

**Mandates of the Special Rapporteur on the independence of judges and lawyers; 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 PAK 17/2025

(Please use this reference in your reply)

22 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; 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, 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 allegations of repeated criminal prosecutions, arrests, violations of the right to a fair trial, threats, and intimidation to which lawyers Ms. Imaan Zainab Mazari-Hazir and Mr. Hadi Ali Chattha have been subjected reportedly in relation to their work as lawyers and human rights defenders. Ms. Mazari-Hazir and Mr. Chattha, are now facing new criminal charges, including for the offence of "cyber terrorism", which appear to arise out of Ms. Mazari-Hazir and Mr. Chattha's exercise of rights that are protected under international human rights law, and which carry possible imprisonment.

Ms. Imaan Mazari-Hazir and Mr. Hadi Ali Chattha are both lawyers, with their legal practices focusing on criminal defense, family law, and constitutional litigation. On a pro bono basis, they have represented victims of enforced disappearances, young persons wrongfully accused of blasphemy, journalists, street vendors, and victims of harassment and sexual violence. They are married.

Ms. Mazari-Hazir and Mr. Chattha are also human rights defenders. In June 2025, Ms. Mazari-Hazir was awarded the Young Inspiration Award at the World Expression Forum (WEXFO) in Norway, "a new prize awarded to a young voice and activist who has made an extraordinary contribution to youth freedom of expression." The jury stated that Ms. Mazari-Hazir was chosen for the award "for her extraordinary courage, integrity, and impact in the struggle for the rule of law and justice."<sup>1</sup>

We would like to remind your Excellency's Government of communication [PAK 5/2025](#), in which several Special Procedures mandate-holders expressed concern that Ms. Mazari-Hazir was facing legal harassment and potential criminalization in connection with her work as a lawyer and human rights defender. We also observe that Special Procedures mandate-holders have previously expressed concern at the misuse of administrative and legal counter-terrorism measures against activists and

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<sup>1</sup> <https://wexfo.no/2025/06/02/imaan-mazari-hazir-honored-with-new-freedom-of-expression-award-at-wexfo/>

organizations in Pakistan ([PAK 6/2025](#); [PAK 1/2025](#); [PAK 6/2024](#)). We regret that we have not received a response yet to these communications.

According to the information received:

### *Context*

In addition to the 2023 arrests mentioned in [PAK 5/2025](#), Ms. Mazari-Hazir and Mr. Chattha have been subject to repeated criminal accusations, including several arrests and periods of detention, allegedly in order to intimidate them or deter them from carrying out their work as lawyers and activists.

For example, in 2022, a First Information Report (“FIR”– the first stage of a criminal prosecution) was registered against Ms. Mazari-Hazir for peacefully assembling with Baloch students to protest enforced disappearances. The case was withdrawn by police in March 2022. In the same year, a second FIR alleging incitement against armed forces was registered by the Pakistan Armed Forces against Ms. Mazari-Hazir for criticizing the Chief of Army Staff. These charges were dismissed by the Islamabad High Court in June 2022.

In 2024, Ms. Mazari-Hazir and Mr. Chattha were arrested and detained pursuant to the Anti-Terrorism Act for “creating a security risk by interfering in state duties during an international cricket team’s visit” by moving road barriers to clear a path for traffic.

In total, ten FIRs have been registered against Ms. Mazari-Hazir since 2022. Ms. Mazari-Hazir and Mr. Chattha have not been convicted of any crimes arising out of these complaints.

### *Pending charges arising out of social media posts*

On 22 August 2025, an FIR (FIR No. 234/2025) was registered against Ms. Mazari-Hazir pursuant to a complaint by the National Cyber Crime Investigation Agency Islamabad (“NCCIA”). The FIR stated that Ms. Mazari-Hazir, “through her multiple social media accounts particularly X (formerly twitter) has been engaged in preparing, posting, re-sharing, propagating, glorifying, disseminating and promoting contents that are highly offensive and intimidating in nature.” Mr. Chattha was named in the same FIR for having “shared, reposted and glorified” Ms. Mazari-Hazir’s content.

