

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL EGY 10/2025
(Please use this reference in your reply)

31 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/4, 52/9 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **restrictions and precautionary measures against released human rights defenders, including the renewed inclusion on the terrorism watchlist of Mr. Mohamed El-Baqer, and a continued travel ban and asset freeze as well as pending charges against Messrs. Gasser Abdel Razek, Karim Ennarah, Mohamed Bashir, and a travel ban against Mr. Ahmed Samir Abdel-Hai Ali.**

Mr. Gasser Abdel Razek is a human rights defender and the former Executive Director of the Egyptian Initiative for Personal Rights (EIPR).

Mr. Karim Ennarah is a human rights defender and Research Director of the EIPR.

Mr. Mohamed Bashir is a human rights defender and the Administrative Director of the EIPR.

Mr. Mohamed El-Baqer is a lawyer and human rights defender who has used social and other media outlets to publish and write about human rights issues, including on cases of enforced disappearances and torture allegedly involving the National Security Agency.

Mr. Ahmed Samir Abdel-Hai Ali, also known as Ahmed Samir Santawy, is an Egyptian human rights defender who obtained a Masters in Sociology and Social Anthropology at the Central European University in Vienna. He has published articles discussing women's right to access safe abortion services in Egypt, based on his thesis research.

Messrs. Abdel Razek, Ennarah and Bashir were the subject of communications AL EGY 11/2019; AL EGY 15/2020; and AL EGY 8/2021 for which no replies have been received. They were also the subject of AL EGY 2/2022 sent on 21 March 2022; we thank your Excellency's Government for its reply received on 20 February 2023. In

light of the following information received, we remain concerned that despite their release five years ago, restrictions against the human rights defenders have remained in place.

Mr. Mohamed El-Baqer was the subject of communications AL EGY 11/2019, AL EGY 10/2020; AL EGY 8/2021; and AL EGY 5/2021, for which no replies have been received, and AL EGY 1/2022, for which we thank your Excellency's Government for its reply received on 19 January 2023. In light of the following information received, we remain concerned at his renewed inclusion on Egypt's terrorism watchlist.

The case of Mr. El-Baqer was also included in the 2020 report of the Secretary-General (A/HRC/45/36, Annex I paras. 45-46) on cooperation with the United Nations in the field of human rights, in regards to allegations that he had been targeted in relation to his engagement with the Universal Periodic Review of Egypt. Mr. El-Baqer was also the subject of [opinion No. 45/2021](#) of the Working Group of Arbitrary Detention, in which the Working Group concluded that his detention is arbitrary and called for his immediate release.

Mr. Ahmed Samir Abdel-Hai Ali was the subject of UA EGY 2/2021, for which no reply has been received. Mr. Abdel-Hai Ali was also the subject of [opinion No. 83/2021](#) of the Working Group of Arbitrary Detention, in which the Working Group concluded that his detention is arbitrary and called for his immediate release.

We would also like to refer to communications EGY 4/2020 and EGY 13/2020 regarding Egypt's Anti-Terrorism and Terrorist entities laws and its Terrorism Circuit Courts, respectively. We thank you for the reply to EGY 4/2020 dated 8 April 2020 and acknowledge the detailed response provided by your Excellency's Government to the joint communication from Special Procedures mandate holders concerning various laws and their application in practice though our concerns remain regarding the compatibility of Egypt's counter-terrorism legal framework and application with international legal standards. We also regret that no response has been provided to EGY 13/2020.

According to the information received:

Regarding Messrs. Abdel Razek, Ennarah and Bashir:

Mr. Bashir was arrested on 15 November 2020. Mr. Abdel Razek and Mr. Ennarah were arrested separately between 17 and 19 November 2020. They were questioned by the Supreme State Security Prosecution (SSSP) and were charged in case No. 855/2020 under Egyptian Antiterrorism Law for "joining a terrorist organisation with knowledge of its purpose". They were also charged under Egyptian Anti-Cybercrime Law for using a personal account on the Internet to spread false information that undermines public security, and under the Penal Code for broadcasting false news and statements that undermine public security and harm the national interest. No credible evidence was presented. Their arrests came after the visit of 13 foreign ambassadors and diplomats to the EIPR headquarters in November 2020. Messrs. Abdel Razek, Ennarah and Bashir were interrogated about this visit and questioned about their work at EIPR.

