

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on the issue of human rights and transnational corporations and other business enterprises; 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 situation of human rights defenders and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

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(Please use this reference in your reply)

8 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on the issue of human rights and transnational corporations and other business enterprises; 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 situation of human rights defenders and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 58/14, 53/3, 52/9, 59/4, 52/4 and 1993/2A.

In this connection, we wish to draw the attention of your Excellency's Government to credible information received concerning the designation and imposition of sanctions by the United States Department of the Treasury's Office of Foreign Assets Control against the Palestinian human rights organisation Addameer Prisoner Support and Human Rights Association ("Addameer") and its severe impact on the organisation's operations and staff.

According to the information received:

Addameer is a Palestinian non-governmental organisation, established in 1991, that works to support Palestinian detainees held in Israeli and Palestinian prisons, including children and political prisoners. It provides free legal aid to prisoners and works to end torture, arbitrary detention and other violations of prisoners' rights through monitoring, legal processes, national and international advocacy, and solidarity campaigns. It also publicly denounces human rights violations by Israeli authorities.

On 10 June 2025, the United States Department of the Treasury's Office of Foreign Assets Control (OFAC), under executive order 13224,¹ added Addameer to its Specially Designated Nationals (SDN) list. The designation was made on based on the allegation that Addameer was "owned, controlled, or

¹ According to section 1(b) of Executive Order 13224, as amended by Executive Order 13886, introduced in September 2019, "the Secretary of the Treasury is hereby authorized to prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States, of a correspondent account or payable-through account of any foreign financial institution that the Secretary of the Treasury, in consultation with the Secretary of State, has determined, on or after the effective date of this order, has knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked pursuant to this order".

directed by, or acted or purported to act for or on behalf of, directly or indirectly” the Popular Front for the Liberation of Palestine (PFLP), which has been designated as a Foreign Terrorist Organisation by the United States since 8 October 1997. OFAC described Addameer as a “fraudulent charity linked to” the PFLP and stated that it “has long supported and is affiliated with the PFLP.” It also claimed that “in the spring of 2022, an alleged leader of the PFLP, coordinated with the PFLP to send funds to Addameer and to arrange meetings between Addameer and another pro-Palestinian organisation. Both the leader of the PFLP and the other pro-Palestinian organisation were sanctioned by the United States on 15 October 2024.

The same day, OFAC also imposed sanctions on five individuals and five charitable entities located abroad, which it described as “prominent financial supporters of Hamas’s Military Wing,” alleging that they were responsible for funding Hamas under the guise of humanitarian work internationally and in Gaza.²

The sanctions follow earlier measures taken against Addameer by the Government of Israel and are alleged to form part of a broader transnational campaign to criminalize and delegitimize Palestinian civil society and suppress civic space and human rights advocacy in the occupied Palestinian territories. On 19 October 2021, the Israeli Minister of Defence designated six Palestinian civil society organisations, including Addameer, as “terrorist organisations” on the basis of undisclosed information. This designation enabled Israeli authorities to close the organisations, seize their assets, and charge their leadership and staff under counter-terrorism legislation.

At that time, several Special Procedures mandate holders condemned the designations as a “manifestly egregious misuse” of counter-terrorism and security legislation and called for their immediate reversal.³ They were concerned about the legal frameworks underpinning the designations and their impact on human rights, as well as the reported use of surveillance technologies such as Pegasus against the organizations (see communications ISR 11/2021 and ISR 6/2022). They further noted that “the information presented by Israel has also failed to convince a number of governments and international organisations that have traditionally provided funding for the indispensable work of these six organisations.”⁴ In August 2022, the Israeli military raided the offices of Addameer and the other designated organisations, causing extensive damage to property and issuing military closure orders.

Since the 10 June 2025 designation by OFAC, Addameer’s operations have been severely curtailed. Staff with United States citizenship were compelled to resign immediately. Other staff members have also resigned due to operational and financial constraints, although some continue working informally. Addameer’s accounts in Palestine were also frozen. Local and international

² U.S. Department of Treasury, “[Treasury Disrupts Sham Overseas Charity Networks Funding Hamas and the PFLP](#)”.

³ <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders>.

⁴ Ibid.

banks retain the discretion to close the accounts of individuals associated with Addameer, including members of the Board of Directors and staff.

