Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 and the Special Rapporteur on the situation of human rights defenders

Ref.: AL PAK 4/2026
(Please use this reference in your reply)

4 September 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 58/14, 60/8, 62/10, 61/14, 59/4 and 61/22.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the designation of the Jammu and Kashmir Joint Awami Action Committee (JAAC) as a terrorist organization under the Anti-Terrorism Act 2014 in Azad Jammu and Kashmir, part of Pakistan-administered Kashmir, and the reported application of counter-terrorism measures against it and persons associated with it. We are concerned that the designation may not be consistent with international standards concerning terrorist listings, and that JAAC may have been unjustifiably listed in retaliation for its political, labour and human rights advocacy, in violation of international human rights law. We are further concerned about human rights violations alleged to have occurred in the context of protests following the designation, including restrictions on the rights to freedom of peaceful assembly and association, excessive use of force during peaceful demonstrations, unlawful killings, arbitrary arrests, and restrictions on communications.

Special Procedures mandate holders previously raised concerns about terrorism designations under the First Schedule of the Anti-Terrorism Act 2014 in PAK 1/2025 and concerns were also raised by the Human Rights Committee in its Concluding Observations on Pakistan in 2024 (CCPR/C/PAK/CO/2, paras. 34-35). They have also previously raised concerns about the associated stigmatization and criminalization of civil society organizations and activists, including in PAK 17/2025, PAK 5/2025, PAK 1/2025, and PAK 8/2024. We thank your Excellency's Government for its reply to PAK 1/2025, dated 9 February 2026, and regret not having received a response to the other communications to date.

According to the information received:

The Jammu and Kashmir Joint Awami Action Committee (JAAC) is a coalition of traders, lawyers, transport workers and civil society activists in Azad Jammu and Kashmir, part of Pakistan-administered Kashmir. The organization defends

economic, social and political rights, advocating on issues related to governance, public services, electricity tariffs, employment, land rights and political representation. It has organised public demonstrations on those issues since 2023.

On 5 June 2026, the Home Department of Azad Jammu and Kashmir issued a notification designating JAAC as a "proscribed organization" under the First Schedule of the Anti-Terrorism Act 2014, alleging that the organization was engaged in terrorism and had created anarchy by intimidating the public and promoting insecurity. Documents show that authorities of the Azad Jammu and Kashmir and Federal Governments formally engaged with JAAC representatives for the past years and signed formal agreements with them (e.g. the Muzaffarabad Agreement, October 2025). As recently as 28 May 2026, JAAC representatives were sent a written invitation from the Office of the Chief Secretary of the "Azad Government of the State of Jammu & Kashmir" to participate in a discussion on 30 May about "Non-AJK Constituencies in the Legislative Assembly". The designation coincided with the commencement of nominations for elections scheduled for 27 July 2026 and followed calls for a region-wide strike by the JAAC, after their campaign to abolish the 12 legislative assembly seats constitutionally reserved for refugees from Indian-administered Kashmir had been rejected by the Supreme Court. The proscription was publicly welcomed by the territory's Prime Minister, who stated that it signalled the "end of mob rule" and that the JAAC's protest actions amounted "to terrorism and anti-State acts".

Following the designation, peaceful protests took place across Azad Jammu and Kashmir: a planned "long march" from Rawalakot to Muzaffarabad to demand accountability for earlier killings and the release of detainees was prohibited and 4,000 police and paramilitary personnel were deployed. In addition to tear gas and batons, security forces allegedly used lethal force to prevent protesters from advancing, with live ammunition killing dozens of protesters and wounding many more. Similar clashes occurred throughout the territory. At least 96 protestors have been killed, in addition to 6 police and paramilitary personnel, since the beginning of protests in June 2026 – many of them young people between the ages of 15 and 35. Families of victims have reportedly had to sign documents claiming that the victims were terrorists in order to have the bodies released.

Security operations also resulted in the arrests of at least 70 people, including members and supporters of JAAC and journalists, followed by criminal proceedings in some cases, including on terrorism charges. The response to protests also included restrictions on internet and mobile communications and curfews in apparent collective punishment, hospital shutdowns, and deprivation of medical care for injured protestors.

It is further reported that 205 people, including women, have been placed on the Fourth Schedule and have consequently had their government-issued identity document cancelled or suspended, preventing them from receiving services, including medical care. Their bank accounts and passports have reportedly been frozen and they have been required to report any movement to the police.

