

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention; the Special Rapporteur in the field of cultural rights; 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 promotion and protection of human rights and fundamental freedoms while countering terrorism

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

14 April 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Arbitrary Detention; Special Rapporteur in the field of cultural rights; 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 promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/9, 60/8, 55/5, 59/4, 53/12 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government the information received concerning **arrests, criminal prosecution, and arbitrary detention of journalists, including through the undue use of counter-terrorism legislation, as well as mob violence on media outlets and cultural centres.**

As the new government of Bangladesh begins its program of work, it has an excellent opportunity to send a concrete signal of its commitment to human rights by taking early action to resolve some human rights concerns which go back to the time of the Interim Government and to create a safe and enabling environment for the exercise of freedom of expression and media freedom.

According to the information received:

Arrest, detention and criminal prosecution of journalists

At least 1,073 journalists and media workers were subjected to killings, detention, attacks, threats, harassment, lawsuits, and job loss in 476 separate incidents between 5 August 2024 and 1 November 2025, according to civil society reports. Among these, 6 journalists were killed, at least 27 were detained, 70 were harassed, and family members of 17 journalists were assaulted or had their homes vandalised.

Although non-State actors were allegedly responsible for many of these attacks on journalists, as well as harassment and attacks on satirists, cartoonists and others exercising their freedom of expression, the interim Government also directly targeted journalists, including through prolonged detention and dubious criminal charges. Reports indicate that about 412 journalists were criminally charged since August 2024 and many were arbitrarily detained for prolonged

periods. Dozens remain imprisoned, facing dubious charges of murder, terrorism, sedition and other serious offences.

We would like to draw your Excellency's Government's attention to the cases of three specific individuals: Mr. Monjurul Alam Panna and Mr. Anis Alamgir who are both highly respected journalists, and Mr. Shahriar Kabi, a well-known film maker, writer and cultural activist.

Monjurul Alam Panna

Mr. Monjurul Alam Panna is a Bangladeshi journalist with over 20 years of professional experience, including with Ekushey TV, as anchor of the talk-show Ekusher Raat and as news commentator on his personal Youtube channel. He is known for speaking on issues related to justice, rights and democracy, including on the history of the liberation of Bangladesh.

According to information received, on 28 August 2025, at approximately 10 a.m., Mr. Panna attended a public roundtable discussion titled "*Our Great Liberation War and the Constitution of Bangladesh*", at the Shafiqul Kabir Auditorium of Dhaka Reporters Unity in Segunbachiga, Dhaka. The event was organized by Mancha 71, a platform dedicated to commemorating Bangladesh's independence from Pakistan. The conference included a diverse group of participants, including elderly freedom fighters, journalists, lawyers, a university professor, former civil servants and a former minister. Mr. Panna was the moderator of the event.

At approximately 10.45 a.m., a group of men identifying themselves as "July fighters", stormed the venue, turned off the lights, and sealed both exits and doors. They surrounded the participants and speakers of the roundtable, including Mr. Panna, while threatening them with intimidatory gestures and slogans.

Mr. Panna called the national Emergency Helpline and the Shahbagh Police station to seek urgent protection. A police team arrived at approximately 11.15 a.m. at the venue. They arrested Mr. Panna along with fourteen other participants and placed them in custody at the Detective Branch of Police, according to the officers, reportedly for the participants' protection while awaiting further instructions from their superiors.

At approximately 10.00 p.m., after nearly 12 hours in detention, Mr. Panna and other arrested participants were informed that they were being held under the Anti-Terrorism Act of 2009. No further information was provided about the charges at that time.

The next day, on 29 August 2025, a first information report was issued by the authorities indicating that Mr. Panna was being charged under section 6(2)(d) and section 12 of the Anti-Terrorism Act. These provisions criminalise damage to property with the intent to create public fear and thereby endanger the integrity, unity, public security or sovereignty of Bangladesh.

On the same day, Mr. Panna was brought before the Chief Metropolitan Magistrate's Court in Dhaka while handcuffed. The Court rejected a bail application submitted on his behalf, citing that the allegations against him were related to non-bailable offences and that the case remains under investigation. Following the hearing, Mr. Panna was transferred to Keraniganj Jail.

