

**Mandates of the Special Rapporteur on the rights of Indigenous Peoples; the Working Group on Enforced or Involuntary Disappearances; 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 human rights of internally displaced persons; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: AL BGD 5/2025  
(Please use this reference in your reply)

22 October 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights of Indigenous Peoples; Working Group on Enforced or Involuntary Disappearances; 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 human rights of internally displaced persons; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 60/4 , 54/14, 53/4, 52/9, 59/4, 59/12, 58/14, 59/20 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a series of grave human rights violations against Indigenous Peoples in the Chittagong Hill Tracts (CHT) of Bangladesh, including sexual and gender-based violence, the repression of peaceful protests, which resulted in the killing of at least five individuals, the injuring of at least four and the enforced disappearance of five; as well as regarding the alleged racially motivated attacks against Indigenous Peoples, reportedly coordinated between settlers and the military, which took the form of looting and burning homes and businesses, displacing dozens of families.**

Communications regarding Indigenous Peoples in Bangladesh or the Chittagong Hill Tracts, including killings, sexual violence, displacement and the involvement of the military or security personnel, have been sent to the Government of Bangladesh on 17 November 2023, 10 August 2022, 22 December 2020, 16 February 2018, 23 July 2014 and 31 October 2013 ([BGD 8/2023](#), [BGD 3/2022](#), [BGD 8/2020](#), [BGD 2/2018](#), [BGD 4/2014](#), [BGD 12/2013](#)). We appreciate the reply received from the Government of Bangladesh to some of these communications, on [16 April 2018](#), [21 March 2018](#), [31 July 2014](#), [7 February 2014](#) and [1 November 2013](#). However, we would like to raise the following issues in light of the recent reported developments.

According to the information received:

The Chittagong Hill Tracts (CHT) region is home to diverse Indigenous communities who have historically faced marginalization, land dispossession, and ethnic violence. Despite the 1997 CHT Peace Accord, tensions persist between Indigenous Peoples and settler Bengali populations. Recent incidents have reignited concerns over State complicity and the failure to uphold constitutional rights.

A frequent manifestation of the human rights situation of Indigenous Peoples in the CHT is the reported use of sexual violence as a weapon of terror and control. For example, since the change of Government on 5 August 2024, up to the present date, civil society organizations have documented eight incidents of rape, of which five cases were reported as gang rape, one incident of murder following alleged rape, seven cases of attempted rape, and four cases of sexual harassment.

In response to growing demands for justice and protection, peaceful protests have been organized, the most recent of these took place in late September 2025. However, rather than enabling dialogue or guaranteeing safety, the authorities applied Section 144 of the Code of Criminal Procedure; a legal provision restricting public assembly, effectively criminalizing the protests and escalating tensions. Protesters were reportedly met with violence from multiple forces, including the Bangladesh Army, police, and local groups.

When students and youth networks from the Jumma Indigenous People organized a peaceful protest on 25 September 2025, instead of taking actions to prosecute the alleged perpetrators, military personnel reportedly detained at gunpoint one of the leaders organizing the protest. On the 26 September 2025, when a demonstration was developing peacefully, as planned, military personnel reportedly intervened and obstructed the gathering.

On 28 September 2025, during one such demonstration, in the presence of the military, Bengali settlers allegedly engaged in unprovoked attacks against the Jumma People. Subsequently, Bangladesh Army personnel allegedly opened fire on unarmed Indigenous protesters, resulting in the deaths of at least five individuals and injuries to more than forty others. Eyewitnesses described scenes of chaos and brutality, with soldiers and settlers jointly targeting demonstrators.

Concurrently, settlers reportedly carried out coordinated attacks in Ramsu Bazar, looting and setting fire to homes, shops, and vehicles. At least 15 homes, 60 shops, and 13 motorcycles were destroyed, leaving dozens of families displaced overnight in precarious and unsafe conditions. The violence was described by survivors as premeditated. However, the Inter Services Public Relations (ISPR) issued statement that blamed the Indigenous youth and community for the disturbances. The statement labelled the Jumma members as 'terrorists' and blamed them for the violence, including the military shootings.

Five protesters remain disappeared and are believed to have been abducted by soldiers and taken to nearby army camps. Their fate, whereabouts and health condition remain unknown.