Addameer's online and digital operations have been significantly disrupted. Its domain, www.addameer.org, has been suspended by the hosting provider; Microsoft has terminated Addameer's cloud account, resulting in the loss of all documentation and data stored since 1 January 2025; and Meta has deactivated Addameer's Facebook and Instagram accounts, eliminating important communication, advocacy and mobilisation channels. While Addameer has retained some backup systems, the loss of recent data and the shutdown of its online platforms have substantially impaired its capacity to operate.

As of the date of writing, Addameer has not filed an appeal against the OFAC designation, as the organisation has not received the necessary information to enable it to adequately know the evidentiary basis of the designation and thus to effectively challenge the decision.

While we do not prejudge the accuracy of these allegations, the sanctions imposed on Addameer and the resulting incapacitation of its operations appear to constitute unjustified interference with the rights to freedom of expression, association, and participation in public affairs, as protected by articles 19, 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States in 1992, as well as the rights recognised in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as Declaration on Human Rights Defenders). By impeding Addameer's provision of legal aid and legal representation to Palestinian prisoners, the sanctions have also adversely affected the right to liberty and the right to fair trial, both of which include a right to legal representation and legal aid as necessary, under articles 9 and 14 of the ICCPR; and the right to effective remedy for any violations (including arbitrary detention, ill-treatment in detention, and unfair trial) under article 2(3) of the ICCPR.

In the current context of illegal occupation of the State of Palestine and armed conflict, Addameer, alongside other Palestinian human rights organizations, carries out essential work in monitoring compliance with international human rights law and international humanitarian law in relation to prisoners, being particularly vulnerable people. A decision to cut off Addameer's ability to communicate and restrict their access to financial resources not only limits their capacity to fulfil these functions but has a chilling effect on civil society, effectively silencing other Palestinian human rights defenders and organisations. We emphasize that the provision of legal assistance and human rights protection to Palestinian prisoners, even those who may be associated with terrorist groups, are legitimate and protected activities under international human rights law and cannot be properly characterized as support for terrorism, as properly defined according to best practice international standards. We are further concerned that the U.S. listing aims to influence other State and non-State actors to take action against Addameer, thus aggravating the human rights impacts.

Freedom of opinion and expression

We are concerned that the designation of Addameer may violate the right to freedom of expression under article 19(2) of the ICCPR, which protects the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media. These protections apply equally to individuals and to legal entities such as non-governmental organisations (general comment No. 34, para. 7). The work of Addameer – documenting detention conditions, publishing reports, providing legal analysis, issuing press statements, and advocating before national and international bodies – constitutes the seeking, receiving, and imparting of information and ideas on matters of public interest.

Restrictions on the right to freedom of expression must be compatible with the requirements in article 19(3) of the ICCPR, that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. We are concerned that the restriction imposed by the Law does not satisfy any of these requirements. The sanctions imposed appear to have effectively dismantled Addameer's operational capacity to exercise the rights protected under article 19. The freezing of bank accounts, termination of cloud services, suspension of the organisation's website and social media accounts, and the loss of stored documentation have cut off Addameer's ability to collect and retain information, to communicate with the public, and to share its findings.

We are concerned that these measures, in the absence of adequate disclosure of credible evidence that Addameer is engaged in terrorist financing (as defined under international law) or has otherwise proximately contributed to the commission of terrorist violence, fail to meet the requirements of legality, necessity, proportionality and non-discrimination so as to justify restrictions under article 19(3) of the ICCPR. Even if any action were substantiated as necessary, the breadth and severity of the sanctions would still appear to be excessive and disproportionate in relation to any legitimate national security aim pursued, given the adverse impact on freedoms of expression and association, and prisoners' rights, and risk creating a broader chilling effect on other organisations and individuals engaged in similar protection and advocacy activities.

Freedom of association

We are further concerned that the designation of Addameer and the accompanying sanctions, including the freezing of its assets and the obstruction of its ability to carry out its work, amount to unjustified restrictions on the right to freedom of association under article 22 of the ICCPR, which protects the right to form and join organisations and the ability of associations to freely operate, access resources, and pursue their lawful objectives.