The FIR elaborates on Ms. Mazari-Hazir’s allegedly criminal conduct as follows:

*“[She] has intentionally shared videos/tweets and disseminated false, misleading and baseless information targeting important State institutions of Pakistan. The content propagated, publicized and disseminated through her X handle aligns with and advances the core narratives of anti-state elements, hostile terrorist groups and proscribed organizations. The accused through her tweets/posts/videos on her X handle i.e.*

- (i) *incited ethnic hatred and deepened societal divisions;*
- (ii) *portrayed the Armed Forces of Pakistan as being responsible for acts of terrorism within the country;*
- (iii) *held Pakistan Army responsible for missing persons in Balochistan and Khyber Pakhtunkhwa as well as for the growing insurgency;*
- (iv) *alleged that State Institutions are operating in collusion with proscribed organizations;*
- (v) *and propagated that the armed forces are incapable of effectively countering the threat posed by banned and proscribed terrorist groups such as BLA and TTP.*

*These false and ill-will narratives, unabatedly and repeatedly, promoted by the accused Imaan Mazari, from the last few years, are a calculated and organized attempt to undermine public trust on State Institutions, create unrest in the country and destabilize national security, besides being an attempt to support the said terrorist/separatist groups.”*

The FIR quotes various social media posts by Ms. Mazari-Hazir which are stated to “clearly demonstrate the deliberate and targeted spread of hostile agenda against the State and its institutions.”

However, the posts quoted in the FIR, contain Ms. Mazari-Hazir’s commentary on public affairs and discussion of human rights, including calling out alleged human rights violations, and do not appear to include language that advocates hatred, incite violence or discrimination, or poses any kind of threat for Pakistan’s national security.

The offences are averred to have occurred from 2021-2025 in violation of Sections 9 (glorification of offence), 10 (cyber-terrorism), 11 (hate speech) and 26-A (false and fake information) of the Prevention of Electronic Crimes Act of 2016 (PECA). Prosecution under these provisions could result in a sentence of imprisonment of up to 14 years.

The FIR further avers that Ms. Mazari-Hazir promoted anti-state elements by using the slogan “yeh jo dehshatgardi hai is kay peechay wardi hai” (in English: the uniform is behind terrorism) in a public speech.

#### *Response to FIR*

Ms. Mazari-Hazir and Mr. Chattha learned that an FIR had been registered against them through informal sources and filed applications for pre-arrest bail, which were approved by a local Additional District and Sessions Judge in Islamabad. Both Ms. Mazari-Hazir and Mr. Chattha joined the investigation and each prepared detailed written statements, dated 3 September 2025 and questionnaires, dated 4 September 2025, in their own defense.

In her written statement, Ms. Mazari-Hazir stated:

“The views expressed by me are my opinions based, in part, on my own experiences as a lawyer and an activist, in particular as a result of my work on human rights issues in Pakistan, including *inter alia* enforced disappearances, press freedom, the rights of marginalized and vulnerable communities, and religious freedom. I unequivocally deny all the unsubstantiated allegations leveled against me in the FIR as false, baseless and frivolous. From bare perusal of the FIR, it appears I have nothing to answer for as even the list of allegations against me are not corroborated by the contents of my tweets/posts mentioned in the same FIR.”

Ms. Mazari-Hazir provided a response to each of the posts listed in the FIR, explaining how they did not establish commission of any of the offences alleged against her.

In his written statement, Mr. Chattha stated:

“From bare perusal of the FIR, it appears I have nothing to answer for as the FIR itself fails to disclose which posts I have shared and even if I have shared some posts by my wife, how the same can become the basis for registration of a criminal case against me.”

Both Ms. Mazari-Hazir and Mr. Chattha maintained in their written statements that the FIR had been lodged with the purpose of harassing, intimidating and silencing them, and in reprisal for their representation of over 50 accused persons in blasphemy cases registered by the NCCIA.

*Social media case: irregularities in criminal procedure*

Since their indictment on 30 October 2025, the trial has been reportedly marred by violations of due process, including:

- arrest of Hadi Ali Chattha inside the courtroom despite his documented presence;
- repeated attempts to impose state-appointed counsel despite private counsel being retained;
- hearings scheduled on extremely short notice;
- recording of evidence in the absence of both accused and all defence lawyers;
- pressure and intimidation leading multiple lawyers to decline representation;

- state counsel reporting attempts by the Prosecution to dictate cross-examination questions.

