

Mandates of the Special Rapporteur on the independence of judges and lawyers; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL EGY 7/2025
(Please use this reference in your reply)

13 November 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 53/12, 60/8, 54/14, 52/9, 59/4, 52/4 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the referral for trial of more than 90 lawyers, including human rights lawyers and defenders, reportedly as a result of their legitimate human rights work, including the provision of legal representation. We are specifically concerned about the arrests of, and the terrorism-related charges brought against, three Egyptian human rights lawyers, Mr. Shaker Mohamed Shaker Ahmed, Mr. Osama Abdulhakim Bioumy Samak, and Mr. Abdrab Al-Naby Abdullah Ismail. All three individuals are currently in detention.

We would like to recall that Special Procedures mandate holders have repeatedly expressed concerns regarding the incompatibility of Egypt's Terrorism Circuit Courts (TCCs) with international due process guarantees in communications to your Excellency's Government, including in [EGY 13/2020](#), sent on 2 October 2020, as well as [EGY 4/2020](#), sent on 28 February 2020, regarding Egypt's anti-terrorism law. We thank your Excellency's Government for the [response](#) to EGY 4/2020, received on 10 March 2021. However, concerns persist.

According to the information received:

Since August 2024, Egyptian authorities have allegedly referred more than 90 lawyers to trial before the terrorism circuits of the criminal court, reportedly as a direct result of their legitimate human rights work, including through providing legal representation. Reports indicate that these actions mark an escalation in the criminalisation of lawyers and human rights defenders in the country.

According to the information received, the case files reportedly refer to “human rights activity” – including the legal representation of defendants – as part of the charges, thereby characterizing such work as a criminal offense. It is further reported that the act of providing legal defense to individuals accused in political cases has been presented as a punishable act. The lawyers are charged with “*joining an unspecified terrorist group,*” an offense reportedly punishable under article 12 of the Anti-Terrorism Law and/or article 86 bis of the Penal Code.

According to the information received, some of the lawyers and human rights defenders referred to trial have reportedly been in detention for several years, while others are not currently detained.

Case of Mr. Shaker Mohamed Shaker Ahmed

On 5 April 2025, Mr. Shaker Mohamed Shaker Ahmed was arrested. He was accused under case No. 1772/2025, under which he was charged with joining an unspecified terrorist group and publishing fake news.

Case of Mr. Osama Abdulkhkim Bioumy Samak

On 30 January 2022, Mr. Osama Abdulkhkim Bioumy Samak was reportedly arrested at his home by a group of masked security officers. He was reportedly taken to the National Security premises in the Al-Albasiya area and was forcibly disappeared for four days until 3 February 2022, when he was brought before the Supreme State Security Prosecution (SSSP). Mr. Samak was accused under case No. 640/2018 under charges of joining a terrorist group and spreading fake news. The SSSP reportedly remanded him in custody for 15 days pending investigation into the case. Mr. Samak was released but allegedly charged again in case No. 12924/2024.

Mr. Samak has been subjected to long-term pre-trial detention, reportedly beyond the legal limit of two years, as a result of the addition of new cases with nearly identical charges, in a practice commonly known as “rotation”.

Case of Mr. Abdrab Al-Naby Abdullah Ismail

On 21 November 2021, Mr. Abdrab Al-Naby Abdullah Ismail was arrested near his private office in Sharqiya Governorate. He was presented to the SSSP as a defendant in case No. 2175/2021, under which he was charged with joining an unspecified terrorist group.

Mr. Ismail has been subjected to long-term pre-trial detention beyond the legal limit of two years, as a result of the addition of new cases with nearly identical charges.

Without prejudging the accuracy of these allegations, we express our concern at the reported large-scale arbitrary detention and prosecution of lawyers, including human rights lawyers and human rights defenders, in Egypt. Their trial before the terrorism circuits of the criminal court, reportedly as a direct result of their legitimate

human rights work, including providing legal representation to victims and individuals accused in political cases, may amount to a violation of Egypt's obligations under international human rights law.

