

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Ref.: AL TUR 1/2026
(Please use this reference in your reply)

23 February 2026

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 rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers 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, 59/4, 60/10, 53/12 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding detained human rights defender Ms. Hatice Onaran concerning urgent need for appropriate medical attention; lawyer and human rights defender Ms. Suna Bilgin concerning counter-terrorism charges and ill-treatment; lawyer and human rights defender Osman Süzen concerning counter-terrorism charges; human rights defenders Mehmet Acettin, Tuğba Kahraman and Ismail Boyraz concerning their criminalization; and lawyer and human rights defender Mr. Sabri Güngen concerning police violence against him.

Ms. **Hatice Onaran** is a member of the Human Rights Association or İHD (*İnsan Hakları Derneği*) engaged in defending the rights of prisoners. The İHD is a non-governmental organisation founded in 1986 with branches throughout Türkiye. It works on issues such as prisoners' rights, alleged instances of torture, the promotion of a peaceful solution to the Kurdish issue and general human rights education.

Ms. **Suna Bilgin**, is a lawyer, a board member of the of the Tunceli branch of the İHD, in southeast Türkiye and the secretary general of the Tunceli Bar Association.

Mr. **Osman Süzen**, is a lawyer who has served as a member of the Executive Board of İHD, Deputy Chairperson of İHD and Chairperson of its Adıyaman branch.

Mr. **Sabri Güngen** is a human rights lawyer registered with the Şanlıurfa Bar Association and the Freiburg Bar Association in Germany. He has monitored, reported, and legally challenged abuses committed by state authorities.

Mehmet Acettin is a member of the İHD 's Central Prison Committee and an executive board member.

Ms. **Tuğba Kahraman** is on the İHD Executive Committee and its Ecology Commission.

Mr. **Ismail Boyraz** is a human rights defender and member of the İHD executive board. He has worked with other human rights organisations.

The criminalisation of and assault against defence lawyers while carrying out their professional duties defending clients have been the subject of communications TUR 7/2024, sent on 13 December 2024, and TUR 5/2023 sent on 19 July 2023, respectively. We thank your Excellency's Government for the responses received on 21 January 2025 and 18 December 2023 respectively. We remain nonetheless concerned regarding the new alleged violations.

In addition, concerns have been raised with your Excellency's Government on numerous previous occasions regarding the criminalisation and harassment of members of İHD, most recently in communications TUR 2/2022, sent on 22 February 2022; TUR 9/2021, sent on 20 May 2021; TUR 7/2019, sent on 9 July 2019; and TUR 5/2019, sent on 16 May 2019; TUR 3/2018 sent on 22 February 2018. We thank your Excellency's Government for your willingness to engage with UN Special Procedures on these issues through the replies received to all these communications, however we regret that İHD members continue to be targeted, judicially harassed and criminalised due to their active human rights defence role within the organisation.

Türkiye's Anti-Terror Law No. 3713, the amendments made to it and the Penal Code through Law No. 7145, adopted on 31 July 2018, have been the subject of communications AL TUR 2/2023, to which a reply was received on 14 August 2023, and OL TUR 13/2020 sent on 26 August 2020, in which concerns were raised over their compatibility of the Anti-Terror Law with Türkiye's international human rights obligations, to which a response was received on 22 October 2020. We thank your Excellency's Government for the replies.

Concerns have been expressed on the misuse of the Law on the prevention of financing terrorism (AL TUR 2/2023), sent on 12 May 2023. We thank your Excellency's Government for the reply sent on 14 August 2023; we remain concerned by its misuse against human rights defenders.

According to the information received:

Regarding Ms. Hatice Onaran:

On 18 October 2022, Ms. Onaran was charged with violating Law No. 6415 on the Prevention of the Financing of Terrorism, in relation to her support of detainees held under Türkiye's counter-terrorism law. The trial began at the Istanbul Heavy Penal Court. This came after Ms. Onaran had deposited small amounts of money to support the basic needs of several unwell and financially incapacitated prisoners, including those convicted of terrorism-related offenses, sentenced in allegedly unfair trials. Ms. Onaran was receiving hospital treatment for [REDACTED] during the investigation and was not detained.

On 20 February 2024, the Istanbul High Criminal Court convicted Ms. Onaran of violating the law on financing terrorism under article 4 of the Law on the Prevention of the Financing of Terrorism and sentenced her to four years and two months in prison. The public prosecution and the court did not take into account that Ms. Onaran's monetary transaction was in line with prison regulations requiring administrative record-keeping and the disbursement of funds to prisoners under prison administration supervision.

