

European Master's Degree in Human Rights and Democratisation  
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# REGAINING THE DEMOCRATIC SOUL?

The *al Barakaat* Case, Sweden and the Balance between  
Targeted Sanctions and Human Rights

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**Thesis 2009/2010**

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## Abstract

On 9 November 2001 three Swedish citizens and the Swedish branch of al Barakaat were placed on the Security Council's (SC) blacklist for suspected terrorists. This blacklist was created by SC Resolutions 1267 and 1333 (the 1267 regime) imposing targeted sanctions on the Taliban, al Qaida and Usama bin Laden. This regime has severe negative effects on human rights, notably on the right to be heard and the right to a legal remedy. Since the 1267 regime was adopted under Chapter VII of the UN Charter its implementation is therefore mandatory for UN member states to implement the sanctions. However in the EU, the 1267 regime is implemented through EC regulations on behalf of its member states. In September 2008 the three Swedish citizens and al Barakaat successfully challenged the regulation listing them. This thesis analyses the 1267 regime from the perspective of the *al Barakaat* case and from the perspective of the UN/EU member state Sweden. While the Swedish Government strongly criticised the sanctions, they loyally implemented the 1267 regime and the sanctions imposed on their citizens. This thesis discusses how Sweden handled its conflicting international obligations to, on the one hand implement the 1267 regime, and on the other staying true to their obligations under international human rights law. It furthermore discusses the implications the al Barakaat has had on the implementation of the regime in the EU.

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# Table of Content

1. Introduction .....	1
1.1. Overview of the Research Problem .....	1
1.2. Structure of the Thesis .....	5
1.3. Method and Material .....	7
1.4. Limitations .....	8
2. Targeted Sanctions and the 1267 Regime .....	10
2.1. From Economic Sanctions against States to Targeted Sanctions .....	10
2.2. The Sanctions Regime against al Qaida and the Taliban under 1267 .....	11
2.2.1. Overview of the Security Council Resolutions .....	11
2.2.2. The Listing and De-listing Procedures in the 1267 Regime .....	15
2.3. The 1267 Regime and Fair Hearing .....	17
2.4. Reforms in the 1267 Regime .....	20
3. Legal Action in the EU and its Consequences .....	24
3.1. The Case in the CFI .....	24
3.1.1. The Claims of the Applicants .....	24
3.1.2. The Primacy of the UN Charter according to the CFI .....	25
3.1.3. Judicial Review of the Security Council Resolutions according to the CFI .....	26
3.1.4. The Claim of a Breach of Fundamental Rights .....	27
3.1.4.1. The Right to be Heard .....	27
3.1.4.2. The Right to an Effective Legal Remedy .....	28
3.2. Legal Action in the ECJ .....	29
3.2.1. Summary of the Case .....	29

3.2.2. Judicial Review of Security Council Resolutions according to the ECJ.....	31
3.2.3. The Relationship between the European Legal Order and the UN Charter according to the ECJ .....	33
3.2.4. The Claim of a Breach of Fundamental Rights .....	34
3.2.4.1. The Right to be Heard .....	34
3.2.4.2. The Right to an Effective Legal Remedy .....	35
3.2.5. Actions for Annulment .....	36
3.3. Criticism against the Rulings in the EC Courts .....	37
4. Relationships in the International Legal Order .....	39
4.1. The Limitations of the Powers of the Security Council in International Law....	39
4.2. The UN Member States' Obligation to Implement Security Council Resolutions .....	42
4.3. The European Legal Order, the UN Charter, and the Security Council .....	43
5. The EU and the 1267 Sanctions Regime .....	46
5.1. The Legal Basis for the Implementation of Security Council Resolutions in the European Legal Order.....	46
5.1.1. The Legal Basis in International Law .....	46
5.1.2. The Legal Basis in European Law.....	47
5.2. Implementing the 1267 Regime into European Law: From Security Council Resolutions to EU Regulations.....	50
5.2.1. The EU and the 1267 Regime .....	50
5.2.2. The Implementation Process of Security Council Resolutions into Community Law – Common Positions and Regulations .....	51
5.2.3. The Obligation of Member States to Implement EC Regulations.....	52
5.3. Changes of the Legal Basis with the Lisbon Treaty .....	53
6. Sweden, the 1267 Regime and the Case of al Barakaat.....	54



6.1. Action on the Governmental Level Concerning the 1267 Regime .....	54
6.1.1. General Reactions from the Swedish Government .....	54
6.1.2. Swedish Authorities and the Case of al Barakaat.....	58
6.2. The Swedish Parliamentary Debate on the Issue of Targeted Sanctions .....	60
6.2.1. The Debates in the Parliament in the Immediate Aftermath of 9/11.....	60
6.2.2. Continued Debates in the Parliament in Later Years .....	65
7. Implications of the <i>al Barakaat</i> Case.....	70
7.1. Proceedings in the EU after the ECJ Judgment.....	70
7.2. Implications at the UN level.....	72
7.3. Implications for EU Member States .....	73
8. Conclusion.....	74
9. Bibliography .....	79