Without wishing to prejudge the accuracy of these allegations, we express concern regarding the designation of JAAC as a terrorist organization under the Anti-Terrorism Act 2014. We are concerned that the designation may not satisfy the substantive and procedural requirements applicable to terrorist listing under international human rights law, including the requirements of due process and effective judicial protection. We are further concerned that the reported designation may involve the misuse of counter-terrorism powers in response to activities that appear to involve the exercise of the rights to freedom of expression, peaceful assembly and association and the right to take part in public affairs (under articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010), rather than conduct demonstrated to constitute terrorism. Restrictions relating to protests also appeared to violate these rights, in addition to involving violations of the rights to life and security of person (ICCPR, articles 6 and 9), liberty (ICCPR, article 9) and freedom of movement (ICCPR, article 12). The terrorism designations further appear to infringe freedom of movement, privacy (ICCPR, article 17), and economic, social and cultural rights, particularly health and an adequate standard of living (International Covenant acceded to by Pakistan on 17 April 2008). We express grave concern at reports of excessive use of force during peaceful demonstrations causing deaths and serious injury.

Designation of organizations under counter-terrorism legislation

The designation of JAAC as a terrorist organization raises serious questions as to whether the substantive and procedural requirements applicable to terrorist listing under international law have been satisfied. The designation was based on allegations of "terrorism, anarchy and intimidating the public". However, no explanation has been provided as to how those allegations satisfy the criteria for designation 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; A/80/284, paras. 17-39), nor have the conduct attributed to JAAC and the evidence relied upon to support the designation been identified. We note that the Azad Jammu and Kashmir authorities and the Federal Government had been formally engaging with the JAAC up until a couple of days before the designation, including through signing formal agreements with them. The Special Rapporteur has indicated in A/80/284 that the criteria for terrorist listing must be clearly established by law and publicised, and be based on a definition of terrorism as properly defined in accordance with best practice international standards. There must be reasonable grounds, based on credible and convincing evidence, to believe that an individual or entity satisfies those criteria, and an organization should only be listed where it has the substantial purpose of engaging in terrorist offences. Even where those criteria are met, designation must remain necessary and proportionate, including by demonstrating that less intrusive measures, such as surveillance or criminal investigation, would be ineffective.

It has not been adequately explained how conduct by members of JAAC meets the definition or statutory criteria for proscribing organizations under national law. We emphasize that, in any event, both the grounds for proscription under section 11B of the Anti-Terrorism Act, and the underlying definition of terrorism in section 6 of the Act, do not meet international standards (see analysis in PAK 1/2025), including because the

definition is vague and overbroad and encompasses a variety of conduct that is not genuinely terrorist in nature, and the listing procedure does not accord sufficient due process. The Human Rights Committee in its Concluding Observations on Pakistan in 2024 similarly stated that "the State party should urgently review the Anti-Terrorism Act, 1997 and ensure that the definition of terrorism is clear and precise and that it complies with the principles of legality, legal certainty and predictability" (para. 27). Further, even if JAAC met the statutory criteria, it was not demonstrated why its designation was considered necessary, whether less restrictive measures directed at any individuals suspected of criminal conduct were considered, or how the resulting restrictions on the organization and persons associated with it satisfied the requirements of necessity, proportionality and individualised application.

We are further concerned that JAAC does not appear to have been afforded the minimum procedural safeguards required under international human rights law (outlined in A/80/284 and discussed in PAK 1/2025 concerning listings in Pakistan). Organizations subject to listing should be promptly informed of the designation, its factual basis, legal consequences and the procedures available to challenge it, receive sufficient disclosure to enable an effective challenge, and have access to prompt and effective judicial review. JAAC does not appear to have been informed of the factual basis for its designation or provided with sufficient information to effectively challenge the listing, and it is further unclear whether it has access to an independent and effective mechanism to seek delisting or prompt judicial review of the designation.

We are also alarmed that 205 people appear to have been placed under the Fourth Schedule of the ATA. We have previously expressed concern that the listing/delisting of individuals under the Fourth Schedule of the ATA does not meet requirements under international human rights law, including in PAK 1/2025. We renew these concerns and refer your Excellency's Government to the analysis therein.