On 4 September 2025, a bail hearing was held in which Mr. Panna was brought to court by a group of police officers, with his hands handcuffed behind his back. Mr. Panna was wearing a bulletproof vest and a police officer firmly held a helmet on his head which had a plastic visor that covered his face, reportedly intended to prevent him from being heard by journalists and others present at the scene.

On 21 September 2025, Mr. Panna was transferred to Kashimpur Jail. On 29 September 2025, the Metropolitan Sessions Court in Dhaka rejected Mr. Panna's application for bail, citing that the allegations against him are grave in nature, his custody period is short, the case is under investigation, and there is a possibility of absconding if bail were granted. On 12 November 2025, Mr. Panna was released from prison after being granted bail by the High Court.

The criminal proceeding against him under the Anti-Terrorism Act 2009 is ongoing.

Anis Alamgir

Mr. Anis Alamgir is a prominent journalist known for his coverage of the wars in Iraq and Afghanistan and his critical commentary of public and political affairs.

According to information received, on 14 December 2025, Mr. Alamgir was taken into custody by the Detective Branch (DB) of the Dhaka Metropolitan Police after being picked up from a sports facility in the Dhanmondi area of Dhaka at around 7.30 p.m. He was later transported to the DB office in Minto Road, Dhaka, for questioning over unspecified matters. He was allegedly held in detention overnight without being informed of the reasons for his arrest.

On 15 December, a case was filed under the Anti-Terrorism Act 2009 at Uttara West Police Station, reportedly following a complaint reportedly made by a central organizer of the July Revolutionary Alliance, a student-led organization, that includes accusations of hatching a conspiracy to destabilize the country and committing crimes against the State under the Anti-Terrorism Act 2009. Reportedly, these accusations are directly connected with Mr. Alamgir's alleged use of social media accounts and media platforms to support the Awami League.

Mr. Alamgir was brought before a court in Dhaka that same day. The court placed him on a five-day remand for further interrogation. On 20 December, having completed his remand, Mr. Alamgir was sent to prison by the court, reportedly following the request from the investigating officer of the Dhaka Metropolitan Police to extend his imprisonment. He was recently granted bail by the court.

Throughout the process, there was allegedly no public disclosure of specific evidence that would justify his continued deprivation of liberty. At least some family members were denied access to visit him in detention.

Shahriar Kabir

Mr. Shahriar Kabir is a film maker, journalist, writer and human rights activist. He has been arbitrarily detained since September 2024.

The UN Working Group on Arbitrary Detention found his detention to be arbitrary and called for his immediate release in opinion No. 40/2025 ([A/HRC/WGAD/2025/40](#)), but no action has been taken by the authorities to date.

According to the information received, up to fourteen criminal cases were initiated by the interim Government against Mr. Kabir, including murder and "crimes against humanity". Reportedly, no evidence has yet been presented against him in these cases.

Further to the facts of the case already established in in opinion No. 40/2025, since 12 January 2026, Mr. Kabir has been brought before the International Crimes Tribunal in several instances. The deadline for an investigation report on his case has been scheduled for 7 June.

Mr. Kabir remains in detention in Kashimpur Prison despite humanitarian grounds for his bail. He needs a wheelchair as he is unable to walk and he suffers from multiple chronic and age-related conditions, for which he is allegedly not receiving the necessary medical treatment. His health is rapidly deteriorating and he is extremely weak, which poses a risk to his life in custody.

Misuse of the Anti-Terrorism Act to silence political dissent

In May 2025 the interim Government adopted the Anti-Terrorism (Amendment) Ordinance 2025, gazetted on 12 May 2025, to amend the ATA, banning the activities of the Awami League. We refer your Excellency's Government to concerns raised in this regard in [BGD 6/2025](#). Since then, the ATA has continued to be used to silence and criminalize political dissent and criticism, including to charge individuals purportedly supporting the Awami League, including journalists, political commentators, artists and cultural rights activists with no evidence of violence or violent intent.

