



Press and Information

General Court of the European Union
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Judgment in Case T-348/13
Ahmed Mohammed Qadhaf Al Dam v Council

The General Court annuls the retention of Mr Qadhaf Al Dam, cousin of Muammar Qadhafi, on the list of persons subject to restrictive measures against Libya

The Council has not justified the reasons for keeping his name on that list from 2013 to 2014, as the situation was substantially different from the one in which the measures were adopted in 2011

Ahmed Mohammed Qadhaf Al Dam is a Libyan national and a cousin of the former President, Muammar Qadhafi.

In February 2011, the Council adopted, against a number of persons connected with the Libyan Government at that time, restrictive measures consisting of the freezing of funds and a ban on entry into, or transit through the territory of the EU. Those measures were taken in the context of the repression of civilian populations by the Qadhafi regime. Mr Qadhaf Al Dam was included in the list of persons targeted for the following reasons: 'Cousin of Muammar Qadhafi. Since 1995, he is believed to have had command of an elite army battalion in charge of Qadhafi's personal security and to have a key role in External Security Organisation. He has been involved in planning operations against Libyan dissidents abroad and was directly involved in terrorist activity.'¹ In April 2013, then again in June 2014, the Council retained the name of Mr Qadhaf Al Dam on the list for the same reasons as those relied on in 2011². Mr Qadhaf Al Dam seeks the annulment of those measures.

In today's judgment, **the General Court upholds Mr Qadhaf Al Dam's annulment action relating to the retention of his name on the list in 2013 and 2014, whilst finding that he is no longer entitled to challenge his initial inclusion in that list in 2011.**³

The Court states, first, that the grounds relied on by the Council in 2011 – which have remained unchanged since then – do not explain why Mr Qadhaf Al Dam's name was retained on the list in 2013, that is to say, nearly a year and a half after the fall of the regime responsible for the repression which led to the Council adopting those measures.

The Court also finds that **there was no justification for retaining Mr Qadhaf Al Dam on the list.** In particular, although the Council claimed that, in spite of the change of regime in Libya in 2011, he still represented a threat to restoring civil peace to that country, it provided no proof in that respect, despite Mr Qadhaf Al Dam's challenges.

However, the Court will suspend the effects of its judgment until after the date for bringing an appeal or, in the event that an appeal is lodged, until the Court of Justice has delivered its judgment. The immediate annulment of the measures in question would enable Mr Qadhaf Al Dam to transfer out of the EU all or part of the assets he holds there, and which until now have been

¹ Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya (OJ 2011 L 58, p. 53)

² Council Decision 2013/182/CFSP of 22 April 2013 amending Decision 2011/137 (OJ 2013 L 111, p. 50), Council Implementing Regulation (EU) No 689/2014 of 23 June 2014 implementing Article 16(2) of Regulation (EU) No 204/2011 (OJ 2014 L 183, p. 1) and Council Decision 2014/380/CFSP of 23 June 2014 amending Decision 2011/137 (OJ 2014 L 183, p. 52).

³ As regards the inclusion of Mr Qadhaf Al Dam in the list in 2011, the Court finds that the action for annulment was brought out of time and is therefore inadmissible.

frozen, without the Council, if appropriate, being able to rectify the irregularities found by the General Court. Such a situation would threaten to undermine seriously and irreversibly the effectiveness of any decision to freeze funds that may be adopted by the Council in the future with regard to Mr Qadhaf Al Dam.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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