Misuse of counter-terrorism measures to restrict freedoms of expression, peaceful assembly and association, the right to take part in public affairs, defence of human rights and civil society

We are concerned that the reported designation of JAAC as a terrorist organization, may interfere with the rights to freedom of expression, peaceful assembly and association, and the right to take part in public affairs, protected by articles 19, 21, 22 and 25 of the ICCPR. The Human Rights Committee has emphasised that article 19 protects political discourse and debate on public affairs (general comment No. 34, paras. 11, 20-23), while article 21 protects peaceful assemblies, including demonstrations expressing political, social and economic views (general comment No. 37, paras. 1, 6 and 22). Article 22 protects the right to form and join associations in pursuit of lawful objectives. We recall that any restrictions on these rights must be authorized by law and be strictly necessary and proportionate in pursuit of a legitimate security aim.

The exercise of these rights cannot, without sufficient justification, be equated with terrorism or subjected to counter-terrorism measures. In the absence of evidence demonstrating that JAAC satisfies the criteria for designation as a terrorist organization, in line with international human rights law, we are concerned that the designation may unnecessarily restrict the exercise of these rights by the organization, its members and

supporters and contribute to narratives of stigmatization and criminalization which are especially harmful during election periods. Counter-terrorism powers must not be used to suppress the exercise of the rights to freedom of expression, peaceful assembly and association, the right to take part in public affairs, or to restrict civic space and the legitimate activities of civil society organizations, human rights defenders, journalists or political opponents. This includes JAAC's defence of human rights, including on matters such as governance, public services, electricity tariffs, employment, land rights and political representation, and the organization of public demonstrations.

Excessive use of force, arbitrary detention, and restrictions on communications

We are deeply concerned at reports of excessive use of force in security operations and in the policing of peaceful protests, including by military and paramilitary forces, resulting in multiple fatalities and injuries, arbitrary arrests of members and supporters of JAAC, and restrictions on internet and mobile communications and media reporting, and raising concerns under articles 6, 9, 19, 21 and 22 of the ICCPR. We recall international standards on the right to life and the use of force by law enforcement, including 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, and the obligation to investigate alleged violations of the right to life (see annex), as well as the jurisprudence concerning freedom from arbitrary detention under article 9 of the ICCPR. We recall that firearms should never be used simply to disperse an assembly, and intentional lethal force can only be considered lawful where it is strictly unavoidable to protect another life from an imminent threat. We also express our concern that the use of potentially harmful "less lethal" weapons, such as tear gas and batons, appeared to be unnecessary and disproportionate and may have even amounted to torture. We further recall that, in its general comment No. 36, the Human Rights Committee requires States to investigate promptly, effectively, thoroughly, independently, impartially and transparently all cases of potentially unlawful death, in accordance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

We note that the Security Council has repeatedly affirmed that counter-terrorism measures must comply with international law, including international human rights law. The United Nations Global Counter-Terrorism Strategy likewise recognises that effective counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing.

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 legal and factual basis for the designation of JAAC as a terrorist organization, including the conduct and evidence relied upon and how the designation satisfies the criteria for terrorist listing under international human rights law.

3. Please provide information on the procedural safeguards and remedies available to challenge the designation, including notification, disclosure of reasons, and access to judicial review or delisting procedures.

4. Please explain the measures taken to ensure that the designation of JAAC and any related counter-terrorism measures do not unnecessarily interfere with the exercise of the rights to freedom of expression, peaceful assembly and association, the right to take part in public affairs and the right to promote, protect and defend human rights.

5. Please indicate what steps have been taken to investigate alleged violations of the right to life and personal injuries resulting from law enforcement operations, as well as allegations of arbitrary detention and restrictions on communications and media reporting in connection with the measures taken against JAAC.

6. Please provide information on measures adopted to ensure that JAAC members and supporters may continue to adequately exercise their rights to freedom of expression, peaceful assembly and association, including trainings and other measures aimed at preventing excessive use of force by law enforcement during peaceful protests.

7. Please provide information on measures adopted to guarantee that JAAC can exercise its collective right to promote, protect and defend human rights, including economic, social and political rights, free from the fear of reprisals.

8. Please explain the factual and legal basis for placing the abovementioned 205 individuals on the list of "proscribed persons" under the Fourth Schedule of the ATA, indicate what avenues of administrative and judicial appeal are available to them, and explain how such measures are consistent with international law.

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.

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.

Finally, we would like to inform 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 prejudges any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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

Ganna Yudkivska
Chair-Rapporteur of the Working Group on Arbitrary Detention

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Leopoldo Maldonado Gutiérrez
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

Andrea Bolaños Vargas
Special Rapporteur on the situation of human rights defenders

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 following human rights standards.