Eyewitnesses report joint operations by settler groups and army personnel, including use of automatic gunfire. Medical reports were allegedly manipulated to protect perpetrators. The attackers were identified as known settlers, suggesting premeditated violence. Medical services received bodies with gunshot wounds and treated multiple bullet injuries. The army reportedly stood by, or participated in, the attacks.

Communities organized peaceful protests demanding justice and accountability. They condemned the manipulation of evidence, systemic impunity, and State neglect. Indigenous Peoples and families fled into forests to escape violence which was compared with past massacres, highlighting the recurring racist and discriminatory nature of the persecution.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our grave concern regarding reports of further marginalization, land dispossession, and violence against Indigenous Peoples in Bangladesh. We are further alarmed about the allegations of sexual violence against Indigenous women and girls by settlers in the CHT.

We are deeply concerned about the alleged repression of peaceful protests, which seems to constitute a disproportionate response to the legitimate exercise of the human rights to freedom of expression, assembly, association and participation in public affairs; this includes our alarm at the reports of killings of at least five individuals and injuries to more than forty others. We are concerned that the application of Section 144 of the Code of Criminal Procedure may reflect a pattern of using legal instruments to unduly restrict the rights to peaceful assembly and expression, particularly of Indigenous Peoples. In this context, we are also alarmed that Jumma members are being labelled and stigmatised as “terrorists” in what appears as an attempt to stifle the legitimate exercise of rights, and which places them at heightened risk of retaliatory action by State and private actors.

We are gravely concerned about the reported abduction and enforced disappearance of protesters by military personnel, in violation of international human rights law. We emphasise that the prohibition of enforced disappearance has attained the status of *jus cogens* and no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. We reiterate that, under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons acting with their authorization, support, or acquiescence constitutes enforced disappearance, regardless of the duration or type of concealment involved. State authorities are thus obliged to take all necessary measures to effectively protect the rights of persons deprived of their liberty, as they automatically assume responsibility for their lives, physical integrity, and wellbeing. State authorities are also obliged to promptly provide accurate information on the detention of persons deprived of liberty and their place or places of detention to their family members, counsel, or any other persons with a legitimate interest. The State should also fully recognize the legal personality of

disappeared persons and their families, thus protecting them, bearing in mind their special vulnerability. It should also respect their rights to reparation, including adequate compensation for any damage (physical or mental injury, lost opportunities, material damage and loss of income, damage to reputation, and costs incurred in obtaining legal or expert assistance) resulting from an enforced disappearance.

We are also worried about reports of medical evidence being manipulated to shield perpetrators, which may constitute obstruction of justice and further victimize survivors. We underline the importance of establishing accessible and effective legal assistance and protection mechanisms to protect women and girls from all forms of violence, abuse and threats, and to ensure a safe environment for reporting crimes without fear of stigma or retaliation.

Finally, it is deeply worrying to receive allegations about the participation and/or acquiescence of military and police forces in the violence reportedly exercised by settlers against Indigenous Peoples. We are deeply troubled by allegations that the violence was racially motivated and systematically targeted Indigenous Peoples, raising serious concerns about entrenched discrimination and racism. We regret that despite previous communications and concerns raised over the years, the recurrence of violence suggests a failure to implement effective measures to protect Indigenous Peoples in the CHT.

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 steps undertaken by your Excellency's Government to initiate an independent, impartial, and transparent judicial investigation into the incidents reported on 24 and 28 September 2025.
3. Please provide information on whether the investigations into the potentially unlawful killing of five individuals by the security forces followed the necessary international standards, including the U.N. *Minnesota Protocol on the Investigation of Potentially Unlawful Death*. In case they did not, please explain why.
4. Please provide information about measures taken to ensure that individuals, organizations, communities and indigenous people exercising their rights to freedom of peaceful assembly and of association are not subjected to attacks, harassment, threats and intimidation, including conducting thorough, prompt, effective and impartial investigations into killings and violence against civil society

actors.

