

EU SANCTIONS:  
LAW AND POLICY ISSUES  
CONCERNING RESTRICTIVE  
MEASURES

*Edited by*

Iain CAMERON



intersentia

Cambridge – Antwerp – Portland

Intersentia Publishing Ltd.  
Trinity House | Cambridge Business Park | Cowley Road  
Cambridge | CB4 0WZ | United Kingdom  
Tel.: +44 1223 393 753 | Email: mail@intersentia.co.uk

*Distribution for the UK:*  
NBN International  
Airport Business Centre, 10 Thornbury Road  
Plymouth, PL6 7PP  
United Kingdom  
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331  
Email: orders@nbninternational.com

*Distribution for the USA and Canada:*  
International Specialized Book Services  
920 NE 58th Ave. Suite 300  
Portland, OR 97213  
USA  
Tel.: +1 800 944 6190 (toll free)  
Email: info@isbs.com

*Distribution for Austria:*  
Neuer Wissenschaftlicher Verlag  
Argentinerstraße 42/6  
1040 Wien  
Austria  
Tel.: +43 1 535 61 03 24  
Email: office@nwv.at

*Distribution for other countries:*  
Intersentia Publishing nv  
Groenstraat 31  
2640 Mortsel  
Belgium  
Tel.: +32 3 680 15 50  
Email: mail@intersentia.be

EU Sanctions: Law and Policy Issues Concerning Restrictive Measures  
Iain Cameron (ed.)

© 2013 Intersentia  
Cambridge – Antwerp – Portland  
www.intersentia.com | www.intersentia.co.uk

Cover illustration: Francisco de Goya (1746-1828), Etching, Plate 44 from 'Los desastres de la guerra'

ISBN 978-1-78068-141-2  
D/2013/7849/29  
NUR 828

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

No part of this book may be reproduced in any form, by print, photoprint, microfilm or any other means, without written permission from the publisher.

## PREFACE

The present book grew out of a conference I organized in September 2011 at the Faculty of Law of Uppsala University. In addition to the authors, I would like to thank all the participants in this conference for helpful comments, particularly Martin Björklund, Therese Hydén, Nils Jareborg, Agneta Hilding-Quarnström, Per Saland, Magnus Ulväng, Jørn Vestergaard and Andreas von Hirsch. I am grateful to the Faculty of Law for funding the conference.

The Emil Heijnes Foundation generously provided the necessary publication funding. Lastly, I should say that the authors submitted their chapters at different times during the late spring of 2012. In general, they have tried to state the law and practice as it is on 30 June 2012. In a number of cases they have been able to take account of subsequent changes.

Iain Cameron

# CONTENTS

<i>Preface</i> .....	v
<i>About the Authors</i> .....	xiii
<i>Abbreviations</i> .....	xvii
<i>Table of Cases</i> .....	xix

## Introduction

Iain CAMERON .....	1
1. Overview .....	1
2. Sanctions under international law .....	2
3. Sanctions under the UN Charter and the development of targeted sanctions .....	3
4. Purposes of sanctions and evaluating their effects .....	5
5. Development and legal bases of EU sanctions prior to the Lisbon Treaty .....	8
6. Personal reflections on the <i>Kadi/al-Barakaat</i> case and subsequent developments .....	12
7. The EU's autonomous anti-terrorist sanctions and the PMOI standards of review .....	20
8. Composite decision-making, secrecy and the scope of review .....	22
9. Criminal Law, criminal procedure and the autonomous anti-terrorist sanctions .....	26
10. Compensation .....	29
11. Application of the safeguards to regime sanctions .....	31
12. Legal bases for, and coherence of, EU sanctions after the Lisbon Treaty .....	34
13. Post-Lisbon Internal Procedures for the adoption of EU sanctions .....	38
14. Coherence in sanctions policy .....	39

## On Assessing Targeted Sanctions Blacklists

Mikael ERIKSSON .....	41
1. Introduction .....	41
1.1. Why study sanctions assessment? .....	42
2. Targeted sanctions: an overview .....	43
2.1. What are targeted sanctions? .....	43