Both Mr. Panna and Mr. Alamgir, mentioned above, have been accused of terrorism-related offences under the Anti-Terrorism Act of 2009 without any substantiated evidence of their participation in acts of terrorism as understood under international law and standards. As an example of what appears as a misuse of the law, Mr. Panna has been charged under sections 6(2)(d) and 12 of the ATA which punish "damage to property" and conspiracy, assistance or incitement to commit damage to property respectively, although there is

reportedly no allegation of corresponding acts in the first information report of 29 August 2025.

Mob violence on media outlets and cultural centres

In a string of incidents in the months leading up to the elections, journalists, editors, political commentators, cartoonists and satirists as well as cultural organisations and women's groups faced threats, hostility and violence from various groups and individuals without much response or reaction from the authorities at that time.

On the night of 18 December 2025, mobs attacked and set fire to the offices of two leading newspapers in Bangladesh, *The Daily Star* and *Prothom Alo*, as well as the highly respected cultural institution, *Chhayanaut*, in Dhaka. The following evening, on 19 December, the central office of another cultural organisation, *Udichi Shilpigosthi*, was attacked and burned.

The orchestrated mob violence not only caused serious damage to property but also endangered the lives of many people. Some twenty-eight journalists and staff were working in the building of *The Daily Star* when it was set on fire. They were trapped on the roof in mortal danger for hours before being rescued by the army and the fire department. When Mr. Nurul Kabir, President of the Editors Council of Bangladesh and editor of the newspaper *New Age*, tried to enter *The Daily Star* premises to support the journalists trapped inside, he was harassed and attacked by the mob. Eventually, security personnel escorted him to safety.

While these incidents appear to have occurred in the context of mass protests following the assassination of a prominent youth leader, there is reason to believe that the mob violence against the media and cultural organizations had no connection to the killing and was specifically instigated to intimidate independent media and cultural activists.

Investigative reporting and analysis of over 3,000 Facebook posts circulating before, during, and after the attacks indicate that the threats against *The Daily Star* and *Prothom Alo* had been building up openly on social media for days and months prior to the violent incidents. The two media outlets were targeted by well-coordinated, orchestrated smear campaigns online and offline, spreading false information that they were "Indian agents" and "anti-national forces" and inciting violence against them.

Despite early warning of the attack on *The Daily Star* on the night of 18 December, law enforcement agencies took no precautionary measures to protect the building. It has been further alleged that the overall slow response of the law enforcement authorities to the threats and attacks on the outlets and the cultural centres was deliberate and the result of complicity by some State officials with those instigating the mob.

Without prejudging the allegations described above, we express concern about the serious violations of human rights they appear to entail, notably of the right to

freedom of opinion and expression, including media freedom and artistic freedom, protected under article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded on 6 September 2000. In the cases of Mr. Alamgir, Mr. Khabir and Mr. Panna, and other journalists prosecuted and detained on the basis of allegedly spurious charges, we are also concerned about the apparent violations of the rights to liberty and security of the person and to a fair trial with all due process guarantees, enshrined under articles 9 and 14 ICCPR.

Arrest, detention and criminal prosecution of journalists

The cases of Mr. Panna, Mr. Alamgir and Mr. Kabir echo the plight of other journalists and activists arrested and charged by the interim Government, including the ones we communicated in our allegation letter of 6 March 2025 and most of which remain unresolved ([AL BGD 1/2025](#)). We express our grave concern that the arrest, prolonged detention, criminal charges and prosecution of the journalists and activists appear to be directly related to their exercise of freedom of expression and defence of human rights.

In the case of Mr. Kabir, the UN Working Group on Arbitrary Detention determined that his detention is arbitrary and called for his immediate release in opinion No. 40/2025 (A/HRC/WGAD/2025/40), but to date no action has been taken by the authorities and he remains in detention. Mr. Kabir's continued refusal of bail is of serious concern given his deteriorating health condition, which entails a risk for his life.

Mr. Panna's prosecution is particularly shocking considering that it was he who contacted the police to seek protection after some unruly individuals invaded the conference room where he was moderating an event and began harassing him. While Mr. Panna was eventually granted bail by the High Court in February 2026, several failed bail applications by Mr. Panna since his arrest last year raise concerns about the respect for due process and fair trial standards by the lower judiciary in this case.