Messrs. Bashir, Ennarah and Abdel Razek were released on 3 December 2020 following calls by a number of Egyptian members of Parliament as well as United Nations independent experts, NGOs, and celebrities. The charges against them have not been dropped, and case No. 855/2020 remains open. As far as we are aware, no further investigation or trial has taken place.

On 6 December 2020, the Terrorism Circuit of the Cairo Criminal Court issued a ruling imposing an asset freeze and a travel ban on Messrs. Bashir, Ennarah and Abdel Razek in response to a request by the Public Prosecutor. Their lawyers were denied a copy of the ruling.

The restrictions against Messrs. Bashir, Ennarah and Abdel Razek limit their right to freedom of movement and other rights related to accessing funds and holding a bank account. They have appealed to have the restrictions lifted but the SSSP has so far not responded, and the Cairo Court of Appeal has not set a date for a hearing. Egypt's Code of Criminal Procedure, article 208 bis b, guarantees the right of those under asset freeze to appeal the decisions every three months. In addition, by law the inclusion of a person on a travel ban expires after three years unless renewed.

On 19 November 2024, the EIPR submitted a complaint, registered as No. 364, to the Supreme Judicial Council against the continued asset freeze of Messrs. Bashir, Ennarah and Abdel Razek and the travel ban imposed on them. The EIPR also filed a report with the Public Prosecutor asking that the charges in case No. 855/2020 be dropped and the restrictions be lifted. No response has been given.

Regarding Mr. Karim Ennarah:

On 26 August 2025, Mr. Ennarah was arrested shortly after leaving his home in Egypt's North Coast resort. He was blindfolded, handcuffed and taken to an undisclosed location where he was held for over 12 hours before appearing before the SSSP in New Cairo. He was interrogated in case No. 6592/2025 Supreme State Security pending investigation on charges of "joining a terrorist group, spreading false news, and using an online account to commit a crime." The accusations were in response to a report by the National Security Agency, which neither he nor his lawyers were allowed to view. As evidence of "spreading false news," the prosecution questioned him about a social media post he shared in July showing a tree with the title "A Daily Picture of a Tree so Egyptians Don't Forget what Trees Look like." He was released after the questioning and remains charged.

Regarding the case of Mr. Mohamed El-Baquer

Background:

On 29 September 2019, Mr. El-Baquer was arrested in the premises of the State Security Prosecution after he attended the interrogation of one of his clients. He was accused of "belonging to a terrorist group", "funding a terrorist group",

“spreading false news undermining national security” and “using social media to commit publishing offenses” in the criminal case No. 1356/2019. The Prosecutor also questioned him about his engagement with the UN human rights mechanisms and bodies related to the November 2019 UPR of Egypt. He was placed in pre-trial detention.

On 30 August 2020, Mr. El-Baquer was informed of new charges brought against him in case No. 855/2020, which included other defendants, of joining an illegal organization and being a part of a criminal agreement with the purpose of committing a terrorist act from inside the prison.

On 19 November 2020, Mr. El-Baquer’s name was added to Egypt’s list of domestic terrorists and terrorist entities [hereinafter “terrorism watchlist”] for a period of five years by a decision of the Terrorism Circuit of the Cairo Criminal Court. No charges were officially mentioned, and the court ruling was in response to a request by the Public Prosecutor in case No. 1781/2019, without granting Mr. El-Baquer the right to present his defence. Inclusion in the terrorist watchlist leads to a travel ban, the withdrawal or cancellation of the individual’s passport, the freezing of the person’s assets, and the suspension of membership in professional unions. Thus, Mr. El-Baquer was prohibited from practicing law during the years in question. Mr. El-Baquer’s appeal before the Court of Cassation against the decision was rejected.

On 16 October 2021, Mr. El-Baquer was referred to the Emergency State Security Court (ESSC) by the SSSP under a new case without his lawyers being informed. He was charged with “spreading false news undermining national security” and “using social media to commit publishing offenses” in case No. 1228/2021. These charges were identical to two of those brought against him in case No. 1356/2019.

Although the state of emergency in Egypt was lifted on 26 October 2021, the ESSC remains in place for cases referred to it beforehand. Emergency Court verdicts are not subject to appeal and can only be commuted or overturned by the President of Egypt.