2.2.	Twenty years of targeted sanctions practice . . . . .	45
2.3.	The classical principle of sanctions . . . . .	46
2.4.	Historic turns in the sanctions literature . . . . .	47
2.5.	The interest in sanctions assessment . . . . .	48
2.6.	An alternative reading on the practice of targeted sanctions . . . . .	50
3.	Enduring challenges to sanctions assessments efforts . . . . .	52
3.1.	Intentionality . . . . .	52
3.2.	Collective action and free-rider problems. . . . .	53
3.3.	Unpredictability . . . . .	54
3.4.	The thief-and-police pastime. . . . .	54
3.5.	Erudition . . . . .	55
3.6.	The technical and functionalist approach to social dilemmas . . . . .	56
3.7.	Symbolic and non-symbolic reference objects . . . . .	57
3.8.	Compartmentalisation and perceptions . . . . .	58
3.9.	The before and after conundrum . . . . .	59
3.10.	Liberal goals but illiberal means. . . . .	60
3.11.	Summary . . . . .	61
4.	Final reflections . . . . .	62

**Developing Multiple EU Personalities: Ten Years of Blacklisting and Mutual Trust**

	Torbjörn ANDERSSON . . . . .	65
1.	EU and mutual trust. . . . .	65
2.	The EU and blacklisting. . . . .	68
3.	The cases. . . . .	74
3.1.	Internal blacklisting – case law. . . . .	74
3.1.1.	The first <i>PMOI</i> case. . . . .	74
3.1.2.	The second <i>PMOI</i> case . . . . .	77
3.1.3.	The third <i>PMOI</i> case. . . . .	82
3.2.	External Blacklisting . . . . .	84
3.2.1.	<i>Kadi I</i> – the Court of First Instance. . . . .	84
3.2.2.	<i>Kadi I</i> – ECJ. . . . .	87
3.2.3.	<i>Kadi II</i> . . . . .	89
4.	Developing Multiple Personalities? . . . . .	92

**The Place of Sanctions in the EU System for Combating the Financing of Terrorism**

	Maria BERGSTRÖM. . . . .	97
1.	Introduction. . . . .	97
2.	The EU system for combating the financing of terrorism – an overview . . . . .	99

2.1. Background . . . . .	99
2.2. Financial freezing measures . . . . .	101
2.3. Anti-money laundering measures . . . . .	103
2.3.1. Money laundering: beginnings. . . . .	103
2.3.2. Financial Action Task Force on Money Laundering. . . . .	104
2.3.3. Anti-money laundering and the European single market. . . . .	104
2.3.4. Revising the FAFT recommendations towards fighting organised crime . . . . .	105
2.3.5. Revising the FATF recommendations towards combating the financing of terrorism . . . . .	106
2.3.6. Reflections on the legal basis. . . . .	108
3. Security, securitisation and risk-management. . . . .	110
3.1. A chameleon threat? . . . . .	110
3.2. Security, securitisation and risk-management . . . . .	111
3.3. Some reflections on money laundering and securitisation . . . . .	113
4. The coherence of applying AML tactics in terrorist sanctions . . . . .	113

### **How, if at All, do Anti-Terrorist Blacklisting Sanctions Fit into (EU) Criminal Law?**

Kimmo NUOTIO. . . . .	117
-----------------------	-----

1. Criminal law beyond the state: introduction . . . . .	117
2. Blacklisting as criminal law?. . . . .	120
3. Blacklisting, prohibiting: freedom of association?. . . . .	121
4. Blacklisting as a ground for prosecution and conviction? . . . . .	123
5. The European criminal law, then? . . . . .	126

### **Blacklisting Sanctions and Principles of Criminal Law**

Petter ASP. . . . .	131
---------------------	-----

### **EU Blacklisting Sanctions – A Danish Criminal Law Perspective**

Thomas ELHOLM . . . . .	139
-------------------------	-----

1. Introduction. . . . .	139
2. Legislation . . . . .	139
3. The case law . . . . .	140
3.1. Case 1: Seizure of documents (U 2007.1831 H) . . . . .	140
3.2. Case 2: The <i>Hamas</i> case (Copenhagen City Court judgment of 27 March 2007 and High Court judgment of 6 February 2008 – unpublished). . . . .	141
3.3. Case 3: <i>Fighters and Lovers</i> case (U 2009.1453 H) . . . . .	142

3.4.	Case 4: The internet appeal case (Copenhagen City Court, 15 March 2010) .....	144
3.5.	Case 5: 2011 case (Copenhagen City Court, 16 June 2011 – unpublished) .....	145
3.6.	Conclusions regarding the case law .....	146
4.	Discussion .....	147
4.1.	The prosecutorial level .....	147
4.2.	The judicial level .....	148

**Procedural Safeguards for Blacklisting Sanctions – A Comparison with the EU Framework Decision on Orders Freezing Property or Evidence**

Malin THUNBERG SCHUNKE .....

