistan Tehreek-e-Insaaf.

Mr. Absar Alam is yet to be summoned to take part in any investigation.

*The case of Mr. **Fakhar Durrani***

Mr. Fakhar Durrani is a journalist based in Islamabad, who is affiliated with the English language newspaper The News. He recently published articles about the dual nationality of a Federal Minister, which resulted in actions from the Election Commission of Pakistan (ECP) and the Islamabad High Court.

On 2 October 2020 during a programme broadcast on ARY, a TV channel believed to have links with the security apparatus, Mr. Durrani was labelled a “traitor” and accused of having links with the Indian intelligence agency (RAW).

Following his submission of a Writ Petition, No. 3062/2020, the Islamabad High Court ordered that “the responded restrain from harassing [Mr. Durrani]”. The date of the next hearing has yet to be announced.

*The case of Mr. **Ahmad Noorani***

Mr. Ahmad Noorani is a human rights defender and senior journalist working with the media organization “Fact Focus” and was previously associated with The News. He has published critical reports on the Pakistani military and intelligence agencies.

In recent years, Mr. Noorani has reportedly faced numerous acts of intimidation and harassment in response to his journalistic work. From 2014 to 2017, the homes of his relatives in his native city Bahawalpur were attacked once and raided six times by law enforcement agencies working under military control. No perpetrator was ever arrested, despite the incidents being reported to the police. On 27 October 2017, he was attacked at Zero Point in Islamabad by six unidentified assailants, who dragged him out of his car and hit him with iron rods. He was subsequently taken to Poly Clinic where he received medical treatment.

On 27 August 2020, Mr. Noorani reported a story about alleged offshore assets of a former top military general. Following the story’s release, Mr. Noorani, his family members and his colleagues began receiving threats on social media, including death threats, from individuals linked to the military. Pictures of Mr. Noorani and the names of his colleagues were shared by a news channel considered to have links with the Inter-Services Public Relations (ISPR) - the media and public relations division of the Pakistan Armed Forces

- and alleged that they were working with the Indian intelligence agency. Fearing for their safety, Mr. Noorani's family members went into hiding.

It is reported that Mr. Noorani may soon be tried under treason charges.

The case of Mr. Azhar ul Haq Wahid

Mr. Azhar ul Haq Wahid is a Lahore-based journalist who was previously associated with the Daily Khabrain newspaper. He also ran a Facebook page by the name of "Baaghi" (revolutionary). He notably published stories on former President Pervez Musharraf in the first days of January 2020.

On the evening of 15 January 2020, shortly after Mr. Wahid had left his home in Lahore, the home was raided by about 30 individuals, including a clerk from the FIA Cyber Crime Wing, Lahore. A search warrant was not provided and it is reported that Mr. Wahid's parents were abused and threatened by officials during the raid. Mr. Wahid's cell phone and two laptops were confiscated.

On the same day, Mr. Wahid received an undated notice from the FIA. On 16 January 2020, Mr. Wahid visited the offices of the FIA, where an FIR No. 02/2020 dated 16 January 2020 was registered against him under Section 505 (statements conducing to public mischief) of the Penal Code and Sections 11 (hate speech) and 20 (criminal defamation/offences against dignity of a natural person) of the Prevention of Electronic Crimes Act.

While Mr. Wahid was at the FIA office, his National Identity Card and bankcard were also confiscated. He was held in FIA custody for three days, during which he was reportedly labelled a traitor by the officials and subjected to ill-treatment, including being kicked in the chest. From 20 January 2020, Mr. Wahid was held in solitary confinement in judicial custody for three months. On 27 March 2020, the Lahore High Court granted him bail.

His Facebook page "Baaghi" is no longer accessible.

The case of Ms. Gul Bukhari

Ms. Gul Bukhari is a woman human rights defender and journalist who has worked for a number of newspapers. Her reporting has focused on the military and its interferences in the judiciary and politics.

On 5 June 2018, following critical Tweets and reporting she had done on the military, Ms. Gul Bukhari was abducted, allegedly by army officials. Later that year, she was forced to flee Pakistan as a result of the incident.

Between July and October 2020, a lawyer who is known to be affiliated with the former President Pervez Musharraf and the security apparatus, reportedly issued three legal notices concerning Ms. Bukhari. The notices, dated 14 July 2020, 4 August 2020 and 5 October 2020, were thereafter sent to the Secretary, Ministry of Interior; Director General, FIA; Chairman, Pakistan Telecommunication Authority (PTA); Director, FIA, Cyber Crime Wing, Lahore; and Twitter.

On 20 October 2020, the same individual filed a 3-page complaint with the FIA against Ms. Bukhari in response to Tweets she posted about high-level Supreme Justices.

Ms. Gul Bukhari is currently in exile.

Without prejudging the accuracy of the information received, we express serious concern as to the aforementioned arrests and criminal accusations brought against the aforementioned individuals, which appears to have been made in retaliation for their journalistic and human rights work. Should these allegations be confirmed, they would be in violation of articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010, which guarantees the rights not to be arbitrarily deprived of liberty, to fair proceedings before an independent and impartial tribunal and to freedom of opinion and expression.

We are particularly concerned at the use of meritless lawsuits against journalists and human rights defenders which appears to be aimed at curtailing publication of information, particularly when such information may be deemed to be critical of public officials and in the public interest. Such vexatious judicial proceedings, also called strategic litigation against public participation (SLAPPs), which are based on civil or criminal defamation claims do not seem to pursue another aim than censoring, intimidating, and silencing critics through significant financial costs of mounting a legal defense, which poses a direct threat to freedom of expression. We are, in this context, concerned that the criminal charges could have the effect of silencing the journalists and human rights defenders and of deterring others from exercising their right to freedom of expression.