In order to ensure compliance with Bangladesh's human rights obligations, the cases of Mr. Panna, Mr. Alamgir and Mr. Kabir and all criminal cases against journalists and human rights activists should be reviewed, prioritizing those in detention, to ensure that each detention is not arbitrary and is judicially authorized. Where charges are found to be unsubstantiated, they should be withdrawn and individuals released. Courts should examine whether alternatives to pretrial detention, such as bail, would render detention unnecessary in each individual case and fair trial rights should be guaranteed at all times.

Misuse of the Anti-Terrorism Act to silence political dissent

Well-founded reports indicate an alarming trend to misuse the Anti-Terrorism Act 2009 (ATA) to silence and criminalize political dissent and criticism, in blatant violation of the right to liberty and security of person and right to freedom of expression, as well as the rights to freedom of peaceful assembly and of association, protected under articles 9,19, 21 and 22 of the ICCPR and right to take part in cultural life and to freedom of artistic expression and creativity, protected under article 15 of the International covenant on Economic, Social and Cultural Rights (ICESCR), to which Bangladesh acceded on 5 October 1998.

Mr. Panna and Mr. Alamgir's cases are just some examples of the alarming tendency to escalate legal action against journalists and activists under the ATA or other provisions of the Criminal Code without sufficient transparency and disclosure of evidence. We are concerned that mere property damage does not constitute terrorism as properly defined according to best practice international standards, resulting in unnecessary or disproportionate interferences in fundamental rights. In this regard we refer to the model definition of terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/61/52). We are further concerned that the vague and overbroad definition of terrorism under section 6 of the ATA does not comply with the requirement of legal certainty under article 15 of the ICCPR, which specifies that laws must be sufficiently precise for individuals to understand the extent of their criminal liability. Ill-defined and overly broad laws are open to arbitrary application and abuse, including to target, vilify, stigmatize and curtail the activities of civil society on political or other unjustified grounds (A/70/371, para. 46(b), A/79/263, paras. 31 ff.) and suppress the exercise of fundamental rights and freedoms (A/HRC/40/52). The misuse of overly broad criminal laws and poorly defined offences to suppress critical voices and dissenting and diverse views have undermined media freedom and produced a chilling effect on freedom of expression, as well as freedom of peaceful assembly and of association, in the past, including in public spaces.

The criminalisation of expression, including artistic expression, in most cases appears unnecessary and disproportionate, and is incompatible with international standards and democratic norms. It risks creating a chilling effect, encouraging widespread self-censorship among journalists, activists and ordinary citizens that is harmful for a democratic society. Criminal law should never be used to suppress peaceful dissent and criticism.

Mob violence on media outlets and cultural centres

While we note the police's ongoing criminal investigation of the arson and vandalism of the media outlets and cultural centres, we are concerned that, that given the serious allegations about the role of non-State actors in instigating the violence and the possible complicity by State officials, a narrow investigation risks overlooking the important reasons why these institutions were targeted in particular, aiming to silence dissent and create a sentiment of fear amongst all diverse and critical voices.

In line with the [statement](#) made by the Special Rapporteur on freedom of opinion and expression in December 2025, these violent acts should be promptly, independently, thoroughly and effectively investigated and those responsible should be held to account in accordance with international legal standards.

In connection with the above alleged facts and concerns, please refer to the **Annex on Individual Cases** and 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 detail the factual and legal grounds for the arrest and ongoing criminal prosecution of Mr. Panna, Mr. Alamgir and Mr. Kabir, and the continued detention of Mr. Kabir even after the WGAD's opinion No. 40/2025 on his case. Please explain how these can be compatible with international human rights law and indicate any steps to review their cases.
3. Please provide information on the numbers of journalists arrested, detained or facing criminal charges since 5 August 2024 and whether your Excellency's Government has taken or intends to take any steps to review the cases to prevent arbitrary detention, unjustified criminal charges and prolonged, unfair trials.
4. Please provide information on any legal or policy reforms your Excellency's Government intends to take to strengthen freedom of expression, freedom of peaceful assembly and association, civic space and safety of journalists, and, in particular its response to our concerns regarding the misuse of criminal laws, especially the Anti-Terrorism Act 2009, to restrict freedom of expression, including artistic expression.
5. Please indicate what steps will be taken to amend or repeal the Anti-Terrorism (Amendment) Ordinance 2025, and to amend the Anti-Terrorism Act 2009, to ensure they are consistent with international human rights law.
6. Please provide information on the steps taken to investigate, identify and hold to account the perpetrators of the attacks on media outlets and cultural centres on 18 and 19 December 2025. Please inform what steps the Government has taken or plans to take to ensure that investigations are prompt, thorough, effective and independent of undue influence.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