1.	Introduction .....	151
2.	The FD on Freezing Orders .....	151
3.	The term “freezing” .....	152
4.	Procedural safeguards and legal remedies .....	154
4.1.	The decision to freeze assets .....	154
4.2.	The right to challenge a freezing order .....	156
4.3.	The duration of a freezing measure .....	158
5.	Conclusions .....	158

**Sanctions Against Terrorism and Their Impact on Freedom of Expression**

Thomas BULL .....

1.	Introduction .....	161
2.	Criminalization as a constitutional problem for free speech per se .....	162
3.	Criminalization as a practical issue of institutional competence .....	168
4.	Criminalization as a problem for the media and its constitutional role .....	172
5.	Conclusion .....	175

**Decision-Making in the Dark? Autonomous EU Sanctions and National Classification**

Christina ECKES .....

1.	Introduction .....	177
2.	Adopting autonomous EU sanctions in secret? .....	179
2.1.	Information flow under the adoption procedure .....	179
2.2.	Failure to disclose relevant information .....	183
3.	Can secrecy remain a national choice? .....	185
3.1.	Implications of national classification .....	185

3.2. ORCON, authorship rule, or? .....	186
3.3. How much secrecy is needed? .....	190
4. Secret information in courts: lessons that could be taken from national law .....	191
5. Conclusions .....	196

**Proscription of Organisations in UK Counter-Terrorism Law**

Sofia MARQUES DA SILVA and Cian C. MURPHY .....	199
---	-----

1. Introduction: a parody of law .....	199
2. The logic of proscription .....	201
3. The process of designation. ....	203
4. The impact of the proscription system .....	205
4.1. Prosecution of suspects .....	206
4.2. Deterrence and disruption. ....	207
4.3. Proscription and international diplomacy .....	208
4.4. Societal impact. ....	210
5. Systems of review and delisting .....	212
5.1. Administrative review .....	213
5.2. Proscribed Organisations Appeal Commission & judicial review .....	214
5.3. Problems with deproscription. ....	215
6. Proscription & the post-September 11 landscape .....	216
7. Reform of systems of review .....	218
8. Conclusion: beyond the parody of pre-emption .....	220

**The Implementation of EU Terrorism Blacklisting Sanctions in the Dutch National Legal System**

Suus HOPMAN and Michel UTERWAAL. ....	223
---------------------------------------	-----

1. Introduction. ....	223
2. Sanctions in administrative law .....	223
2.1. Sanctions Act 1977 .....	223
2.2. New system, old style .....	224
2.3. Al-Aqsa .....	227
2.4. New system, new style .....	228
2.5. More recent cases .....	229
3. Criminal law .....	231
3.1. Generally .....	231
3.2. Criminal terrorist organisations. ....	231
3.3. Continued activities of a proscribed organisation. ....	233



3.4. Offence against the Sanctions Act 1977.....	237
3.5. Tamil Court case.....	238
4. Conclusion.....	245
<i>Bibliography</i> .....	247
<i>Index</i> .....	265

## ABOUT THE AUTHORS

### **Torbjörn Andersson**

Torbjörn Andersson is Dean of the Law Faculty at Uppsala University. He is Professor of civil and criminal procedural law and formerly Jean Monnet professor of EC law. His research areas are primarily Procedural Law, EU Law and Competition Law, in particular issues relating to the parallel and conflicting enforcement of law.

### **Petter Asp**

Petter Asp is professor of criminal law at Stockholm university, Sweden, and holder of Ragnar and Torsten Söderberg Chair of Legal Science. His research has focused on international aspects of criminal law (EU criminal law, criminal jurisdiction, cooperation in criminal matters etc.) as well as on national criminal law (especially the general part of the criminal law and sentencing). He is a member of the European Criminal Policy Initiative which in late 2009 published a Manifesto on European Criminal Policy and is currently the head of a legislative committee with the task of reforming (parts of) the Swedish legislation on money laundering.