The FIR filed against Ms. Mazari-Hazir and Mr. Chattha on 22 August 2025 states that an inquiry (Inquiry No. RE-1217/2025) was conducted in order to investigate the claims against the accused. Neither Ms. Mazari-Hazir nor Mr. Chattha were summoned or questioned in relation to this inquiry. Furthermore, no copy of the complaint underlying the FIR was provided to Ms. Mazari-Hazir nor Mr. Chattha although Section 173 of the Code of Criminal Procedure (“CRPC”) requires criminal defendants to be furnished with a copy of the complaint filed against them before commencement of trial.

On 24 September 2025, Ms. Mazari-Hazir and Mr. Chattha were served a record of documents (as required under Section 265-C of the CRPC). This was materially incomplete.

On 30 September 2025, Ms. Mazari-Hazir and Mr. Chattha, via their counsel, filed an application under Section 265-C CRPC requesting the supply of documents that had been listed in the Police Report but not provided to them, namely “complaint along with screen shots, letter with scope to technical assistant and technical report of social media accounts of the accused persons, Version 1.0 dated 21.08.2025.” On the same date, the trial court dismissed Ms. Mazari-Hazir and Mr. Chattha’s application. The Judge held that there was “sufficient material to proceed with the trial against accused. Let charge be framed against the accused.” Ms. Mazari-Hazir and Mr. Chattha were not present in court, and the court’s orders record that their counsel requested time to produce the accused to reply to the charge. Nevertheless, a separate order of the same date records that the charge against Ms. Mazari-Hazir and Mr. Chattha was framed and read to them in their presence and that they pleaded not guilty. A non-bailable warrant of arrest was issued against Ms. Mazari-Hazir and Mr. Chattha for 1 October 2025.

On 1 October 2025, Ms. Mazari-Hazir and Mr. Chattha appeared in court and the charge was read to them. The court’s order records that, in response to the questions “Have you heard and understood the charge” and “Do you plead guilty”, both accused stated that they needed time to reply. Despite the failure to enter a plea, the court held that it would exercise its discretion to hear prosecution evidence and listed the next hearing for 7 October 2025.

On 7 October 2025, Ms. Mazari-Hazir’s counsel was unable to appear, and Mr. Chattha had not been able to engage counsel. A “last adjournment” was granted to allow the accused to produce their counsel, otherwise state counsel would be appointed.

On 13 October 2025, Mr. Chattha had been unable to engage counsel, and a request was submitted for the appointment of state counsel.

On 20 October 2025, counsel for Ms. Mazari-Hazir and Mr. Chattha requested an adjournment to allow them to file a revision petition against the court’s orders of 30 September and 1 October 2025. An adjournment was granted and the

petition was filed before the Islamabad High Court.

By order dated 24 October 2025, the Islamabad High Court observed that “The learned counsel for the petitioner *inter alia* contended the petitioners were not provided the document as required u/s 265-C, Cr.P.C and charge was framed against them in absentia; that the Impugned Orders and the proceedings are in violation of provisions of Cr.P.C. and Article 10-A of the Constitution, which ensures right to fair trial.” The Islamabad High Court reserved judgment on the petition, holding that “Question raised needs consideration”.

On 24 October 2025, the trial court held that, notwithstanding the accused’s revision petition, the case would proceed unless an order to stay the case from the Islamabad High Court was presented. On the same date, the prosecution sought to file a supplementary police report, which contained documents that were available at the time the final police report was filed.

On 25 October 2025, the court held that the supplemental police report could be relied upon by the prosecution, contrary to objections by the accused.

On 29 October 2025, the case was listed for evidence. Mr. Chattha had informed the trial court that he was appearing before the Islamabad High Court and would be unable to attend court until the afternoon. Mr. Chattha maintains that he arrived at the trial court at 2.30 p.m. By order timed at 2.35 p.m., the trial court issued a non-bailable arrest warrant, typically used to ensure the attendance of defendants who are not present in court, against Mr. Chattha who submitted an application to set aside the arrest warrant with the details of his late arrival at court. This was not accepted and Mr. Chattha was handcuffed and arrested at the door of the court. He was kept in the lockup at NCCIA offices, which was not fit for detention, and not equipped with working bathroom facilities or running water.

On 30 October 2025, the non-bailable warrant of arrest against Mr. Chattha was recalled by the trial court.

