

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL TUR 6/2025  
(Please use this reference in your reply)

19 June 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/7, 51/8, 52/9, 50/17, 51/21, 52/4, 58/14 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of disproportionate use of force causing injuries in response to the peaceful protests that took place in Türkiye in March 2025, as well as other allegations of torture and/or other cruel, inhuman or degrading treatment or punishment of those arrested and taken into custody.

Within this context, we respectfully call on your Excellency's Government to investigate, in accordance with international standards, the allegations of excessive use of force, arbitrary arrests, detention, and torture and/or other ill-treatment contained in this letter; to promptly release all those who are being arbitrarily deprived of their liberty; and to allow access to adequate medical care to all those who are currently detained and who are in need of such assistance.

At all times persons exercising their rights to freedom of peaceful assembly, association and expression are to be treated humanely and with dignity. The absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment applies while policing peaceful assemblies including to any persons subsequently arrested or detained by the authorities.

According to the information received:

On 19 March 2025, mass demonstrations, largely peaceful, took place in major cities across Türkiye in light of the arrest and detention of Istanbul's mayor

Ekrem İmamoğlu and the arrest and detention of hundreds of opposition political figures.

The protests were marked by numerous allegations of excessive use of force by law enforcement officials.<sup>1</sup> Police reportedly used plastic pellets; chemical agents such as pepper spray and tear gas; as well as percussion grenades and water cannons to disperse crowds. Numerous injuries and hospitalizations of demonstrators were reported. Protestors, including students under the age of 18 years, also reported being beaten and verbally insulted by officers. Journalists and media workers covering the protests reported being attacked and prevented from doing their work. Human rights defenders, including those monitoring the protests, and lawyers representing protestors who were allegedly arbitrarily detained were also targeted. Many officers were allegedly seen operating without identification numbers on their helmets and with covered faces.

A pattern of use of force in conflict with the prohibition on torture and other forms of ill-treatment by law enforcement officials has been reported, including:

- Physical force, including but not limited to severe beatings, beating with batons, kicking and punching.
- Spraying chemical agents at close range and aimed at the eyes.
- Weapons containing plastic capsules filled with chemical agents, some of which were aimed directly at people's bodies and used at close range.
- Pressurized water propelled by water-cannons known as “TOMA” which was reportedly used at close range and in a manner endangering people's physical integrity.
- Threats and insults.

Hundreds of participants self-reported injuries caused by gas canisters, pepper spray capsules, or plastic bullets, with many of those injuries targeting vital areas such as the head and the face.<sup>2</sup> There were also consistent reports of tear gas being used at dangerously close range. Many protestors also reported intense health effects, including coughing, throat irritation, and shortness of breath.

During the protests, measures were reportedly in place to restrict access to online information, such as bandwidth limitations on all main social media platforms, and blocking/and or making invisible, in Türkiye, numerous individuals' accounts.<sup>3</sup>

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<sup>1</sup> See, *among others*, Turkish authorities should uphold the right to freedom of assembly and expression in the context of ongoing protests, [statement](#) of the Commissioner for Human Rights of the Council of Europe, 24 March 2025.

<sup>2</sup> See Turkish Medical Association (TTB) titled “Assessment of the Health Effects and Rights Violations Related to Crowd-Control Agents” which was published on 21 April 2025.

<sup>3</sup> See COE Commissioner statement quoted above, footnote n.1.

Between 19 and 27 March 2025, according to the authorities, 1,879 protesters, including children, lawyers, journalists, students, union leaders and human rights defenders, were taken into custody across the country. The actual number, however, is believed to be higher.<sup>4</sup> It is reported that at least some of the individuals were arrested on the basis of the domestic counter-terrorism legislation.

Several individuals were reportedly subjected to torture or other ill-treatment at various stages, including during arrest or apprehension, transfer to detention facilities, and while in detention. This included being beaten, threatened and insulted, being forced to hold stress positions such as being restrained by handcuffs in a reverse position for up to 8 or 9 hours, and being subjected to unnecessary strip searches individually or in groups and not in conformity with privacy requirement. Women reported being subjected to threats, insults, and gender-based slurs, as well as sexual violence. Several women stated they were subjected to strip searches without privacy or communal settings.

