



Press and Information

General Court of the European Union

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Judgment in Joined Cases T-208/11 and T-508/11  
Liberation Tigers of Tamil Eelam (LTTE) v Council

## **The Court annuls, on procedural grounds, the Council measures maintaining the Liberation Tigers of Tamil Eelam on the European list of terrorist organisations**

*However, the effects of the annulled measures are maintained temporarily in order to ensure the effectiveness of any possible future freezing of funds.*

The Liberation Tigers of Tamil Eelam (LTTE) are a movement which opposed the Government of Sri-Lanka in a violent confrontation which resulted in the LTTE's defeat in 2009.

In 2006, the Council placed the LTTE on the EU list relating to frozen funds of terrorist organisations and has maintained them on that list ever since, referring to, *inter alia*, decisions of Indian authorities.

The LTTE contest their maintenance on the list. They submit that their confrontation with the Government of Sri-Lanka was an 'armed conflict' within the meaning of international law, subject only to international humanitarian law and not to anti-terrorist legislation. In addition, the maintenance on the list relating to frozen funds is based on unreliable grounds which do not derive from decisions of 'competent authorities' within the meaning of Common Position 2001/931/CFSP.<sup>1</sup>

In today's judgment, the Court finds that **EU law on the prevention of terrorism also applies in 'armed conflicts' within the meaning of international law**. Therefore, the LTTE cannot claim that the existence of an armed conflict precludes a possible application of EU law with regard to them.

As regards the decisions of Indian authorities relied upon by the Council, the Court finds that **an authority of a State outside the EU may be a 'competent authority'** within the meaning of Common Position 2001/931. However, the Council must **carefully verify at the outset that the legislation of the third State ensures protection of the rights of defence and of the right to effective judicial protection equivalent to that guaranteed at EU level**. The Court finds that the Council did not carry out **such a thorough examination** in the present case.

The Court finds that the contested measures are based not on acts examined and confirmed in decisions of competent authorities, as required by Common Position 2001/931 and case-law,<sup>2</sup> but on **factual imputations derived from the press and the internet**.

**Therefore the Court annuls the contested measures while temporarily maintaining the effects** of the last of those measures in order to ensure the effectiveness of any possible future freezing of funds.

The Court stresses that those annulments, on fundamental procedural grounds, do not imply **any substantive assessment of the question of the classification of the LTTE as a terrorist group** within the meaning of Common Position 2001/931.

<sup>1</sup> Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ 2001 L 344, p. 93)

<sup>2</sup> See Article 1(4) of the Common Position and Case:[C-539/10 P and C-550/10 P Al-Aqsa v Council and Netherlands v Al-Aqsa](#)

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**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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