### **Maria Bergström**

Maria Bergström is Associate Professor in European Law at Uppsala University. She was previously research fellow at Stockholm University. She defended her thesis at the European University Institute (EUI) in Florence in 2003. Her particular research interests are concerned with competence issues, changing boundaries and the interactive development of national and EU law, particularly within the fields of constitutional, administrative, penal and procedural law. She is currently conducting research on public-private cooperation and the EU functional notion of the state, the related accountability dilemma and anti-money laundering regulation. Her recent publications include “EU Anti-Money Laundering Regulation: Multilevel Cooperation of Public and Private Actors”, in Eckes, C., and Konstadinides, T. (eds.) *Crime within the Area of Freedom, Security and Justice: A European Public Order*, CUP, 2011 and Bergström, M., Svedberg Helgesson, K, Mörth, U., “A New Role for For-profit Actors? The Case of Anti-Money Laundering and Risk Management”, 49 *Journal of Common Market Studies* 1043–1064 (2011).

### **Thomas Bull**

Thomas Bull is a judge in the Supreme Administrative Court. Prior to this he was Professor of constitutional law at Uppsala University. Amongst his publications are *Regeringsformen – en kommentar* (with Fredrik Sterzel) [the Instrument of Government – a commentary] 2010 and *Mötes- och demonstrationsfriheten. En statsrättslig studie av mötes- och demonstrationsfrihetens innehåll och gränser i Sverige, Tyskland och USA: Freedom of Assembly*, a public law study of the content and limits in the freedoms of assembly and demonstration in Sweden, Germany and the USA] 1997.

### **Iain Cameron**

Iain Cameron is Professor in Public International Law at the University of Uppsala. His research interests lie in human rights, international criminal law and civil liberties. He holds an LLD and an LLM in International Law. He has published extensively in the fields of international law and constitutional law, particularly on international criminal law and human rights issues. He has investigated the issue of legal safeguards and targeted sanctions for the Swedish government (2002), the Council of Europe (2006) and the European Parliament (2008). Since 2006 he has been a member of the European Commission on Democracy through Law (Venice Commission).

### **Christina Eckes**

Christina Eckes is associate professor in EU law at the University of Amsterdam and senior researcher at the Amsterdam Centre for European Law and Governance (ACELG). In 2012/2013, she is Emile Noël Fellow-in-Residence at New York University. Her current research project Outside-In: Tracing the Imprint of the European Union's External Actions on Its Constitutional Landscape is funded by the Netherlands Organisation for Scientific Research (NWO). She has widely published on EU external relations and EU counter-terrorist sanctions, including a monograph entitled *EU Counter-Terrorist Policies and Fundamental Rights – The Case of Individual Sanctions* (Oxford University Press, 2009).

### **Thomas Elholm**

Thomas Elholm is Professor of Criminal Law, University of Southern Denmark, Department of Law. He holds an LLM and a PhD in law from the University of Copenhagen. Since 2011 he is Chief Editor of the *Scandinavian Journal of Criminal Law and Criminology*.

### **Mikael Eriksson**

Dr. Mikael Eriksson is a researcher at the Swedish Defence Research Agency. Before joining the agency he obtained his PhD at the European University Institute, Florence, Italy. He has also been involved in different research project

at the Department of Peace and Conflict Research, Uppsala University to which he is an affiliated researcher. Eriksson's main research interests include critical security studies, targeted sanctions, and problems of liberal peace. He is particularly interested in the security dynamics of the Middle East and Africa. A book based on his doctoral dissertation, *Targeting Peace: Understanding UN and EU targeted sanctions* was published by Ashgate in 2011.

### **Suus Hopman**

Suus Hopman is currently working as a LLD candidate at Uppsala University. Until recently she was a member of both the Dutch and Swedish bar associations. She worked as an attorney at Böhler Advocaten in Amsterdam; in that capacity she participated in EU-level and national criminal law procedures concerning blacklisting.

### **Sofia Marques da Silva**

Sofia Marques da Silva is a doctoral researcher at King's College London. She graduated from the University of Durham LL.B and holds LL.M Degrees from Universidade Católica Portuguesa de Lisboa and King's College London. She has worked as a research assistant and is now a research fellow at the Centre of European Law at King's College London. Sofia's research interests are EU Security and Defence, Counter-Terrorism and EU Constitutional and Criminal law.