Reports also alleged that several individuals were detained for up to four days without being able to communicate with their lawyers and/or families. Where communication was allowed, it was under conditions which did not afford the necessary confidentiality. Those who needed medical support were examined superficially and/or in the presence of officers. Serious irregularities in the application of the Manual on Effective Investigation and Documentation of Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, 2002) have resulted in what have been described as incomplete or falsified reports. Some individuals refrained from seeking medical assistance due to fear of retribution.

According to reports, no official investigations into these events have been launched by the authorities who have rejected any wrongdoing and have allegedly issued statements warning individuals not to spread “false claims”, stating that they would be reported to judicial authorities for “spreading misleading information”, “insulting the Turkish Nation and State”, and “defamation”. Amid such a political landscape, it is reported that alleged victims and survivors have refrained from filing complaints due to fear of reprisal.

On 19 March 2025, the Office of Istanbul Chief Public Prosecutor reportedly announced that they ordered the immediate detention of 107 people in connection with the protests in relation to two separate criminal investigations. 92 of the 107 people against whom detention orders had been issued were taken into custody. Judicial control measures were imposed on 41 people.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are of the view that, if established, they could amount to violations of the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane and dignified treatment in detention, contained, inter alia, in article 5 of the UDHR, articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye in 2003, and

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<sup>4</sup> See On this, see, among others, [Türkiye: Concern at widespread detentions, statement of the UN Human Rights Office Spokesperson](#), 25 March 2025.

articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 1988.

They may further amount to violations of the right to liberty and security of the person and against arbitrary arrest and detention (article 3 UDHR; and article 9 ICCPR); the right to equality and non-discrimination (article 7 UDHR; and articles 2 and 26 ICCPR; and article 2, Convention on the Elimination of All Forms of Discrimination against Women); the rights to freedom of peaceful assembly and association (article 20 UDHR; and articles 21 and 22 ICCPR); the right to freedom of opinion and expression, including freedom of the press to report on events without intimidation or harassment (articles 19 UDHR and ICCPR); the right to an effective remedy (article 8 UDHR; and article 2 ICCPR), including a State' duty to conduct effective investigations into alleged human rights violations with a view to identify, prosecute and punish those responsible, as appropriate; as well as the right to the enjoyment of the highest attainable standard of physical and mental health, recognized in article 25 of the UDHR and article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Türkiye in 2003.

Although there were no allegations of deaths arising from these protests, the risk of death by excessive or disproportionate force, or the mismanagement of protests, remains real, and could implicate the right to life in article 6 of the ICCPR.

We emphasize that any use of force in the context of law enforcement must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination, and must be strictly regulated in accordance with applicable international standards. These include the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

The use of less-lethal weapons must be restricted to situations of necessity and in proportion to the associated risks. In other words, the force used must be the very minimum required under the circumstances at hand. If it is not proportionate to the aim pursued, namely, to disperse a non-peaceful gathering, and depending on the resulting injuries, the use of such weapons may amount to torture or other cruel, inhuman or degrading treatment or punishment.

We emphasize that the right to be free from torture or other cruel, inhuman or degrading treatment or punishment is not confined to acts carried out against persons deprived of liberty; it also applies in cases of excessive use of force by the police.<sup>5</sup>

With this in mind, we also recall that States must promote an enabling environment for the exercise of the right to freedom of peaceful assembly without discrimination and must put in place a legal and institutional framework so that this right can be exercised effectively.<sup>6</sup> We emphasize that counter-terrorism legislation

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<sup>5</sup> See [A/HRC/RES/25/38](#); as well as Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/HRC/72/178](#); and Promotion of truth, justice, reparation and guarantees of non-recurrence, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence [A/HRC/78/181](#).