On 5 November 2025, Mr. Chattha filed a complaint of misconduct against the trial judge with the Member Inspection Team, the supervisory body responsible for hearing complaints against judges of the lower judiciary. The complaint alleged that the judge’s conduct on 29 October 2025 was indicative of a deeply hostile attitude towards Mr. Chattha. On the same date, Ms. Mazari-Hazir and Mr. Chattha appeared before the trial court and expressed a lack of confidence in the court’s impartiality. The trial judge asserted that any request to transfer their case should have been made before the indictment. Ms. Mazari-Hazir and Mr. Chattha disputed whether they had been properly indicted, and stated that they would boycott the proceedings if they continued before the same judge. Ms. Mazari-Hazir also informed the court that her lawyer had withdrawn himself from the case and she required time to identify a new lawyer. The trial judge issued non-bailable arrest warrants against both Ms. Mazari-Hazir and Mr. Chattha, despite their attendance at the hearing, and adjourned the case.

On 8 November 2025, Mr. Chattha presented an application to the trial court for withdrawal of his state counsel, which was dismissed. Ms. Mazari-Hazir advised the court that she had contacted several advocates to represent her. A “last adjournment” was granted to allow her to engage counsel, otherwise state counsel would be appointed on her behalf.

By order dated 19 November 2025, the trial court recorded that the examination in chief of prosecution witnesses had taken place. Ms. Mazari-Hazir and Mr. Chattha were not present for the witnesses’ evidence. The court directed that, if Ms. Mazari-Hazir and Mr. Chattha’s counsel refused to cross-examine these five witnesses at the next hearing on 24 November 2025, state defense counsel would be allowed to cross-examine the witnesses in their place.

By scheduling multiple hearings in quick succession, Ms. Mazari-Hazir and Mr. Chattha have been obliged to attend court far more often than usual, preventing them from representing their clients in ongoing cases. These circumstances have also made it difficult to engage legal representatives of their choosing or prepare their defense.

Although the trial court in this case had been proceeding at an unusually rapid pace, proceedings were adjourned until 15 December after it was noted that their transfer petition was pending before the Islamabad High Court.

While we do not wish to prejudge the accuracy of this information, we would like to express serious concern about the allegations that Ms. Imaan Mazari-Hazir and Mr. Hadi Ali Chattha continue to be targeted for prosecution, reportedly in connection with their exercise of their role as lawyers and as human rights defenders; as well as for the exercise of their right to freedom of expression, all of which are guaranteed by international human rights law.

With regards to the charges arising from social media posts brought against Ms. Mazari-Hazir and Mr. Chattha, we recall that the expression of one's opinions may be restricted only if they meet strict criteria of legality, necessity and proportionality for one of the specific legitimate aims for restrictions established by the ICCPR.

The posts quoted in the FIR contain Ms. Mazari-Hazir’s commentary on public affairs and discussion of human rights, including calling out alleged human rights violations, and possibly political commentary, all of which is protected under article 19, as clearly established by the Human Rights Committee (CCPR/C/GC/34, para. 11), and under the right to participate in public affairs (ICCPR, article 25).

A proper analysis of whether Sections 9 (glorification of offence), 10 (cyber-terrorism), 11 (hate speech) and 26-A (false and fake information) of the Prevention of Electronic Crimes Act of 2016 (PECA), whose vagueness and ambiguity is concerning, is being applied in this case in a manner that is in line with international law and standards on freedom of expression requires to consider articles 19(2), 19(3), 20 and the Rabat Plan of Action adopted in 2012, as well as the requirement of legality under article 15 of the ICCPR. According to the Rabat Plan of Action, it is essential to follow a six-part threshold test which includes carefully analysing the context, the speaker’s position within society, the intent, the content and form of the speech, the extent of the

speech act and the likelihood of leading to harm, including imminence.

Ms. Mazari-Hazir is a lawyer and human rights defender with a relatively sizable but limited public audience online and a very limited likelihood of mobilizing or inciting other into harmful action. She does not hold any public role or position from where she has a degree of influence on others. Her statements that criticize authorities, comment on public affairs or denounce alleged violations of human rights in social media are part of her legitimate work in defence of human rights and exercise her right to freedom of expression. While her speech may be considered to be provocative, the intent and especially the likelihood, including imminence, of her statements leading to any harm, in the form of discrimination, hostility or violence in Pakistan is virtually none. The Rabat Plan of Action requires the courts to “determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct”, and, in this case, it does not seem justified for a court to find that there was such reasonable probability, even less with a direct causation.

