Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 independence of judges and lawyers and the Special Rapporteur on the right to privacy

Ref.: AL GBR 5/2026
(Please use this reference in your reply)

4 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; 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 independence of judges and lawyers and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 58/14, 52/9, 59/4, 53/12 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged harassment, intimidation, and the misuse of counter-terrorism powers against Mr. Fahad Ansari, in apparent retaliation for carrying out his lawful professional functions as a lawyer,** representing Harakat al-Muqawamah al-Islamiyyah (Hamas) in an application for de-proscription under section 4 of the Terrorism Act 2000. The reported retaliatory measures, including politicised vilification, regulatory pressure, detention under schedule 7 of the Terrorism Act 2000, and the seizure and downloading of a work device containing legally privileged material raise serious concerns as to the independent exercise of the legal profession and the confidentiality of lawyer–client communications. Further, we are concerned that such measures threaten to criminalize, stigmatize and have chilling effects against lawyers and legal associations carrying out lawful work in national security and counter-terrorism matters, including with respect to the human rights compliance of proscription regimes, including the right of proscribed entities to seek delisting.

According to the information received:

In early 2024, Mr. Fahad Ansari, a solicitor formerly practising in England and Wales, and specialising in national security and human rights work, was instructed to represent Hamas in an application for its de-proscription under section 4 of the Terrorism Act 2000. After undertaking the necessary due diligence, including liaising with the UK Office of Financial Sanctions Implementation (OFSI), Mr. Ansari filed the application for de-proscription on 9 April 2025. Due to sanctions constraints, he agreed to act for his client pro bono (without remuneration). Soon after filing the application, Mr. Ansari and his firm were publicly vilified by senior political figures and commentators. He was portrayed as sympathising with terrorism for carrying out his professional duties. Media broadcasts and articles allegedly incited hostility toward the firm, with one televised segment urging viewers to 'send someone round' to the firm's offices. Following these broadcasts, the firm reportedly received abusive and

racially charged threats in such volume and intensity that its call-handling service refused to continue supporting it for staff safety.

Subsequently, the Shadow Secretary of State for Justice filed a complaint to the Solicitors Regulation Authority (SRA), which opened an investigation into the firm's conduct in June 2025, requesting extensive material including documents concerning the retainer and sanctions compliance. The Shadow Secretary of State for Justice also took to social media where he accused Mr. Ansari of supporting terrorism and bringing his legal reputation into disrepute. His comments were widely publicised in various news outlets. The Shadow Attorney General also made comments critical of Mr. Ansari on social media. On 26 June 2025, the Solicitors Regulation Authority served Mr. Ansari with a Production Notice, requesting that he hand over his client's file within seven days. The SRA continues to demand copies of his firm's annual accounts, case management system extracts and other business documentation. Around the same time, the firm's professional indemnity insurance renewal was refused; unable to secure cover, the firm closed as an authorised and regulated practice on 29 June 2025. Mr. Ansari had to find alternative representation for many of his clients. The Law Society did not appear to provide Mr. Ansari with the robust support expected for lawyers facing these kinds of reprisals for their work.

On 6 August 2025, Mr. Ansari was stopped and detained by officers of North Wales Police under schedule 7 of the Terrorism Act 2000 while returning from a holiday in Ireland. The stop appears to have been pre-planned and directed rather than random, pursuant to a schedule 7 power that permits examination without reasonable suspicion.

During the stop, officers seized Mr. Ansari's work phone from his car, despite his protest that it contained legally privileged and highly sensitive material relating to his national-security and civil-liberties practice. He was compelled to provide the passcode under threat of arrest. The device was retained for seven days, during which the entirety of its contents—more than 23,000 files—was downloaded.

Information indicates that approximately 95% of the phone's contents comprised legally privileged or otherwise protected material (and that the police were aware of this fact), including communications with clients, witnesses, counsel, experts, journalists and human-rights defenders; case files; images and voice notes; and extensive metadata. The privileged material was stored across multiple applications and in formats that were not amenable to keyword searching, and providing search terms would itself have risked breaching privilege or identifying individuals subject to anonymity orders.

