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6.1.3. Acts contrary to the purposes and principles of the UN

COMMON ANALYSIS
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The purposes and principles of the UN are set out in the Preamble and Articles 1 and 2 of the UN Charter. In order to apply this exclusion provision, the acts must have an international dimension in the sense that they are capable of having a negative impact on international peace and security or the friendly relations between States.[39] However, there is no requirement that the perpetrator hold a position of power in a State or a State-like entity in order to be excluded under this provision. Accordingly, this exclusion ground may apply to certain acts which constitute serious and sustained human rights violations and/or acts specifically designated by the international community as contrary to the purposes and principles of the UN (for example, terrorist acts in light of relevant UN Security Council and General Assembly resolutions).[40]

Relevant jurisprudence of the CJEU, including the B and D case [41] and the more recent Lounani case [42], views acts constituting participation in the activities of a terrorist group under this provision. This could cover a wide range of conduct and cannot be confined to the actual perpetrators of terrorist acts. It could, for example, include recruitment, organisation, transportation or equipment of individuals, for the purpose of, inter alia, the planning or preparation of terrorist acts, etc.[43] It should be noted that the CJEU finds that the mere fact that a person was a member of an organisation implicated in terrorist acts does not automatically mean that the respective exclusion ground can be applied. It is not a prerequisite that an applicant for international protection has instigated a (particular) terrorist act or has otherwise participated in the commission of such an act. Article 12(2)(c) QD and Article 17(1)(c) QD can be applied only after undertaking, for each individual case, an assessment of the specific facts brought to the attention of the authorities with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for international protection, fall within the scope of that particular exclusion.[44]

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[39] **CJEU, *Lounani*, para. 74; CJEU, B and D, para. 84.** **[back to text]**

[40] See, for example, the 2001 UN Security Council resolutions 1373 and 1377. [back to text]

[41] CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010. [back to text]

[42] CJEU, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, C-573/15, judgment of 31 January 2017. [back to text]

[43] CJEU, *Lounani*, para. 69. [back to text]

[44] CJEU, *Lounani*, paras. 70 and 72; *B and D*, paras. 87 and 94). [back to text]

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