

**Mandates of the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL TZA 3/2024  
(Please use this reference in your reply)

9 October 2024

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; 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; Special Rapporteur on the rights of Indigenous Peoples and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 54/14, 51/8, 53/4, 52/9, 50/17, 51/16 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of ongoing and escalating crackdown, characterised by grave human rights violations, including enforced disappearances, against opposition political parties, civil society organizations, journalists and human rights defenders in Tanzania**. In addition, we would like to bring to the attention of your Excellency's Government information about the alleged **enforced disappearance of Mr. Deusdedith Soka, whose fate and whereabouts remains unknown**.

We would like to reiterate our past communications [TZA 2/2023](#), [TZA 1/2021](#), [TZA 2/2021](#) and [TZA 6/2020](#) regarding the alleged human rights violations in Tanzania, including arrests, intimidation and harassment of opposition political parties, enforced disappearances, attacks on lawyers and independence of the judiciary. We regret that the concerns expressed therein have not been addressed or resolved by the Government.

According to information received:

Tanzania will hold local elections on 27 November 2024 and Parliamentary and Presidential elections in October 2025. In this connection, a reported escalating crackdown on senior leaders, members and supporters of the main opposition party *Chama cha Demokrasia na Maendeleo* (hereinafter referred to as CHADEMA), civil society organisations, journalists and human rights defenders, is being observed. There have been reports of police brutality, harassment and intimidation, arbitrary arrests, deprivation of liberty, enforced disappearances and unlawful confiscation of personal property.

### *Situation of the Maasai Indigenous Peoples*

In parallel, there has been an ongoing systematic targeting of the Maasai Indigenous Peoples of Loliondo and Ngorongoro, who have since 2022 opposed the mass forced evictions being conducted to make way for the game reserve in the Ngorongoro Conservation Area, on which Special Procedures mandates have previously expressed their concerns in communications [TZA 1/2024](#), [TZA 2/2023](#), and [TZA 3/2021](#).

The Maasai Indigenous Peoples have reportedly faced escalating reprisals, including threats, intimidation, ill-treatment, excessive use of force, arbitrary arrests, detention and forced eviction from Government rangers and security forces, creating a climate of fear.

In relation to the lead up to elections, in August 2024 the Ngorongoro division was delisted from the voters' register, denying the Maasai residents their right to vote in their own ancestral land, reportedly leading to peaceful protests from 18-23 August and subsequent arrests. Additional reported reasons for the protests were to oppose the dissolution of 96 hamlets, 25 villages and 11 wards – an order that would effectively strip the residents of their right to vote, in addition to demands for the restoration of access to basic services, notably, education, health and water.

In response to the protests, President Samia Suhulu Hassan reportedly sent a delegation to Ngorongoro on 23 August 2024 comprising of Hon. Minister Prof. Palamagamba Kabudi, the Minister of Constitutional and Legal Affairs, Hon Dunstan Kitandula, the Deputy Minister of Natural Resources and Tourism, Paul Makonda the Arusha Regional Commissioner and Mr. Awadhi Haji, the Police Force's Commissioner of Operations and Training.

President Samia Suluhu Hassan further ordered the restoration of social services, the holding of local government elections, and the lifting of all restrictions imposed on residents of the Ngorongoro area. It was also reiterated that, the President Samia had planned to meet representatives of Ngorongoro residents to enable them to present their grievances.

#### *Incidents of Government Crackdown on lawyers, human rights defenders, opposition members and civil society organizations*

Since 2023, the reported crackdown and pattern of repression has manifested through legal and administrative restrictions that have severely limited the operations and capacity to perform their functions of CSOs, human rights defenders, media actors and opposition parties.

Political rallies and gatherings are reportedly being disrupted by police, who repeatedly use excessive or disproportionate force, resulting in injuries and destruction of property, arbitrary arrest and detention of political leaders and supporters. These measures have been particularly severe in regions like Mbeya and Iringa, where opposition parties such as CHADEMA have strongholds.

