

Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on violence against women and girls, its causes and consequences

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(Please use this reference in your reply)

31 January 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of Indigenous Peoples; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 51/16, 51/8, 53/4, 52/10, 52/4, 50/6 and 50/7.

We would like to bring to the attention of your Excellency's Government information we have received concerning the **ongoing forced evictions of Mosoposyek of Benet Indigenous Peoples from their ancestral lands at Mount Elgon National Park, destruction of their houses, private properties and subsistence crops, extortion and impoundment of their livestock as well as ongoing excessive use of force, arbitrary arrests, killings, sexual and gender-based violence, death threats and harassment of Mosoposyek of Benet Indigenous Peoples by agents of the Uganda Wildlife Authority and soldiers of the Uganda Peoples' Defence Forces.**

Concerns regarding the situation of the Benet Indigenous Peoples at Mount Elgon National Park were raised in two communications sent on 20 October 2022 and on 14 May 2009 (respectively UGA 5/2022 and HRC/12/34/Add.1, paras 430-439) to your Excellency's Government by special procedures mandate holders. We regret that your Excellency's government has not provided any response.

According to the information received:

Between October 2022 and October 2023, Agents of the Uganda Wildlife Authority (UWA) in collaboration with members of the Uganda Peoples' Defence Forces forcibly and violently evicted Mosoposyek of Benet Indigenous Peoples and burnt more than 85 houses belonging to Mosoposyek of Benet Indigenous Peoples. On 12 March 2023, 13 agents of the Uganda Wildlife Authority and seven soldiers of the Uganda Peoples' Defence Forces burnt 24 houses in Kween. From 25 April to 2 May 2023, Uganda Wildlife Authority agents burnt 33 houses in Kaptorokwo, Kapnoibei and Kital villages. On 18 October 2022, Uganda Wildlife Authority agents burnt 4 houses in Kaboroom.

In addition, during the same period, Agents of the Uganda Wildlife Authority reportedly destroyed 8 acres of Irish Potato crops in the Kaptorokwo, Kapnoibei and Kital villages and impounded approximately 1300 animals belonging to the Mosoposyek of Benet Indigenous Peoples of the same villages. Traditional cattle owners who asked for the release of their animals were reportedly charged with heavy fines: 50,000 Uganda Shilling per cow, 30,000 Ugandan Shilling per goat and 20,000 Ugandan Shilling per sheep if they were found to have strayed into the Mont Elgon National Park. In October 2022, to release 55 cows, Mosoposyek of Benet owners were charged 2,750,000 Ugandan Shilling. In May 2023, to release 64 cows Mosoposyek of Benet owners were charged 3,200,000 Ugandan Shilling.

There are numerous ongoing allegations and reports of excessive use of violence, ill-treatment and torture, killings and arbitrary arrests of the Mosoposyek of Benet by agents of the Uganda Wildlife Authority. On 28 December 2022, a 16-year-old Benet Mosop girl was reportedly raped by an agent of the Uganda Wildlife Authority, and on 10 February 2023, a 45-year-old man was reportedly shot by agents of the Uganda Wildlife Authority while he was collecting firewood in Mount Elgon Forest. The victim reportedly died in the hospital. The case was reported to the police, but no arrest has been made to this day. Between October 2022 and October 2023, more than 50 members of the Mosoposyek of Benet Indigenous Peoples were reportedly arbitrarily arrested by agents of the Uganda Wildlife Authority, including 30 during the first week of June 2023 alone. Some community members were allegedly arrested during evictions and burning operations, while some others were allegedly arrested on the charge of trespassing while grazing their cattle in their ancestral lands. A number of Mosoposyek of Benet Indigenous Peoples were reportedly tortured by police during their detention.

In October 2022, Mosoposyek of Benet Indigenous Peoples filed a number of legal complaints at the Uganda Human Rights Commission Soroti Branch and the Mbale High Court to denounce human rights violations committed by agents of the Uganda Wildlife Authority. They also organized a number of peaceful assemblies to call for the enforcement of the Consent Judgment and Decree of the Ugandan High Court (“Consent Judgment”) adopted on 27 October 2005 requesting your Excellency’s Government to enable Mosoposyek of Benet Indigenous Peoples to stay on their ancestral lands and carry out their agricultural activities. As a result of such legal actions and peaceful assemblies, leaders and human rights defenders of the Benet Mosop Community Association reportedly received death threats. The Office of the Benet Mosop Community Association in the Kween district was reportedly raided on 12 July 2023. IT equipment and documents were reportedly stolen. Properties break in and thefts were reported to the police, but to date, no follow up action has been taken. Officials of the Ministry of Tourism, Wildlife and Antiquities have reportedly requested the minutes and the attendance lists of meetings organized by the Benet Mosop Community Association.