On 2 October 2024, the Istanbul Regional Court of Justice upheld the ruling on appeal.

On 3 October 2024, police agents went to arrest Ms. Onaran at her home, but she was not there.

On 10 October 2024, Ms. Onaran presented herself at the prosecutor's office in the Gebze Courthouse with her lawyers. She was subsequently transferred to the Gebze Women's Closed Penal Institution, where she currently remains held. She is 60 years old, has [REDACTED] and has been medically diagnosed as being 79 per cent disabled.

In December 2025, Ms. Onaran's health deteriorated and doctors prescribed [REDACTED] treatment, which would require transfer to an external hospital for each session in circumstances that would aggravate her medical condition. Ms. Onaran submitted an application to the Gebze Chief Public Prosecutor's office requesting the suspension of the sentence, based on article 16 of Türkiye's Law 5275 on the Imprisonment and Security Measures, which allows for the postponement of a sentence "until the prisoner is cured" and their temporary release in cases where a detainee suffers from a serious illness and cannot effectively access medical treatment in prison. She has received no response.

Regarding Ms. Suna Bilgin:

Ms. Bilgin has faced four charges since November 2016 on charges including "membership in an armed terrorist organisation," under Article 314/2 of the Turkish Penal Code and "spreading terrorist organisation propaganda", under Article 72 of the Anti-Terrorism Law, in a reference to the Kurdistan Workers' Party (PKK), which is listed as a terrorist organisation in Türkiye. These were in relation to her participation in peaceful activities in her capacity as a lawyer and İHD member; including defending detained students, participating in demonstrations, delivering İHD statements, and joining commemorative events, some of which took place in 2014.

On 11 April 2018, the Tunceli High Criminal Court sentenced Ms. Bilgin in absentia to six years and three months in prison on the four cases that were consolidated due to the alleged legal and factual connection between them. They were based on witness and police testimonies, some of which were later retracted. The court did not consider the retraction. Her sentence was based on the article 3 of Law No. 3713, the Anti-Terror Law, and article 314/2 of the Turkish Penal Code. The ruling was appealed.

On 21 December 2020 the Erzurum Regional Court of Justice overturned the ruling on procedural grounds, thereby initiating a retrial. In 2021 the merger of the cases was registered with the Tunceli 1st Heavy Penal Court. The Tunceli public prosecutor opened an investigation into the charge of “membership in a terrorist organisation” and a warrant for Ms. Bilgin’s forced return from abroad was issued. Ms. Bilgin had provided statements to the prosecutor’s office, but no detention measures had been taken against her.

On 1 November 2025, Ms. Bilgin submitted a statement to the Tunceli court stating her intention to return and to submit a petition to the court.

On 2 November 2025, Ms. Bilgin returned from Switzerland to Türkiye voluntarily.

On 17 November 2025, Ms. Bilgin appeared in court and denied the charges, in particular stating that she was appointed as mandatory defence counsel by the Tunceli Bar Association of members of the PKK who had surrendered, and to victimised families.

On 2 December 2025, Ms. Bilgin was arrested and taken to the Gaziosmanpaşa Detention Bureau in Istanbul. She was strip-searched on arrival and held in a crowded ward with around 38 other people.

On 17 December 2025, Ms. Bilgin was convicted of the crime of “membership in an armed terrorist organisation” in accordance with article 314/2 of the Turkish Penal Code and article 3 of Law 3713, Anti-terror Law. She was sentenced to six years and three months in prison. No provision for a suspension of the sentence or conversion to an alternative sanction was allowed. Ms. Bilgin was moved to the Bakırköy Women's Closed Prison, where she remains held. The ruling was appealed.

Regarding Mr. Osman Süzen:

On 24 September 2025 Mr. Süzen was charged with membership in an armed terrorist organisation in relation to his work with the İHD and his professional duties as a lawyer. The charge was based on witness testimonies and police reports given between 2014 and 2016 regarding his public meetings as an İHD member with Kurdish politicians during the peace process in 2013-2015. It was also based on his participation in 2014 in protest marches and events held by civil society organisations in Adıyaman. Some of the testimonies provided against him were subsequently retracted.

On 18 December 2025, the Adıyaman court held its first hearing in the case, in the presence of Mr. Süzen and his legal defence team. The court decided to release him and ordered him placed under a travel ban. The case was adjourned to 29 January 2026.