The Tanzanian authorities have reportedly utilized the Non-Governmental Organizations Act to arbitrarily deregister and restrict the activities of CSOs. In addition, the use of restrictive provisions, including the Cybercrimes Act, the Media Services Act, the Electronic and Postal Communication (Online Content) Regulations, the Electronic and Postal Communication (Sim-Card Registration) Regulations of 2020, and the Statistics Act has been reported.

On the night of 10 August 2024, police reportedly arrested at least a hundred CHADEMA members while travelling to Mbeya, the designate location for the CHADEMA party's official celebration of International Youth Day, observed globally on 12 August 2024, which was anticipated to gather CHADEMA members and supporters from across the country.

On 11 August 2024, a large-scale crackdown continued with youth from various regions being stopped and arrested from multiple checkpoints, for instance in Iringa, Makambako and Mtera. Most detainees were subsequently released on bail, while other remained in custody following a statement from Police stating that they did not meet the requirements for bail.

Government authorities reportedly banned the holding of opposition gatherings claiming that the opposition intended to carry out mass anti-Government protests. Coordinated arrests and detentions were allegedly carried out against CHADEMA members and leaders across multiple regions in Tanzania, including Mbeya, Iringa, and Dar es Salaam.

Reportedly, approximately more than 500 people, including senior leaders of the opposition CHADEMA party have been arrested and detained. Those arrested were reportedly denied their due process rights, including access to lawyers, being informed of the reasons of their arrest, and being promptly presented before a court of law. There have also been reports of systematic acts of brutality, deprivation of liberty, and confiscation of personal property by the police.

On 18 August 2024, three youth activists of CHADEMA were reportedly abducted by security forces, and their fate and whereabouts remain unknown. They had been organizing a protest for 26 August 2024 against the Government's alleged failure to respond to a recent disappearance of CHADEMA's Rukwa leader, who has been missing since July 2024 and whose whereabouts remains unknown.

On 21 August 2024, 108 people were reportedly arrested, and a young man shot dead by the police in Lamadi in the Simiyu Region, during protests that were also aimed at raising awareness about the lack of accountability by the police for reported abductions of young people in the region.

There have been numerous reports of detained persons who were arrested in connection to protests who have been subjected to ill-treatment while in custody. Lawyers providing legal support to detained opposition members, also reported being detained, were allegedly beaten and held without access to legal representation.

During the police operations, there were numerous reports of personal property belonging to opposition supporters and leaders being either destroyed or unlawfully confiscated, in violation of their constitutional right to protection of property. Properties confiscated during arrests and detention are often not returned to their owners by the law enforcement agencies.

### *Restrictions of freedom of expression*

The Tanzania Communications Regulatory Authority (TCRA) issued in August 2024, legal notices ordering media organizations, including a human rights media reporting platform, to remove stories critical of the Maasai evictions or face legal action.

On 30 August 2024, internet service providers were reported to have restricted access to social media platform “X” (previously known as Twitter) due to alleged escalating political tensions arising from the arrests and abductions.

On 1 October 2024, national newspaper, “The Citizen” published on social media sites X and Instagram an animation clip showing an animated depiction in which the President of the United Republic of Tanzania switches through TV channels and each channel shows people speaking about the loss of their loved ones due to abductions and disappearances. Subsequently, on 2 October 2024, the Tanzania Communications Regulatory Authority stated it had suspended the online licences of three media brands of Mwananchi Communications Limited, including *The Citizen*, *Mwanaspoti*, and *Mwananchi Digital*, for 30 days pending other regulatory action. The Authority deemed the content in the video published the previous day prohibited under regulation 16 of the Electronic and Postal Communications (Online Content) Regulations 2020, on the basis that it was “against the public order”, “aimed to ridicule and harm the reputation, prestige and status of the United Republic” and “threatens and is likely to affect and harm national unity and social peace of the United Republic.”