Evictions of the Mosoposyek of Benet Indigenous Peoples are in violation of the Consent Judgment and Decree of the Ugandan High Court (“Consent Judgment”) adopted on 27 October 2005, which calls upon your Excellency’s Government to withdraw the designation as a National Park of the area inhabited by the Benet and to enable the Indigenous Benet inhabitants to stay

within the area undisturbed and carry out their agricultural activities. The judgment underlined the need to “redress the imbalance” facing the Benet in education, infrastructure, health, and social services, provided for under article 32 of Uganda’s Constitution. Such evictions are also in violation of the judgment of the High Court of Uganda adopted on 25 January 2019 in the case *Muhindo & Others vs. the Attorney General*, affirming that Uganda’s lack of adequate procedures governing evictions violates the rights to life, dignity, and property under Uganda’s Constitution and ordered the Government to develop comprehensive guidelines governing land evictions, which should be participatory and inclusive of affected persons.

While we do not wish to prejudge the accuracy of these allegations, we are expressing our serious concern, should they be confirmed, at what may constitute forced evictions, arbitrary arrests, arbitrary displacement, torture and ill-treatment of Benet Indigenous Peoples. We are concerned over the lack of security of land tenure for the Benet Indigenous Peoples and the creation of Mount Elgon National Park in the absence of consultations and without their free, prior and informed consent.

We also express our grave concern about the reports of destruction and confiscation of the Benet Indigenous Peoples’ homes, property, and livestock, as well as reports of violence, rape and killings of Benet Indigenous Peoples by UWA officials. In order to address these serious allegations, we are calling for an immediate, impartial and effective investigation in compliance with international standards into all allegations of human rights violations and abuses raised.

We further wish to recall that the Committee on Economic, Social and Cultural Rights (CESCR), in its concluding observations (E/C.12/UGA/CO/1) adopted on the initial report of Uganda, was concerned “that many Indigenous Peoples, including the Benet, Batwa and Pastoralist communities, are denied access to their ancestral lands and are prevented from preserving their traditional way of living; as well as about the inadequate definition of Indigenous Peoples in the State party’s Constitution coupled with a complete absence of information on the actual enjoyment of Covenant rights by Indigenous Peoples. The Committee recommended, *inter alia*, that Uganda “harmonize its legal framework governing land rights and that all land-related laws, notably the Land Act and the Forest Act, also be amended in the light of the 2013 Land Policy, which provides additional protection to customary landowners and to Indigenous Peoples’ right to land”.

We further wish to recall that the Human Rights Committee in its concluding observations (CCPR/C/UGA/CO/2) on the second periodic report of Uganda was concerned “that measures taken by the State party to ensure the meaningful participation of Indigenous Peoples in decisions affecting their livelihoods are not adequate, notably with regard to the forcible eviction of Indigenous Peoples from their ancestral lands and the designation of such lands as national parks and conservation zones without their free, prior and informed consent and without providing alternative livelihoods and adequate compensation, such as in the cases of the Batwa and Benet Indigenous Peoples”. The Committee recommended, *inter alia*, that Uganda “(a) Ensure that the rights of Indigenous Peoples to own, use and develop their ancestral lands, territories and resources are respected, protected and fulfilled, in law and in practice, including where appropriate through the enactment of dedicated legislation; (b) Ensure that necessary safeguards against forced evictions of Indigenous Peoples are in place and ensure the consistent and effective application of

the principle of free, prior and informed consent in all matters concerning their rights”.

We reiterate that we stand ready to support Your Excellency’s Government in its efforts and remain available for any technical assistance we may be able to provide to the authorities concerned.