5. Please provide information about the fate, whereabouts and state of health of the aforementioned five protesters who had allegedly disappeared.
6. Please explain how the incommunicado detention of individuals for extended periods of time and without notifying or allowing access to their families, counsel or any other person of their choice complies with the obligations of your Excellency's Government under international law.
7. Please specify the steps taken by your Excellency's Government to ensure that all perpetrators, including members of the military, police, and settler groups, are held accountable through judicial or disciplinary proceedings.
8. Please indicate how your Excellency's Government plans to ensure that immediate humanitarian assistance is provided to the displaced families affected by the violence, including shelter, adequate housing, water, food, medical care, psychosocial support and legal assistance.
9. Please provide information on any measures planned to safeguard the land rights, cultural heritage, and physical security of Indigenous Peoples in the Chittagong Hill Tracts, in accordance with the 1997 Peace Accord and international human rights standards.
10. Please provide information on the measures undertaken or envisaged to prevent further arbitrary displacement, provide protection and assistance to IDPs, as well as investigate violations of their rights and ensure remedy and accountability.
11. Please explain what measures will be taken to prevent the future unjustified labelling of peaceful Indigenous protesters as "terrorists".

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

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

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

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

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

Morris Tidball-Binz  
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Ben Saul  
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Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

Claudia Flores  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## **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 international human rights norms and standards.

We would like to refer your Excellency's Government to relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007. Article 3 affirms the right of Indigenous Peoples to self-determination, which includes the right to freely determine their political status and freely pursue their economic, social and cultural development. Article 7 affirms that Indigenous Peoples have the right to life, physical and mental integrity, liberty and security of person. Articles 18 and 19 establish that Indigenous Peoples have the right to participate in decision-making in matters which affect their rights, through representatives chosen by themselves, and that States shall consult and cooperate in good faith with Indigenous Peoples through their own representative institutions in order to obtain their free, prior and informed consent before adopting or implementing legislative or administrative measures that may affect them. Article 26 recognizes their rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, while article 30 prohibits military activities on Indigenous territories without consultation.

We would also like to recall the International Covenant on Civil and Political Rights (ICCPR), ratified by Bangladesh on 6 September 2000. Article 2(3) obliges States Parties to ensure an effective remedy for persons whose rights are violated. Article 6 guarantees the inherent right to life, article 7 prohibits torture and cruel, inhuman or degrading treatment or punishment, and article 9 guarantees liberty and security of person. Article 14 ensures the right to a fair trial and due process, including through equality before the courts and tribunals, article 19 enshrines the right to freedom of expression and carefully establishes the requirements for any limitation on such right, articles 21 and 22 guarantee the rights of peaceful assembly and freedom of association, and article 25 protects the right to participate in the conduct of public affairs. Article 27 provides that minorities, including Indigenous Peoples, shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Furthermore, we would like to recall articles 19 and 21 of the ICCPR, which guarantees the right to freedom of opinion and expression and the right to peaceful assembly respectively. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued.

The Special Rapporteur on freedom of peaceful assembly and association recalled in his report on the general principles and guidelines on ensuring the right of civil society organizations to have access to resources (A/HRC/53/38/Add.4) that "non-Discrimination – States' obligations must be implemented in a nondiscriminatory manner, with particular attention to the rights and needs of individuals from groups or

populations at higher risk of facing discrimination and marginalization, including women; youth; indigenous peoples, persons with disabilities, persons belonging to minority groups or groups at risk, including those victims of discrimination because of their sexual orientation and gender identity, and non-nationals, as well as activists advocating for women's and sexual and reproductive rights and facing discrimination for their political views, including opposition to their government". (Para. 21) and called Member States to adopt all necessary measures to ensure that individuals, organizations, communities and indigenous people exercising their rights to freedom of peaceful assembly and of association are not subjected to attacks, harassment, threats and intimidation, including conducting thorough, prompt, effective and impartial investigations into killings and violence against civil society actors, ensuring that perpetrators are brought to justice and refraining from issuing official and unofficial statements stigmatizing civil society groups engaged in climate justice" (A/HRC/76/222, para. 90(b)).

We wish to emphasize your Excellency's Government's obligation under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, acceded to by Bangladesh on 6 November 2003, to protect women against gender-based discrimination and against gender-based violence as a manifestation of such discrimination, namely, "violence that is directed against a woman because she is a woman or violence that affects women disproportionately". Gender-based violence includes "acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty". There, particular attention should be paid to the investigation of gender-based violence, including killings targeting women and girls.

