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Input to the UN Special Rapporteur on Counter-Terrorism and Human Rights

The Misuse of Counter-Terrorism Measures to Justify Human Rights Violations Against Unrepresented Communities

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Submitting Organization:

Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international organization established to empower the voices of unrepresented and marginalised peoples worldwide and to protect their rights to self-determination. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realise their rights to civil and political participation and control their economic, social and cultural development.

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INTRODUCTION

The concept of terrorism is “is a man-made construct and as such tends to reflect the interests of those who do the defining”.¹ Across the international system this has produced definitions that are highly subjective, politically motivated, and unevenly applied. States have frequently used counterterrorism legislation to disproportionately target groups that challenge state authority, effectively criminalising legitimate political dissent and civic activism under the guise of ‘national security’. This phenomenon underscores a deeper historical reality; although the term terrorism originated during the French Revolution’s Reign of Terror (September 5, 1793 - July 28, 1794), where the State itself was the primary agent of violence, contemporary legal and political discourse today overwhelmingly frames terrorism as the conduct of non-state actors. The post-9/11 landscape has entrenched this asymmetry. Expansive counterterrorism laws and the widespread use of terrorist lists have increasingly been deployed against civil society, unrepresented communities, and self-determination movements, even where these groups engage solely in peaceful political expression. UNPO recalls that the right to self-determination is protected as a fundamental right under international law, and while the right to self-determination does not grant an automatic right to independent statehood of any peoples who seek it, the right to believe in and seek independent statehood through non-violent and lawful means is protected under international human rights law. By conflating peaceful dissent with terrorism, contemporary definitions of the concept have enabled the criminalisation of legitimate political expression, the imposition of draconian security measures through an increasingly intrusive digital state presence and the use of travel bans for instance, and the systematic suppression of unrepresented communities.

For the UNPO, the term unrepresented peoples or communities refers to indigenous peoples, minorities, stateless national or other communities that are excluded from formal equal and meaningful political participation and/or legal recognition.

This submission addresses the growing human rights risks that stem from these broad, ambiguous, and politically charged definitions of “terrorism,” “violent extremism,” and “extremism”. It will draw on the experiences of various UNPO member communities, including the Crimean Tatars (Russia), the people of Western Togoland (Ghana), West Papuans (Indonesia), the Uyghur and Tibetan communities (China), Catalans (Spain), the Kabyle (Algeria), and finally Sindhi, Baloch, Pashtun, and Gilgit-Baltistan communities (Pakistan) to highlight how nation states today suppress peaceful, non-violent political expression and self-determination movements under the guise of legality. In doing so, the submission will focus predominantly on Question 1 which examines the human rights risks presented by current definitions of terrorism, violent extremism and extremism as this is where the UNPO’s expertise is the greatest. The recommendations will offer prescriptions on other guiding questions relating to the scope and

¹ Alex P. Schmid, “The Definition of Terrorism,” in *The Routledge Handbook of Terrorism Research*, ed. Alex P. Schmid (London: Routledge, 2011), 40.

definitional boundaries of terrorism and how these may be reformed to prevent the misuse of counterterrorism frameworks against peaceful civic and political actors. To this end, the submission will highlight the need for a narrow and rights-compliant definition of terrorism that protects peaceful expression, association, and self-determination. It also emphasises the need to recognise state-perpetrated terrorism and ensure accessible avenues of redress for individuals and communities targeted under counterterrorism laws.

DIRECT CONSEQUENCES

PROSECUTION AND DETENTION

Detention and prosecution have become key instruments through which states enforce these expansive counterterrorism frameworks. As definitions of terrorism have widened, often without adequate judicial safeguards, states have gained broad discretionary powers to arrest, detain, and criminalise individuals engaged in peaceful political expression or association.

