



ICRC

Pretoria, 29 July 2022
Pretoria PRE 2200111/sma/MMA

Honourable Joemat-Pettersson,

I am writing in connection with the **Protection of Constitutional Democracy against Terrorist and Related Activities Bill of 2022**.

As you may know, the International Committee of the Red Cross ("ICRC") conducts humanitarian activities worldwide, mostly in situations of violence and armed conflict. We are also known as the guardian of International Humanitarian Law ("IHL").

The ICRC strongly believes that for counter-terrorism measures to be compatible with the letter and spirit of IHL, they should protect principled humanitarian action. We are therefore concerned with legislation that does not explicitly include an exemption for humanitarian activities. The objective of such exemptions is to exclude from the scope of application of counter-terrorism measures exclusively humanitarian activities undertaken by impartial humanitarian organizations, such as the ICRC. We are concerned that the Protection of Constitutional Democracy against Terrorist and Related Activities Bill does not include such an exemption.

We understand that the Bill is currently before the National Assembly and would be grateful for the opportunity to address your Parliamentary Portfolio Committee on our concerns. Thank you for your consideration of our request.

Sincerely,

Mutsa Mugangavari
Deputy Head of Regional Delegation

Honourable Tina Monica Joemat-Pettersson
Chairperson of Portfolio Committee on Police
National Assembly Portfolio Committee on Police
Parliament Street
Cape Town