On 20 December 2021, the ESSC Court in New Cairo sentenced Mr. El-Baquer to four years in prison in case No. 1228/2021, which began in early January 2022 after it was ratified by the President of Egypt. In addition to his four-year sentence, Mr. El-Baquer continued to be held in pre-trial detention in case No. 1356/2019. Mr. El-Baquer was subjected to ill-treatment and abuse while in prison.

Regarding Mr. El-Baquer’s release:

On 19 July 2023, Mr. El-Baquer was granted a presidential pardon No. 290/2023, in case No. 1228/2021 and released from prison. The pardon did not address case No. 1356/2019, nor Public Prosecutor case No. 1781/2019, on the basis of which he was placed on the terrorist watchlist. It also did not address a fourth case, No. 855/2020 brought against him while he was in prison.

Regarding Mr. El-Baqer's new inclusion on the terrorist watchlist:

On 18 November 2025, the First Circuit of the Cairo Criminal Court renewed the inclusion of Mr. El-Baqer on the terrorist watchlist for a second period of five years. This was in response to a request by the Public Prosecutor's Office. No new evidence was provided, and the renewal came one day before the end of the first five-year period. Mr. El-Baqer plans to appeal his re-listing before the Court of Cassation within 60 days of the ruling.

Regarding Mr. Ahmed Samir Abdel-Hai Ali:

Background:

Also known as Ahmed Samir Santawy, Mr. Abdel-Hai Ali left Egypt in September 2019 for Vienna to pursue his degree in social anthropology on the intersection of human rights, gender and neo-colonialism in Egypt, through the lens of the country's anti-abortion laws.

On 15 December 2020, Mr. Abdel-Hai Ali returned home to Egypt for his winter break from university. Upon arrival at Sharm Elsheikh International Airport, he was stopped and questioned by airport police before being permitted to proceed to arrivals.

On 23 January 2021 at 2 a.m., seven armed officials from the Central Security Forces broke into Mr. Abdel-Hai Ali's home and searched the entire home, photographing the identity cards of all those present. Mr. Abdel-Hai Ali, who was outside of Cairo at the time of the raid, was ordered to report to the National Security Office at the Fifth Settlement Police Station.

On 1 February 2021, Mr. Abdel-Hai Ali arrived at the police station with one family member, who was to wait for him while he was brought in for questioning. He was interrogated by National Security police officers without the presence of his lawyer. Mr. Abdel-Hai Ali did not re-appear following the interrogation and was disappeared for six days.

On 6 February 2021, Mr. Abdel-Hai Ali appeared before the Supreme State Security Prosecution. He was charged with "joining a terrorist organisation", "publishing false news" and "using a personal account on the internet to publish false news" and was held in pre-trial detention under case No. 65/2021. He was later charged in a new case, No. 774/2021, with the same accusations, in a practice commonly known as "rotation."

On 22 May 2021, the Supreme State Security Prosecution interrogated Mr. Abdel-Hai Ali in the new case and presented as evidence an alleged social media account with alleged posts by him. He denied any connection to the account.

On 22 June 2021, the ESSC convicted Mr. Abdel-Hai Ali of "spreading false news on social media from within and outside the country harmful to national security" and sentenced him to four years in prison under case No. 774/2021,

registered as case No. 877/2021 Supreme State Prosecution. As highlighted above, Emergency Court verdicts are not subject to appeal and can only be commuted or overturned by the President of Egypt.

On 16 February 2022, the President ordered a retrial of Mr. Abdel-Hai Ali.

On 21 February 2022, Mr. Abdel-Hai Ali appeared in front of an ESSC for a new trial on the same charges. His lawyers were not allowed to meet with him ahead of the start of the trial.

On 4 July 2022, Mr. Abdel-Hai Ali was convicted by the ESSC of the same charges and sentenced to three years in prison.

Regarding Mr. Abdel-Hai Ali's release and travel ban:

On 30 July 2022, Mr. Abdel-Hai was released from prison on Presidential Pardon on the retrial conviction in case No. 774/2021.

On 27 August 2022, in June 2023 and in August 2023, Mr. Abdel-Hai Ali attempted to travel from Cairo International Airport; he was stopped and told by immigration officials that he was barred from travelling. No official travel ban was presented to him.

In February 2024, Mr. Abdel-Hai Ali presented complaints to the Minister of Interior, and the Interior Ministry's director of passport and immigration administration, and the director of national security describing the difficulties and the impact of the travel ban and asking for the legal basis of the ban. He did not receive any reply. This procedure was taken as a first step to allow him to raise a case before the Administrative Court.