As affirmed by the Human Rights Committee in its jurisprudence, including *Kudeshkina v. Russian Federation* (CCPR/C/90/D/1407/2005, para. 7.4) and *Zvozskov et al. v. Belarus* (CCPR/C/88/D/1039/2001, para. 7.2) and further supported by general comment Nos. 25 and 34, restrictions on the functioning of associations, including the freezing of assets and other financial obstacles, constitute interferences that must be strictly justified against the criteria of legality, legitimate aim, necessity, and

proportionality. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has further emphasised that counter-terrorism measures must not be used to impede access to funding for legitimate activities, and that overbroad sanctions regimes risk disabling entire sectors of civil society (A/75/184; see also (A/HRC/23/29, para. 23). For the reasons given in the previous section on freedom of expression, the restrictions on freedom of association are unnecessary and disproportionate.

In this case, the OFAC designation and resulting sanctions appear to have entirely deprived Addameer of the ability to operate: all staff have been forced to resign, its premises and digital platforms have been shut down, and its bank accounts frozen. Such measures go beyond regulating specific unlawful conduct and instead eliminate the organisation's existence in practice. The absence of a transparent evidentiary basis, in addition to the absence of less intrusive measures being considered, suggests that the interference is not necessary or proportionate to the stated aims and is incompatible with article 22.

We also refer to the Financial Action Task Force's interpretive note to Recommendation 8 stipulating that "measures adopted by countries to protect the NPOs [non-profit organizations] from terrorist financing abuse should not disrupt or discourage legitimate charitable activities." We underline not only the unlawful character of over-restrictive counter-terrorism measures, but also their ineffectiveness given the importance of a free civic space and enabling NPO environment for any effective counter-terrorism effort. As the Special Rapporteur for the promotion and protection of human rights while countering terrorism has determined, "[t]he cost of stifling civil society to prevent any perceived threat of terrorism far outweighs its benefits" (A/HRC/40/52, para. 14).

We are especially concerned about the potential discriminatory targeting of Addameer based on their political or ideological views. We note in this regard the UN High Commissioner of Human Rights' that "[t]he banning of organizations must not be used to suppress or deny the right to freedom of association, or to quash political dissent, silence unpopular views or limit the peaceful activities of civil society." Such discriminatory targeting, particularly when based on political or ideological affiliation, is incompatible with international human rights standards and raises serious concerns about the selective application of counter-terrorism measures as a tool of repression and curtailing civic space rather than security.

Participation in public affairs

Article 25 of the ICCPR protects the right to take part in the conduct of public affairs, directly or through freely chosen representatives, including the ability of individuals and associations to engage in human rights monitoring, policy advocacy, and other activities contributing to public debate. By targeting Addameer, an organisation that plays a key role in monitoring detention conditions and advocating for prisoners' rights, the sanctions appear to directly obstruct the ability of its staff and members to participate in public affairs. The removal of its capacity to conduct research, provide legal support, and engage with domestic and international decision-makers curtails both the organisation's and its constituents' access to public discourse and decision-making processes. In the absence of demonstrated necessity and proportionality, the measures appear to unduly restrict participation in public affairs.

The Human Rights Committee has emphasised that States must ensure the free participation of civil society in political and public life, and that restrictions which arbitrarily exclude particular voices or perspectives, especially dissenting or minority views, are incompatible with article 25 of the Covenant. General comment No. 25 (paras. 8–9 and 25) underscores the essential role of civil society and public debate in participatory governance.

Due process

We are concerned at the apparent lack of sufficiently specific and detailed disclosure of evidence substantiating Addameer’s alleged involvement in terrorism, as properly defined according to best practice international standards, which seems to be having an impact on their capacity to exercise their right under U.S. law to challenge the OFAC’s designation. The lack of disclosure does not meet international human rights law standards on due process and judicial protection (see annex).

Right to fair trial

We are concerned the effect of U.S. sanctions has been to impede Addameer’s provision of legal representation and legal aid to Palestinian prisoners, thereby negatively affecting these rights in relation to the lawfulness of detention (ICCPR, article 9) and fair trial (ICCPR, article 14), as well as in the context of obtaining effective remedies for any violations in detention of the prohibition on torture or cruel, inhuman or degrading treatment or punishment (ICCPR, article 7; Convention against Torture).