<sup>6</sup> See Human Rights Committee, General Comment n. 37 ([CCPR/C/GC/37](#)) on the right of peaceful assembly (article 21).

with penal sanctions should not be misused against individuals peacefully exercising their rights to freedom of expression and freedom of association and peaceful assembly, including to suppress peaceful minority groups and their members (general comment No. 34). Measures to combat terrorism and preserve national security should 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)). In this regard, we reiterate concerns raised in communication [TUR\\_13/2020](#) regarding vague and overbroad language contained in the Anti-Terror Law No. 3713 and the Turkish Penal Code that do not satisfy the requirement of legality under article 14 of the ICCPR 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.

Where the use of force is not proportionate in the circumstances to achieve a lawful purpose it is regarded as an attack on human dignity amounting to cruel, inhuman or degrading treatment or punishment, irrespective of whether that excess occurred intentionally or inadvertently. The precise characterization of the relevant ill-treatment as cruel, inhuman, degrading or a combination thereof will depend on the particular characteristics and circumstances of the case. Additionally, failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations increases the risk of unnecessary or disproportionate force being used and, in principle, breaches a State's obligation to prevent cruel, inhuman or degrading treatment or punishment contained in article 2 CAT (A/72/178, paragraph 46). The severity of the injuries are also to be assessed.<sup>7</sup> Where the physical or psychological harms are severe and intentionally inflicted for any of the prohibited purposes in the definition of torture in article 1 CAT, they may be characterised as torture.

We take this opportunity to bring to your attention the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on the use and trade in law enforcement equipment and weapons (A/78/324) in which she recommends that States review and amend national laws and procedures, in particular to ensure that items on the Special Rapporteur's category A list are prohibited and removed from production, trade and use, and that items on the category B list are controlled; and that public officials are informed about the prohibition of torture and other ill-treatment, trained on the proper use of equipment, and that any misuse of such equipment is reported, investigated and prosecuted (para. 84).

We remind that journalists and human rights defenders involved in monitoring or reporting on assemblies should not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment and, even if an assembly is declared unlawful or is dispersed, that does not invalidate their right to monitor and report.

While it can be difficult to distinguish between assemblies that are peaceful and assemblies that are not, the question must be carefully determined with reference to the level of violence originating from the participants. Violence against participants by the

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<sup>7</sup> See European Court of Human Rights, *Abdullah Yaşa and Others v. Turkey* (application No. 44827/08), Judgment of 16 July 2013.

authorities or by participants in counterdemonstrations, for instance, does not render the assembly non-peaceful. The conduct of specific participants in an assembly may be deemed violent if authorities can present credible evidence that, before or during the event, those participants were inciting others to use violence, and such actions were likely to cause violence; that the participants had violent intentions and planned to act on them; or that violence on their part was imminent. Isolated instances of violent conduct do not suffice to taint an entire assembly as non-peaceful.

Where the presence of law enforcement officials is required, the policing of an assembly should be planned and conducted with the objective of enabling the assembly to take place as intended, and with a view to minimizing the potential for injury to any person and damage to property. There must be clear command structures and protocols for recording and documenting events to underpin accountability. Superior officers should be held accountable if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

Law enforcement officials should seek to de-escalate situations that might result in violence. They must have exhausted all non-violent means and give prior clear warning if the use of force becomes necessary. Only in exceptional cases may an assembly be dispersed, for instance, when it is no longer peaceful or if there is clear evidence of an imminent threat of serious violence that cannot be addressed by more proportionate measures. When the decision to disperse is taken, force should be avoided. Where that is not possible, only the minimum force necessary to that objective may be used. Where law enforcement officials are prepared to use force, or violence is considered likely, authorities must also ensure that adequate medical facilities are available.<sup>8</sup>

Less-lethal weapons should be used only as a measure of last resort, following a verbal warning, and with an adequate opportunity for assembly participants to disperse. When less-lethal weapons are used, all reasonable efforts should be made to limit causing additional risks such as triggering a stampede or harming bystanders.<sup>9</sup> Extra precautions are necessary to protect individuals and groups in situations of vulnerability from harm when using any force in the context of protests. This can include, for instance, giving additional considerations when using less-lethal weapons in the proximity of children, pregnant women, older persons, persons with disabilities, persons with intellectual or psychosocial disabilities, and persons under the influence of drugs or alcohol.<sup>10</sup>

Having said this, we stress that it is not always possible to draw a clear line between lethal and non-lethal weapons, and that less-lethal weapons may have indiscriminate effects. For example, even though tear gas is not in principle a lethal weapon, when used inappropriately, it can cause serious injuries or even death.