We would further like to recall the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Bangladesh on 5 October 1998. Article 12 recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, while article 15 affirms the right to take part in cultural life. In its general comment No. 21, the Committee on Economic, Social and Cultural Rights explained that Indigenous Peoples' cultural values and rights associated with their ancestral lands and their relationship with nature must be respected and protected in order to avoid the degradation of their particular way of life and cultural identity.<sup>1</sup>

In addition, we recall the Convention on the Rights of the Child (CRC), ratified by Bangladesh on 3 August 1990. Article 19 requires States Parties to protect children from all forms of physical or mental violence, injury or abuse, neglect or exploitation, including sexual abuse. Article 34 obliges States to protect children from all forms of sexual exploitation and sexual abuse, while Article 38 requires States to ensure protection of children affected by armed conflict.

We would also like to recall the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ratified by Bangladesh on 11 June 1979. In its general recommendation No. 23, the Committee on the Elimination of Racial Discrimination called on States to 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

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<sup>1</sup> E/C.12/GC/21 (2009)

owned or otherwise inhabited or used without their free, prior and informed consent, to take steps to return those lands and territories.<sup>2</sup>

Furthermore, we would like to recall the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Bangladesh on 5 October 1998. Articles 1 and 2 prohibit torture under any circumstances, while Article 16 extends this protection to acts of cruel, inhuman or degrading treatment or punishment committed by or with the acquiescence of public officials.

Furthermore, regarding the reported acts of violence against women and girls in Bangladesh, we recall that the Declaration on the Elimination of Violence against Women, adopted by General Assembly resolution 48/104 of 20 December 1993, defines violence against women in article 2 as encompassing, but not limited to physical, sexual and psychological violence. The Declaration states that women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other fields. These rights include, inter alia, (a) the right to life; (b) the right to equality; (c) the right to liberty and security; and (d) the right to equal protection under the law (article 3). In article 4(g), the Declaration notes the importance of ensuring that women subjected to violence receive specialized assistance, such as rehabilitation, assistance in childcare, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

The Special Rapporteur on Violence against Women and Girls emphasized in her report that sexual and gender-based violence in conflict is rarely incidental, as it is often used as a tool of intimidation, punishment, and social control (A/78/256). She underscored that women and girls belonging to specific ethnic, religious, or political communities are disproportionately targeted and, therefore, face heightened vulnerability to intersectional violence, including kidnapping, enforced disappearance, and trafficking, particularly in conflict or crisis contexts. In her report on “Institutional violence and the denial of access to services for women and girls”, the Special Rapporteur also noted that gender-based violence often intersects with state failure or inaction, particularly where survivors are dismissed, blamed, or retraumatized during institutional engagement (A/HRC/53/37). She identified the lack of gender-sensitive infrastructure, including absence of female investigators and safe reporting channels, as serious barriers to justice for victims.

We wish to reiterate that the prohibition of enforced disappearance has also attained the status of *jus cogens*. It is a particularly aggravated form of arbitrary detention, and it may amount to torture or other cruel, inhuman or degrading treatment or punishment both regarding the disappeared and their family members, due to the anguish and uncertainty concerning the fate and whereabouts of loved ones.

In this context, we wish to recall articles 1, 2, 12, 17, 18, 19, 20, 21 and 24 of the International Convention for the Protection of All Persons from Enforced Disappearance, to which Bangladesh acceded on 30 August 2024. These provisions are particularly relevant with regard to the right to report a disappearance, the obligation to

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<sup>2</sup> A/52/18, annex V (1997)

conduct thorough and impartial investigations, the prohibition of secret detention, the right to access information, and the right to an effective remedy. We also emphasize that the United Nations Declaration on the Protection of All Persons from Enforced Disappearance affirms that: “All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness” (article 4); “No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance” (article 6); “No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances” (article 7); and “The right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty, as required to prevent enforced disappearances under all circumstances” (article 9) (A/RES/47/133).

We further recall the Guiding Principles for the Search for Disappeared Persons, which stipulate that searches must be initiated without delay (principle 2), uphold the right of families to participate (principle 5), be treated as a continuing obligation (principle 7), and be closely linked to the criminal investigation (principle 13) (CED/C/7).

In its General Comment on the right to recognition as a person before the law in the context of enforced disappearance, the Working Group underscored that when a person deprived of liberty is not acknowledged by the State, they are placed in a legal limbo, rendering them completely defenseless. Enforced disappearance removes the individual from the protection of the law, denies their legal existence, and obstructs the exercise of their rights, including due process and other fundamental freedoms (A/HRC/19/58/Rev.1).

