



ad terror among the civilian population, are prohibited. These prohibitions apply to all parties to armed conflict, State and non-State parties alike. Terrorism violates IHL and negates the basic principle of humanity. The ICRC has repeatedly recalled the prohibition on terrorizing the civilian population, both in public statements and in its confidential bilateral dialogue with parties to armed conflict.

Chair,

The ICRC recognizes the legitimacy for States to take responsive action in conformity with international law, to counter terrorism and ensure their security and that of their population.

However, we have seen that counterterrorism measures can negatively impact humanitarian action. The risk exists when humanitarian activities conducted by impartial humanitarian organizations such as the ICRC are considered as a form of support to terrorism. This may result in the criminalization of humanitarian activities which are foreseen, authorized and protected under IHL. Such activities include for instance the delivery of food assistance to civilians, providing medical assistance to wounded and sick persons, supporting the delivery of essential services such as water or electricity to the civilian population, but also visits to people deprived of liberty, their repatriation, reuniting families or IHL training.

Resolution 2462 and 2482 adopted by the UN Security Council obligate Member States to ensure that all measures taken to counter terrorism comply with their obligations under international law, including IHL, and to take into account the potential effects of counterterrorism measures, in particular when designing and implementing measures to counter the financing of terrorism, on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with IHL. The ICRC has already expressed appreciation with this

important clarification which is also reflected in UN Counter Terrorism Strategy Resolution of June 2023

Over the last years some important steps have been undertaken at various levels to limit the negative consequences of CT measures on impartial humanitarian activities. For instance, the African Union's "African Model Anti-Terrorism Law" references and protects humanitarian assistance and other services of a similar nature. It is done in an impartial manner without adverse distinction. The European Union has exempted impartial humanitarian organizations referenced in IHL treaties and the Directive on Combatting Terrorism

Some Member States have also adopted measures at domestic level to protect the humanitarian space from unwanted consequences of CT measures notably through the inclusion of humanitarian exemptions in their CT criminal laws. Such exemptions safeguard the exclusively humanitarian activities carried out by impartial humanitarian organizations from the scope of CT measures. Based on the most helpful manner to reconcile such measures with IHL and to protect impartial humanitarian activities from adverse impacts of such measures. However, only a limited number of Member States have adopted such humanitarian exemptions. X / v š Z / Z [• À] Á more efforts have still to be undertaken.

Chair,

The ICRC looks forward to continued discussions with States and with UN bodies in order to strike the proper balance between CT measures and the urgent need for impartial humanitarian action.

Thank you Chair