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 longstanding situation at Mount Elgon National Park and recent updates on allegations of human rights violations since October 2022:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations of killings, torture, gender-based violence, arbitrary arrest, forced evictions, excessive use of force, and the destruction of private properties.
2. Please indicate the measures that your Excellency’s Government has taken to ensure that free, prior and informed consent is obtained from the Benet Indigenous Peoples while planning projects relating to conservation on Indigenous lands. Particularly, please provide information on whether the Government has engaged in consultations with the affected Indigenous communities. If yes, please give the details, date and outcome of these consultations, and where appropriate, information on the measures of compensation put in place for all concerned persons, with a due assessment of the loss of their housing and property.
3. Please provide information on the measures taken to recognize the traditional or customary land tenure patterns of the Benet People in and around the Mount Elgon National Park, and to provide appropriate protection of their rights to lands and natural resources, in consultation with them. Particularly, please provide information on the measures taken to implement the consent decree of the High Court of Uganda in *Uganda Land Alliance v. Uganda Wildlife Authority*, 2005, recognizing Benet as the historical and Indigenous inhabitants of the Benet Forest and ordering the Government to resettle them back to their traditional lands. Kindly explain why State authorities appear not to respect binding rulings of its own judiciary, in particular the High Court rulings from 27 October 2005 and 25 January 2019.
4. Please provide information on what has Uganda done to combat reported widespread and routine commission of arbitrary displacement, forced evictions, arbitrary arrests, extortion and impoundment of cattle, pillage, destruction of property, sexual gender-based violence, killing and ill-treatment by Uganda Wildlife Authority against displaced Benet Indigenous Peoples in Mount Elgon region, as well as, where available,

the results, of any investigation and judicial or other official inquiries carried out in relation to the raised allegations and perpetrators brought to justice. If investigations have been carried out, please indicate whether these followed required international standards, including the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (Minnesota Protocol) and the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). If no investigation has been initiated, please, explain why.

5. Please provide information on the factual and legal grounds for the arrest and detention of Benet individuals by the Uganda Wildlife Authority, and their compatibility with the obligations of Uganda under international human rights law. Please also indicate what measures have been implemented to guarantee their right to a fair trial and due process.
6. Please provide information on efforts undertaken to assess and ensure the standard of living of persons displaced from Mount Elgon National Park and measures undertaken or envisaged to ensure they enjoy an adequate standard of living, including access to essential food and safe water and sanitation, basic shelter and housing, appropriate clothing, and essential medical services.
7. Please provide information on any measures taken to evaluate all feasible alternatives to displacement, provide those displaced with accommodation, and ensure displacement was carried out in satisfactory conditions of safety, nutrition, health, and hygiene, and carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected, to involve affected communities in planning their relocation, and to ensure displaced persons' right to an effective remedy
8. Please provide information on any measures taken to establish a comprehensive process to provide appropriate redress and mitigation measures for Benet individuals and families that have been displaced to be designed and implemented with the participation of the Benet People through their representative institutions, as well as the consideration given to the return of Benet individuals and families to their original homeland areas within the Mount Elgon National Park.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). 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 would also like to inform your Excellency's Government that having transmitted an allegation letter to the Government, the Working Group on Arbitrary Detention may also transmit a case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

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Annex

Reference to international human rights law

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

We wish to draw your Excellency's Government's attention to article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Uganda on 21 June 1995, which respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of their life. The right to life is non-derogable, a *jus cogens*, and a norm of international customary law, that must be respected in all circumstances.¹

We also wish to draw your Excellency's Government's attention to relevant international principles and norms governing the use of force by law enforcement authorities. Under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal.

The obligation to protect the right to life requires that States take special measures to protect persons who are in vulnerable situations and whose lives are particularly endangered by specific threats or pre-existing patterns of violence, including Indigenous Peoples (CCPR/C/GC/36, para. 23). The *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*², in particular principle 9, states that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 17/5 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4). The Council added that this includes the obligation "to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions." In addition, the *Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*³ also provides that investigations must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations.

In addition, we would like to refer your Excellency's Government to article 9 of the ICCPR whereby everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention, and 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. We would specifically like to recall that article 9(2) of the ICCPR

¹ <https://www.ohchr.org/sites/default/files/ccpr.pdf>

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-effective-prevention-and-investigation-extra-legal>

³ <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>

requires that anyone arrested be informed, at the time of arrest, of the reasons for his or her arrest and be promptly informed of any charges against him or her. Further, article 9(3) of the ICCPR requires that anyone arrested or detained on a criminal charge be brought promptly before a judge and article 9(4) guarantees the right to take proceedings before a court, in order that the court may decide without delay on the lawfulness of the detention and order the person's release if the detention is not lawful. Access to a lawyer, including immediately after arrest, is an essential safeguard of the right to challenge the legal basis of one's detention. As per the jurisprudence of the Working Group on Arbitrary Detention, a deprivation of liberty may be arbitrary when it constitutes a violation of international law on the grounds of discrimination, including on the basis of ethnic or social origin.

We would like to reiterate that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is codified in article 5 of UDHR and article 7 of the ICCPR. The latter provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Furthermore, Uganda is a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which states that no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency may be invoked as a justification of torture. In addition, articles 2 of the CAT further states that each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Article 12 of the CAT requires that each State Party ensures that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

We also refer to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the General Assembly in 2007 which elaborates upon existing rights in the specific cultural, historical, social and economic circumstances of Indigenous Peoples.