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

opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

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

Ganna Yudkivska
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Margaret Satterthwaite
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 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, including the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded on 6 September 2000. Additionally, we would like to refer your Excellency's Government to articles 9 and 14 of ICCPR, which provide for the rights to liberty and security of the person not to be subjected to arbitrary arrest or detention, to be promptly informed of the reasons for the arrest and of any charges against him or her, to be brought promptly before a judge, to a fair trial within a reasonable time. Furthermore, we wish to recall articles 21 and 22 of the ICCPR, enshrining the rights to freedom of peaceful assembly and of association, respectively. We also draw the attention of your Excellency's Government to the right of everyone to take part in cultural life, including in public spaces, and to freedom of artistic expression and creativity, as set forth in article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Bangladesh acceded on 5 October 1998.

Article 19 of the ICCPR guarantees the right to freedom of opinion without interference 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” (CCPR/C/GC/34, para. 11). The Committee stated 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 asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stressed 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) of the ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat”. In any case, restrictions must always be “the least intrusive instrument among those which might achieve their protective function” (paras. 34 and 35).

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

We would also like to refer to the Human Rights Council resolution 45/18 on safety of journalists adopted on 6 October 2020, in which the Council expressed “deep concerns about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counterextremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting”.

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information and, as such, they should be highlighted independently of any other rationale for restriction. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary. (A/HRC/71/373, para. 35). It has indeed long been recognised that “journalism constitutes a necessary service for any society, as it provides individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions” (A/HRC/20/17, para. 3).

Many of the above standards also apply to freedom of artistic expression, as part of freedom of expression. In addition, freedom of artistic expression and the right to take part in cultural life are further protected by article 15 of International Covenant on Economic, Social and Cultural Rights (ICESCR). Under this provision, States Parties have undertaken to respect the enjoyment and development of cultural practices and respect the freedom indispensable for creative activity. The Committee on Economic, Social and Cultural Rights, in its 2009 general comment No. 21 on the right to take part in cultural life (E/C.12/GC/21), recalled the right of everyone to seek, receive and impart information and ideas of all kinds and forms including art forms; to enjoy the

freedom to create, individually, in association with others, or within a community or group, which implies that States parties must abolish censorship of cultural activities in the arts and other forms of expression (para. 49 c). In particular, decision makers, including judges, when resorting to possible limitations to artistic freedoms, should take into consideration the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision. (A/HRC/23/34, paras. 85 and 89 d).

States have the challenge of ensuring the full implementation of artistic freedoms and resort to limitations only when absolutely necessary (A/HRC/23/34, paras. 3 and 32). Regarding the imposition of sanctions, including criminal sanctions, deprivation of liberty and the closing of public space, we would like to recall the recommendations made by the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur in the field of cultural rights to distinguish between (a) expression that constitutes a criminal offence; (b) expression that is not criminally punishable but may justify a civil suit or administrative sanctions; and (c) expression that does not give rise to criminal, civil or administrative sanctions but still raises a concern in terms of tolerance, civility and respect for the rights of others (A/66/290, para. 18; A/HRC/23/34, para. 31). What may be morally objectionable (from one point of view) may not necessarily be legally inadmissible or condemnable. Criminal sanctions should be the very last resort measures only, to be applied in strictly justifiable situations. In this regard, we would like to refer your Excellency's Government to the Rabat Plan of Action's six-part threshold test for those expressions that are criminally prohibited, implying an analysis of the context, speaker, content or form (which implicitly also refers to "the form of art"), extent of the speech, and likelihood, including imminence, of creating harm (A/HRC/22/17/Add.4).