We are particularly concerned about the alleged prosecution of Mr. Shaker Mohamed Shaker Ahmed, Mr. Osama Abdulhakim Bioumy Samak, and Mr. Abdrab Al-Naby Abdullah Ismail, as a result of the legitimate exercise of their legal activities. We are equally concerned that they have been charged under provisions of Egypt's counter-terrorism law, which, if applied to activities protected under international human rights law, would be inconsistent with Egypt's obligations under the International Covenant on Civil and Political Rights (ICCPR), which it ratified on 14 January 1982, particularly articles 9, 14, 19 and 22.

In particular, we recall that article 14 of the ICCPR guarantees the right to a fair trial and the independence of the judiciary, including the right of access to counsel. The Human Rights Committee has stated that "lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter".¹

Article 19 of the ICCPR protects the right to freedom of opinion and expression, which includes political discourse, commentary on public affairs and discussion of human rights, among others. Recognizing how persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing them and stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted".²

Furthermore, we draw attention to the UN Basic Principles on the Role of Lawyers, which state that lawyers must be able to perform their professional functions without intimidation, hindrance, harassment, or improper interference, and that they should not be identified with their clients or their clients' causes as a result of discharging their functions.³

In line with our previous communications ([EGY 8/2024](#), [EGY 1/2022](#), and [EGY 4/2020](#)), we also reiterate our concerns about the vagueness of the counter-terrorism and national security legislation in Egypt. We note with concern that this legislation is reportedly being misused to target, inter alia, human rights defenders, journalists and civil society organizations critical of the Government. We underscore to your Excellency's Government that counter-terrorism legislation must be sufficiently precise so as to comply with the principle of legality under article 15 of the ICCPR in order to avoid the risk of abuse of over-broad offences. We are particularly concerned at vague charges of joining an "unspecified" terrorist group, which inherently does not give the accused persons adequate notice of the substance of the allegations against

¹ CCPR/C/GC/32, 23 August 2007, paras. 32-34, 38.

² CCPR/C/GC/34, 12 September 2011, paras. 11, 34.

³ Principles 16 and 18 Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba on 7 September 1990

them as required by article 9(2) and 14(3) of the ICCPR, and consequently also prejudices their ability to prepare a defence, to examine witnesses and to receive a fair trial under article 14. Counter-terrorism law must also not unnecessarily or disproportionately restrict other human rights, including freedoms of association, assembly, expression and opinion (A/HRC/40/52); all restrictions to freedom of expression should comply with the standards set out in article 19(3) of the ICCPR.

We are especially concerned that, in light of the shrinking civic space about which we shared concerns in our 24 May 2023 communication ([EGY 2/2023](#)), and the alleged increasing human rights violations, these actions may further contribute to discouraging or silencing the remaining individuals and groups engaged in human rights work, who continue to operate under difficult and often precarious conditions.

It is worth noting that the practice of using identical or similar charges in new cases by combining them with new accusations has been previously used against human rights defenders. We reiterate the serious concerns raised in [EGY 5/2025](#) regarding the widespread and systematic use of “case recycling” or “rotation” of cases, which the Working Group on Arbitrary Detention has repeatedly found to be incompatible with the right to liberty and security of person under article 9 of the ICCPR, including effective judicial supervision.⁴ This method was also the subject of three other communications sent by Special Procedures mandate holders to your Excellency’s Government, [EGY 8/2024](#), [EGY 7/2023](#) and [EGY 5/2021](#), which addressed the extremely lengthy periods of arbitrary pre-trial detention through the attachment of the human rights defenders to new cases wherein they face similar accusations as initially brought against them. In its concluding observations of Egypt’s last review in March 2023, the UN Human Rights Committee expressed concern at the practice of “rotation”, used to extend pre-trial detention of human rights defenders, among others (CCPR/C/EGY/CO/5, para. 31). We highlight that quite recently, in June 2025, the Working on Arbitrary Detention expressed its concern that given several cases brought before the Working Group, these may “indicate a widespread or systematic practice of arbitrary detention in Egypt, including through the unlawful practice of rotation, whereby release is ordered but never effected and new charges are brought against the person concerned. The Working Group underlines that States have the obligation not to engage in acts that could constitute crimes against humanity and to prevent and punish them if they are committed”⁵.