### *Cases of Enforced Disappearances*

While the actual number of cases is difficult to assess, reportedly 83 persons have been abducted since 2016 in Tanzania. In some cases, the fate and whereabouts of the persons concerned remain unknown, and in several other cases, the persons concerned have been found dead. Opposition leaders and civil society organizations allege that there have been more than 200 enforced disappearances since 2019. Concerns have been raised about the rising incidents of abduction across the country.

Recent disappearances have been primarily reported in regions with heightened political tensions, including areas where youth activism and opposition to the ruling Government are strong.

On 18 August 2024, CHADEMA youth leader, Mr. Deusdedith Soka was reportedly abducted, together with other youth activists, who were mobilizing people for protests scheduled to take place on 26 August 2024. Mr. Soka has not been seen since and his fate and whereabouts remains unknown.

A pattern has been observed in the abduction of CHADEMA youth leaders, victims are reported to often been taken in the middle of the night, with their families left with no information, fearing for their loved ones' safety, while facing intimidation and threats if they speak out. They are forcibly disappeared for periods of up to a month, and then presented before court and charged with cybercrime offences (misuse of media), or crimes related to drawing and burning a picture of the President on social media site "TikTok", these individuals are often arbitrarily denied bail. While serving their prison sentences and in police custody, they are reportedly subjected to torture and ill-treatment.

The chilling effect of these enforced disappearances is palpable, stifling youth and political activism, and fostering a climate of fear and uncertainty across the country.

While we do not wish to prejudge the accuracy of the above information or formulate a conclusion on the allegations, we express our serious concern at the allegations of enforced disappearances, arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment or punishment, extrajudicial killings, harassment and intimidation, and other violations of human rights of political opposition leaders and members, protestors and human rights defenders in Tanzania, as well as restricting freedom of expression. We are further concerned about the continued repression of the Maasai Indigenous Peoples from Loliondo and Ngorongoro, whose rights to freely participate in the upcoming elections has been hindered by their removal from the voter registration. We are also concerned about the apparently arbitrary and unjustified restriction of the access to some social media platforms as well as about the pressure put on media to withdraw critical stories, the withdrawal of a merely critical human rights advocacy video and the suspension of the online licenses of media actors in retribution for publishing it, which seriously hinder and violate freedom of expression, including media freedom and the right to access to information.

Should the allegations be confirmed, they would contravene, inter alia, articles 6, 7, 9, 10, 14, 16, 18, 19, 21 and 22, read alone and in conjunction with its article 2(3), of the International Covenant on Civil and Political Rights, which the United Republic of Tanzania ratified on 11 June 1976. We further recall that the United Nations Declaration on the Protection of All Persons from Enforced Disappearances establishes that no State shall practice, permit or tolerate enforced disappearances, in particular, we wish to highlight articles 9, 10, 11 and 12 of the Declaration.

We wish to remind your Excellency's Government that article 2 of the United Nations Declaration on the Rights of Indigenous Peoples establishes 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 that based on their Indigenous origin or identity.

Moreover, we would like to refer to the report of the Working Group on Enforced or Involuntary Disappearances on enforced disappearances and elections (A/HRC/57/54/Add.4), which draws a correlation in the increase of reported cases of enforced disappearances during election cycle, in particular amongst political opponents, dissenters, human rights defenders, and journalists, which has a chilling effect on voter turnout and a general sense of disempowerment among citizens. We

also make reference to the Working Group's study on enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), in which States are called on to, "ensur[e] the existence of and respect for cultural diversity and the existence of space where multiple opinions, positions and interpretations of history can find their expression in the public sphere diminishes the level of vulnerability of those questioning in one way or another mainstream ideas and positions, and so prevents against targeting of human rights defender" (para. 49). In this regard, we further draw your Excellency's Government's attention to the absolute and non-derogable prohibition of enforced disappearances and the prohibition of torture, and other cruel, inhuman or degrading treatment or punishment, which have attained the status of *ius cogens* reflected inter alia, in articles 2 and 7 of the Declaration on the Protection of All Persons from Enforced Disappearances, Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