In the wake of Algeria's legal amendments in 2021, the Penal Code was broadened under Article 87 bis to expand the definition of terrorism. Articles 87 bis 13 and 87 bis 14 introduced a national list of terrorist persons and entities, allowing the government to designate individuals or organisations as terrorists without independent judicial oversight. However, these measures have disproportionately impacted members of the Kabyle self-determination movement (MAK). Indeed, on May 18, 2021, Algeria's High Security Council classified MAK a terrorist organisation and requested the group be "treated as such".² As a result, a number of arbitrary arrests have since taken place, including those of Karima Nait Sid, the co-president of the World Amazigh Congress, and Ihsane El Kadi, director of one of the few independent media outlets, Radio M, until its dissolution in 2023.³

Crimean Tatars in Russia have also faced arbitrary arrests, convictions, and exile under terrorism charges linked to non-violent political or religious activities, often associated with the banned but non-violent Islamic political party, Hizb-ut Tahrir. High-profile cases include the 2021 arrest of Nariman Dzhelyal, chair of the Majlis, who was falsely accused of involvement in attacks on critical infrastructure, and the 2022 arrest of Zerkirya Muratov for possession of religious materials, resulting in a terrorism conviction.⁴ Beyond these prosecutions, Russian security forces regularly conduct raids on Crimean Tatar homes, claiming to search for weapons

² "Algeria's criminalisation of self determination movements," Unrepresented Nations and Peoples Organization (April 2022): 7, <https://unpo.org/downloads/2766.pdf>.

³ "Algeria's criminalisation of self determination movements," Unrepresented Nations and Peoples Organization (April 2022): 14, <https://unpo.org/downloads/2766.pdf>.

⁴ "Crimean Tatars' struggle for human rights," Council of Europe Commissioner for Human Rights (April 18, 2023): 12, <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aaeb4b>.



or explosives.⁵ In practice, these operations serve primarily to intimidate communities, disrupt civil society, and create a climate of fear.

Since the 1969 Act of Free Choice, Indonesia has framed Papuan calls for independence as threats to national security, using treason (*makar*) charges under Articles 106 and 110 of the Criminal Code to criminalise peaceful acts, including raising the Morning Star flag, the symbol of Papuan self-determination aspirations. Filep Karma, for example, was sentenced to 15 years in 2004 for this act.⁶ Following 2018 amendments to the Anti-Terrorism Law, which broadened the definition of terrorism to include actions that “create widespread fear,” Papuan activists have increasingly been labelled terrorists. In 2021, President Joko Widodo formally classified independence fighters as terrorists, granting security forces expanded powers.⁷ Human rights organisations have condemned such prosecutions as politically motivated, noting that counterterrorism legislation is routinely used to suppress dissent, restrict freedom of expression and assembly, and intensify military repression in West Papua.⁸

In Ghana, treason is also often cited, albeit this time under Ghana’s Prohibited Organisation Act of 1976, to similarly repress activists advocating self-determination. In May 2019, for instance, approximately 80 members of the Homeland Study Group Foundation (HSGF) were detained for planning to meet to discuss self-determination for the Western Togoland area and charged with conspiracy to commit treason felony.⁹ Then, in July 2021, the current leader of the HSGF, George Nyakpo, was arrested and charged with treason for violating the Prohibited Organisation Act. Yet, in May this year, the Economic Community of West African States (ECOWAS) Court of Justice ruled that the prolonged and arbitrary detention of the HSGF’s members violated their fundamental human rights. The Court further ordered the Ghanaian government to pay financial compensation.¹⁰ The UN Working Group on Arbitrary Detention (WGAD) had similarly concluded

⁵ “Crimean Tatars’ struggle for human rights,” Council of Europe Commissioner for Human Rights (April 18, 2023): 20,

<https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aaeb4b>.

⁶ Rebecca Henschke, “Papua activist Filep Karma ‘abused in prison’,” *BBC News*, August 3, 2010, <https://www.bbc.co.uk/news/world-asia-pacific-10854985>.

⁷ Kate Lamb, “Indonesia designated Papuan separatists ‘terrorists’,” *Reuters*, April 29, 2021, <https://www.reuters.com/world/asia-pacific/indonesia-designates-papuan-separatists-terrorists-2021-04-29/>.

⁸ “‘Terrorist’ designation will not help Papuan people,” Amnesty International (March 2021), <https://www.amnesty.id/kabar-terbaru/siaran-pers/terrorist-designation-will-not-help-papuan-people/03/2021/>.

⁹ Abel Riu and Elysia Rezki, “In the name of unity: Spain’s campaign of repression and use of anti-terrorism charges against the Catalan self-determination movement,” *Unrepresented Nations and Peoples Organization* (July 2024):16, <https://unpo.org/wp-content/uploads/2024/11/Tools-of-Repression-Spain-and-Global-Trends-in-Silencing-Self-Determination-Movements-.pdf>.