As it relates to the right to fair trial for Palestinian detainees, we recall that Special Procedures mandate holders expressed their serious concern in 2024 (AL ISR 11/2024) that Israeli military courts prosecute Palestinian civilians based on Israeli military orders issued by the Israeli military commander in the occupied West Bank (and previously for occupied Gaza), violating due process guarantees and the right to fair trial under international human rights law and international humanitarian law. The work of lawyers in the Israeli military courts is severely restricted. On 13 October 2023, an amendment to the Unlawful Combatants Law, was passed, entitled “Emergency Regulations” (Final Deadlines for Dealing with Unlawful Combatants during War or Military Operations for the Year 2023), and on 18 December 2023, the “Detention of Unlawful Combatants Law (Amendment No. 4 and Temporary Order – Iron Swords) 5784-2023 (2023 amendment law)”, was passed, further amending the Detention of Unlawful Combatants Law. Concerns about these amendments were outlined in [ISR 12/2024](#), and about the Unlawful Combatants Law ISR 9/2023 and and A/HRC/6/17/Add.4. These amendments further exacerbated the violations of due process guarantees and the right to a fair trial for Palestinians, including by restricting access to counsel.⁵

The provision of legal aid by Addameer is essential in this context of systematic violations of the guarantees of due process and fair trial. Human rights guarantees and principles provide that lawyers are entitled to perform their professional functions

⁵ See Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 in reports A/72/556, A/HRC/48/87, and A/HRC/53/29.

without any threat, intimidation, harassment, or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

Chilling effect on civil society

We are particularly concerned that the designation of Addameer appears to have been based not on evidence of specific criminal conduct or any proximate contribution to the commission of terrorist violence, but rather on an alleged affiliation with other designated entities. This reliance on guilt by association, in the absence of clear, credible, and substantiated evidence, fails to meet the threshold required under international human rights law and risks conflating legitimate civil society activity with terrorism. Such designations and the associated penalties – ranging from asset freezes to restrictions on movement and criminal liability – have a significant chilling effect on civic space. They suppress not only the rights of the designated organisations and their members but also deter individuals, donors, service providers, and other organisations from engaging with them for fear of being perceived as offering support. This climate of fear and self-censorship poses a grave threat to the exercise of fundamental freedoms and the functioning of independent civil society.

We recall previous communications in which we have raised concerns about the misuse of counter-terrorism legislation to target civil society actors. In this regard, we draw attention to the Human Rights Council’s call to “revoke any unsubstantiated designations of Palestinian human rights and humanitarian organizations as terrorist or unlawful organizations, and refrain from using anti-terrorism legislation to undermine civil society and its valuable work and contributions to the pursuit of accountability” (A/HRC/49/L.26, para. 22). We also echo the warning of the Special Rapporteur on the promotion and protection of human rights while countering terrorism that “[q]ualifying a wide range of acts as impermissible ‘support for terrorism’ ... results in harassment, arrest and prosecution of humanitarian, human rights and other civil society actors” (A/HRC/40/52, para. 44).

We further recall the statement issued on 25 October 2021 in which 17 Special Rapporteurs condemned Israel’s designation of six Palestinian civil society organisations, including Addameer, as “terrorist organisations.” The experts described the designations as a misuse of counter-terrorism legislation intended to suppress legitimate human rights work, calling it a “frontal attack on the Palestinian human rights movement, and on human rights everywhere.” They emphasized that such measures undermine democratic space and civic freedom.

In addition, we recall the concerns raised by Special Procedures mandate holders in AL ISR 11/2021, sent on 25 October 2021 to the Government of Israel, which raised concerns about the legal basis and evidentiary justification for the designations and the lack of transparency and due process safeguards. The letter further expressed concern that the designations may constitute a misuse of counter-terrorism legislation to suppress protected rights under articles 19, 22, and 25 of the ICCPR, and noted that arbitrary restrictions on civil society participation are inconsistent with Israel’s international human rights obligations.

The present designation by your Excellency's Government appears to replicate many of the same concerns raised in previous communications: undisclosed or unsubstantiated evidence, wholesale disruption of lawful civil society activity, and severe punitive consequences for individuals engaged in legitimate human rights work. The cumulative effect of such designations is the further erosion of civic space and silencing of critical voices.

In addition to these concerns, we are deeply troubled by the apparent retaliatory nature of the designation. Addameer's longstanding and widely recognised work in supporting Palestinian prisoners and detainees, documenting abuse, and contributing evidence to international accountability mechanisms, including the International Criminal Court, appears to be a central factor in its targeting. Attempts to criminalise or delegitimise such efforts, particularly in the context of ongoing, credible allegations of serious international law violations, undermine international justice and send a chilling message to human rights defenders globally.