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 information on the factual and legal basis for the arrest and detention of protesters. Please include information on how many detained protesters have since been released, and whether those still detained have been charged with a recognizable criminal offence, have been granted access to a lawyer of their choice, and have been promptly brought before a judge to determine the validity of their detention.
3. Please provide detailed information on the fate and whereabouts of Mr. Deusdedith Soka and the actions taken to search for him.
4. Please provide information on the factual and legal grounds for the decision to de-register several villages within the Ngorongoro Conservation Area and how this decision is compatible with international human rights law and standards.
5. Please indicate the factual and legal grounds for the legal notices issued by the Tanzania Communications Regulatory Authority (TCRA) against media organizations, and subsequent legal threats urging media houses to remove stories critical of the Maasai evictions. Please indicate how these actions are compatible with international human rights law and standards regarding freedom of expression and access to information.
6. Please indicate the factual and legal grounds for restrictions on the access to social media platform "X" allegedly implemented by internet

providers on 30 August 2024, in the context of the protests and escalating political tensions. Please indicate if any State authorities were involved in these measures. Please further indicate how these restrictions are compatible with international human rights law and standards regarding freedom of expression and access to information.

7. Please indicate the factual and legal grounds for the withdrawal of a human rights advocacy video and the suspension of the online operation licenses of three media brands of Mwananchi Communications Limited (*The Citizen*, *Mwanaspoti*, and *Mwananchi Digital*) for 30 days, imposed by the Tanzania Communications Regulatory Authority (TCRA). Please indicate how these actions are compatible with international human rights law and standards regarding freedom of expression and media freedom.
8. Please indicate what measures have been taken to ensure that activists, lawyers and human rights defenders are able to carry out their legitimate work and exercise their rights to freedom of expression, peaceful assembly and association, in a safe and enabling environment without fear of threats or acts of intimidation and harassment.
9. Please provide information on measures taken by your Excellency's Government to carry out a prompt, impartial, independent and effective investigations into the use of excessive and lethal force on protesters, which led to the killing of at least one protester, and whether these investigations complied with required international standards, including the Revised the revised Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). If no investigations have yet been undertaken, or if they have been inconclusive, please provide information as to the reasons thereof.
10. Please provide information on judicial measures undertaken to ensure accountability for the above-mentioned violations and to ensure reparation for victims and their families.
11. Please provide information on measures taken, or envisaged, by your Excellency's Government to ensure that law enforcement of protests is conducted in a way that protects the rights to life and to be free from torture and ill-treatment, and in compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.
12. Please provide the details of any investigation, or judicial or other inquiries, including the specific State entity responsible for such investigation or inquiry, which may have been carried out in relation to the reported enforced disappearances, arbitrary arrest, detention, torture and other cruel, inhuman or degrading treatment or punishment of human rights defenders in Tanzania to establish accountability and ensure justice. If no inquiries or investigations have taken place, or if they have been inconclusive, please explain the reasons for this.

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.

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

We would like to inform you that having transmitted a communication, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to this letter and the regular procedure.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations concerning individual cases of enforced disappearances for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the case will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

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

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Ganna Yudkivska  
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

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

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

José Francisco Cali Tzay  
Special Rapporteur on the rights of Indigenous Peoples

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

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issue brought forth by the situation described above.

We wish to draw your Excellency's Government attention that the prohibition of enforced disappearance is absolute and non-derogable (article 2 and 7 of the Declaration on the Protection of All Persons from Enforced Disappearances) and which has also attained the status of *jus cogens*. Furthermore, article 10 of the Declaration provides that each State shall ensure the right to be held in an officially recognized place of detention, in conformity with national law, and to be brought before a judicial authority promptly after detention; and accurate information on the detention of person and their place of detention being made available to their family, counsel or other persons with a legitimate interest. The Declaration outlines the obligation of States to promptly, thoroughly and impartially investigate any acts constituting enforced disappearance (article 13).