These quoted posts do not appear to pose any kind of threat for Pakistan’s national security or public order, and thus its restriction is not justified for the objective of protecting the latter under article 19(3). Furthermore, they do not appear to include advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. We recall that under article 20 restrictions to freedom of expression require the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43), none of which appear to have been met by the posts included in the FIR. We recall that restrictions to freedom of expression must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

Consequently, the criminal charges arising from social media posts appear to be incompatible with international human rights law, as they do not fall within the scope of articles 19(3) or 20 of the ICCPR, that establish and regulate the restrictions allowed for the right to freedom of expression. Her statements should be acknowledged as a legitimate act of expression that is protected under article 19(2) of the ICCPR, and the relevant provisions safeguarding freedom of expression in Pakistani law.

Lawyers are, like other individuals, entitled to freedom of expression and freedom of peaceful assembly and association. International standards provide that lawyers “shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional restrictions” (see annex). The imposition of restrictions to lawyers’ freedom of expression, and the possibility that these restrictions may translate into criminal accusations, is incompatible with human rights standards. Recognizing that 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 Human Rights Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted”. The misuse of criminal legislation and proceedings against lawyers and human rights defenders is included among those “attacks”. The Committee clearly

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 (CCPR/C/GC/34).

Moreover, we reiterate concerns previously raised by Special Procedures mandate holders regarding the misuse of administrative and legal counter-terrorism measures against activists and organizations in Pakistan, the impacts of counter-terrorism measures on fundamental rights and freedoms, and the vague and overly broad definition of terrorism under the 1997 Anti Terrorism Act ([PAK 6/2025](#); [PAK 1/2025](#); [PAK 6/2024](#)). We recall that counter-terrorism legislation and related penal sanctions should not be misused against individuals peacefully exercising their rights protected under the ICCPR. The charges filed against Ms. Mazari-Hazir and Mr. Chattha, including the charge of “cyberterrorism”, seem to conflate exercise of the right to free speech with terrorism, and risk undermining, chilling, and potentially criminalizing, the work of human rights defenders in Pakistan more broadly.

Under section 10 of the Prevention of Electronic Crimes Act, 2016, “cyberterrorism” is defined as follows:

Whoever commits or threatens to commit any of the offences under sections 6, 7, 8 or 9, where the commission or threat is with the intent to,

- (a) coerce, intimidate, create a sense of fear, panic or insecurity in the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; or
- (b) advance inter-faith, sectarian or ethnic hatred; or
- (c) advance the objectives of organizations or individuals or groups proscribed under the law, shall be punished with imprisonment of either description for a term which may extend to fourteen years or with fine which may extend to fifty million rupees or with both.

We note that the above intent elements are similar to those used to define “terrorism” under the Anti-Terrorism Act 1997 and refer your Excellency’s Government to the extensive analysis provided in PAK 1/2025 regarding the vague and overbroad nature of these elements and their incompatibility with the requirement of legality under article 15 of the ICCPR, rendering such offences prone to abuse and to violate fundamental rights. We express further concern that the various conduct elements on the basis of which cyber terrorism is defined, namely sections 6 (Unauthorized access to critical infrastructure information system or data), 7 (Unauthorized copying or transmission of critical infrastructure data), 8 (Interference with critical infrastructure information system or data), and 9 (Glorification of an offence), go well beyond conduct that is genuinely terrorist in nature according to international standards, by incriminating conduct that is not intended to cause death or serious personal injury and is not otherwise covered by the international counter-terrorism instruments. While it may be appropriate to criminalize some of this conduct as other kinds of offences, such conduct cannot properly be characterized as terrorism according to international standards. The treatment of such conduct as terrorism may, in some cases, risks infringing on internationally protected fundamental rights and

freedoms and have a chilling effect on the legitimate activities of civil society.

We are further concerned that the broader pattern of prosecutions brought against Ms. Mazari-Hazir and Mr. Chattha appears to be an arbitrary use of the legal system as an instrument of harassment and intimidation, in retaliation to their work as lawyers seeking to advocate for victims of alleged human violations. The legal profession and its free exercise are an essential element of the rule of law, the protection of human rights and the functioning of an independent judicial system. The free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must put in place all appropriate measures to ensure that lawyers are not subject to, or threatened with, prosecution or any administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics. International and regional standards also expressly prohibit the identification of lawyers with their clients or their clients' causes in the discharge of their professional duties.