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee, the notion of "arbitrariness" should not be equated with "against the law", but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (CCPR/C/GC/35, para. 12).

In its [general comment No. 35](#), the Human Rights Committee found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including the right to freedom of opinion and expression (art. 19), or on discriminatory grounds, in violation of article 2, paragraph 1, article 3 or article 26, are in principle arbitrary.

In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded, and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements.

We also recall that article 14 of the ICCPR establishes essential principles regarding the independence and impartiality of the judiciary, which the Human Rights Committee has affirmed as absolute rights, immune from restriction (CCPR/C/GC/32, para. 19). In its [general comment No. 32](#) (2007) on article 14, the Committee further emphasized that the right to equality before courts and tribunals, along with the right to a fair trial, is fundamental to the protection of human rights and integral to upholding the rule of law (CCPR/C/GC/32, para. 2). Under article 14, all individuals are entitled to be treated equally before competent, independent, and impartial courts and tribunals, and to the presumption of innocence. Moreover, specific guarantees include the right to a fair and public hearing, and the right to defend oneself in person or through legal assistance. These fair trial guarantees are inviolable and must remain unaffected by any derogatory measures that would compromise the protection of non-derogable rights (CCPR/C/GC/32, para. 6). The Human Rights Committee has underscored that States must enact concrete measures to ensure judicial independence, free from any political influence from the executive or legislative branches. This independence is vital to preserving the integrity of judicial processes and ensuring just outcomes.

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 constitute a criminal offence and what would be the legal consequences. 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, legitimate aim, necessity, proportionality 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

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.

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)).

This view is further supported by articles 21 and 22 of the ICCPR, respectively enshrining the rights to freedom of peaceful assembly and of association. Article 21 of the Covenant protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs (CCPR/C/GC/37, para. 6). The right to associate, including in the form of unions, is protected by article 22 ICCPR and equally enjoyed by all individuals. It is a key civil and political right, essential to individuals' participation in their societies more broadly as well as in terms of shaping the structures that affect their lives, and essential to the establishment of democratic societies. (A/HRC/53/38/Add.3, para. 17).

According to article 21 ICCPR, any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued. Authorities must be able to show that any restrictions meet the requirement of legality, and are also both necessary for and proportionate to at least one of the permissible grounds for restrictions enumerated in this provision (CCPR/C/GC/37, para. 36). The Human Rights Committee in its general comment No. 37 has reaffirmed that restrictions must thus be imposed through law or administrative decisions based on law. The laws in question must be sufficiently precise to allow members of society to decide how to regulate their conduct and may not confer unfettered or sweeping discretion on those charged with their enforcement (CCPR/C/GC/37, para. 39). Additionally, any restriction imposed must be appropriate responses to a pressing social need, relating to one of the permissible grounds listed in article 21. They must also be the least intrusive among the measures that might serve the relevant protective function" (CCPR/C/GC/37, para. 40).

We wish to highlight that, as stated by the Human Rights Committee, restrictions on peaceful assemblies must not be used, explicitly or implicitly, to stifle expression of political opposition to a government (CCPR/C/MDG/CO/4, para. 51), challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. They should not be used to prohibit insults to the honour and reputation of officials or State organs (CCPR/C/GC/37, para. 49).

States therefore not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination including on the basis of political or other opinion (A/HRC/41/41, para. 13).

In this sense, the former Special Rapporteur on the rights to freedom of peaceful assembly and of association has also emphasized that protection measures of national security should seek to strengthen, not compromise, rights and freedoms, and other democratic values. National and regional security policies should be centered on the

protection of human rights and should prioritize inclusive civil participation of all segments of society, including women and youth, which contribute to the building of sustainable peace and democratic transitions. Robust national security policies require legitimacy and credibility, which can only be effectively achieved when the voices of all segments in society are reflected, and rights and freedoms are upheld. (A/HRC/56/50, para. 90.)