


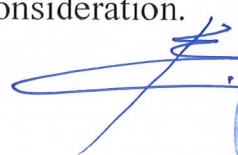


PERMANENT MISSION OF PORTUGAL  
GENEVA

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DH

The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and, with reference to its *Note Verbale* dated 29 May 2020, has the honour to enclose herewith the reply of the Portuguese authorities to the questionnaire on “The interface between International Human Rights and International Humanitarian Law in Counter-Terrorism Regulation: Assessing legal and institutional dimensions”.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 2 July 2020

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**The Interface between International Human Right and International  
Humanitarian Law in Counter-Terrorism Regulation: Assessing legal and  
institutional dimensions**

**| Answer from Portugal |**

With regard to the Special Rapporteur's request for comments on the interface between International Human Rights Law (IHRL) and International Humanitarian Law (IHL) in Counter-Terrorism Regulation, we first underline that the International Committee of the Red Cross (ICRC) has warned about the applicability of both branches of international law to terrorism (and counterterrorism). This is also our interpretation, as well as that of the European Union (EU).

The measures applied by Portugal in combating terrorism contemplate what is established in the area of IHDR and IHL, in accordance with the obligations arising from international conventions in this field in which we take part.

Portugal has repeatedly defended the need for counterterrorism measures (including EU restrictive measures) to be in line with the applicable international law, namely the IHL, IHRL and Refugees Law. We have also called for the express provision of safeguarding clauses in EU restrictive measures regarding action and humanitarian aid, in accordance with the applicable norms of these three branches of international law.

In the context of the European Union, there has been a cross-cutting concern in the field of combating terrorism, namely regarding restrictive measures - both in terms of safeguarding the rights and guarantees of persons subject to restrictive measures, and in terms of exceptions/exemptions applicable to financial transactions for humanitarian action and aid.