On 22 June 2024, Mr. Abdel-Hai Ali raised a case before the Administrative Court, naming the Minister of Interior, the director of passport and immigration administration and the director of national security as the main officials responsible for not replying to his complaint or providing a legal basis for the travel ban against him. The Administrative Court held its first hearing on the case in September 2024.

On 22 March 2025, the Administrative Court upheld the travel ban, based on a response from the Ministry of Interior stating that Mr. Abdel-Hai Ali posed a danger to national security as the legal basis for the travel ban. This was first time Mr. Abdel-Hai Ali obtained official information on the travel ban.

In June 2025, Mr. Abdel-Hai Ali appealed to the Supreme Administrative Court; he has not heard back yet.

Without wishing to prejudge the accuracy of the information received, we express serious concern at the imposition of a travel ban against Messrs. Abdel Razek, Ennarah, Bashir, and Abdel-Hai Ali, and the freeze of assets of Messrs. Abdel Razek, Ennarah, and Bashir. We note that the lawyers for Messrs. Abdel Razek, Ennarah, Bashir and Abdel-Hai Ali were denied a copy of the ruling imposing the travel ban and

asset freeze, and that Mr. Abdel-Hai Ali was not properly notified of the travel ban against him, raising serious concerns of violations of the rights to due process and to an effective remedy. We are also concerned that the imposition of such measures may violate the right of the individuals to freedom of movement and unduly restrict the economic and social rights of Messrs. Abdel Razek, Ennarah and Bashir.

Targeted sanctions resulting in the freezing of assets, the imposition of travel bans, and other restrictions have severe consequences for the affected individuals and their families and their ability to enjoy economic and social rights. We draw the attention of your Excellency's Government to the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism outlining best practices to protect human rights while using administrative measures to prevent terrorism (A/80/284). We also recall that any restriction that may limit freedom of movement on the basis of public order should be strictly necessary and proportionate, factually motivated, and when cumulatively sustained, subject to stringent and ongoing review.

We also wish to express our concern at the renewed inclusion of Mr. El-Baqer on the terrorism watchlist despite his release from prison by Presidential Pardons.

Egypt's terrorism listing process, its lack of conformity with international human rights law and best practice standards¹ and its misuse as a form of reprisal against human rights defenders is the subject of ongoing concern for Special Procedures mandate holders (see EGY 2/2024, EGY 7/2023, EGY 3/2023, EGY 6/2022, EGY 1/2022, EGY 8/2021, EGY 4/2020). We echo concerns that the inclusion of individuals to such a list "does not necessarily require the presence of the accused or his defence, as it is a judicial procedure that results merely in measures which the accused has the right to appeal."² These concerns highlight that the process of listing constitutes an arbitrary, independent and severe legal penalty, which profoundly affects the civil and administrative rights of individuals and thus requires the full application of fair trial and due process rights under international law, including access to independent legal representation. In our view, your Excellency's Government's policy would appear to confirm an alarming pattern, whereby the "listing" of individuals on the terrorism watchlist is conducted on the basis of limited information or notice available to an accused or the person's defence team. We are concerned about what seems to constitute a systemic pattern of abuse in the use of counter-terrorism legislation to suppress dissent and curtail the work of human rights defenders in Egypt.

We reiterate concerns previously raised in EGY 4/2020 regarding the vagueness of provisions in Egypt's counterterrorism and national security legal frameworks, the dangers of overly broad definitions of terrorism therein, and the lack of compliance of Egypt's Anti-Terrorism Law with its international treaty obligations.

Moreover, we express serious concerns regarding restrictions to the rights to freedom of expression and of association, including through the criminalisation of

¹ See A/HRC/16/51, paras. 33-35, and A/80/284, paras 20-26.

² WGAD Opinion 77/2020, para. 41. Human Rights Committee, general comment 32 (CCPR/C/GC/32), para. 15, citing communication No. 1015/2001, *Perterer v. Austria*, para. 9.2., which details that the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law may also "extend to acts that are criminal in nature with sanctions that, regardless of their qualification in domestic law, must be regarded as penal because of their purpose, character or severity."

information deemed false, and the use of social media in contradiction with the provisions of international human rights law. We recall that legitimate expression of opinions or thought must not be criminalized. In resolution A/HRC/7/56, the Human Rights Council has stressed “the need to ensure that measures for (...) the protection of national security, including counter-terrorism, (...) are in full compliance with international human rights obligations (...) and stressing also the need to protect human rights, including the right to freedom of opinion and expression.” Measures aimed at regulating the existence and work of civil society and human rights defenders must comply with the requirements of legality, proportionality, necessity, and non-discrimination.