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.

⁴ See e.g. Opinions Nos. 53/2022 and 60/2022.

⁵ A/HRC/WGAD/2025/29, para. 73.

2. Please provide any additional information and/or comments you may have regarding the above-mentioned allegations, including clarification on the status of the reported referral of more than 90 lawyers and human rights defenders to trial before the terrorism circuits of the criminal court, as well as the legal and procedural steps taken in this regard.
3. Please provide detailed information about the legal and factual basis for the detention and prosecution of Mr. Shaker Mohamed Shaker Ahmed, Mr. Osama Abdulhakim Bioumy Samak, and Mr. Abdrab Al-Naby Abdullah Ismail. Please explain whether and how these prosecutions are in line with international human rights law and standards. Please indicate the measures taken to review these cases in line with the above-mentioned observations as soon as possible.
4. Please explain what steps your Excellency's Government is taking or plans to take to ensure that the practice of recycling cases or "rotation" of cases is ended, in line with the requirements of articles 9 and 14 of the ICCPR.
5. Please provide detailed information on the measures taken to investigate the allegations of arbitrary detention and enforced disappearance, identify those responsible and prosecute them. If no investigation has been launched, please explain why.
6. Please indicate what measures have been taken to ensure that human rights defenders and human rights lawyers can operate in an enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind. Specifically, please indicate how the terrorism charges in these cases are consistent with the principle of legality and other relevant human rights.

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 your Excellency's Government to immediately cease all acts of harassment and arbitrary arrests against lawyers and human rights defenders, and to allow Mr. Shaker Mohamed Shaker Ahmed, Mr. Osama Abdulhakim Bioumy Samak, and Mr. Abdrab Al-Naby Abdullah Ismail to carry out their legitimate activities as human rights lawyers in the future. We also urge your Government to take measures to prevent the re-occurrence of human rights violations 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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any

opinion the Working Group may render. The Government is required to respond separately to the letter of allegation and the regular procedure. As well should sources submit the allegations of enforced disappearances for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the cases will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

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 to clarify the issues in question.

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Matthew Gillett
Vice-Chair of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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 the above alleged facts and concerns, we would like to refer your Excellency's Government to articles 7, 9, 10, 14, 15, 16, 19 and 22, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982, which guarantee that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, that all persons deprived of their liberty shall be treated with humanity and respect, the right to a fair trial, the right to freedom of expression and the freedom to seek, receive and impart information and ideas of all kinds, and the right to freedom of association with others. Such rights are also provided for by articles 3, 9, 10, 19 and 20 of the Universal Declaration of Human Rights (UDHR).

We further recall Egypt's obligations under article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Egypt on 14 January 1982, which guarantees the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Accordingly, States have the obligation to refrain from denying or limiting equal access for all persons, including prisoners or detainees, to health services (Committee on Economic, Social and Cultural Rights, general comment No. 14 para. 34). Further, the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted unanimously by the UN General Assembly (A/RES/70/175), establish States' responsibility to provide healthcare for prisoners (rules 24 to 35) and to particularly ensure continuity of treatment and care (rule 24.2).

We would also like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28, 48/17 and 54/24 reaffirming the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies as well as the issuance of appropriate guidance to national authorities in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

We would further like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

Although no universal treaty generally defines “terrorism”, States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,⁶ the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004).⁷ Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear “best practice” guidance by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51, para. 28).

The principle of legal certainty under article 15(1) of the ICCPR requires that criminal laws be sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse to target civil society on political or other unjustified grounds.⁸

Many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.⁹ Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

We would also like to draw to the attention of you Excellency’s Government 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. Article 6(b) and (c) of the Declaration provides that everyone has the right to freely 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 of these rights. We would also like to refer to article 11 which states that everyone has the right to the lawful exercise of his or her occupation or profession. Article 12, paragraphs 2 and 3, provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone against any violence, threats, retaliation, de facto or de jure adverse

⁶ See https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml.

⁷ A/RES/49/49, annex, para. 3.