Equality and non-discrimination

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

Right to life

Article 6 of the ICCPR guarantees the right to life and provides that "every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his [or her] life." In its general comment No. 36, the Human Rights Committee noted that States must take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials. This includes procedures to ensure that law enforcement actions are properly planned, consistent with the need to minimize the risk they pose to human life, and the mandatory reporting review and investigation of lethal and other life-threatening incidents (para. 13). The Special Rapporteur on extrajudicial, summary or arbitrary executions has similarly emphasized that law enforcement operations must be planned and conducted so as to minimize recourse to force and preserve human life (A/80/214).

The use of potentially lethal force by State agents is only permitted where it is strictly necessary and proportionate in personal self-defence or defence of others. It is an "extreme measure that should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat" (general comment No. 36, para. 12). It must be strictly necessary in view of the threat posed by the attacker; it must represent a method of last resort after other alternatives have been exhausted or deemed inadequate; the amount of force applied cannot exceed the amount strictly needed for responding to the threat; the force applied must be carefully directed, only against the attacker; and the threat responded to must involve imminent death or serious injury (para. 12; see also A/80/214). The use of force should also comply with relevant international standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Law enforcement must "give a clear warning of their intent to use firearms" unless doing so would unduly place the officer or another person at risk (Basic Principles, para. 10).

The State also has a responsibility to take "all appropriate measures to deter, prevent and punish the perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes violence or killings committed by non-State actors" (E/CN.4/2005/7, para. 71). The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, require a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions. Investigations must be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death. In accordance with the Minnesota Protocol, families of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms. Investigations must be aimed at ensuring that those responsible are brought to justice, promoting accountability and preventing impunity, avoiding denial of and drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations, and at the responsibility of superior officials with regard to violations committed by their subordinates (general comment No. 36, para. 27). Where a violation is found, full reparation must be provided, including adequate compensation, rehabilitation and satisfaction; as well as steps to prevent re-occurrence in future.

In his report on the "Protection of the dead," the Special Rapporteur on extrajudicial, summary or arbitrary executions emphasized that "[v]iolations of the right to life implicate the dignity and protection of the dead and the right of families to the remains of their loved ones" (A/HRC/56/56, paras. 35 and 60).

Right to liberty and security

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

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

In its deliberation no. 7, the Working Group on Arbitrary Detention noted that although counter-terrorism measures might require the adoption of specific measures limiting certain guarantees, including in relation to detention and fair trial rights, deprivation must remain consistent with international law in all circumstances, and the right to bring proceedings before a court in order to challenge the legality of the detention is a personal right, which must "in all circumstances be guaranteed by the jurisdiction of the ordinary courts" (para. 71).

Freedom of opinion and expression

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (para. 11). The Committee further noted that States parties to the ICCPR "shall put in place effective measures to protect against attacks aimed at silencing those who exercise their right to freedom of expression" (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. 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. To be provided by law, a restriction must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly, must not confer unfettered discretion, and must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not (para. 25). The State has the burden of proof to demonstrate that any such restrictions are compatible with the ICCPR, 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" (para. 35). The relation between right and restriction and between norm and exception must not be reversed. A restriction must be "the least intrusive instrument among those which might achieve their protective function" (para. 34). Any restriction on expression or information that a government seeks to justify on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest.

Freedom of peaceful assembly and association

Article 21 of the ICCPR guarantees the right of peaceful assembly and states that "[n]o restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others." In its general comment No. 37, the Human Rights Committee noted that "the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination. This requires States to allow such assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants" (para. 8). The Committee further emphasized that while the right to freedom of peaceful assembly may in some cases be

restricted under the conditions listed in article 21, "[r]estrictions on peaceful assemblies must thus not be used, explicitly or implicitly, to stifle expression of political opposition to a government" (para. 49).

We further recall that the Human Rights Committee, in its general comment No. 37, emphasized that peaceful assemblies enjoy a presumption of legality and that law enforcement authorities must facilitate, rather than suppress, them. The Committee further underscored that force may only be used where strictly necessary and proportionate, and that indiscriminate or punitive uses of force against peaceful demonstrators are incompatible with article 21 of the ICCPR.

In addition, article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies and can only be limited through necessary and proportionate restrictions that serve a legitimate public purpose that is consistent with international standards.

In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline.[1] Further, the Special Rapporteur on the rights to freedom of peaceful assembly and of association has affirmed that access to justice is an integral element of the protection of the rights to freedom of peaceful assembly and of association, and obstructed justice for violations related to the exercise of these rights undermines their essence (A/HRC/47/24, paras. 22 and 72).