During questioning lasting approximately three hours, officers asked Mr. Ansari about his views on Gaza, his associations, protest attendance, mosque attendance and his clients. His fingerprints, photographs and DNA were taken despite his identity being known. Upon release, he was approached to act as a human intelligence source.

The following day, while the phone remained in police custody, an attempt was made to access a child family member's phone via parental-control links associated with the seized device. Police did not confirm whether any copied data had been deleted.

In the days that followed, Mr. Ansari's solicitors wrote repeatedly to North Wales Police seeking clarification about the handling of legally privileged material and the protection of client confidentiality. The police informed him that an independent King's Counsel (KC) had been appointed to conduct a "sift" of the data to identify privileged content. However, the police declined to disclose the instructions provided to the KC, the methodology to be used, the search terms or criteria that would be applied, or the safeguards in place to prevent inadvertent disclosure of privileged or protected information. At a preliminary hearing, counsel for the police acknowledged, when questioned by the judge, that she did not know how a sift could be conducted in this case given the nature and volume of privileged material.

On 17 September 2025, Mr. Ansari initiated judicial review proceedings against the Chief Constable of North Wales Police and the Home Secretary, challenging the legality of the schedule 7 detention, the seizure and downloading of his device, and the continued retention and possible disclosure of the copied data. He sought orders requiring destruction of the copied material, disclosure of the grounds for the stop, and injunctions preventing any examination or dissemination of the data pending the determination of the claim.

In a series of letters exchanged between 17 September and the preliminary hearing on 23 October 2025, Mr. Ansari's solicitors sought further information from North Wales Police concerning the legal basis for the continued retention, examination and potential onward disclosure of the copied data, and requested undertakings that no processing or dissemination of the material would occur pending judicial review. The police declined to provide these undertakings and did not explain the reasons for the schedule 7 stop, the grounds for retaining the data, or whether the material had been, or would be, shared with other authorities. During this period, the independent KC appointed by the police to conduct the privilege "sift" contacted the High Court directly to indicate an intention to provide a closed witness statement based on her preliminary review of the device's contents. The Court intervened and issued directions prohibiting the disclosure of any information from the sift to the police or any third party. At a further preliminary hearing, the judge observed that, without additional disclosure from the police, the Court was unable to assess whether the sift was possible, practical or proportionate, given the nature and volume of legally privileged material on the device and the absence of any explanation of the methodology to be used.

On 23 October 2025, the High Court held a preliminary hearing which proceeded in part in closed session under the Justice and Security Act 2013. The Court refused interim relief and declined permission to appeal, finding that the public interest in permitting examination of the device outweighed the "small" risk of inadvertent disclosure of privileged material. It endorsed the procedure already put in place by the police, whereby an independent KC appointed by the

police would conduct a sift of the phone's contents to identify legally privileged material before transmission to investigating officers. In upholding the arrangement, the Court emphasised the seniority of the appointed KC as a sufficient safeguard and relied on the schedule 7 Code of Practice requirement that any inadvertently accessed privileged material be deleted, notwithstanding that Mr. Ansari would not be informed of what had been disclosed. Mr. Ansari was not permitted to make representations on the sifting process or to review the material being screened. On 27 October 2025, the Court of Appeal refused the application for permission to appeal on the papers. Until the full hearing listed for May 2026, the police and Home Office retain access to the copied data, and concerns persist that the sift process is neither independent nor capable of protecting the confidentiality of client communications, particularly given the risk of disclosure of sensitive contacts' information that may endanger individuals' safety.

Without wishing to prejudge the accuracy of the information received, we are gravely concerned that the facts as alleged indicate interference with the independent exercise of the legal profession, including intimidation and harassment linked to a lawyer's representation of a pro-bono client, contrary to international human rights standards.