UN Declaration on the Rights of Indigenous Peoples in its article 1 states that Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. This includes the rights to life, physical and mental integrity, liberty and security of person (article 7). It further provides in article 2 that Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular based on their indigenous origin or identity.

With respect to their rights to property in the form of land and natural resources, article 26 provides for the right of Indigenous Peoples to lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired and for legal recognition of those rights with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned. Article 10 affirms that Indigenous Peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Furthermore, the UNDRIP provides for the rights of Indigenous Peoples to redress for actions that have affected the use and enjoyment of their traditional lands and resources. In that regard, article 28 states that Indigenous Peoples have the right to just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned, occupied or used and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

We would like to draw your Excellency's attention to article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) on the right to housing. In its general comment no. 4, the CESCR affirmed that the right to housing includes legal protection against forced evictions, harassment and other threats. State parties should thus take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection. It also declared that forced evictions are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances.

In relation to article 11(2) of the ICESCR, the Committee stated in its general comment no. 7 that Indigenous Peoples suffer disproportionately from the practice of forced eviction. Therefore, State parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out without appropriate safeguards by private persons or bodies. State parties must also see to it that all the individuals concerned have a right to adequate compensation for any affected property.

On several occasions, the Special Rapporteur on the rights of Indigenous Peoples (A/71/229; A/77/238) has clarified that States shall apply a strict human rights-based approach to the creation or expansion of existing protected areas and recommended providing Indigenous Peoples with legal recognition of their lands, territories and resources; such recognition should be given with due respect for the legal systems, traditions and land tenure systems of the indigenous peoples concerned; only extending protected areas to overlap with Indigenous territories when Indigenous Peoples have given their free, prior and informed consent; ensuring that Indigenous Peoples have the right to access their lands and resources and undertake their activities in accordance with their worldview, which has ensured the sustainable conservation of the environment for generations, and halt the criminalization of Indigenous Peoples carrying out sustainable activities linked to their way of life, activities that may be forbidden to non-indigenous peoples.

We would also like to recall the recommendations formulated by the former Special Rapporteur on the Rights of Indigenous Peoples in his letter dated 10 April 2010 regarding the situation faced by the Benet people in the Mount Elgon National Park (A/HRC/15/37/Add.1 Para 420), inter alia, calling upon your Excellency's Government to examine the traditional or customary land tenure patterns of the Benet People in and around the Mount Elgon National Park, and provide appropriate recognition and protection of their rights to lands and natural resources, in consultation with them. In a report to the UN General Assembly (A/74/83), the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context called Member States to declare a moratorium on forced evictions affecting Indigenous Peoples until national legislation governing eviction and resettlement has been adopted that is fully compliant with international human rights standards and that

allows for recourses before independent judicial institutions. The Special Rapporteur also stated that prior to carrying out any evictions; States must ensure that all feasible alternatives are explored in consultation with the Indigenous communities affected. Indigenous Peoples must not be rendered homeless as a result of evictions nor should they be made vulnerable to the violation of other human rights. Where the affected communities are unable to provide for themselves, states shall take all appropriate measures to the maximum of its available resources to ensure access to adequate alternative housing, resettlement or access to productive land as appropriate. States should also monitor and prevent forced evictions carried out by private persons or other third parties.

The ICESCR provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (art. 12). According to the CESCR, this is “an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information.” (CESCR general comment no. 14).

In a report to the Human Rights Council (A/HRC/50/26), the Special Rapporteur on violence against women and girls, its causes and consequences drew attention to the gender-based violence and compounded vulnerabilities Indigenous women face in the context of displacement, whether it be a result of land disputes or forced deportation. The Special Rapporteur also called for the implementation of the extraterritorial human rights obligations of States, in order to allow accountability for the human rights violations committed by non-State actors. In addition, in her report on the criminalization of rape (A/HRC/47/26), the Special Rapporteur stressed that rape constitutes a range of human rights, including the right to bodily integrity and autonomy; the highest attainable standard of physical and mental health; and the right to be free from violence, discrimination, torture and other cruel or inhuman treatment. The Special Rapporteur also underscored that there should be no statute of limitation for initiating legal proceedings on rape.

Furthermore, the Committee on the Elimination of Discrimination against Women in its general recommendation no. 28 and general recommendation no. 33 reiterated that discrimination against women was inextricably linked to other factors that affected their lives. The Committee, in its jurisprudence, has highlighted the fact that such factors include women’s indigenous status, among other factors. In its general recommendation 35 the Committee recommends that States parties provide effective reparations to victims/survivors of gender-based violence against women. Such reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered.