Right to take part in public affairs

Article 25(a) of the ICCPR provides that: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions… [t]o take part in the conduct of public affairs". The Human Rights Committee noted that "[c]itizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association" (general comment No. 25, para. 8).

Right to defend, promote and protect human rights

Articles 1 and 2 of 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, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders) 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.

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1 See also A/HRC/26/29, para. 22.

Article 6(b) of the Declaration establishes the right, individually or in association with others, to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.

Article 12(1) of the Declaration provides that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. Article 12(2) of the Declaration provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, article 12(3) establishes that everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 9(1) protects the right to benefit from an effective remedy and to be protected in the event of the violation of those rights.

Respect for human rights while countering terrorism

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 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)).

Principle of legality

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 seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including targeting 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).

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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.

Definition of terrorism

Although no universal treaty generally defines "terrorism", States should ensure that counter-terrorism legislation is limited to criminalizing conduct which is properly and precisely defined on the basis of the international counter-terrorism instruments,[3] the General Assembly's Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the 2026 revised 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 and precisely defining the elements (A/HRC/61/52 and A/HRC/16/51, para. 28). The model definition is as follows:

1. Any person commits a terrorist offence if that person, by any serious criminal act, intentionally causes death, serious bodily injury, or hostage-taking, where:

   (a) The purpose of the conduct, by its nature or context, is:

      (i) To provoke a state of terror in the public or a group of persons; or

      (ii) To unduly compel a Government or an international organization to do or to abstain from doing any act;

   (b) The conduct is intended to advance a political or ideological purpose, which must be a substantial purpose; and

   (c) The conduct, given its nature or context, intentionally causes serious damage to a country or an international organization.

2. A terrorist offence does not include:

   (a) An act of advocacy, protest, dissent or industrial action that does not intentionally cause death or serious bodily injury;

   (b) Conduct committed in armed conflict that does not violate international humanitarian law;

   (c) The provision of humanitarian activities by impartial humanitarian organizations in accordance with international humanitarian law;

   (d) The activities of State military forces in the exercise of their official duties, in as much as they are accordance with international law; and

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

(e) An act intended to establish or re-establish democracy, constitutional Government or the rule of law, or to exercise or safeguard human rights.

Terrorist designations

The designation of "terrorist" individuals or organizations must satisfy the grounds for listing, and ensure 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 and A/80/284, paras. 17-39). Specifically, the criteria for listing must be clearly established by law and publicized. There must be reasonable grounds to believe, based on credible and convincing evidence, that the individual or entity: (a) has knowingly carried out, participated in or facilitated a terrorist act; (b) intends to engage further in terrorism; and (c) is capable of so engaging. A higher standard of proof, such as the balance of probabilities, is recommended. The definition of terrorism must be limited to conduct that is genuinely terrorist in accordance with best practice international standards. To list an organization, it must have the substantial purpose of engaging in terrorist offences. Even where an individual or entity meets the formal criteria, listing must still be necessary and proportionate in the circumstances, including by demonstrating that less invasive means, such as surveillance and criminal investigation, would be ineffective.

Any restriction of rights resulting from listing, including financial and criminal law measures, must be necessary and proportionate in pursuit of the counter-terrorism aim and be non-discriminatory. Measures must be applied individually and not automatically or en masse. The protracted or indefinite maintenance of restrictive measures, including asset freezes and travel bans, may become disproportionate and quasi-punitive over time. Protracted listings should also be more intensively scrutinized because they will likely have reduced the threat over time.

The following minimum due process rights should apply to listings: (a) a right to be promptly informed of the listing (ordinarily ex ante, exceptionally ex post facto) and its factual grounds, the consequences of listing and the procedural rights. There must be sufficient disclosure of the information supporting the listing to enable the person to effectively challenge it, instruct their lawyer and enjoy equality of arms in proceedings; (b) a right to apply to the decision maker for delisting or non-implementation of the measures, and a subsequent right to re-apply for such relief where there is a material change of circumstances or new evidence; (c) a right to judicial review of the listing, affording due process, legal assistance and legal aid as required. The court must have the power to suspend the listing pending final decision. Judicial review should be prompt and automatic, not only on application; (d) the listing should be regularly reviewed, at least every six months, to determine whether the listing and the measures are still lawful, necessary and proportionate; (e) the listing should lapse automatically after 12 months, unless renewed afresh; (f) reparation, including compensation, must be available for wrongful listing, including for affected third parties.