We are seriously concerned about the allegations that Ms. Mazari-Hazir and Mr. Chattha's right to a fair trial is not being upheld in the current criminal proceedings against them. We recall that international standards provide a set of procedural guarantees that must be made available to persons charged with a criminal offence. The speed with which the trial court is progressing appears to be having a deleterious impact on many of these guarantees.

It is alarming that Ms. Mazari-Hazir has reportedly received a short deadline by which to appoint her own counsel, after which she will be assigned state-appointed counsel, and that Mr. Chattha's application to discharge his state-appointed counsel was dismissed, in apparent violation of the right of accused persons to have access to a counsel of their own choosing. Furthermore, the court has reportedly heard evidence from prosecution witnesses in the absence of Ms. Mazari-Hazir and Mr. Chattha or their chosen legal representatives, in apparent violation of the right of an accused person to be tried in their presence, or through legal assistance of their own choosing.

International standards provide that accused persons must have adequate time and facilities for the preparation of their defense. The Human Rights Committee stresses in its general comment No. 32 that there is an obligation to grant reasonable requests for adjournment, in particular, when the accused is charged with a serious criminal offence and additional time for preparation of the defence is needed. Furthermore, the Committee clarifies that adequate facilities include access to documents and evidence, including all materials the prosecution plans to offer against the accused or that are exculpatory. The court's failure to order the disclosure of prosecution materials sought by Ms. Mazari-Hazir and Mr. Chattha threatens their capacity to prepare an adequate defence.

Lastly, we are concerned at reports that non-bailable arrest warrants, reportedly normally used to compel attendance at court, have been issued against Ms. Mazari-Hazir and Mr. Chattha when they are present in court, suggesting that the court's ordinary procedures are not being followed in respect of these defendants.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the legislative and other measures adopted by Pakistan to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (principle 16 (a) of the Basic Principles on the Role of Lawyers) and to prevent them from being subject to, or being threatened with, prosecution or administrative, economic or other sanctions as a result of their identification with their clients or their clients' causes as a result of discharging their functions (principle 18); and ensure that lawyers enjoy their rights to freedom of expression, belief, association and assembly (principle 23).
3. Please explain whether and how the criminal charges arising from social media posts brought Ms. Mazari-Hazir and Mr. Chattha compatible with international human rights law, including the right to freedom of expression enshrined in article 19 of the ICCPR, in connection with the requirement of legality under article 15. Please explain the analysis that has been conducted to assess this matter, in consideration of articles 19 and 20 of the ICCPR and the Rabat Plan of Action. Please indicate in a specific and individualized fashion the precise nature of the threat and explain whether and how the criminalization of these posts is in line with the requirements of necessity and proportionality, explaining the direct and immediate connection between the expression and the threat.
4. Please provide information as to what measures have been taken to safeguard the due process and fair trial rights of Ms. Mazari-Hazir and Mr. Chattha, and how such measures are in compliance with the obligations of your Excellency's Government related to the right to a fair trial as provided by article 14 of the ICCPR. Please indicate what specific legal and administrative measures have been taken to ensure that journalists and human rights defenders, including human rights lawyers are able to carry out their legitimate work, including through the exercise of their right to freedom of opinion and expression, their rights to freedom of peaceful assembly and of association 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.
5. Please provide detailed information on the measures being undertaken or envisaged to reform Pakistan's counter-terrorism laws and definition

of “cyberterrorism” under the Prevention of Electronic Crimes Act, 2016, to ensure full compliance with the principle of legality, necessity, proportionality and non-discrimination as required under international human rights standards and as set out in previous communications (see [PAK 1/2025](#)). In particular, please explain how these reforms will address concerns about overly broad definitions and the potential misapplication of such laws to activities that do not constitute genuine acts of terrorism.

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

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government 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

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 above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the norms contained in the International Covenant on Civil and Political Rights (ICCPR), acceded to by Pakistan on 23 June 2010.

#### *Right to a fair trial and due process*

We would like to refer your Excellency's Government to article 14 of the ICCPR, which mandates that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The United Nations Human Rights Council general comment No. 32 (2007), in interpreting article 14, highlights the need for an unbiased judge (para. 21) and notes that a situation where the executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (para. 19). A hearing is not fair if the defendant in criminal proceedings is faced with the expression of a hostile attitude from the public or support for one party in the courtroom that is tolerated by the court (general comment No. 32, para. 25).