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> See [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#), para. 79. B.

Lastly, any allegation of unlawful use of force or other violations by law enforcement officials in the context of assemblies must be investigated effectively, impartially, and in a timely manner. Victims must be involved and kept updated on the status of such investigations, and informed of effective remedies in order to seek and obtain redress, including adequate compensation.

There must be accountability mechanisms in place for each use of force by law enforcement officials and their commanding officers. Each use of force should, in fact, be recorded and reflected in a transparent report. Such a report should contain sufficient information to establish whether the use of force was necessary and proportionate, including the reasons why force was used, its effectiveness, and the consequences of it.<sup>11</sup> Furthermore, there should be an independent oversight mechanism in place to investigate any complaints of excessive use of force by law enforcement officials.

On these bases, we respectfully call on Your Excellency's Government to urgently and effectively investigate all allegations reported above, in accordance with international standards.

We remind that States have a heightened duty of care to implement human rights for all those arrested and held in their custody. Such persons must be treated with humanity at all times and provided with all the protections required under international human rights law. These include, inter alia, access to legal representation and medical assistance, prompt judicial review of their deprivation of liberty and access to remedies for any violations, as well as the possibility to communicate with their relatives and to be visited by independent human rights monitoring bodies. Persons deprived of liberty have the right to be informed at the time of arrest of the reasons for their arrest, and subsequently of any charges brought against them. We also remind of the special protections for females during arrest and custody.

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

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

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information assessing whether the alleged use of force by law enforcement officials in the above-mentioned demonstrations was in compliance with the requirements of legality, necessity and proportionality, as well as the rights to life and to be free from torture and other cruel, inhuman or degrading treatment or punishment. Please include the protocols, procedures, and guidance that were in place to facilitate the protests, as well as detailed lists of law enforcement units, weapons, and equipment used. Please include

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<sup>11</sup> See CCPR/C/GC/37, quoted above, footnote 6.

explanations of what measures were taken to ensure adequate protection of protestors, journalists, and human rights defenders so that they can carry out their legitimate work without fear of reprisals such as injury, harassment or criminalisation.

3. Please provide information on what grounds, within the context of the protests reported above, the use of pepper spray, tear gas and rubber bullets were authorized and by whom.
4. Please provide information on any chemicals allegedly used by law enforcement officials during the above-mentioned demonstrations and explain whether any assessment was conducted on their potential health impacts on human beings.
5. Please provide an update on consideration and implementation of recommendations in the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment's report, A/78/324.
6. Please provide information on whether any investigation has been launched into the above-mentioned events and allegations, and, if applicable, please provide updated information on where the investigation currently stands. Please explain whether there has been any accountability, including disciplinary or prosecutorial action, for any person potentially responsible of alleged violations, including superior officers; as well as with regard to victims' right to effective remedies, including compensation. If no investigation has been undertaken, or there was no result from it, please provide information on the reasons why and explain how this is compatible with Türkiye's international human rights obligations.
7. Please provide information on whether any investigation was launched or is being conducted specifically into allegations of torture or ill-treatment, in compliance with international standards, including the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition).
8. Please provide updated and detailed information of the number of complaints brought by individuals alleging to be victims within the context of above-mentioned protests currently pending before courts. Please explain whether any measure was adopted to ensure they are adjudicated expeditiously.
9. Please provide updated information on the number of people arrested during the above-mentioned events; the charges brought against them and the current status of their cases. Please include specific information concerning access to legal assistance and contact with their families as well as access to health care, including psychological care. Please also provide updated information on the number of people who currently remain deprived of liberty in connection with the above-mentioned

demonstrations and please explain what charges are being brought against them.