We are further concerned by the use of counter-terrorism powers, notably schedule 7, to detain a lawyer, question him about his lawful professional work and associations, and to seize and download legally privileged data without sufficiently robust, independent safeguards. These actions appear to contravene articles 9, 14 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United Kingdom on 20 May 1976, and articles 6 and 8 of the European Convention on Human Rights (ECHR). We note concerns previously identified by the European Court of Human Rights in *Beghal v. United Kingdom* (2019) regarding the breadth and safeguards of port-stop powers.

We are further concerned that, following the refusal of interim relief and the adoption of a police-appointed KC sift procedure, there appear to be no effective independent or judicial safeguards preventing ongoing access to legally privileged material. The absence of transparency or opportunity for Mr. Ansari to make representations on the sifting process appears inconsistent with the right to due process and an effective remedy and European jurisprudence on the protection of privileged material.

Applicable international human rights standards

We are concerned that the seizure, downloading and retention of Mr. Ansari's work phone, containing extensive legally privileged and highly sensitive material, may constitute an unlawful or arbitrary interference with his privacy and correspondence under article 17 of the ICCPR. The volume and nature of the data extracted, the absence of clear and effective safeguards, and the lack of transparency regarding how the material will be examined or shared raise serious concerns about necessity and proportionality (general comment No. 16). These concerns are heightened where the material includes lawyer–client communications central to the administration of justice.

Under the ECHR, articles 6 and 8 protect fair trial rights and respect for private life, including legal professional privilege. The European Court of Human Rights has consistently held that interference with privileged material requires particularly weighty justification and robust procedural safeguards. For example, in *Campbell v. the United Kingdom* (1992), the Court affirmed that such correspondence attracts enhanced protection because of its direct bearing on fair-trial rights, and in *Michaud v. France* (2012) it stressed that the confidentiality of lawyer–client communications is a cornerstone of the administration of justice and must be protected against arbitrary interference. In *Beghal v. the United Kingdom* (2019), the Court found that schedule 7 powers breached article 8 due to the lack of adequate safeguards and the absence of suspicion requirements. These authorities underscore the need for ex ante, independent oversight of any sift process, meaningful opportunities for the affected lawyer to make representations, and transparency sufficient to protect legal professional privilege in practice.

We are further concerned that the public vilification of Mr. Ansari, his questioning under counter-terrorism powers, and the intrusive measures taken against him appear to be connected to his lawful representation of a proscribed organisation. Such circumstances may amount to improper interference with or reprisals against a lawyer for performing professional duties, in contravention of the Basic Principles on the Role of Lawyers. Principles 16, 18 and 22–23 require that lawyers be able to act without intimidation or undue pressure, must not be identified with their clients or their clients' causes, and must have the confidentiality of lawyer–client communications respected. They also appear to constitute attacks on Mr. Ansari's honour and reputation, contrary to article 17 of the ICCPR. The pattern described in this case risks discouraging other lawyers from accepting instructions in politically sensitive or national-security matters. We echo the statement of the Special Rapporteur on the independence of judges and lawyers in his report on the Protection of lawyers against undue interference in the free and independent exercise of the legal profession, that the stigmatization or defamation of lawyers who defend and represent persons in security or counter-terrorism contexts or in relation to high profile political cases "severely limits the free exercise of the legal profession" (A/HRC/50/36, para. 76).

We wish to underline that safeguarding the independence of the legal profession is essential to ensuring the integrity of counter-terrorism and proscription regimes. The right of proscribed individuals or entities to seek delisting is a fundamental safeguard and is only effective where lawyers are able to act without fear of adverse consequences (A/HRC/16/51). Measures that penalise or deter legal representatives from undertaking delisting work risk rendering this safeguard ineffective and undermining confidence in the fairness of proscription frameworks. We respectfully urge your Excellency's Government to ensure that lawyers are able to carry out their professional functions free from intimidation or interference; that legal professional privilege is rigorously protected in the application of counter-terrorism powers; and that any data obtained from Mr. Ansari's device is subject to independent and effective judicial oversight, with prompt deletion of any material accessed in violation of applicable safeguards. Commitment to the independence of the legal profession and to the implementation of counter-terrorism frameworks in full conformity with international human rights obligations is essential to upholding the integrity of justice systems and ensuring that security measures remain effective, legitimate and grounded in the rule of law.

