

## Human Rights Council - 55<sup>th</sup> Regular Session- 26 to 5 April 2024

### Agenda Item 3

*Oral Statement in the Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights while countering terrorism*

Thank you, Madam Vice President.

Mr. Special Rapporteur,

The ICJ notes your first report sharing your vision and priorities for the mandate. As you observe, widespread resort to measures purporting to counter “terrorism” and that fail to comply with human rights obligations has worsened in different ways over the past 18 years of the mandate.

In Tunisia, 57 judges were [arbitrarily dismissed](#) in 2022, and subjected to arbitrary criminal proceedings solely for the legitimate discharge of their professional duties consistent with applicable law and international standards, or for their legitimate exercise of freedom of expression and/or freedom of association, or for private conduct, unrelated to the performance of their duties, which, in any event, was not criminal in nature. Moreover, the ICJ condemns the abusive application of legislation purportedly countering “terrorism” to prosecute some of these dismissed judges in relation to serious offences, including “terrorism-related” crimes. Such legislation is similarly being abused to arbitrarily detain perceived political opponents in relation to “State security-related” crimes.

In India, in addition to the laws about which your mandate has already expressed concerns,<sup>1</sup> we wish to draw your attention to the National Security Act (1980) and the Public Safety Act (1978). Both allow for preventive detentions without bail for prolonged periods. In the circumstances, detention is arbitrary, in contravention of India’s international legal obligations. The laws are overbroad in scope, allowing for their frequent further abuse to silence critical voices.

We encourage you to continue to closely monitor the situation of the two countries and share with the governments your assessment about their compliance with international human rights obligations.

Thank you.

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<sup>1</sup> Joint communication IND 10/2023 accessible at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28593>