We stress that such actions not only undermine core rights protected under the ICCPR but also endanger the safety and operational viability of those who work to expose torture, ill-treatment, and other grave abuses. The continued targeting of Addameer and similar organisations threatens to dismantle the Palestinian human rights sector and obstruct the pursuit of accountability at a moment when it is most urgently needed.

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 the factual and legal basis for the designation of Addameer under U.S. counter-terrorism sanctions law, including any evidence relied upon and how the designation complies with the principles of legality, necessity, proportionality and non-discrimination under international human rights law.
3. Please explain how your Excellency's Government has ensured that the designation and associated sanctions are consistent with its obligations under articles 19, 22 and 25 of the ICCPR, particularly in light of Addameer's work in the promotion of human rights and legal aid. Please detail the steps taken or envisaged by your Excellency's Government to lift the designation and corresponding sanctions.
4. Please indicate how the effects of sanctions are consistent with the rights to legal representation and legal aid in connection with the right to liberty and fair trial of Palestinian prisoners under articles 9 and 14 of the

ICCPR, and effective remedies in relation to torture and ill-treatment in detention under article 7 of the ICCPR in conjunction with article 2(3).

5. Please indicate whether any measures were taken to assess the impact of these sanctions on civil society, and what safeguards are in place to prevent the misuse of counter-terrorism powers to restrict the legitimate work of human rights defenders.
6. Please clarify whether your Excellency's Government has engaged in consultations with civil society, UN human rights mechanisms, or other stakeholders prior to or following the designation, and whether any such measures are foreseen to mitigate its chilling effect.
7. Please indicate the steps taken by your Excellency's Government to provide the necessary information that would enable the organization to challenge its designation in accordance with due process.
8. Please provide information about measures and policies that your Excellency's Government has put in place to protect against human rights abuses by business enterprises domiciled in its territory, including Meta and Microsoft, to respect human rights throughout their operations. This includes conducting effective human rights due diligence to identify, prevent, mitigate and account for how they address their impacts on human rights throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights. This also includes conducting heightened human rights due diligence in conflict-affected regions (A/75/212).
9. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensure effective access to domestic judicial mechanisms for victims of business-related human rights abuses.
10. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that business enterprises such as Meta and Microsoft provide effective, operational-level grievance mechanisms, or cooperate in the provision of effective remedies through legitimate processes to the affected victims if they have contributed to adverse human rights impacts.
11. Please indicate the steps that your Excellency's Government has taken or is considering taking to ensure that its legal framework applicable to technology companies is compatible with international human rights law.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that letters on this subject matter have also been sent to the referred enterprises. A copy of this communication has been sent to the Government of Israel and the Government of the State of Palestine.

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

Ben Saul

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

Pichamon Yeophantong

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

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Mary Lawlor

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Francesca Albanese

Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to take this opportunity to draw the attention of your Excellency's Government to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

The *International Covenant on Civil and Political Rights* (ICCPR), ratified by the United States on 8 June 1992, guarantees the rights to freedom of opinion and expression, freedom of association and freedom of participation in public affairs (articles 19, 22 and 25, respectively).

Freedom of opinion and expression

Article 19 of the ICCPR guarantees the right to hold opinions without interference and the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds. Under article 19(3), any restrictions on freedom of expression must be provided by law and necessary for respect of the rights or reputations of others, or for the protection of national security, public order, public health or morals. As clarified by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such restrictions must conform to the strict tests of necessity and proportionality and must not be applied in a manner that discriminates against specific ideas, beliefs or groups. The Human Rights Committee has also recognised that "the freedoms of opinion and expression constitute a basis for the full enjoyment of a wide range of other human rights" and are integral to the enjoyment of the rights to freedom of assembly and association, which, in essence, enable individuals "to express themselves collectively and to participate in building their society." Together, and in conjunction with other related rights, they constitute the cornerstone of societies based on democracy, human rights, the rule of law, and pluralism.

Freedom of association

We also wish to draw the attention of Your Excellency's Government to article 22 of the ICCPR, which protects the right to freedom of association. In this regard, we refer you to paragraph 9 (b) of Human Rights Council resolution 22/6, which called upon States to "ensure that they do not impose restrictions arbitrarily on potential sources of funding intended to support the activities of human rights defenders, in accordance with the Declaration [on Human Rights Defenders], beyond the restrictions normally applied to any other non-human rights activity carried out in the country, which are intended to ensure transparency and accountability, and that no legislative provisions criminalize or discredit human rights activities on the grounds of the origin of their source of funding."