### **Cian Murphy**

Dr Cian Murphy is Lecturer in Law at King's College London. Dr Murphy's first monograph, *EU Counter-Terrorism Law: Pre-emption & the Rule of Law* was published in 2012 by Hart Publishing. He is also the co-editor of the forthcoming *EU Security & Justice Law: After Lisbon & Stockholm* (2013 Hart Publishing). Dr Murphy's current research examines the effect of transnationalisation in counter-terrorism on constitutional principles across the world. In Spring 2013 he will be a Fulbright-Schumann Research Scholar at the Center on National Security & the Law at Georgetown University, Washington DC.

### **Kimmo Nuotio**

Kimmo Nuotio is Professor of Criminal Law at the University of Helsinki and dean of the Faculty of Law. He is also the vice-director of the Centre of Excellence in Foundations of European Law and Polity funded by the Academy of Finland (2008–2013) and the director of the national doctoral programme in law "Law in a Changing World" coordinated by the University of Helsinki. He has broad research interests including the Theoretical Foundations of Penal Liability, Modernization of Criminal Law, Nordic, European, and International Criminal Law, Transnational law, the Risk Society / Welfare State, Political Philosophy and Law, Legal Integration in Europe and Researcher Skills and

Research Ethics. His latest publications include “European criminal law under the developing constitutional setting of the European Union”, in *Europe’s constitutional mosaic*, N. Walker, J. Shaw, S. Tierney (eds), Hart 2011, and “Theories of Criminalisation and the Limits of Criminal Law: a Legal Cultural Approach” in *Boundaries of Criminal Law*, R.A. Duff, Lindsey Farmer, S.E. Marshall, V. Tadros, M. Renzo (eds) OUP 2010.

### **Malin Thunberg Schunke**

Malin Thunberg Schunke is an Associate Professor in Criminal Law at the University of Uppsala. She holds an LLD in Criminal Law (Uppsala University) and an LLM in Criminology and Criminal Justice (King’s College, London). Her research interests lie in national and international criminal law particularly EU judicial cooperation in criminal matters and human rights. She has been an Apprentice Judge at Stockholm City Court and has been working several years as an Assistant Prosecutor at the Prosecuting Office Stockholm. Her more recent publications include, ”En kodifiering av tillräckliga rättssäkerhetsgarantier för misstänkta och tilltalade – Krav för ett fortsatt samarbete i brottmål inom EU?” in *Festskrift till Suzanne Wennberg*, Norstedts 2009, and *International Criminal Law from a Swedish Perspective*, Intersentia 2011 (joint author).

### **Michel Uiterwaal**

Michel Uiterwaal is Advisor on Extractives, Human Rights and Conflict at IKV Pax Christi, Utrecht, The Netherlands. Until recently, he was an attorney at Böhler Advocaten in Amsterdam; in that capacity he has participated in several national and EU-level procedures concerning blacklisting.

## ABBREVIATIONS

AC	Appeal Cases (United Kingdom)
AML	Anti-Money Laundering
BCBS	Basel Committee on Banking Supervision
CDD	Customer Due Diligence
CFI	Court of First Instance
CFSP	Common Foreign and Security Policy
CFT	Combating Financing of Terrorism
CJEU	Court of Justice of the European Union
COPRI	Conflict and Peace Research Institute
CUP	Cambridge University Press
EAW	European Arrest Warrant
EC	European Community
ECHR	European Convention for the Protection of Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
ECtHR	European Court of Human Rights
ed.	Editor
EU	European Union
FATF	Financial Action Task Force on Money Laundering
FIUs	Financial Intelligence Units
ICC	International Criminal Court
ICJ	International Court of Justice
ICLQ	International and Comparative Law Quarterly
IS	International Studies
ML	Money Laundering
MLR	Modern Law Review
NGO	Non-Governmental Organisation
NJIL	Nordic Journal of International Law
No.	Number
OFAC	Office of Foreign Assets Control
OJ	Official Journal of the European Union
OUP	Oxford University Press
p.	Page
para.	Paragraph
PEPs	Politically Exposed Persons

Abbreviations

PMOI	People's Mujahedeen of Iran
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TFTP	Terrorism Finance Tracking Programme
UK	United Kingdom
UN	United Nations
UNSC	UN Security Council
UNTS	United Nations Treaty Series
v.	Versus
Vol.	Volume

