



*Permanent Mission of El Salvador
to the United Nations*

Measures to Eliminate International Terrorism
STATEMENT BY THE PERMANENT MISSION OF THE EL SALVADOR TO THE UNITED NATIONS
ON BEHALF OF THE COMMUNITY OF LATIN AMERICAN AND CARIBBEAN STATES (CELAC)

New York, 03 October 2018

Mr. President,

I have the honor to speak on behalf of the 33 Member States of the Community of Latin American and Caribbean States, CELAC. Since this is our first intervention, we take this opportunity to congratulate you on your appointment as President of the Sixth Committee, as well to the rest of the members of the Bureau, for the 73th Session of the General Assembly, offering our best wishes to you and the support of our group during the development of the work of this commission in the interest of the humanity and the United Nations Organization.

CELAC wishes to reaffirm its total condemnation of all acts of terrorism as criminal and unjustifiable, and reaffirms its commitment to fight terrorism in all its forms and manifestations, including cases in which there are States directly or indirectly involved, in strict compliance with The Charter of the United Nations and other norms of international law, including human rights, international humanitarian law and refugee law.

We thank the Secretary-General for his report A/73/125 and we encourage all UN member states to submit information for the next report.

Terrorism represents, more than ever, a serious threat to States, which undermines social structures within society, the stability of the regions and global security. It is therefore imperative to undertake genuine efforts to contain terrorism effectively through increased international cooperation.

Prevention of terrorism is also crucial. Therefore, we must address the conditions conducive to its spread, such as, but not limited to, prolonged unresolved conflicts, discrimination of any kind, dehumanization of victims, weakening of the rule of law, violations of human rights and the maintenance of the exclusion of the social, political, economic and cultural areas.

CELAC reaffirms terrorism and violent extremism as and when conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group.

In that sense, we emphasize the importance of promoting a culture of peace, condemning all forms of discrimination and promoting respect for cultural, religious and political diversity and tolerance as a tool to prevent terrorism in the region.

The Community of Latin America and Caribbean States, express its grave concern with the fact that terrorist groups have been attracting more recruits and, for this reason, we reiterate the importance to promote inclusion with the purpose to dispel the stereotypes that associate terrorism with specific cultures, religious or ethnics groups and to reject xenophobia and prejudice. Actions taken to address the refugee crisis should decrease rather than increase the risks associated with violent extremism which promotes terrorism.

Mr. President,

CELAC reiterates that respect for international law is essential in the fight against terrorism. The United Nations Global Counter-Terrorism Strategy states that "any action taken outside the international legal framework is not only illegal, but also unjustifiable and unacceptable, and betrays the values and principles it seeks to maintain and can also fuel the violent extremism that can lead to terrorism." In this regard, we recall General Assembly resolution 72/148 on the protection of human rights and fundamental freedoms while countering terrorism, adopted by consensus on 19 December 2017.

Among the many relevant issues addressed by that resolution, CELAC countries would like to highlight the right to privacy, which is essential to human dignity and a fundamental human right, and whose protection is crucial in safeguarding individuals against the abuse of power. We remain deeply concerned about the negative impact that State surveillance and/or interception of communications, including those conducted extraterritorially, may have on the exercise and enjoyment of human rights.

In this regard, we also reaffirm that a national criminal justice system based on respect for human rights and the rule of law, due process and fair trial guarantees is one of the best means for effectively countering terrorism and ensuring accountability.

Our countries have consistently rejected unilateral blacklists accusing States of allegedly supporting and sponsoring terrorism. Such practice is inconsistent with International Law and should therefore be discontinued.

Our region has also been victim of terrorist acts. We strongly condemn them, as well as the circumstances that have allowed the persons responsible of these heinous crimes to evade justice. Those responsible must be held accountable, so we urge all States to comply without delay with their obligations under international law to cooperate actively in order to bring perpetrators to justice and avoid impunity. CELAC recalls the need to bring all perpetrators of terrorist acts to justice, both past and present.

The Community recognizes the steps taken by the ISIL (Da'esh) and Al Qaeda Sanctions Committee towards more fair and clear procedures. CELAC strongly supports the role of the Ombudsperson, which has significantly improved the fairness and transparency of the delisting process. We are convinced that the Ombudsperson position should be made independent and permanent, so as to further ensure the due process. We look forward to the status report of the Secretary-General on progress to strengthen the capacity of the Office. Given its contribution to reinforce the rule of law dimension of our joint efforts, all other Security Council sanctions regimes should also include an Ombudsperson mechanism. Sanctions should never be an end in themselves: they should be conceived as part of a broader strategy aimed at achieving a peaceful and political solution.



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CELAC echoes the call of the General Assembly through the UN Global Counter-Terrorism Strategy regarding the preservation of the humanitarian space and expresses our concern with recent violations of international humanitarian law, including through the use of remotely piloted aircraft.

We take note with concern of the increase in the number of letters to the Security Council under Article 51 of the Charter submitted by some States in order to have recourse to the use of force in the context of counter-terrorism, most of the times "ex post facto". We reiterate that any use of force which is not in compliance with the UN Charter is not only illegal, it is also unjustifiable and unacceptable. Further consideration should be given in an open and transparent debate on this issue.

Mr. President,

Over the last years, terrorist attacks have killed, maimed and displaced too many persons. It causes wounds and trauma in those who are directly affected, and also impacts the lives of those who were not the direct targeted. Terrorism inflicts a deep sense of insecurity and distress in a society as a whole. It is necessary to strengthen the protection of victims, paying special attention to the most vulnerable. We condemn that terrorist groups have been deliberately and systematically resorting to sexual violence and destroying cultural property.

CELAC expresses grave concern over the acute and growing threat posed by foreign terrorist fighters an issue that involves all Member States, including countries of origin, transit and destination.

We also stress the need to redouble our efforts towards suppressing the financing of terrorism, including through further judicial cooperation, legal assistance and information sharing. Therefore, we encourage United Nations entities to cooperate with Member States and to continue providing assistance, upon request, to help them fully implement international obligations to combat the financing of terrorism.

In this regard, CELAC wishes to recognize the role of the United Nations in delivering technical assistance to counter terrorism and welcomes its counter terrorism capacity building initiatives.

We take this opportunity to reiterate that terrorism and transnational organized crime are different problems, each of them regulated by different legal frameworks. Even though an interrelationship between these two phenomena may arise under specific circumstances, there are no universal, automatic or intrinsic linkages between them.

Mr. Chairman,

Over the last years, the words "terrorism", "extremism", "radicalization", "foreign fighters", among others, have been used. Their contours remain legally unclear. We remain concerned with the negative impact that the lack of a definition for terrorism may have on human rights and the due process. Achieving an *international* legal definition is the necessary precondition, in order to further strengthen the rule of law both at the national and international levels.

We can no longer afford to indefinitely postpone the convening of a high-level conference under the auspices of the United Nations and the process leading to the Comprehensive Convention Against International Terrorism. It is essential to overcome this unjustifiable legal gap. Both initiatives would strengthen the rule of law in countering international terrorism through providing a clear legal regime and more coherence to our joint efforts.

Our region remains committed towards the prompt conclusion of the Comprehensive Convention and the convening of a high level Conference. We call upon all States to show flexibility and redouble their efforts, on an urgent basis, to resolve any outstanding issues before the end of the 73rd Session of the General Assembly, including in the realm of the working group established by Resolution 72 / 123. We are determined to devote our best efforts in this endeavor.

Thank you, Mr. Chairman.