10. Please provide detailed information on steps taken to prevent future instances of excessive use of force by law enforcement officials and incidents of torture and/or other cruel, inhuman or degrading treatment or punishment including, for instance, the provision of adequate training on the lawful use of force and the policing of protests and the application of the prohibition on torture in this context.
11. Please provide information on the measures taken or envisaged to be adopted to -ensure that alleged victims of excessive use of force and allegations of torture and/or cruel, inhuman or degrading treatment or punishment by law enforcement officials can effectively report their cases to the authorities with no negative consequences (for instance, further violence, intimidation, and harassment); and please also provide information on measures in place or envisaged to be adopted to ensure that law enforcement officials, and their commanding officers, in the event that they are found responsible for disproportionate use of force, do not continue to work in law enforcement contexts.
12. Please provide information on what medical assistance and access to healthcare, including psychological care, was provided to those requiring such care following the demonstrations and/or while in detention.
13. Please detail any measures taken or foreseen by your Excellency's Government to review counter-terrorism laws in Türkiye to ensure they are consistent with international human rights law, and as recommended in TUR 13/2020.

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.

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 present communication and the regular procedure.

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

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Matthew Gillett

Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Ben Saul

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

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the principles and international standards applicable to this communication, in particular article 6 ICCPR of the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye in 2003 (right to life), article 7 of the ICCPR as well as and articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified in 1988 (absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including the requirement of humane treatment in detention (article 10 ICCPR)), article 9 of the ICCPR (the right to liberty and security of the person); article 26 of the ICCPR (right to equality and non-discrimination); article 21 of the ICCPR (right of peaceful assembly); article 22 of the ICCPR (right to freedom of association), article 19 of the ICCPR (right to freedom of opinion and expression, including freedom of the press to report on events without intimidation or harassment); and article 8 of the ICCPR (right to effective remedies, including the State' duty to conduct effective investigations into alleged human rights violations with a view to identify, prosecute and punish those responsible, as appropriate; as well as the right to the enjoyment of the highest attainable standard of physical and mental health, recognized in article 25 of the UDHR and article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Türkiye in 2003.

Attached to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute suspects, to punish those responsible and to provide remedies to victims. In line with the principles enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), States should establish all acts of torture as offences under domestic law (article 4); exercise jurisdiction over said offences (article 5); receive complaints and examine them promptly and impartially (article 13); and investigate those allegations promptly and impartially (article 12). Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (article 15). Victims are to be protected from reprisals or intimidation during said investigations (article 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (article 14). At no time shall torture be used to extract information or a confession (article 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (article 15).

Article 9 of the ICCPR enshrines the right to liberty and security of person, establishing in particular 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 well as the right to legal assistance from the moment of detention. International law on deprivation of liberty includes the right to be presented with an arrest warrant, which is procedurally inherent to the right to liberty and security of person and the prohibition of arbitrary deprivation of liberty, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or

Imprisonment. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. The United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation.

In its general comment No. 35, the Human Rights Committee also clarified that an arrest or detention may be arbitrary irrespective of it being authorized by domestic law. It also stated that the notion of “arbitrariness” should be broadly interpreted to include elements of “inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.” The Committee also held any arrest or detention carried out as punishment for the legitimate exercise of the rights as guaranteed by the Covenant to be arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), and freedom of association (art. 22). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention.

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

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and any

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

Article 22 of the ICCPR protects the right to freedom of association with others. Any restrictions to the exercise of the right to freedom of opinion and expression and the right to freedom of association must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in general comment No. 27 (CCPR/C/21/Rev.1/Add.9), restrictive measures must “be appropriate to achieve their protective function” and “be the least intrusive instrument amongst those which might achieve the desired result” (paragraph 14), while “the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law” (paragraph 15). Furthermore, as the Human Rights Committee emphasised in general comment No. 34 (CCPR/C/GC/34), any restrictions to the freedom of expression “must not be overbroad” (paragraph 34), “may not put in jeopardy the right itself” (paragraph 21) and may never be invoked to justify the muzzling of any advocacy of human rights (paragraph 23).