# TABLE OF CASES

## EU COURTS

### COURT OF FIRST INSTANCE/TRIBUNAL

- Case T-315/01 Kadi v Council and Commission [2005] ECR II-3649.
- Case T-228/02 People's Mojahedin Organization of Iran v Council (OMPI/PMOI I) [2006] ECR II-4665.
- Case T-47/03 Jose Maria Sison v Council and Commission [2007] ECR II-73.
- Case T-256/07 People's Mojahedin Organization of Iran v Council (OMPI/PMOI II) [2008] ECR II-3019.
- Case T-284/08 People's Mojahedin Organization of Iran v Council (OMPI/PMOI III) [2008] ECR II-3487.
- Case T-341/07 Jose Maria Sison v Council [2009] ECR II-3625.
- Case T-318/01, Omar Mohammed Othman v Council of the European Union and Commission [2009] ECR II-00000.
- Joined Cases T-37/07 and T-323/07 Mohamed El Morabit v Council [2009] ECR II-131.
- Case T-49/07 Sofiane Fahas v Council [2010] ECR II-5555.
- Case T-348/07 Al Aqsa v. Council [2010] ECR II-4575.
- Case T-85/09, Yassin Abdullah Kadi v European Commission [2010] ECR II-5177.
- Case T-181/08 Pye Phyo Tay Za v Council, [2010] ECR II-1965.
- Case T-362/08 IFAW Internationaler Tierschutz-Fonds v Commission [2011] ECR II-11.
- Case T-341/07, Sison v Council of the European Union, 23 November 2011, nyr.
- T-562/10 HTTS Hanseatic Trade Trust & Shipping GmbH v Council of the European Union, 11 December 2011 nyr.
- Joined Cases T-439/10 and T-440/10, Fulmen and Fereydoun Mahmoudian v Council, 21 March 2012 nyr.
- T-509/10, Manufacturing Support & Procurement Kala Naft Co., Tehran Teheran (Iran) v Council and Commission, 25 April 2012, nyr.

### ECJ/CJEU

- Case C 68/88, Commission v Greece [1989] ECR 2965.
- Case C-377/02 Van Parys [2005] ECR I-1465.
- Cases C-189/02 P, C-202/02 P, C-205/02 P to C-208/02 P and C-213/02 P, Dansk Rørindustri and others v Commission [2005] ECR I-5425.
- Case C-176/03 Commission v Council, [2005] ECR I-7879.
- Case C-266/05 P Sison v Council [2007] ECR I-1233.



- Case C-229/05 P PKK and KNK v Council [2007] ECR I-439.  
 Case C-355/04 P Segi and Others v Council [2007] ECR I-1657.  
 Case C-117/06, Gerda Möllendorf and Christiane Möllendorf-Niehuus [2007] ECR I-8361.  
 Case C-64/05 P Sweden v Commission [2007] ECR I-11389.  
 Joined Cases C-354/04 P and C-355/04 P Gestoras Pro Amnistía and others and Segi and others v Council [2007] ECR I-1579.  
 Joined Cases C-402/05 P and 415/05 P Kadi & Al Barakaat International Foundation v Council and Commission [2008] ECR I-6351.  
 Joined Cases C-120/06 P and C-121/06 P Fabbrica italiana accumulatori motocarri Montecchio SpA (FIAMM), and Fabbrica italiana accumulatori motocarri Montecchio Technologies LLC v Council and Commission [2008] ECR I-6513.  
 Case C-550/09 Generalbundesanwalt beim Bundesgerichtshof v E and F [2010] ECR I-6213.  
 Case C-340/08, M and others v HM Treasury [2010] ECR I-03913.  
 Joined Cases C-57/09 and C-101/09 Bundesrepublik Deutschland v B and D [2010] ECR I-10979.  
 Case C-548/9P Bank Melli Iran v Council, 16 November 2011, Grand Chamber, nyr.  
 Case C-27/09 French Republic v People's Mojahedin Organization of Iran (PMOI), Council and Commission, 21 December 2011, Grand Chamber, nyr.  
 Case C-360/10 SABAM v Netlog, 16 February 2012 (nyr).  
 Case C-380/09 Melli Bank plc v Council, French Republic, UK and Commission, 13 March 2012, Grand Chamber nyr.  
 Case C-376/10 Pye Phyo Tay Za v Council, 13 March 2012, Grand Chamber, nyr.  
 Case C-130/10 European Parliament v Council, 19 July 2012, Grand Chamber, nyr.  
 Joined Cases C 539/10 P and C 550/10 P, Stichting Al-Aqsa v Council, 15 November 2012, nyr.