We would also like to refer your Excellency’s Government to the 1998 Guiding Principles on Internal Displacement which establishes that all authorities shall respect their obligations under international law, including human rights and humanitarian law to prevent and avoid conditions that might lead to displacement of persons. We more over stress that according to the guiding principles, every human being shall have the right to be protected against being arbitrarily displaced from his/her home including due to gross human rights violations, discrimination, or fear of persecution (principle 6). Arbitrary displacement is particularly prohibited in instances when it is based on policies of apartheid, “ethnic cleansing,” or similar

practices aimed at or resulting in altering the ethnic, religious, or racial composition of the affected population (principle 6). Prior to undertaking any decision requiring the displacement of people, the authorities concerned should explore all feasible alternatives, provide affected communities with full information on the reasons and procedures for their displacement, endeavor to involve them in the planning and management of their relocation, ensure that proper accommodation is provided to displaced persons such that displacements are effected in satisfactory conditions of safety, nutrition, health, and hygiene, and ensure the right to effective remedy (principle 7). Displacement should also not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8).

We would like to particularly draw your attention to principle 9 which highlights that states are under a particular obligation to protect against the displacement of Indigenous Peoples and minorities, peasants, pastoralists and other groups with social dependency on and attachment to their lands.

Every human being has the inherent right to life, and internally displaced persons shall be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances including abduction or unacknowledged detention, threatening or resulting in death; threat and incitement to commit any of the foregoing acts are also prohibited (principle 10(1)). Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances and internally displaced persons shall be protected, in particular, against *inter alia* direct or indiscriminate acts of violence, starvation as a method of combat, and attacks against their camps or settlements (principle 10(2)). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against *inter alia* rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11).

Every human being has the right to liberty and security of person, and no one shall be subject to arbitrary arrest or detention, and to give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp (principle 12). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18) and access to the medical care and attention they require without distinction, with special attention paid to the health needs of women including appropriate counselling for victims of sexual and other abuses (principle 19)

Humanitarian assistance should be provided to internally displaced persons in line with the principles of humanity and impartiality and without discrimination, and the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities, who should grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced (principle 25). Persons engaged in humanitarian assistance, their transport, and supplies shall be respected and protected and should not be the object of attack or other acts of violence (principle 26).

Guiding principle 28 establishes that competent authorities have the primary duty and responsibility to establish conditions as well as provide the means which allow internally displaced persons to return voluntarily in safety and with dignity to their homes or places of habitual residence or to resettle voluntarily in another part of the country. Moreover, guiding principle 29 states that competent authorities have the duty and responsibility to assist resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Additionally, we would like to refer your Excellency's Government to the UN Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18), annex 1 which specifies that evictions can only take place in exceptional circumstances that must be authorized by law and ensure full and fair compensation and rehabilitation. The Guidelines state that any settlement agreement must satisfy the criteria of adequacy, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location and access to essential services such as health and education. The guidelines further state that Governments shall explore fully all possible alternatives to evictions. All potentially affected groups and persons have the right to relevant information, full consultation and participation throughout the entire process and propose alternatives that authorities should duly consider.

The UN Committee on the Elimination of Racial Discrimination (CERD) in its general recommendation 23 on the Rights of Indigenous Peoples provides that State parties recognize and protect the rights of Indigenous Peoples to own, develop, control and use their communal lands, territories and resources and where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take up steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should, as far as possible, take the form of lands and territories.

Furthermore, the African Charter on Human and Peoples Rights (ACHPR) provides for individual and collective rights including the rights to equality and human dignity for Indigenous Peoples and also expressly recognizes and protects collective rights (article 19, ACHPR), right to equality and freedom from domination (article 19), right to existence (article 20), right to natural resources (article 21), right to economic, social and cultural development (article 22), right to peace and security (article 23), right to satisfactory environment (article 24), right to best attainable physical and mental health (article 16), and right to liberty and to the security of one's person (article 6).

We would like to draw the attention of your Excellency's Government to States' obligations to provide victims of human rights violations with effective remedies. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2006, provide that victims of a gross violation of international human rights law or of a serious violation of international humanitarian law must be guaranteed equal and

effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.

We would also like to refer to 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 (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders. In particular, we would like to draw your attention 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 the State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would like to draw further attention to article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

The full texts of human rights instruments and standards recalled above are available on www.ohchr.org and www.achpr.org or can be provided upon request.