With regard to the alleged enforced disappearance, if confirmed, it would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Moreover, it would entail a violation of article 7, read alone and in conjunction with article 2(3) of the ICCPR with regard to the relatives of the disappeared person. In this respect, we also draw your Excellency's Government's attention to the Working Group's report on Enforced or Involuntary Disappearances on enforced disappearances and elections (A/HRC/57/54/Add.4), study on enforced disappearance and economic, social and cultural rights (A/HRC/30/38/Add.5), and report on new technologies and enforced disappearances (A/HRC/54/22/ADD.5), in particular in relation to observed where legislation related to technology (especially to the use of social media and cybercrime) is speciously used to facilitate or conceal the commission of enforced disappearance and for prosecuting human rights defenders and relatives of disappeared persons who employ such means to report enforced disappearances or to denounce abuses. In this regard, Tanzania must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. In addition, we would like to bring to the attention of your Excellency's Government articles 14, 19 and 22 of the ICCPR, which establish the guarantees of due process, and the protection of the rights to freedom of opinion and expression, as well as freedom of association, respectively.

We wish to refer to the inherent right to life and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, as enshrined in article 3 and 5 of the Universal Declaration of Human Rights (UDHR) and in article 6 and 7 of the ICCPR, the latter ratified by the United Republic of Tanzania on 11<sup>th</sup> June 1976.

We would also like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to liberty and security of person. Article 9 of the UDHR and article 9 of the ICCPR further states that no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty

except on such grounds and in accordance with such procedure as are established by law. According to Deliberation no. 10 on reparation for arbitrary deprivation of liberty of the Working Group on Arbitrary Detention, all victims of arbitrary deprivation of liberty are entitled to an enforceable right before the competent national authority to prompt and adequate reparations, which should be proportional to the gravity of the violations and the harm suffered. Additionally, as per the jurisprudence of the Working Group on Arbitrary Detention and general comment no. 35, detention of an individual as punishment for the legitimate exercise of rights guaranteed by the Covenant is arbitrary.<sup>1</sup> The Working Group on Arbitrary Detention has also reiterated that enforced disappearances constitute an aggravated form of arbitrary detention.

We would also like to emphasize that article 14 of the Covenant provides everyone charged with a criminal offence the right to have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing. In this regard, we wish to recall that in accordance with the Basic Principles on the Role of Lawyers, Governments must ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

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, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” and any restrictions on the operation of websites, blogs or any other internet-based information dissemination system “are only permissible to the extent that they are compatible with paragraph 3” (para. 43). In this regard, it is “inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the Government or the political social system espoused by the government” (para. 43).

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<sup>1</sup> See CCPR/C/GC/35.

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19 (3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, 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” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed.

We would also like to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007 with a favourable vote by your Excellency’s Government. The 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 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.

As highlighted by the Human Rights Committee, in the case of Indigenous Peoples, the notion of “home” must be understood in the context of the special relationship they have with their territories and their ways of life, including their subsistence activities such as livestock-raising.<sup>2</sup>

We wish to draw the attention of your Excellency’s Government to its obligations to ensure the right to adequate housing, which it assumed upon acceding to, for example, the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 11 June 1976. The normative content of the right to adequate housing and its minimum elements is outlined by the Committee on Economic, Social and Cultural Rights in its general comment no. 4. We further wish to refer to the Guiding Principles on Internal Displacement, the Basic Principles and Guidelines on Development-Based Evictions and Displacement (A/HRC/4/18), as well as the Guiding Principles on Security of Tenure for the Urban Poor (A/HRC/25/54), which together provide further guidance on how to avoid displacement and how to conduct resettlement in a human-rights compliant manner, if it is absolutely necessary in the first place.

We would also like to further refer your Excellency’s Government to the 1998 Guiding Principles on Internal Displacement, which are based on international human rights and humanitarian law. Principle 5 states 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. Principle 6 states that

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<sup>2</sup> CCPR/C/132/D/2552/2015, 2021.

every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence. 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 a special dependency on and attachment to their lands.