¹⁰ “UNPO Submits Statement on the Human Rights Situation in Western Togoland,” *Unrepresented Nations and Peoples Organization*, November 5, 2025, <https://unpo.org/unpo-submits-statement-on-the-human-rights-situation-in-western-togoland/>.



that their detention was arbitrary and called for their immediate release and redress.¹¹ While the leader George Nyakpo has since been released, no attempt at redress has been made. In addition, the Prohibited Organisation Act remains intact and “those advocating for Western Togoland’s self-determination continue to be at risk”.¹²

In China, the 2015 Counter-Terrorism Law and the 2017 Xinjiang Regulation on De-extremification are frequently invoked to target the Uyghur and Tibetan communities, restricting their cultural expression and religious freedoms. In Xinjiang, for example, leaked police files from 2022 show that approximately four hundred elderly Uyghur women have been detained for “decades-old religious practices,” including wearing religious clothing or studying the Qur’an, with these activities framed as counterterrorism or extremism-related offences.¹³ Similarly, in Tibet, a UN human rights investigation in January 2025 revealed the enforced disappearance and incommunicado detention of nine Tibetans for exercising their religious freedoms including actions like burning incense and reciting prayer. Among those detained, one reportedly died in custody following severe beatings and ill-treatment. Uyghurs and Tibetans thus do not only face detention and restrictions on religious observance, but they also face more violent consequences, such as enforced disappearances and torture, and sometimes even death.

In Pakistan, the Anti-Terrorism Act (ATA) and sedition laws are used to suppress dissent in Sindh, Balochistan, Gilgit-Baltistan, and amongst Pashtun activists. Examples include the arrest of a seven-year-old in Balochistan for sharing anti-government content, enforced disappearances, extrajudicial killings, and the targeting of leaders such as Mahrang Baloch, Shabbir Mayar, and Javed Naji.¹⁴

Spain provides a striking example of how counterterrorism legislation can be repurposed to suppress legitimate political dissent albeit within a democratic context. Indeed, it has invoked

¹¹ “Western Togoland: UNPO Submits Follow-Up to the Working Group on Arbitrary Detention Highlighting Continued Arrests and Human Rights Violations,” Unrepresented Nations and Peoples Organization, November 5, 2024,

<https://unpo.org/western-togoland-unpo-submits-follow-up-to-the-working-group-on-arbitrary-detention-highlighting-continued-arrests-and-human-rights-violations/>.

¹² “Western Togoland: UNPO Submits Follow-Up to the Working Group on Arbitrary Detention Highlighting Continued Arrests and Human Rights Violations,” Unrepresented Nations and Peoples Organization, November 5, 2024,

<https://unpo.org/western-togoland-unpo-submits-follow-up-to-the-working-group-on-arbitrary-detention-highlighting-continued-arrests-and-human-rights-violations/>.

¹³ Jessie Lau, “Elderly Uyghur women imprisoned in China for decades-old religious ‘crimes,’ leaked files reveal,” *The Guardian*, February 1, 2024,

<https://www.theguardian.com/global-development/2024/feb/01/elderly-uyghur-women-imprisoned-in-china-for-decades-old-religious-crimes-leaked-files-reveal>.

¹⁴ “Pakistan: Systematic attacks and relentless crackdown on Baloch activists must end,” Amnesty International, March 27, 2025,

<https://www.amnesty.org/en/latest/news/2025/03/pakistan-systematic-attacks-and-relentless-crackdown-on-baloch-activists-must-end/>.



the principle of the state's "indissoluble unity" as the basis for criminalising and suppressing the Catalan independence movement.¹⁵ Prosecutions under counterterrorism legislation have specifically targeted elected representatives, journalists, and activists, including rappers Pablo Hasél and Valtonyc, and members of Tsunami Democràtic and the Committees for the Defense of the Republic (CDR) who have expressed support for the Catalan self-determination movement.¹⁶ These actions have led to imprisonment, exile, pre-trial detention, and exclusion from the political sphere, both domestically and internationally, undermining democratic participation.¹⁷ However, unlike the authoritarian contexts elsewhere in this report, these measures are being implemented within a democracy. What is more, Spain is a member state of the European Union: an institution expected to uphold the highest standards of human rights, democratic pluralism, and rule of law. When a democracy deploys counterterrorism frameworks to police legitimate political dissent, it does more than restrict civic space at home; it erodes the normative foundations of democratic governance itself. Such actions risk legitimising similar tactics by more repressive governments, weaken the EU's credibility in condemning abuses abroad, and create a precedent in which exceptional legal tools become normalised as instruments for managing political conflict. Spain's use of counterterrorism legislation demonstrates how even established democracies can drift toward punitive, security-driven approaches that undermine freedom of expression and democratic participation.

INHUMAN AND DEGRADING TREATMENT, ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL KILLINGS

The use of terrorism labels often bypasses fundamental human rights protections, enabling severe human rights abuses, including torture, extrajudicial killings, enforced disappearances, and other forms of inhuman or degrading treatment.

As we have already examined, the use of terrorism labels continues to be leveraged as a pretext by the Chinese state for grave human rights abuses against Uyghur and Tibetan communities. The Uyghur filmmaker, Ikram Nurmehmet, was arrested last year for "actively participating in terrorist activities".¹⁸ During detention, he was reportedly subjected to twenty days of torture aimed at extracting a coerced confession and subsequently convicted under counterterrorism

¹⁵ "Catalonia: Spain's constitutional court declares Catalan referendum law void," *The Independent*, October 17, 2017, <https://www.independent.co.uk/news/world/europe/catalonia-catalan-independence-referendum-spain-constitutional-court-void-a8004941.html>.

¹⁶ Abel Riu and Elysia Rezki, "In the name of unity: Spain's campaign of repression and use of anti-terrorism charges against the Catalan self-determination movement," *Unrepresented Nations and Peoples Organization* (July 2024): 4, <https://unpo.org/wp-content/uploads/2024/12/In-the-Name-of-Unity-Report.pdf.pdf>.

¹⁷ Abel Riu and Elysia Rezki, "In the name of unity: Spain's campaign of repression and use of anti-terrorism charges against the Catalan self-determination movement," *Unrepresented Nations and Peoples Organization* (July 2024): 13, <https://unpo.org/wp-content/uploads/2024/12/In-the-Name-of-Unity-Report.pdf.pdf>.

¹⁸ "China: Free Unjustly Convicted Uyghur Filmmaker," *Human Rights Watch*, October 17, 2024, <https://www.hrw.org/news/2024/10/17/china-free-unjustly-convicted-uyghur-filmmaker>.



legislation.¹⁹ Nurmehmet, however, is just one example. Indeed, since 2017, China has detained an estimated one million Uyghur Muslims in what are described by the Chinese government as “political education camps”.²⁰ However, these centres have largely been condemned by the international community as nothing more than internment camps. This is because detainees are subjected to political indoctrination, forced labour, and harsh living conditions sometimes “merely for sending an Islamic religious recording to a family member or downloading e-books in Uyghur”.²¹ These measures reveal the systematic use of counterterrorism and de-extremification frameworks to repress Uyghurs’ freedom of expression and subject them to coercion and indoctrination under the pretext of national security.

In Algeria, members of MAK have been subjected to torture and sexual abuse in detention, including the case of the 25-year-old Walid Neckiche, arrested during a student demonstration in 2019 and reportedly tortured and raped while in custody.²² Crimean Tatars in Russia face similar treatment, with activists, such as Rustem Virati, enduring prolonged torture, ultimately resulting in death, as part of systemic efforts to intimidate and suppress the community.²³

In Pakistan, counterterrorism legislation has facilitated enforced disappearances, torture, and extrajudicial killings of activists from Sindh, Balochistan, Pashtun, and Gilgit-Baltistan regions. An illustrative case is that of Shabbir Mayar, an activist from Gilgit-Baltistan, who was arrested and charged under Pakistan’s Anti-Terrorism Act (ATA) for his involvement in protests opposing the illegal occupation of land. During his detention, he was reportedly subjected to severe torture, including physical beatings and psychological abuse, aimed at coercing confessions and intimidating him into silence. Although he was released on bail after two months, he remains under strict house arrest.²⁴ This case exemplifies how Pakistan’s counterterrorism framework is frequently misused to suppress peaceful activism and intimidate dissenting voices.

(DIGITAL) SURVEILLANCE

¹⁹ “China: Free Unjustly Convicted Uyghur Filmmaker,” Human Rights Watch, October 17, 2024, <https://www.hrw.org/news/2024/10/17/china-free-unjustly-convicted-uyghur-filmmaker>.

²⁰ “Break Their Lineage, Break Their Roots,” Human Rights Watch, April 19, 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

²¹ “Break Their Lineage, Break Their Roots,” Human Rights Watch, April 19, 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

²² “Kabylia in Decay: Algeria’s criminalization of self-determination movements,” Unrepresented Nations and Peoples Organization (April 2022), <https://unpo.org/downloads/2766.pdf>.

²³ Stanislav Pohorilov, “Crimean Tatar Rustem Virati dies in Russian penal colony,” *Ukrainska Pravda*, March 13, 2025, <https://www.pravda.com.ua/eng/news/2025/03/13/7502726/>.

²⁴ Nepal Correspondence (@NepCorres), “4 Prominent Leaders of AAC have exposed the brutal crackdown of #Pakistan Govt on the locals of #GilgitBaltistan,” X, September 25, 2024, <https://x.com/NepCorres/status/1838918919622377870>.

Counterterrorism legislation and the imposition of states of emergency are frequently invoked to justify extensive surveillance measures and serious infringements on privacy. Governments often use these legal frameworks to monitor communications, track individuals' movements, and collect personal data without adequate judicial oversight. These methods of surveillance, whether digital or not, are increasingly employed to fabricate and/or bolster terrorism charges against activists, journalists, and civil society actors who criticise state policies or advocate for self-determination.

Since May 2014, the Chinese government's "Strike Hard Campaign against Violent Terrorism" has facilitated the arbitrary detention of Uyghurs, cultural assimilation efforts into the dominant Han Chinese culture, as well as the suppression of Uyghur religious practices.²⁵ The Xinjiang Region has consequently become one of the most heavily surveilled regions in the world, with extensive use of facial recognition technology, DNA collection, and mass surveillance of communications to control its primarily Turkish Muslim population. Uyghur individuals in Xinjiang, for instance, are required to install government-approved spyware on their devices, which monitors calls, text messages, social media activity, browsing history, and real-time location data.²⁶ Sharing or possessing religious content, such as Qur'anic verses or Islamic educational materials, is frequently interpreted as evidence of "extremism". Similarly, Tibetans face persecution for online expressions of their culture or religion, including sharing Tibetan prayers, teachings, or messages of solidarity with the Dalai Lama.²⁷ The Chinese government's pervasive control over digital communications in Tibet has been described as "nets in the sky and traps on the ground" to refer to the state's extensive control of cyberspace and the physical enforcement measures that accompany it.²⁸

In Pakistan, the 2016 Prevention of Electronic Crimes Act (PECA) grants authorities broad access to citizens' digital data under the guise of combating cybercrime.²⁹ However, in practice, PECA has been used to criminalise dissent and target activists. In tandem with digital surveillance, social media harassment has become a central mechanism for repressing critical voices among the Sindh community, with women activists disproportionately targeted. These campaigns frequently involve coordinated attacks from fake accounts, spreading false character allegations, blackmail, and threats, all aimed at discrediting and intimidating activists. On 8 July 2025, the new National Cyber Crime Investigation Agency (NCCIA), established in May 2024 to monitor online activity, blocked 27 YouTube channels under PECA on the grounds of

²⁵ "China's Algorithms of Repression," Human Rights Watch, May 1, 2019, <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass>.

²⁶ "China: Phone Search Program Tramples Uyghur Rights," Human Rights Watch, May 4, 2023, <https://www.hrw.org/news/2023/05/04/china-phone-search-program-tramples-uyghur-rights>.

²⁷ "China: Alarming New Surveillance, Security in Tibet," Human Rights Watch, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

²⁸ "China: Alarming New Surveillance, Security in Tibet," Human Rights Watch, March 20, 2013, <https://www.hrw.org/news/2013/03/20/china-alarming-new-surveillance-security-tibet>.

²⁹ "Prevention of Electronic Crimes Acts, 2016," National Assembly of Pakistan, https://www.na.gov.pk/uploads/documents/1470910659_707.pdf.

disseminating “anti-Pakistan” content. This targeted both exiled journalists, including Ahmad Noorani, Wajahat Saeed Khan, and Moeed Pirzada, as well as Pakistan-based reporters such as Matiullah Jan and Asad Ali Toor, along with outlets like *Daily Qudrat* and *Charsadda Journalist*.³⁰ In this way, social media has also proved to be a useful tool for repression by weakening the capacity of online communities to organise, mobilise, or express their political opinions safely.

In Spain spyware, such as Pegasus and Candiru, which, according to its commercial founders, “is only intended for use against criminals and terrorists,”³¹ nevertheless was deployed against 65 Catalan politicians, civil society leaders, journalists, and activists between 2015 and 2021, violating privacy rights and obstructing transparency under the Official Secrets Act.³² Independent media also reported police infiltrations of pro-independence movements, with officers engaging in personal and sexual relationships to extract information, leaving victims with long-term psychological harm.

TRAVEL RESTRICTIONS

The deployment of terrorism charges as a lawfare tactic frequently results in severe restrictions on the freedom of movement of the accused. By framing individuals as threats to national security, states can impose formal and informal travel bans, deny passports or visas, and place individuals on exit control or watchlists, effectively confining them within national borders or preventing them from returning home. Politically active diaspora members of the Sindh community in Pakistan are a case in point of the latter. They are reluctant to return back to Pakistan to visit their relatives due to exit control lists. At the same time, in Gilgit-Baltistan, prolonged court delays coupled with the strategic use of vexatious counterterrorism charges have left hundreds of individuals unable to secure travel documents for extended periods, thereby restricting their freedom of movement and confining them to their home regions.

In addition to digital surveillance, Uyghur and Tibetan communities face severe travel restrictions that sharply curtail their freedom of movement. In Xinjiang, Uyghurs are routinely denied passports and placed on “no-travel lists”.³³ For those whose passports are approved, only one family member is permitted to travel at any given time, “effectively holding their

³⁰ “Pakistan: multiple journalists and a dozen YouTube channels targeted under PECA in less than a year,” Reporters Without Borders, October 3, 2025, <https://rsf.org/en/pakistan-multiple-journalists-and-dozen-youtube-channels-targeted-under-peca-less-year>.

³¹ Stephanie Kirchgaessner, Paul Lewis, David Pegg, Sam Cutler, Nina Lakhani and Michael Safi, “Revealed: leak uncovers global abuse of cyber-surveillance weapon,” *The Guardian*, July 18, 2021, <https://www.theguardian.com/world/2021/jul/18/revealed-leak-uncovers-global-abuse-of-cyber-surveillance-weapon-nso-group-pegasus>.

³² Abel Riu and Elysia Rezki, “In the name of unity: Spain’s campaign of repression and use of anti-terrorism charges against the Catalan self-determination movement,” Unrepresented Nations and Peoples Organization (July 2024): 25, <https://unpo.org/wp-content/uploads/2024/12/In-the-Name-of-Unity-Report.pdf.pdf>.

³³ “China: Travel for Uyghurs Heavily Restricted,” Human Rights Watch, February 3, 2025, <https://www.hrw.org/news/2025/02/03/china-travel-uyghurs-heavily-restricted>.



immediate family members hostage to ensure their return”.³⁴ Many Uyghurs abroad report that their passports have been confiscated by Chinese consulates, forcing them to return to China where they risk detention.³⁵ Tibetan mobility is likewise heavily controlled. Indeed, since 2002, residents of the Tibet Autonomous Region have *not* been granted access to China’s fast-track passport application system which is available in areas that are largely populated by the country’s ethnic Chinese majority instead.³⁶ They must also pass through numerous police checkpoints, and travel permits to other provinces are frequently denied on vague grounds of ‘security concerns’.

Among the Kabyle community in Algeria, diaspora members returning home have reportedly been compelled to sign documents acknowledging the MAK as a terrorist organisation and pledging to avoid association with it or the party’s members, often under the supervision of military authorities.³⁷ In this instance, the restriction of freedom of movement is accompanied by limitations on the right to freedom of association.

In Russia, journalists covering Crimean Tatar issues face comparable restrictions, with authorities denying entry to Crimea or Russia at all and targeting them with harassment or “extremism” investigations. For instance, in 2020, Taras Ibrahimov was prohibited from entering Russia, including Crimea, for 34 years.³⁸

INDIRECT CONSEQUENCES

NATIONAL AND INTERNATIONAL STIGMATISATION

When states deploy broad, ambiguous, and politically charged definitions of “terrorism,” “violent extremism,” and “extremism,” they create a legal environment where legitimate movements for self-determination, cultural rights, or political autonomy are rebranded as dangers to national security. Domestically, this label has been used to justify restrictive measures such as limiting funding, freezing assets, or banning the movement’s activities. Pro-Russian propaganda

³⁴ “China: Travel for Uyghurs Heavily Restricted,” Human Rights Watch, February 3, 2025, <https://www.hrw.org/news/2025/02/03/china-travel-uyghurs-heavily-restricted>.

³⁵ “China: Travel for Uyghurs Heavily Restricted,” Human Rights Watch, February 3, 2025, <https://www.hrw.org/news/2025/02/03/china-travel-uyghurs-heavily-restricted>.

³⁶ “China: Right to Leave Country Further Restricted,” Human Rights Watch, February 17, 2025, <https://www.hrw.org/news/2025/02/18/china-right-leave-country-further-restricted>.

³⁷ “A web of intimidation: New report reveals Algerian Government’s global crackdown on dissent,” Cairo Institute for Human Rights Studies, November 26, 2024, <https://cihrs.org/a-web-of-intimidation-new-report-reveals-algerian-governments-global-crackdown-on-dissent/?lang=en#report>.

³⁸ “Crimean Tatars’ struggle for human rights,” Council of Europe Commissioner for Human Rights (April 18, 2023): 20, <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aaeb4b>.



associating Crimean Tatar activists with extremism and terrorism has worked to stigmatise the Crimean Tatar community and fuel an anti-Muslim climate in Russia.³⁹

This stigmatisation, however, can and does travel beyond borders. At the international level, the terrorism label has often discouraged other governments, international organisations, and even NGOs, from engaging with them. The result is often diplomatic isolation. The Baloch nationalist movement in Pakistan is a case in point. It has frequently been labelled as “terrorist” in international security reports and by some states, complicating advocacy efforts abroad and limiting access to international funding as well as platforms for political engagement.

The direct and indirect consequences of deploying the terrorism label in this manner underscore the profound risks that current counterterrorism frameworks pose to human rights and pluralistic democracies. By curtailing fundamental freedoms of association and assembly, these measures systematically constrict civic space and impede the meaningful participation of individuals and communities in both public and political life.

CHILLING EFFECT

When counterterrorism frameworks are used to target civil society actors and self-determination movements, they often generate what is widely described in literature as a *chilling effect* on society at large, namely a process by which state actions, whether investigations, prosecutions, or even the threat of such measures, dissuade individuals and organisations from exercising their rights or carrying out legitimate professional, political, or civic activities. As articulated by the legal scholar, Laurent Pech, it is the “*negative effect any state action has on natural and/or legal persons, and which results in preemptively dissuading them from exercising their rights or fulfilling their professional obligations for fear of being subject to formal state proceedings which could lead to sanctions or informal consequences*”.⁴⁰ In short, “[t]he very essence of a chilling effect is an act of deterrence”.⁴¹ However, the impact of this chilling effect has expanded precisely because vague, expansive, or politically malleable legal provisions have made it difficult for individuals to predict whether their conduct might be construed as “extremism” or “support for terrorism”. The 2021 designation of the MAK as a terrorist organisation in Algeria is one notable example of this so-called chilling effect. It has

³⁹ “Crimean Tatars’ struggle for human rights,” Council of Europe Commissioner for Human Rights (April 18, 2023): 20, <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aaeb4b>.

⁴⁰ Laurent Pech, “The Concept of Chilling Effect: Its Untapped Potential to better Protect Democracy, the Rule of Law, and Fundamental Rights in the EU,” *Open Society* (2021): 4, <https://www.opensocietyfoundations.org/publications/the-concept-of-chilling-effect>.

⁴¹ Frederick Schauer, “Fear, Risk and the First Amendment: Unravelling the Chilling Effect,” *Boston University Law Review* 685-732 (1978): 689, <https://scholarship.law.wm.edu/facpubs/879/>.



produced a climate of fear in the Kabyle region, leading to widespread self-censorship, the near disappearance of protests, and reluctance among lawyers to defend activists.⁴²

In Catalonia, membership in pro-independence organisations has declined and public expression of support for Catalan self-determination is frequently tempered by fears of legal repercussions. Observers have also noted increased self-censorship at both societal and political levels, including high abstention rates in regional elections, which contributed to the loss of the Catalan nationalist majority last year in Parliament for the first time in forty years.

The chilling effect generated by the misuse of counterterrorism legislation functions as a form of lawfare in its own right. It operates not only through direct punishment, but through the widespread, anticipatory silencing of communities who are discouraged from exercising their fundamental freedoms due to the pervasive risk of being labelled a threat to national security.

RECOMMENDATIONS

In view of the increasing misuse of counterterrorism legislation by both authoritarian regimes and democratic institutions to target and repress unrepresented nations and peoples, we respectfully advise the Special Rapporteur to take into account the following recommendations in his upcoming thematic report to the Human Rights Council in March 2026:

1. **Avoid vague language referencing abstract ‘harms’** - The definition of terrorism should exclude vague references to “stability,” “political unity,” “sovereignty” or “territorial integrity” (i.e. Algeria). These terms are routinely manipulated by states to suppress dissent, censor political opposition, and criminalise unrepresented identities. The intent element should encompass a clear and provable specific intent (*dolus specialis*) to cause death or serious injury to civilians for the purpose of intimidating a population or compelling a government. Furthermore, non-violent activities should be excluded as these are often misused to target activism. Property damage should thus also not be included only in the case of intentionally causing death and bodily injury.
2. **Emphasise the importance of protecting freedom of expression, association, and self-determination in all counterterrorism efforts** - These forms of civic engagement are essential components of a pluralist democracy. Conflating such conduct with terrorism not only violates the principle of legality, but also enables states to delegitimise political opposition, shrink civic space, and criminalise human rights defenders and humanitarian actors. A credible and rights-compliant definition of terrorism therefore requires clear, narrow, and objective thresholds of violence in order to

⁴² “Visit to Algeria: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule,” United Nations Human Rights Council, A/HRC/56/50/Add.2 (May 17, 2024), <https://docs.un.org/en/A/HRC/56/50/Add.2>.



ensure that counterterrorism frameworks target genuine acts of terror as opposed to the lawful exercise of fundamental freedoms and rights. In order to do this, the definition of terrorism should include exclusionary clauses on what cannot be considered terrorism, including acts of peaceful protests as we have outlined above or struggles for self-determination.

3. **Include clear and accessible avenues for redress, enabling individuals, civil society groups, and self-determination movements to challenge the misuse or overextension of counterterrorism laws** - Such mechanisms should systematically assess whether counterterrorism measures align with international human rights standards, including freedoms of expression, assembly, association, and political participation. By institutionalising these practices, international and regional bodies can help prevent the criminalisation of peaceful activism, ensure accountability where states abuse counterterrorism powers, and promote consistent, rights-compliant approaches across jurisdictions.
4. **Include state-perpetrated terrorism in the definition of terrorism** - The transformation of the definition of terrorism to focus almost exclusively on non-state actors in the wake of 9/11 has detached terrorism from its historical meaning. It has provided states with the unilateral power to label individuals and groups terrorists, a process which has evolved into something that is deeply subjective and politically motivated. This presents a core, yet concerning, double standard, namely that when non-state actors employ terror, it is labelled “terrorism”. But, when states do, it is often reframed as “security,” “counterinsurgency,” or “emergency measures”. It is in this way, therefore, that by ignoring state terrorism, current legal frameworks legitimise state violence, such as the arbitrary detention and mass surveillance of Uyghurs in Xinjiang or the suppression of Baloch activists in Pakistan, both of which have been justified under counterterrorism narratives.
5. **Reaffirm that terrorism is a method rather than a status or identity**- Terrorism should not be defined as an inherent feature of particular actors; it should be understood as a tactic or method - one that any actor, state or non-state, can use if it serves their aims. This framing undermines the idea that terrorism can be “owned” by a particular type of perpetrator. It opens the conceptual space to examine how states, as well as individuals and groups, may deploy terror to coerce, intimidate, or control. If terrorism is understood as a method then excluding states from any definition becomes indefensible. It reveals an internally inconsistent, politically motivated definition of terrorism that protects states from scrutiny while targeting non-state actors.