

EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS



PRESS RELEASE

ECCHR successfully removes a second client from the UN Security Council 1267 Al-Qaida blacklist.

Berlin, 1 July 2012 On 21 June 2012 the United Nations Security Council 1267 Sanctions Committee announced the removal of another of ECCHR's clients (Mr Chabaane Trabelsi) from the Al-Qaida terrorism blacklist. In 2003 the Italian authorities arrested and charged Mr Trabelsi with terrorism-related offences but the Courts found the allegations to be unfounded and in January 2004 he was acquitted of all charges. However in June 2004, six months after his acquittal, Mr Trabelsi was placed on the UN Al-Qaeda list at the request of both the US and Italian governments.

No evidence was ever provided to Mr Trabelsi to explain why he was thought to be "associated with" Al-Qaeda. Furthermore, leaked embassy cables from 2009 released last year by Wikileaks (<http://wikileaks.org/cable/2009/10/09STATE109494.html>) revealed even the US government (who had co-sponsored his designation) could find no evidence to justify his continued inclusion on the 1267 list. For eight years Mr Trabelsi has been unable to work and support his family of four children. It has been a criminal offence for anyone worldwide to provide him with money or financial support and he has been subjected to worldwide travel bans. The adverse impact of the listing on he and his family has been tremendous.

The decision follows a detailed application submitted in November 2011 by his lawyers – Gavin Sullivan (Solicitor and Co-operating Lawyer, ECCHR) and Rachel Barnes (Counsel, 3 Raymond Buildings, London) – who successfully achieved the delisting of another ECCHR client (Mr Kamel Darraji) last month.

In response to the delisting decision, Mr Trabelsi stated:

This is wonderful news. I'm very happy. Its something I've waited for years for. I'll now be able to live free as others do without fear. I'll be able to work where and how I want. And I'll be able to support my family, who have suffered so much that now I cry with happiness.

Gavin Sullivan, Mr Trabelsi's solicitor and co-operating lawyer with ECCHR, stated:

The decision to take my client off the UN Al-Qaida terrorism list is welcomed. But given that he should never have been on the list in the first place it is hardly a cause for celebration. We now know (from leaked US Embassy cables) that there are scores of individuals like Mr Trabelsi who were designated by Italy (at the request of the US) in the years following 9/11 on the basis of little or no background information. Despite this lack of evidence they remain listed today under a sanctions regime that is increasingly acknowledged to be grossly unjust, procedurally unfair and an abuse of power by the UN Security Council.

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Wolfgang Kaleck, General Secretary of ECCHR, stated:

ECCHR is proud to have exposed another unjust terrorism listing decision by the UN Security Council and to have helped Mr Trabelsi bring his eight-year struggle to an end. As individuals are progressively taken off this list, the UN targeted sanctions becomes weaker and more fundamental questions arise about the overall injustice of the regime.

The decision to delist Mr Trabelsi comes at a time when the UN 1267 Al-Qaida Sanctions Committee is facing a deepening crisis of legitimacy and is attempting to offset the mounting worldwide judicial criticism of both its powers and the Ombudsperson delisting procedure.

In 2010 the European General Court found in the case of *Kadi v Commission* that “the Office of the Ombudsperson cannot be equated with the provision of an effective judicial procedure for review of decisions of the Sanctions Committee” and that individuals on the list were still unable to properly exercise their rights of defence. The European Commission promptly appealed against this ruling and the decision of the Grand Chamber of the ECJ – which is again expected to assess the inadequacies of the UN Ombudsperson procedure – is due immanently.

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For information about the terrorism blacklists and ECCHR’s ongoing work on this issue, visit:
http://www.ecchr.de/index.php/terror_lists.html