The charges against Mr. Süzen fall under article 314/2 of the Turkish Penal Code 5-10 years, and article 5 of Law No. 3713, which impose a sentence of five to ten years in prison.

The final hearing in his case was held on 29 January 2026, at the Adiyaman 2nd Heavy Penal Court. The Court acquitted Mr Sūzen of the charge of ‘being a member of an organization’, on the grounds that “it has not been established that the defendant committed the alleged crime”.

Regarding Ms. Kahraman and Mr. Acettin:

On 3 February 2026, both Ms. Kahraman and Mr. Acettin were arrested from their homes and placed under a confidentiality order with a 24- hour restriction on lawyer visits. They were arrested as part of an investigation conducted by the Istanbul Chief Public Prosecutor's Office, Terrorism Crimes Investigation Bureau, under file No. 2026/8857. Nearly 100 people, including co-chairs of political parties, numerous trade union representatives, lawyers and journalists were reportedly detained as part of the investigation.

Ms. Kahraman was charged with “membership of an armed terrorist organisation” and Mr. Acettin was charged with “membership of an armed terrorist organisation” and with “spreading propaganda for a terrorist organisation”. No concrete evidence was presented against Ms. Kahraman. The evidence against Mr. Acettin included his activities within İHD, such as press statements on prisoner rights, his participation in weekly public demonstrations on the fate of forcibly disappeared persons, and photographs of him entering and leaving the Istanbul office of the İHD. It has not been possible for their lawyers to examine the investigation file, which is under a confidentiality decision in accordance with Article 153/2 of Türkiye’s Code of Criminal Procedure. They were ordered placed under house arrest. The case is still under investigation and no indictment, necessary for a trial, has been issued so far.

Regarding Mr. Boyraz:

On 29 May 2024, Mr. Boyraz attended an assembly by a teachers’ trade union in front of the Ministry of Education in Ankara to protest a bill introduced in parliament on the base salary of private sector teachers. Law enforcement agents intervened and allegedly used excessive force. When Mr. Boyraz objected to the alleged ill-treatment around five police officers forcibly dragged him to a police van, twisting his arms in the process. Mr. Boyraz and around 11 demonstrators were arrested and held in police custody for over four hours before being released.

On 3 January 2026, the Ankara Chief Public Prosecutor’s Office filed charges of “participating unarmed in an unlawful assembly and demonstration and failing to disperse despite warnings,” against the 12 people, including Mr. Boyraz, under Article 32/12 of Law No. 2911 on Meetings and Demonstrations.

On 23 September 2025 the trial of Mr. Boyraz began. A second hearing was set for 17 February 2026. Mr. Boyraz is not detained and does not face any restrictions or judicial measures.

Regarding law enforcement officials attacks against Mr. Sabri Gungen:

On 29 March 2025 Mr. Gungen was attacked in the Siverek Courthouse in the city of Şanlıurfa by a group of police officers while he was photographing his client who showed evidence of ill-treatment while in police custody. An unidentified police officer insulted him, and police officers kicked and punched him. The incident was filmed on the courthouse official security camera system.

As a result of the attack, Mr. Gungen sustained bruising to his right eye and injuries to his left leg, which were documented in medical reports. Mr. Gungen complained at the Public Prosecutor's Office on the same day. The public prosecutor decided that "no assault had taken place", and closed the case.

On 17 April 2025, the public prosecutor issued its report in the case stating that a "simple use of force to the extent required by their duty" by the public officials had been used against Mr. Gungen and that there was insufficient evidence to initiate a public prosecution. Mr. Gungen has filed a complaint with the Constitutional Court. This remains pending.

On 7 November 2025, Mr. Gungen went to the Siverek Courthouse to file a complaint with the prosecution about a missing child. He was asked to wait. When Mr. Gungen knocked on the prosecutor's door about ten minutes before the end of working hours, the prosecutor allegedly said he was "not obliged to take the case," shouted at him to "get out" and ordered around ten gendarmerie officers to "remove him" from the room. The officers kicked and dragged him approximately 30 meters outside the courthouse building.

Mr. Gungen has filed a complaint with the Constitutional Court and the Şanlıurfa Bar Association filed a complaint with the Council of Judges and Prosecutors against the prosecutor who prevented him from performing his duties. Both cases are pending.

Since then, the situation that had prevented him from performing his professional duties safely has been resolved.