## ECtHR

- Zana v Turkey, No. 69/1996/688/880, 25 November 1997.  
 Comingersoll S.A. v Portugal, No. 35382/97, 6 April 2000.  
 Segi and Others and Gestoras Pro-Amnistia and Others v 15 States of the EU, Nos 6422/02 and 9916/02, 23 May 2002.  
 Sürmeli v Germany, No. 75529/01, 31 October 2005.  
 Segerstedt-Wiberg and Others v Sweden, No. 62332/00, 6 June 2006.  
 Burden and Burden v UK, No. 13378/05, 12 December 2006.  
 Leroy v France No. 36109/03, 2 October 2008.  
 A and Others v UK, No. 3455/05, 19 February 2009.  
 Gül and Others v Turkey, No. 4870/02, 8 June 2010.  
 Sanoma Uitgevers v Netherlands, No. 38224/03, 14 September 2010.  
 Kiliç and Eren v Turkey, No. 43807/07, 29 November 2011.  
 Vejdeland and Others v Sweden, No. 1813/07, 9 February 2012.  
 Nada v Switzerland, No. 10593/08, 12 September 2012.

## UN HUMAN RIGHTS COMMITTEE

Nabil Sayadi and Patricia Vinck v Belgium (Communication No. 1472/2006), final views,  
22 October 2008.

## NATIONAL COURTS

### DENMARK

U 2007.1831 H

Copenhagen City Court, judgment of 27 March 2007, unpublished.

High Court, judgment of 6 February 2008, unpublished.

U 2009.1453 H

Copenhagen City Court, judgment of 15 March 2010, unpublished.

### THE NETHERLANDS

Rechtbank 's-Gravenhage 13-5-2003, KG 03/514, LJN AF8506.

Rechtbank 's-Gravenhage 3-6-2003, KG 03/514, LJN AF9389.

Rechtbank Amsterdam 31-3-2005, HA RK 04-948, JOR 2005/118.

Gerechtshof Amsterdam 5-1-2006, 987/05, JOR 2006/200.

Gerechtshof 's-Gravenhage 8-11-2010, 200.076.673/01, LJN BO3682.

Rechtbank Amsterdam 21-7-2011, AWB 11/3132 BESLU, LJN BR2619.

Rechtbank 's-Gravenhage 21-10-2011, 09/748802-09, LJN BU9716.

Rechtbank 's-Gravenhage 21-10-2011, 09/748801-09, LJN BU7200.

Hoge Raad 28-10-2011, nr. 10/05147, LJN BQ9880.

Rechtbank Amsterdam 15-11-2011, AWB 11/5163 WET, unpublished.

### SWEDEN

Hovrätten över Skåne och Blekinge (Court of Appeal), case no. B 685-09, decided  
9 November 2009, unpublished.

Stockholm District Court, judgment 2011-04-13 in case no. T 9176-08 unpublished.

### UK

Secretary of State for the Home Department v Rehman [2001] UKHL 47.

Kurdistan Workers' Party & Ors, R (on the application of) v Secretary of State for the  
Home Department [2002] EWHC 644 (Admin).

A (FC) and others (FC) (Appellants) v Secretary of State for the Home Department (Respondent), [2004] UKHL 56.  
Lord Alton of Liverpool & Others v Secretary of State for the Home Department Appeal PC/02/2007 Open Determination 30 November 2007.  
Secretary of State for the Home Department v Lord Alton of Liverpool & Others [2008] EWCA Civ 443.  
Her Majesty's Treasury v Mohammed Jabar Ahmed & Others [2010] UKSC 1.  
Al Rawi v the Security Service [2011] UKSC 34.  
Tariq v Home Office [2011] UKSC 3.  
Lord Carlile of Berriew CBE QC and Others and Maryam Rajavi v Secretary of State for the Home Department [2012] EWHC 617 (Admin).

## USA

Whitney v California, 274 U.S. 357 (1927).  
Dennis v U.S., 341 U.S. 494 (1951).  
Brandenburg v Ohio 395 U.S. 444 (1969).  
Bethel School District No. 403 v Fraser, 478 U.S. 675 (1986).  
Texas v Johnson, 491 U.S. 397, 412 (1991).  
City of Ladue v Gilleo, 512 U.S. 43, 59 (1994).  
Holder v Humanitarian Law Project, 561 U. S. \_\_\_\_ (2010).