We note that the right to freedom of association includes the right to form and operate organisations for the purpose of pursuing legitimate objectives such as human rights monitoring, legal advocacy, and humanitarian assistance. In its general comment No. 25 (CCPR/C/21/Rev.1/Add.7), the Human Rights Committee has underscored "the

exercise of this right shall not be subject to any restrictions other than those prescribed by law and necessary in a democratic society in the interests of national security, public safety, public order (ordre public), the protection of public health or morals, or the protection of the rights and freedoms of others."

Right to participate in public affairs

Article 25 of the ICCPR guarantees the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives. This includes the right to engage in political advocacy, participate in public debate, and influence decision-making at the national and international level. The Human Rights Committee has affirmed that states must ensure the free participation of civil society in political and public life, and that measures which arbitrarily exclude certain voices or perspectives from the public sphere are inconsistent with article 25.

Human rights defenders

Concerning the targeting of Addameer as an organization focused on human rights and accountability, we would also 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. This includes every person's right, individually and in association with others, to "form, join and participate in non-governmental organizations, associations or groups" and "to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means" (A/RES/53/144, arts. 5, 13).

Furthermore, we wish to refer to article 6(b) and (c) which provide that everyone has the right, individually and in association with others to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters.

We also wish to draw the attention of Your Excellency's 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 counterterrorism measures on civic spaces and human rights defenders. Any restrictions 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). We wish to emphasize that any counterterrorism legislation or measure must not be misused against individuals peacefully exercising their rights to freedom of expression, peaceful association, and assembly.

Due process in terrorist listings

The listing of an organization as terrorism must meet the requirements of due process and judicial protection under international human rights law, as set out by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (A/HRC/16/51, para. 35). Specifically, a listed organization must be promptly informed of the listing and its factual grounds, the consequences of such listing and the applicable procedural rights; there must be a right to apply for de-listing and to judicial review of any resulting decision; listings must lapse automatically after 12 months unless renewed afresh; and compensation must be available for wrongful listing. The underlying definitions of terrorism must also be consistent with those in the international terrorism suppression conventions, United Nations Security Council resolution 1566, the UN General Assembly's Declaration on Measures to Eliminate International Terrorism 1994, and the model definition of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and be consistent with international law.

Right to legal representation and legal aid

Under article 9 of the ICCPR, as interpreted by the Human Rights Committee in its general comment No. 35, individuals deprived of liberty have the right to access legal counsel promptly following arrest or detention. This safeguard is essential to prevent arbitrary detention and to ensure that detainees can effectively challenge the lawfulness of their detention. Similarly, article 14 guarantees the right to a fair trial, which includes access to legal representation and, where necessary, legal aid. The Human Rights Committee has emphasized that legal assistance must be provided in a manner that ensures equality of arms and the effective participation of the accused in the proceedings.

In addition, article 2(3) of the ICCPR affirms the right to an effective remedy for violations of rights recognized in the Covenant. This obligation is particularly critical when read in conjunction with article 7, which prohibits torture and cruel, inhuman or degrading treatment. States must ensure that victims of such violations have access to independent and impartial mechanisms capable of providing redress, in line with their obligations under both the ICCPR and the Convention Against Torture (CAT).

Compliance with human rights while countering terrorism

Further, we refer to Human Rights Council resolution 49/10 and the United Nations Global Counter-Terrorism Strategy (A/RES/60/288), which underscore the importance of ensuring that counter-terrorism measures comply with States' obligations under international law, including international human rights law, and that such measures must not be used as a pretext to target individuals or groups for the peaceful exercise of their fundamental freedoms.

UN Guiding Principles on business and human rights

Finally, we would like to highlight the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in resolution A/HRC/RES/17/31 in 2011. These Guiding Principles are grounded in recognition of:

- a) “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b) “The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and
- c) “The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

It is a recognized principle that States must protect against human rights abuses by business enterprises within their territory. As part of their duty to protect against business-related human rights abuse, States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (guiding principle 1). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (guiding principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

We would like to remind your Excellency’s Government that the United Nations Guiding Principles on Business and Human Rights clarifies that the business enterprises have an independent responsibility to respect human rights. However, States may be considered to have breached their international human rights obligations where they fail to take appropriate steps to prevent, investigate and redress human rights abuses committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.