⁸ [A/70/371](#), para. 46(b).

⁹ Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Furthermore, we would like to refer your Excellency's Government to recommendations in the report of the Special Rapporteur on the situation of human rights defenders focusing on the long-term detention of human rights defenders (A/76/143), in which the Special Rapporteur emphasized that States should desist from jailing human rights defenders for their legitimate human rights work, stop subjecting them to long terms in detention, and ensure their legal rights, including prompt access to their lawyers and their family (paragraph 158(a), (e) and (i)).

We would like to remind your Excellency's Government of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in articles 2 and 16 of the Convention Against Torture (CAT), to which Egypt acceded on 25 June 1986. Article 1 of the CAT prohibits "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

We further wish to recall that international human rights law and standards require States to treat all persons under any form of detention or imprisonment with humanity and with respect for the inherent dignity of the human person (article 10, ICCPR; article 5, African Charter on Human and Peoples' Rights; principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and General Assembly resolution 43/173 of 9 December 1988). With regard to solitary confinement, we would like to recall the revised Nelson Mandela Rules, which prohibits indefinite and prolonged solitary confinement (rule 43 with rule 44), and restricts its use for as short time as possible as a measure of last resort, to be used only in exceptional circumstances (rule 45). Due to the prisoner's lack of communication and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment.

With regard to the alleged enforced disappearance, we are further drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances which has attained the status of *jus cogens*. We also draw your Excellency's Government's attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. We further recall that the Declaration sets out the necessary guarantees to be offered by the State. In particular, articles 9, 10, 11,12 and 13 relate to the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the

detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; to the maintenance in every place of detention of official up to-date registers of all detained persons; and to ensure that all involved in the investigation are protected against ill-treatment, intimidation or reprisal. Furthermore, we recall Working Group's report on Standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3, paras. 60-68), and its study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5, paras. 23-32), highlight the particular vulnerability of women and human rights defenders, States are called on to, "ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender" (A/HRC/30/38/Add.5, para. 49). We also make reference to the Working Group's study on Enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in particular paragraphs 33-37 which highlights the chilling effect of the disappearance of journalists and human rights defender.

We wish to reiterate the joint statement of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances on so-called "short-term" enforced disappearances, which affirms that duration is not a constitutive element of enforced disappearance under international human rights law, therefore regardless of the duration of an enforced disappearance, it produces serious harm and consequences for the disappeared and their families, and also presents practical challenges as regards seeking protection as well as defence of their rights.

With respect to the alleged violations of the right to a fair trial, we remind your Excellency's Government that in its general comment No. 32 (2007) on article 14, the Human Rights Committee stressed that the right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law (CCPR/C/GC/32, para. 2). Article 14 of the ICCPR provides inter alia for the principle of equality before competent, independent, and impartial courts and tribunals, the presumption of innocence, the provision of adequate time and facilities for the preparation of the defense, and the right of accused persons to communicate with counsel of their own choosing. The guarantees of a fair trial may never be made subject to measures of derogation that would circumvent the protection of non-derogable rights (CCPR/C/GC/32, para. 6). We further recall that paragraph 7 of resolution A/HRC/RES/42/18 affirms the need to ensure "access to independent and adequate legal representation" in the context of countering terrorism. Where the detainee has access to counsels, such access must be meaningful ([EGY 4/2020](#)). We emphasize that the provisions of article 14 apply to all courts and tribunals, whether ordinary or specialized, civilian or military (general comment No. 32, para. 22). As noted by the Human Rights Committee, "the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned. Therefore, it is important to take all necessary measures to ensure that such trials take place under conditions which genuinely afford the full guarantees stipulated in article 14" (ibid).

With regards to the right to freedom of expression, enshrined in article 19 of the ICCPR, it includes the right "to seek, receive and impart information and ideas of all

kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11).

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Finally, the Committee also states that “States parties should ensure that counter-terrorism measures are compatible with paragraph 3. Such offences as “encouragement of terrorism” and “extremist activity” as well as offences of “praising”, “glorifying”, or “justifying” terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression” (para. 46).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and in any case the restrictions must be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).