Finally, we reiterate our alarm at the continued practice of “case recycling” or “rotation of cases” in Egypt used to indefinitely detain individuals, including Mr. Abdel-Hai Ali. We remind your Excellency’s Government that this practice appears contrary to Egypt’s obligations under international law, particularly in relation to the principle of *non bis in idem*.

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 information on the legal basis for maintaining the travel ban and freeze of assets against Messrs. Abdel Razek, Ennarah and Bashir and indicate how these measures are necessary and proportionate according to international legal standards. Please also detail the avenues available under Egypt’s law to challenge these restrictions and explain how this is compatible with Egypt’s obligations under international law.
3. Please provide information as to the legal basis for the renewed inclusion of Mr. El-Baqer’s name on the terrorism watch list as well as the process required and undertaken to support such a determination. Please also indicate how these measures are necessary and proportionate according to international legal standards that Egypt has ratified.
4. Please provide information as to the legal basis for maintaining a travel ban against Mr. Samir Abdel-Hai Ali and how this measure is necessary and proportionate according to international legal standards that Egypt has ratified, including as it relates to the right to freedom of movement under article 12 of the ICCPR.

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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

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 respectfully call your Excellency's Government's attention to the relevant provisions enshrined in the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR) that the Arab Republic of Egypt (Egypt) signed on 4 August 1967 and ratified on 14 January 1982. More specifically, we draw attention to article 9 of the ICCPR, which protects the right to liberty and security of person; article 12 of the ICCPR which protects the right to leave one's country; and article 14 of the ICCPR which guarantees the right to a fair trial and due process. We would also like to appeal to your Excellency's Government to take all measures to guarantee the right to freedom of opinion and expression, as provided in article 19 of the ICCPR.

With respect to charges related to the spreading of false information, we refer your Excellency's Government to the report of the Special Rapporteur on freedom of opinion and expression on disinformation (A/HRC/47/25). In this report, the Special Rapporteur notably highlighted that the right to freedom of expression applies "to all kinds of information and ideas, including those that may shock, offend or disturb", and "irrespective of the truth or falsehood of the content" (See also Human Rights Committee, general comment No. 34 (2011), paras.47 and 49).

We also highlight article 2 of the ICCPR, whereby the State is under a duty to adopt laws that give domestic legal effect to the rights and, as necessary, laws to ensure that the domestic legal system is in compliance with the ICCPR. Under article 2(a), States parties undertake to ensure that each person whose rights or freedoms recognized in the ICCPR are violated have an effective remedy.

In regard to the definition of terrorism employed by the Terrorism Circuit Courts, we respectfully remind your Excellency's Government of the relevant provisions of the United Nations 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); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. 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 terrorism³ provides clear "best practice" guidance by identifying conduct that is genuinely terrorist in nature and precisely defining the elements.

All these resolutions require that States ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law. 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

³ A/HRC/16/51, para. 28.

exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society.

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 illdefined and/or overly broad laws which are open to arbitrary application and abuse to target civil society on political or other unjustified grounds.⁴

Further, the designation of “terrorist” individuals or organizations must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35). Specifically:

- (a) There must be reasonable grounds to believe that the person or entity has knowingly engaged in terrorism, as properly defined according to international standards, including the requirement of legality.
- (b) The listed person or entity must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights.
- (c) There must be a right to apply for de-listing and to have it reviewed within a reasonable time, and a right to judicial review of any resulting decision, in both cases affording due process, including sufficient disclosure of evidence and access to a lawyer.
- (d) The listed individual or entity must be afforded the right to make a fresh application for de-listing or lifting of sanctions in the event of a material change of circumstances or the emergence of new evidence relevant to the listing.
- (e) Listings must lapse automatically after 12 months unless renewed afresh.
- (f) Reparation, including compensation, must be available for any wrongful listing.

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, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

⁴ [A/70/371](#), para. 46(b).

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 states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

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).

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 restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

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.