General comment No. 32 further states that the management of criminal proceedings may affect the exercise and enjoyment of rights and guarantees of the ICCPR unrelated to article 14, including restricting the exercise of the right to freedom of expression through a "chilling effect" in cases where accused are being prosecuted for their free expression (para. 63).

Article 14(3)(a) states the right of the accused to be informed of the charges against them promptly and in detail. According to general comment No. 32, the right to be informed of the charge "promptly" requires that information be given as soon as the person concerned is formally charged with a criminal offence under domestic law. Article 14(3)(b) states the right of accused parties to have "adequate time and facilities for the preparation" of their defense. General comment No. 32 notes that there is an obligation to grant "reasonable requests for adjournment" when the accused is charged with a serious criminal offence and additional time for preparation of the defense is needed (para. 32). Furthermore, general comment No. 32 defines "adequate facilities" to include defense access to all documents or other evidence that the prosecution plans to offer in court against the accused (para. 33). Article 14(e) states the accused's right to "examine, or have examined, the witnesses" against them, as an important element of the equality of arms between the prosecution and defense (general comment No. 32, para. 39).

Article 14(d) states the defendant's right to be present for trial and to choose their own defense counsel. As explicated by general comment No. 32, this mandates that defense counsel should be able to advise and represent persons charged with a criminal offence "without restrictions, influence, pressure or undue interference from any quarter" (para. 34). Where defense counsel is appointed by the state, they must be "effective in the representation of the accused" (para. 38).

Furthermore, we would like to refer your Excellency's Government to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985, which state that the judiciary shall decide cases before them "according to the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason" (principle 2), that there shall not be any inappropriate or unwarranted interference with the judicial process (principle 4), and further support the principle of independence and impartiality of the judiciary (principle 8).

Additionally, we would like to bring your Excellency's Government's attention to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Havana from 27 August to 7 September 1990. In particular:

- Principle 1 provides that persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.
- Principle 16 requires Governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent lawyers from being threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
- Principle 17 provides that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.
- Principle 18 provides that lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions.
- Principle 20 establishes that lawyers must enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.
- Principle 23 provides that lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

- Principle 27 provides that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.

### *Freedom of expression*

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which 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). Additionally, the Human Rights Committee asserted that laws related to treason and similar provisions relating to national security, whether described as official secrets or sedition laws or otherwise, should be crafted and applied in a manner that conforms to the strict requirements of article 19(3). It further noted that invoking such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, lawyers, or others, for having disseminated such information, is incompatible with article 19(3) (para. 30).

The Committee further asserted 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).

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, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

We draw your Excellency's Government's attention to [the Rabat Plan of Action on the prohibition of incitement to national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence](#). The Rabat Plan of Action, adopted in Morocco in 2012, presents a six-part test that includes a careful analysis of the context, the speaker's position in society, the intention, content, and form of the speech, the scope of the speech, and the likelihood that it will cause harm, including its imminence. The Plan of Action requires courts to determine that there was a reasonable likelihood that the speech would incite concrete actions against the target group, recognizing that this causal link must be fairly direct.

Article 20(2) of the ICCPR stipulates that any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law. However, this prohibition, which may result in restrictions on freedom of expression, is subject to a high threshold, as it requires three elements: (a) incitement to hatred; (b) incitement that constitutes provocation; and (c) the provocation must be likely to result in discrimination, hostility, or violence (A/67/357, para. 43).

#### *Freedoms of peaceful assembly and of association*

We would also like to recall to your Excellency's Government article 21 of the ICCPR, which provides that the right of peaceful assembly shall be recognized. Article 21 further provides that "[n]o restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

In addition, article 22(1) provides that: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests". Article 22(2) further provides that "[n]o restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

#### *Respect of human rights while countering terrorism*

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.<sup>2</sup> Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. Disregard for these principles can have exceptionally harmful effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil

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<sup>2</sup> 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.

society. States must ensure that measures to combat terrorism do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)). Furthermore, any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34).

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,<sup>3</sup> the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). 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 legality under article 15(1) of the ICCPR requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target civil society on political or other unjustified grounds (A/70/371, para. 46(b)) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52).

#### *Human rights defenders*

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.

Furthermore, we would 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.

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<sup>3</sup> See [https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_en.xml](https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml).

Moreover, we would like to draw your Government attention to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which “reminds States of their obligation to respect and fully protect the [right] of all individuals to... associate freely, online as well as offline... including human rights defenders... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom of... association are in accordance with their obligations under international human rights law”.