Without wishing to prejudge the accuracy of the information received, we express serious concern regarding the alleged arbitrary detention and due process violations in connection with terrorism related charges brought against Ms. Hatice Onaran, Ms. Suna Bilgin, and Mr. Osman Süzen. These measures appear to be directly linked to the exercise of their legal profession and to their legitimate exercise of the rights to peaceful assembly and association. If confirmed, these actions would constitute violations of their rights to liberty and security of person (article 9 ICCPR), to a fair trial and due process (article 14 ICCPR), to freedom of association (article 22 ICCPR), and to freedom of peaceful assembly (article 21 ICCPR). We recall that Türkiye ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 September 2003. We wish to recall that, in accordance with article 9 of the ICCPR, everyone has the right to liberty and security of person, and no one shall be subjected to arbitrary arrest or detention. As such, detaining individuals based on their activities as human rights defenders violates their right to equality before the law and equal protection of the law under article 7 of the Universal Declaration of Human Rights and

article 26 of the Covenant. In addition, arresting or detaining an individual as punishment for the legitimate exercise of rights protected under the ICCPR may be arbitrary.

We are also concerned at the lack of access to adequate medical treatment of detained woman human rights defender Ms. Hatice Onaran. We wish to recall that, by depriving persons of their liberty, States assume responsibility to care for their life and physical integrity. In this connection, we would like to draw the attention of your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules. Rule 24 establishes that the provision of health care for prisoners is a State responsibility, and rule 27(1) specifically provides that "Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals."

In line with our previous communication, we are also concerned at the apparent misuse of Türkiye's law on countering terrorism finance against Ms. Onaran, under article 4 of the Law on the Prevention of the Financing of Terrorism for having provided small sums of money to support the basic needs of unwell and financially incapacitated prisoners, including those convicted of terrorism-related offenses. We emphasize that the provision of humanitarian funds in line with prison regulations and under prison administration supervision does not constitute any offence of terrorist financing under international law, including the Terrorist Financing Convention 1999 and Security Council resolutions, or under the non-binding but authoritative Financial Action Task Force 40 Recommendations. We further recall that, according to best practice international standards, there should be a humanitarian exception to terrorist financing offences (A/HRC/61/52). The same Special Rapporteur has also cautioned against the misuse and misapplication of counter-terrorism financing measures against civil society (A/78/520). We further recall the UN Basic Principles on the Role of Lawyers, including principle 16 (requiring that lawyers be able to perform their professional functions "without intimidation, hindrance, harassment or improper interference") and principle 18 (that lawyers shall not be identified with their clients' causes), which would be contravened by the punitive use of counter-terrorism laws against routine professional or humanitarian acts.

We are equally concerned about the criminalisation of human rights lawyers Ms. Suna Bilgin and Mr. Osman Süzen while carrying out their professional duties, and the reported physical assault and intimidation of human rights lawyer Mr. Sabri Güngen. We are equally concerned at the alleged security measures taken that may endanger the safety of Mr. Güngen while performing his duties as a lawyer. We are concerned that these measures may have been taken in retaliation for their human rights work.

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 guarantee that those who practice law can do so free from intimidation, obstacles, harassment or interference.

In particular, we are concerned by the use of the anti-terrorism laws against lawyers, which creates significant pressure on and undue interference with the legal representation of those accused of terrorism-offenses including the right of persons to properly mount a defence to all charges which could seriously undermine their right to meaningful legal representation.

In line with our previous communications, we reiterate concerns raised in communication OL TUR 13/2020 regarding vague and overly broad language contained in the Anti-Terror Law No. 3713 and the Turkish Penal Code that do not satisfy the requirements of international human rights law and create significant risk of their misapplication to arbitrarily curtail the rights to freedom of expression, opinion, peaceful assembly and association, and freedom from arbitrary detention.

We are also concerned that, in the case of Ms. Bilgin, these measures may have been taken in retaliation for her participation in peaceful demonstrations, thereby obstructing her exercise of the right to freedom of peaceful assembly. And, in line with our previous communications, we also remain concerned with the continued criminalisation of members of the İHD, who appear to be targeted and criminalised due to their affiliation with and active roles within the non-governmental, non-political human rights organisation. Six of the seven human rights defenders cited above are members of the İHD. Any action taken against the members or employees of an association gravely impacts freedom of association. This right requires that associations, through the free will of their members, remain able to determine the activities and actions necessary to fulfill their social mission. When individuals are persecuted – and in this instance, detained and imprisoned – for fulfilling their commitments to an association, the organization itself suffers a direct loss of its capacity to operate and achieve its objectives. Furthermore, such measures undermine the right to freedom of association in general by creating a chilling effect that discourages others from joining or engaging professionally with civil society organizations.