We are further alarmed at the nature of the questions directed to Mr. Ansari following his arrest, including on his views on Israel's actions in Gaza, his attendance to protests and associations, and the places of worship he attends. We remind your Excellency's Government of its obligations to ensure, respect and protect the rights of everyone to freedom of opinion and expression, freedom of peaceful assembly and association, and freedom of religion and belief in accordance with articles 18, 19, 21 and 22 of the ICCPR. We emphasize the prohibition on discrimination and the obligation of equal treatment contained in articles 2 and 26 of the ICCPR.

Finally, we are concerned that the closed-material procedure may not have been consistent with the right to a fair hearing under article 14 of the ICCPR and article 6 of the ECHR, particularly as regards equality of arms in an adversarial process. The Human Rights Committee has noted that the right to "adequate time and facilities" under article 14 of the ICCPR "must include access to documents and other evidence", including all inculpatory and exculpatory materials that the prosecution plans to offer in court (general comment No. 32, para. 33). The affected person must receive adequate summary ("gist") of the material allegations or evidence relied upon against him, sufficient to enable him to effectively instruct counsel and challenge the case.

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 indicate the legal and factual basis for Mr. Ansari's detention under schedule 7 of the Terrorism Act 2000, including the grounds for any directed stop, and explain how the measures taken were necessary and proportionate in the circumstances, and in compliance with international law.

3. Please describe the safeguards for legal professional privilege applicable to the seizure, examination, copying, retention and destruction of data from electronic devices in schedule 7 stops, and indicate whether any privileged-material review protocols were followed in this case.

4. Please confirm whether any data obtained from Mr. Ansari's phone have been shared with other authorities, domestic or foreign, and if so, on what legal basis, and indicate whether that data has been deleted in full or in part.

5. Please indicate whether any inquiry has been initiated into the harassment, threats and incitement reportedly directed at Mr. Ansari and his firm, including by public figures and media outlets, and what steps have been taken to protect his safety and that of his family and colleagues.

6. Please provide information on the SRA investigation, including its initiation, scope and safeguards to ensure that disciplinary processes are insulated from political pressure when lawyers act in contentious national-security matters.

7. In relation to the High Court proceedings, please explain how any closed-material procedure authorised in this case ensures compliance with the principles of equality of arms and the right to an effective adversarial hearing under article 14 of the ICCPR and article 6 of the ECHR. In particular, please indicate what safeguards are in place to guarantee that the applicant receives an adequate summary ("gist") of the material allegations or evidence relied upon against him, sufficient to enable him to effectively instruct counsel and challenge the case.

8. Please describe broader measures adopted to ensure that lawyers are not identified with their clients or subjected to reprisals for representing individuals or entities in matters related to counter-terrorism or proscription.

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.

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

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

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Ana Brian Nougrères
Special Rapporteur on the right to privacy

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

Respect of human rights while countering terrorism

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,[1] 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 (2010) as revised by A/HRC/61/52 (2026)).

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).

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.[2] 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 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)).

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 in detail by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/16/51, para. 35 and A/80/284, paras. 17-39).

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

2 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

Right to an effective remedy

Article 2(3) of the ICCPR enshrines the right to an effective remedy. It provides that States parties have the obligations to ensure that: (a) any person whose rights or freedoms are violated have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) any person claiming such a remedy has such right determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and (c) the competent authorities enforce such remedies. The right to an effective remedy is a key element of the full enjoyment of human rights. Without access to an effective remedy, human rights violations go unpunished, and victims may be deprived of justice, compensation and their human dignity.

