

Press Release

Carter-Ruck

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Sheikh Yassin Abdullah Kadi wins appeals in his second case before European Court of Justice: the Court dismisses appeals brought by the European Union authorities and the United Kingdom

The European Court of Justice (ECJ) has today handed down judgment in favour of the Saudi businessman and philanthropist Sheikh Yassin Abdullah Kadi.

The ECJ in dismissing the appeals of the Commission, the Council and the UK has upheld the decision of the General Court of September 2010 annulling the European Regulation freezing the assets of Mr Kadi.

This development comes after an eleven year battle which started with the imposition of sanctions upon Mr Kadi in October 2001.

Mr Kadi has always denied that he has ever supported in any manner and whether directly or indirectly Al Qaeda or any terrorist group. Yet the system of targeted sanctions against him afforded none of the usual due process protections, such as right of access to an independent court or tribunal or the right to know the evidence against him, which apply to those who are the subject of criminal proceedings.

In its judgment today the ECJ has vindicated Mr Kadi's position: it has held that none of the allegations presented against him justified the adoption of the EU's restrictive measures. The ECJ stated:

It is however clear that no information or evidence has been produced to substantiate the allegations of the Muwafaq Foundation's involvement in international terrorism in the form of links with Makhtab al Khidamat/Al Kifah and Al-Qaeda. In such circumstances, the indications of the role and duties of Mr Kadi in relation to that foundation are not such as to justify the adoption, at European Union level, of restrictive measures against him.

Today's decision follows Mr Kadi's delisting by the UN Al Qaeda Sanctions Committee on 5 October 2012 following a recommendation to delist him by the UN Ombudsperson, Judge Kimberly Prost.

Senior judges hearing Mr Kadi's challenges, in both the High Court in London and the General Court in Luxembourg, have described the system

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of sanctions as “*draconian*”. The General Court in Luxembourg, echoing the words of the UK’s Supreme Court, stated:

“it was no exaggeration to say that persons designated in this way are effectively “prisoners” of the State; their freedom of movement is severely restricted without access to their funds and the effect of the freeze on both them and their families can be devastating”.

Mr Kadi expressed his delight at these developments and said:

“I am an innocent man. Whenever I have been given a fair opportunity to state my case I have been able to show that the allegations against me are untrue. I am glad that the ECJ has dismissed the appeals and upheld the General Court’s decision in my favour.

It is disgraceful that I, and others in the same position as me, are victims of a financial Guantanamo that in my case lasted more than a decade.

It is beyond belief that the UK and France – both Permanent Members of the UN Security Council – continued aggressively to fight me in the European Court after the UK had decided, following a comprehensive review of the material available to it, to revoke its domestic freezing regulations against me.

I unreservedly condemn all the actions of Al Qaeda without hesitation and I share the belief of both the American and the Saudi peoples that the terrorism represented by Al Qaeda must be confronted. However, the struggle against terrorism will never be won if basic human rights are ignored, if people are denied the opportunity to demonstrate their innocence and if innocent people like me are wrongly targeted with no form of redress.”

Carter-Ruck’s International Law department, led by partner Guy Martin, with consultant Maitre Saad Djebbar, has been coordinating Mr Kadi’s challenges to sanctions on a worldwide basis ever since sanctions were first imposed on him in October 2001.

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