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 how the arrest, detention, and prosecution of Ms. Hatice Onaran, Ms. Suna Bilgin, and Mr. Osman Süzen on terrorism-related charges comply with Türkiye's obligations under international human rights law, particularly with respect to the prohibition of arbitrary detention and the guarantees of due process and fair trial.
3. Please indicate what measures have been taken to ensure Ms. Onaran's right to the highest standard of health through access to the necessary

medical treatment, in compliance with Turkish law and with the UN Standard Minimum Rules for the Treatment of Prisoners.

4. Please clarify how the application of Türkiye's counter-terrorism financing law to Ms. Onaran, based solely on small humanitarian contributions to unwell and indigent prisoners, is compatible with international standards requiring that such offences involve willful intent to support terrorism. Please indicate how article 4 of the Law on the Prevention of the Financing of Terrorism is applied in a manner that does not arbitrarily restrict the legitimate, small-scale humanitarian support to meet the basic needs of prisoners, and how its application complies with Türkiye's international obligations to ensure that counter-terrorism financing measures are not misused against routine humanitarian or professional acts and are applied in a precise, proportionate, and non-arbitrary manner.
5. Please address how any countering terrorism finance measures are compatible with the principle of legal certainty, and if any risk assessments have been carried out in line with FATF Recommendation.
6. Please provide information about any measures taken, or foreseen, by your Excellency's Government to review the anti-terror normative framework in Türkiye to ensure its compliance with the State's obligations under international human rights law, and as recommended in OL TUR 13.2020.
7. Please describe the measures the Government is taking to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, including through prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

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's to clarify the issue/s in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable
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Special Rapporteur on the independence of judges and lawyers

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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 relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with above alleged facts and concerns, we would like to refer to articles 9, 19, 21 and 22 of the International Covenant for Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, which guarantee the right to not be subjected to arbitrary arrest or detention, the right to freedom of opinion and expression, the right to freedom of peaceful assembly and freedom of association.

In particular, article 9 of the ICCPR 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 per the jurisprudence of the Working Group on Arbitrary Detention and general comment No. 35,¹ any detention due to the peaceful exercise of rights, including the rights to freedom of expression and freedom of association, is arbitrary.

We would like to recall that article 19 of the ICCPR guarantees the right to opinion and expression. In the general comment 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of opinion and expression, including inter alia 'political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights,' subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination. Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We further would like to recall that articles 21 and 22 of the ICCPR guarantee the rights of peaceful assembly and of association, and note that "no 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."

We want to bring the attention of your Excellency's Government to Security Council's resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 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 which require that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with States' obligations under international law, in particular international human rights law, refugee law and international humanitarian law. Counter-terrorism measures must conform to fundamental assumptions of legality, proportionality, necessity and non-discrimination. Wholesale adoption of security and

counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities and civil society.

We would also like to bring the attention of the Government to paragraphs 75(a) to (i) of the 2018 report of the Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while countering terrorism (A/HRC/40/52) on the impact of terrorism measures on civic space and human rights defenders, journalists and the media. We want to stress that counter-terrorism legislation should not be misused against individuals peacefully exercising their rights to freedom of expression, peaceful assembly and association. These rights are protected under the Universal Declaration of Human Rights. The non-violent exercise of these rights cannot be a criminal offence. Any restriction on expression or information that a government seeks to justify on the grounds of national security and counterterrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34), and respect the principles of legality, necessity and proportionality.

We would also like to refer to the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, recalling that all States governed by the rule of law have an obligation to eliminate obstacles that impair or restrict access to justice (A/HRC/47/24, para. 2). He further indicated that “[a]ccess to justice, the rights to freedom of peaceful assembly and association, and the strengthening of civic space are inextricably linked” (A/HRC/47/24, para. 20).

In addition, we would also like to refer your Excellency’s Government to 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 (Cuba), 27 August-7 September 1990).

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 that lawyers 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 provides that lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions. This principle must be read in conjunction with principle 16(c), referred to above, which requires national authorities to adopt all appropriate measures to ensure that lawyers are not subject to, or threatened with prosecution or any other administrative, economic or disciplinary sanctions for actions undertaken in good faith in the exercise of their professional duties and responsibilities.

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote

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

- article 5(a), which provides for the right to meet or assemble peacefully.
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.