



**Statement on behalf of the European Union and its Member States**

**By**

**Mr Niclas Spang, Counsellor, Delegation of the European Union to the United Nations**

**at the Sixth Committee**

**on the Agenda item 114:**

**“Measures to eliminate international terrorism”**

**United Nations**

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**– CHECK AGAINST DELIVERY –**

Mr/ Madam Chair

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries Montenegro\*, Serbia\*, Albania\*, Ukraine and the Republic of Moldova, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina as well as Georgia align themselves with this statement.

As this is the first time the European Union and its Member States take the floor in this Committee, we wish to congratulate the Chair and the other Members of the Bureau on their appointment. We would like to assure you of our full support and cooperation towards a successful session.

Since the Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly, we would like to take this opportunity to reiterate our strongest condemnation of the aggression by the Russian Federation against Ukraine, which is a blatant violation of the UN Charter.

Article 2 (paragraph 4) of the UN Charter prohibits the threat or use of force against the territorial integrity or political independence of any State. This is a peremptory norm of international law that all States must abide by.

We condemn in the strongest terms the organisation of the illegal “referenda”, which were an attempt to give a veneer of legitimacy to the annexation of the Ukrainian regions Donetsk, Kherson, Luhansk, and Zaporizhzhia. They are a blatant breach of the principle of non-intervention and a violation of international law and the independence, sovereignty and territorial integrity of Ukraine. The annexation by Russia of these Ukrainian territories following the illegal referenda constitutes the acquisition of territory by force, which is contrary to international law, and illegal.

The European Union and its Member States will never recognise the illegal annexation of these territories. We will continue to support Ukraine’s effort to uphold its sovereignty and restore its territorial integrity, within its internationally recognised borders, as long as necessary. We call on all Member States of the United Nations to do the same, in line with their obligations under international law.

Turning now to counter-terrorism, let me start by saying that the threat from terrorism and violent extremism continues to pose a major challenge in a geopolitical strategic environment that is already impacted by multiple tensions and growing instability. Terrorist and violent extremist groups benefit from this fragile political and socioeconomic landscape, exploiting security and governance vacuums whenever they appear. We must enhance our measures and strengthen our cooperation to prevent and counter terrorism and violent extremism, while reaffirming our fundamental values and principles, in compliance with international law, in particular international human rights law and international humanitarian law.

The most prominent terrorist threats still come from al-Qaida and Da'esh, and their affiliates such as al-Shabaab. The territorial expansion of terrorist groups in several regions in Africa is a particular cause for concern. We are ready to step up cooperation with our African partners, not only at a political level but also at an operational level, through financial and technical support.

In Afghanistan, recent attacks claimed by the Da'esh Khorasan Province and the threat posed by the enduring presence of al-Qaida remind us that we need to continue our efforts to prevent Afghanistan from becoming a safe haven for terrorists. It is important though, that measures to counter terrorism are not misused to target legitimate humanitarian actors, civil society or human rights defenders.

At the same time, it is vital to maintain our commitment to combat terrorism and the threat posed by al-Qaida and Da'esh in Syria and Iraq, despite their military setbacks in the region.

The European Union and its Member States also recognize the increasing threat from right-wing violent extremism and terrorism, which is a serious global challenge. We call for strengthening of the international engagement in the fight against both right-wing and left-wing violent extremism and terrorism.

Regarding the work of the Sixth Committee, and more specifically on the Comprehensive Convention on International Terrorism that is being discussed in the Working Group, let me make a couple of remarks.

We strongly believe in a rules-based system and we remain committed to the development of an additional international legal instrument such as the Comprehensive Convention. We agree with the Chair of the Working Group of the 76<sup>th</sup> Session that a clear definition of terrorism is crucial. We regret the trend of growing politicisation in the fight against terrorism, including a polarization in multilateral fora on this issue.

[The international community's efforts to present a united front against terrorism continue to be undermined by authoritarian regimes using counter-terrorism measures as a pretext to achieve their own political goals.]

The *EU Directive on combating terrorism*, adopted in 2017, includes a definition of terrorist offences that allows for harmonised criminalisation across the European Union. It has strengthened the cooperation between EU Member States and it proves the feasibility and added value of agreeing on a clear definition. It serves as a good example to draw inspiration from at the international level.

We also agree with the Chair that a clear definition is important to enhance extradition and mutual legal assistance in combatting international terrorism. Accountability is a priority for us, and is the ultimate justice to victims, as showed at the Global Congress in September.

Accountability can only work if premised on respect for international law, including international human rights' law. Let me give one example.

The extradition of suspected terrorists is refused when there is a risk of torture in the requesting country.<sup>1</sup> Rightly so, but as an adverse effect this may mean that important investigations remain uncompleted and may prevent perpetrators of the most heinous crimes, like terrorism, from being held accountable. The solution however is not to lower the conditions for extraditions. The solution is rather, once and for all, to put an end to torture and other ill-treatment. That will improve international cooperation for the benefit of all, and bring justice to the victims of terrorism. This is in line with our commitment, agreed by consensus, to counter terrorism in compliance with international law, [including international human rights law.]

[While we agree that a clear definition of terrorism is crucial, we believe it is not sufficient to ensure efficient international cooperation. We must equally address other factors that hinder international cooperation, such as the persistent erosion of human rights and fundamental freedoms. We stand ready to do so.]

To conclude, Mr/ Madam Chair, the European Union and its Member States stand ready to constructively contribute to the joint efforts to prevent and counter terrorism and violent extremism.

We look forward to the 8<sup>th</sup> review of the Global CT Strategy, where we expect to work together on important issues such as: The need to address the threat from not only Da'esh and al-Qaida but also the increasing threat from politically motivated violent extremism and lone actors, the importance of preventing as well as countering terrorism and violent extremism, in a manner that is consistent with the rule of law, in compliance with International law and that includes a gender responsive and a whole of society approach.

Thank you.

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<sup>1</sup> Extraditions shall not take place in those cases, according to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and may not according to Charter of Fundamental Rights of the European Union