In addition, we wish to refer to articles 2.2 and 12 of the ICCPR, related to the enjoyment of the right to physical and mental health without discrimination. This includes an obligation on the part of all States parties to, inter alia, refrain from denying or limiting equal access for all persons, including prisoners or detainees, to medical care (general comment 14 of the Committee on Economic, Social, and Cultural rights, para. 34). In this connection, we would like to refer to the UN Standard Minimum Rules for the Treatment of Prisoners adopted unanimously by the UN General Assembly (A/RES/70/175) in December 2015 (“Mandela Rules”). Rules 24 to 35 establish that healthcare for prisoners is a State responsibility; prisoners should be ensured prompt access to medical attention in urgent cases and those requiring specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals.

We also wish 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, articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, we would like to bring to the attention of your Excellency’s Government such provisions of the Declaration as article 5(a) and (b) reiterating the right to meet or assemble peacefully and the right to form, join and participate in non-governmental organizations, associations or groups; article 6(b) and (c) stating the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and article 13 reiterating the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom. In addition, we would like to bring to the attention of your Excellency’s Government article 12 of the Declaration, and in particular paragraphs 2 and 3, which provide 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.

We also wish to refer to Human Rights Council resolution 22/6, which reiterates that domestic law should create a safe and enabling environment for the work of human rights defenders (paras 10-13).

In addition, 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, 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.

We also bring your Excellency’s Government’s attention to the principle of legal certainty under article 15(1) of the ICCPR which requires that criminal laws are sufficiently precise so that it is clear what types of behaviour and conduct constitute a criminal offence and the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, to target civil society on political or other unjustified grounds.

We respectfully refer your Excellency’s Government to the many resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirming 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. Counter-terrorism measures must conform to fundamental requirements of legality, proportionality, necessity and non-discrimination. The wholesale adoption of security and counter-terrorism regulations without due regard for these principles can have exceptionally deleterious effects on the protection of fundamental rights, particularly for minorities, historically marginalized communities, and civil society. States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

In addition, we refer to a report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association which indicated that “States should facilitate and protect peaceful assemblies, including through negotiation and mediation. Wherever possible, law enforcement authorities should not resort to force during peaceful assemblies and ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force’ (A/HRC/RES/19/35, para. 6)” (A/HRC/20/27, para. 89). Furthermore, “The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality. The necessity requirement restricts the kind and degree of force used to the minimum necessary in the circumstances (the least harmful means available),

which is a factual cause and effect assessment. Any force used should be targeted at individuals using violence or to avert an imminent threat" (A/HRC/31/66, para. 57).

"The proportionality requirement sets a ceiling on the use of force based on the threat posed by the person targeted. This is a value judgement that balances harm and benefit, demanding that the harm that might result from the use of force is proportionate and justifiable in relation to the expected benefit" (A/HRC/31/66, para. 58).

"The principles of necessity and proportionality apply to the use of all force, including potentially lethal force. Specific rules apply to the use of firearms for law enforcement, also during assemblies (principle 9 of the Basic Principles). Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries (making the use of force proportionate). In addition, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life (making the force necessary)" (A/HRC/31/66, para. 59).

"Firearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful (A/HRC/26/36, para. 75). Intentional lethal use of force is only lawful where it is strictly unavoidable to protect another life from an imminent threat; this is sometimes referred to as the protect life principle (A/HRC/26/36, para. 70)" (A/HRC/31/66, para. 60).

We further wish to remind your Excellency's Government that the Special Rapporteur on violence against women and girls, its causes and consequences, noted in her report to the General Assembly (A/73/301) that "women continue to suffer gender-based oppression when engaging in public and political life" (para. 13). She stated that violence against women in politics "can take many forms, from misogynistic and sexist verbal attacks to the most commonplace acts of harassment and sexual harassment, much of it increasingly online, or even femicide" (para. 13). In that regard, the Special Rapporteur has recommended States "to design, adopt and enforce general laws and policies combating and preventing violence against women, inclusive of political violence, and to guarantee the equal participation of women in political and public life, in compliance with international human rights law that covers all forms of gender-based violence against women and protects their right to equal political participation" (para. 80).