Equality and non-discrimination

Article 2 of the ICCPR requires that States respect and ensure to all individuals within their territory and jurisdiction the rights protected under the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 of the ICCPR further provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. It requires that the law "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Right to liberty and security

Article 9 of the ICCPR guarantees the right to liberty and security of person and provides that "no one shall be deprived of his [or her] liberty except on such grounds and in accordance with such procedure as are established by law." As interpreted by the Human Rights Committee in general comment No. 35, the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (para. 12).

Any detention due to the peaceful exercise of rights, including the rights to freedom of expression, freedom of peaceful assembly, and freedom of association, is arbitrary (para 17). Detention is arbitrary where it is based on discrimination, including on the basis of political or other opinion (ibid).

Right to privacy

Article 17(1) of the ICCPR prohibits arbitrary or unlawful interferences with a person's privacy, family, home or correspondence, and unlawful attacks on a person's honour and reputation. Article 17(2) provides that "[e]veryone has the right to the protection of the law against such interference or attacks." Any interference with the right protected under article 17 must be strictly necessary and proportionate in pursuit of a legitimate aim.

The Human Rights Committee has emphasized the duty of States "not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons" (general comment No. 16, para. 9). It reminds that "even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances" (para. 4).

Right to due process and a fair trial and protection of lawyers

Article 14 of the ICCPR guarantees the right to a fair trial and due process. Article 14 (3)(b) provides for the right to have adequate time and facilities for the preparation of one's defence and to communicate with counsel of one's own choosing. The Human Rights Committee has noted that the right to "adequate time and facilities" under article 14 of the ICCPR "must include access to documents and other evidence", including all inculpatory and exculpatory materials that the prosecution plans to offer in court (general comment No. 32, para. 33). In that regard, guideline 5 of the United Nations Basic Principles and Guidelines provides that "[t]he factual and legal basis for the detention shall be disclosed to the detainee and/or his or her representative without delay so as to provide adequate time to prepare the challenge. Disclosure includes a copy of the detention order, access to and a copy of the case file, in addition to the disclosure of any material in the possession of the authorities or to which they may gain access relating to the reasons for the deprivation of liberty."

The right to legal assistance at all times is inherent to the right to liberty and security of the person and to the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, enshrined in articles 3, 9, 10 and 11(1) of the Universal Declaration of Human Rights and article 14 of the ICCPR.

In accordance with principle 16 of the 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, 1990), lawyers must be able "to perform all of their professional functions without intimidation, hindrance, harassment or improper interference" and should "not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Principle 18 specifies that lawyers shall not be identified with their clients or their clients' causes as a result of their professional functions. Principle 20 affirms that lawyers shall not be threatened with disciplinary or other sanctions for actions taken in accordance with professional duties, standards, and ethics. Principle 21 establishes that competent authorities must ensure lawyers have access to appropriate information, files, and documents in sufficient time to provide effective legal assistance. Principle 22 guarantees that all communications and consultations between lawyers and their clients within their professional relationship are confidential. Principle 24 affirms lawyers' right to participate in public discussion of matters concerning the law, justice, and the protection of human rights without suffering professional disadvantage. Principle 26 requires that lawyers enjoy adequate safeguards and protection when their security is threatened as a result of discharging their professional functions. Principle 27 guarantees civil and penal immunity for statements made in good faith in professional appearances before courts, tribunals, or other legal or administrative authorities. Principle 28 affirms that

lawyers have the right to form and join self-governing professional associations to represent their interests and protect their independence. Principle 29 establishes that the executive bodies of such associations must be freely elected and able to operate without external influence. Together, these principles ensure that lawyers can provide an effective defence, maintain professional autonomy, and uphold the rule of law.

Right to freedom of opinion and 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, 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. 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" (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).

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" (general comment No. 34, para. 34).

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, this prohibition, that may entail restrictions of free expression, has a high threshold as it requires 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).