In particular, we are seriously concerned that the number of complaints received illustrate an alarming pattern of using the legal system to harass, intimidate, threaten and retaliate against journalists and human rights defenders who are seeking to expose alleged wrongdoing. We are seriously concerned that according to the information we received, the cases mentioned above are not isolated, but reflect a worrying trend targeting journalists and human rights defenders. We acknowledge the prominent work of the judiciary in dismissing meritless charges, but we are nevertheless concerned that the harassment and pressure that these charges create for the journalists create a chilling effect on independent media and civil society in Pakistan.

We are concerned that the aforementioned allegations, if correct, would also indicate that your Excellency's Government has failed to fulfil its obligations to protect freedom of expression. According to international law, States are under negative obligations to refrain from restricting the right to freedom of expression, other than in a manner compatible with the requirements under articles 19 (3) of the ICCPR. States parties are also to take positive measures to protect against attacks aimed at silencing those exercising their right to freedom of expression, as further detailed in the Annex of this letter.

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/comment you may have on the above mentioned allegations.
2. Please provide detailed information on the practical measures that have been taken to ensure the physical and psychological integrity of the individuals mentioned above.
3. Please provide information on the legal and factual basis for the arrests and charges brought against the individuals mentioned above and how these are compatible with your Excellency's Government international human rights obligations under the ICCPR.
4. More generally, please provide detailed information regarding allegations of harassment, intimidate and retaliation against journalists in Pakistan.
5. Please provide information about measures taken by your Excellency's Government to protect journalists from meritless SLAPP suits, acts of harassment, intimidation and retaliation for independent journalism.
6. Please indicate what measures have been taken to ensure that journalists and human rights defenders are able to carry out their legitimate work, including through the exercise of their right to freedom of opinion and expression in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort against either themselves or their families.

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.

Moreover, we would like to inform your Excellency's Government that after having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the allegation letter procedure and the regular procedure.

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.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to articles 9, 14 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010.

Under article 9.1 of the ICCPR “[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Moreover, article 9.2 stipulates that the person must be informed, at the moment of the arrest, about the reasons for such deprivation of liberty; in addition, the information about the charges against the person should be provided without delay. According to Article 9.3, anyone deprived of his or her liberty “shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 9.4 incorporates the right to initiate proceedings before a court to determine the lawfulness of the detention. These guarantees must be satisfied since the very start of the detention period and irrespective of its duration.

Article 14 of the ICCPR further stipulates that, in the determination of any criminal charge, everyone shall be entitled to adequate time to communicate with counsel of choice. Article 14 also guarantees the right to be tried without undue delay. The right to have access to a lawyer without delay and in full confidentiality is also enshrined in principle 9 and guideline 8 of the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court (A/HRC/30/37), and the Basic Principles on the Role of Lawyers (Principles 7 and 8).

Article 19 of the ICCPR guarantees the right to freedom of expression, which includes “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”. We would like to remind your Excellency’s Government that any limitation to the right to freedom of expression must meet the criteria established by article 19 (3) of the ICCPR. Any limitations must be determined by law and must conform to the strict test of necessity and proportionality must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

Article 19 of the ICCPR protects, inter alia, political discourse, commentary on one’s own and on public affairs, discussion on human rights and journalism (Human Rights Committee, General Comment no. 34, CCPR/C/GC/34 para 11). As indicated by the Human Rights Committee, “the function of journalists includes not only full-time reporters and analysts, but also bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere”, CCPR/C/GC/34 para. 44. While all restrictions must comply with the requirements of necessity and proportionality, the penalisation of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression, CCPR/C/GC/34 para 42. Furthermore, Human Rights Committee, in its General Comment No. 35 paragraph 53 has stated that detention purely due to peaceful exercise of right protected by the Covenant may be arbitrary. Laws justified by national security, whether described by sedition laws or otherwise, can never be invoked to prosecute journalists, see CCPR/C/GC/34 para 30. Likewise, the arbitrary arrest or torture of

individuals because of the exercise of their freedom of expression will under no circumstance be compatible with Article 19, CCPR/C/GC/34 para. 23.

The Human Rights Committee has further concluded that defamation and libel laws should be crafted with care to ensure that they comply with [the criteria of legality, necessity and proportionality], and that they do not serve, in practice, to stifle freedom of expression". In particular: "All such laws, in particular penal defamation laws, should include such defenses as the defense of truth and they should not be applied with regard to those forms of expression that are not, of their nature, subject to verification. At least with regard to comments about public figures, consideration should be given to avoiding penalizing or otherwise rendering unlawful untrue statements that have been published in error but without malice. In any event, a public interest in the subject matter of the criticism should be recognized as a defense. We reiterate the recommendations by the Human Rights Committee, that "States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty" (CCPR/C/GC/34, para 47).

As stated by the Committee, the deprivation of liberty of an individual for exercising their freedom of expression constitutes an arbitrary deprivation of liberty contrary to Article 9 of the Covenant, see CCPR/C/GC/35 para. 17, and a concurrent violation of Article 19. Such attacks against individuals for exercising their rights to freedom of expression should be "vigorously investigated in a timely fashion, and the perpetrators prosecuted", CCPR/C/GC/34 para. 23.

In this regard, we would like to refer to the Human Rights Council resolution 45/18 on safety of journalists adopted on 6 October 2020, in which the Council expressed "deep concerns about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counterextremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting".

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information and, as such, they should be highlighted independently of any other rationale for restriction. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary. (A/HRC/71/373 para. 35). It has indeed long been recognised that "journalism constitutes a necessary service for any society, as it provides individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions" (A/HRC/20/17 para 3).

In this context, we would like to refer your Excellency's Government to the fundamental principles set forth in 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 refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote

and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. we would also like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, 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 his or her legitimate exercise of the rights referred to in the Declaration.