In its report on standards and public policies for effective investigations into enforced disappearances, the Working Group recommended that States: define enforced disappearance as a distinct criminal offence in national legislation; establish various forms of criminal liability, including for abetting, instigating, acquiescing in, or covering up an enforced disappearance, as well as command or superior responsibility; and create independent mechanisms to promptly receive and process complaints, with the authority to initiate investigations (A/HRC/45/13/Add.3).

In its study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the disappearance of human rights defenders, indigenous leaders, or individuals promoting these rights is often used as a repressive tool to deter legitimate advocacy. Such acts not only violate the rights of the disappeared but also infringe upon the rights of others engaged in similar activities and the broader communities that depend on them for representation and defense (A/HRC/30/38/Add.5). Similarly, in its study on enforced disappearances in the context of the defence of land, natural resources and environment, the Working Group also referred to numerous instances in which defenders were forcibly disappeared to obstruct their legitimate activities, instilling fear and discouraging public engagement, particularly in close-knit communities, where the disappearance of a single defender can dissuade many others from speaking out (A/HRC/60/35/Add.4 para. 35).

We further recall the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, which provide in Principle 1 that Governments shall prohibit such executions and ensure that they are recognized as offences under their criminal laws, and in principle 9 that there shall be thorough, prompt and impartial investigations of all suspected cases.<sup>3</sup>

In addition, we recall the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, which state in principle 9 that firearms may only be used in extreme circumstances and when strictly unavoidable to protect life, and in principle 14 that effective reporting and review processes must exist for all incidents involving the use of firearms.<sup>4</sup>

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish the need to respect and ensure respect for international human rights law to prevent and avoid conditions that might lead to the displacement of persons (principle 5). We moreover stress that according to the guiding principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (principle 6). It is incumbent upon the authorities undertaking displacement to ensure proper accommodation is provided to displaced persons, under satisfactory conditions of safety, nutrition, health, and hygiene, and that members of the same family are not displaced (principle 7). Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (principle 9). Internally displaced persons should be protected against genocide, murder, summary execution, indiscriminate acts of violence, starvation as a method of combat, use as shields, attacks against their camps and settlements, landmines, rape, and arbitrary detention (principles 10-12).

Internally displaced persons should enjoy adequate standard of living, which includes basic shelter and housing, food and water, and access to medical services (principles 18-19). The property rights of internally displaced persons must be respected, and their property and possessions should in all circumstances be protected from pillage, indiscriminate attacks, destruction as a form of collective punishment, and arbitrary and illegal appropriation, occupation, or use (principle 21). All authorities concerned should not impede the passage of humanitarian assistance to internally displaced persons, and humanitarian workers and supplies must be respected (principles 25-26). Internally displaced persons are entitled to a durable solution of their choice, i.e. safe, voluntary and dignified return to their places or origin, settlement elsewhere in the country or local integration (principles 28-30).

We would also like to recall 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 (Declaration on Human Rights

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<sup>3</sup> E/1989/89 (1989)

<sup>4</sup> A/CONF.144/28/Rev.1 at 112 (1990)

Defenders), adopted by the General Assembly in its resolution 53/144 of 9 December 1998. Article 1 affirms that everyone has the right to promote and to strive for the protection and realization of human rights, while article 5 protects the rights to meet peacefully, to form and join associations, and to communicate with non-governmental or intergovernmental organizations.<sup>5</sup>

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

Finally, 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,<sup>6</sup> the General Assembly’s Declaration on Measures to Eliminate International Terrorism (1994), and Security Council resolution 1566 (2004). Based on these authoritative sources, the model definition of terrorism advanced by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear, “best practice” guidance, by identifying conduct that is genuinely terrorist in nature and precisely defining the elements (A/HRC/16/51, para. 28).

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 and conduct constitute a criminal offence and what would be the legal consequences of committing such an offence. This principle recognizes and seeks to prevent ill-defined and/or overly broad laws which are open to arbitrary application and abuse, including to target 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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<sup>5</sup> A/RES/53/144 (1998)

<sup>6</sup> See [https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_en.xml](https://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml).