



ICRC

**Agenda Item 114 – Measures to Eliminate International Terrorism
United Nations Sixth Committee – UN75**

Statement by the International Committee of the Red Cross

Delivered by Mr. Christopher Harland, Deputy Permanent Observer to the United Nations

12 October 2020

Mr. Chair,

Terrorism runs counter to the fundamental principle of humanity. It is contrary to many underlying principles and core objectives of international humanitarian law (IHL). The ICRC condemns acts of terrorism and does not challenge the legitimacy of States to take measures necessary to better ensure their security and eliminate terrorism. Nevertheless, Member States must be clear and firm about the need for counter-terrorism activities to be conducted with full respect for the protections afforded to all individuals by applicable international law, in particular IHL and human rights law.

The Committee's work this year of course has an added layer of complexity given the COVID-19 pandemic. This crisis requires the collective mobilization of significant resources, by States and others, that are often lacking in countries affected by armed conflict. In some places, particularly those affected by armed conflict and other situations of violence, humanitarian organisations, together with communities, have been at the forefront of the response to the pandemic. Counter-terrorism (CT) and other restrictive measures can impede impartial humanitarian action in these areas, to the detriment of the most vulnerable.

Counter-terrorism measures that hinder impartial humanitarian organizations, such as the ICRC, from carrying out their exclusively humanitarian activities run the risk of conflicting with the letter and spirit of IHL. States and international organizations enforcing such measures should make sure that they are consistent with IHL and do not have an adverse impact on principled humanitarian responses to Covid-19. They should devise effective mitigating measures, such as humanitarian exemptions, benefiting impartial humanitarian organizations. Such humanitarian caveats are all the more important now, as measures taken to curb the spread of Covid-19 have in some instances further constrained humanitarian space.

Failure to exclude these activities from CT measures, notably relevant criminal laws, would lead to the negation of the notion of neutral, independent and impartial humanitarian action, particularly in areas where non-State armed groups designated as terrorist are active. These are areas in which the needs of the population are often more acute.

Last year, we welcomed the inclusion of paragraphs regarding humanitarian activities in counter-terrorism Security Council Resolution 2462, in particular elements found in paragraphs 5, 6 and 24, and similar provisions in Resolution 2482. For example, States are urged to "take into account" the potential effect of counter-terrorism measures on exclusively humanitarian activities carried out by impartial humanitarian actors in a manner consistent with IHL.

This year, we also welcome the June 2020 report by CTED on CT financing, which includes answers by UN Member States to questions relating to humanitarian impact. According to this CTED report, "only a few States have developed a specific response to the potential impact of the counter-financing of terrorism on exclusively humanitarian activities." This is a strong indication that more work remains to be done.

Mr. Chair,

Counter-terrorism measures can have an impact not only on humanitarian assistance, but also in other areas such as training on IHL, and, importantly, on other protection activities such as ICRC visits to persons detained in connection with terrorism.

The designation of persons as "foreign terrorist fighters," or the terrorist nature of the acts they may have committed, may in no way be invoked as a justification for the non-observance of legal protections they are entitled to under international law, notably IHL, when applicable. Independent and neutral monitoring mechanisms, such as the International Committee of the Red Cross, should be granted access to these individuals, so they can assist detaining authorities in ensuring that detainees are treated humanely and in conformity with applicable international law and standards.

With regards to 'foreign fighters and their families,' the ICRC is particularly concerned with the situation of children. Children affected by such measures, even those accused of crimes, are first and foremost victims. The ICRC encourages States to find solutions that are in the best interest of these children, notably by seeking to ensure that they are not separated from their parents and siblings, and by giving due consideration to their repatriation, when in the best interest of these children. This is all the more important given the dire humanitarian situation these children face.

Mr. Chair,

We look forward to continued discussions with States in the coming year on the Global Counter-Terrorism Strategy Review, and with UN bodies such as the Counter-Terrorism Committee,

CTED and OCT, in order to strike the proper balance between counter-terrorism measures and impartial humanitarian action.

Thank you very much, Mr. Chair.