



Press and Information

General Court of the European Union
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Judgment in Case T-509/11
Mohammad Makhlouf v Council

The General Court confirms the restrictive measures against Mohammad Makhlouf, a close associate of Bashar Al-Assad

Since 2011, the name of Mr Mohammad Makhlouf has been on the list maintained by the Council of persons to whom the restrictive measures against Syria apply. Thus, Mr Makhlouf has been refused entry to or transit through the territory of the Member States of the EU, while his funds and economic resources have been frozen. The ground for the entry of Mr Makhlouf on the list is as follows: 'Close associate and maternal uncle of Bashar and Mahir Al-Assad, business association and father of Rami, Ihab and Iyad Makhlouf'. Mr Makhlouf seeks to have his name removed from the list.¹

In today's judgment, **the General Court dismisses Mr Makhlouf's action.**

After having noted that the Council did not infringe Mr Makhlouf's rights of the defence or his right to a fair hearing and that the grounds relied upon by the Council provided him with sufficient indications to enable him to contest their validity before an EU Court, the General Court notes that the Council was entitled to take the view that Mr Makhlouf was, merely because of his status as uncle of Bashar Al-Assad and as patriarch of the ruling family, connected with the Syrian rulers, the family's rule in Syria being a known fact which can be taken into account. In the view of the General Court, the Council has succeeded in proving that Mr Makhlouf is a member of the ruling economic class in Syria and it cannot be denied that he maintains links with the regime and has a decisive influence, as a principal adviser, over all the primary circle of rulers of the Syrian regime and, in particular, over his sons. The Council has also shown that Mr Makhlouf was the main adviser at the time of the opening of the Syrian telecommunications market and that, in addition, he benefits from the policies followed by the regime. Thus, the evidence provided by the Council enables the view reasonably to be taken that Mr Makhlouf maintains links with the rulers of the regime or gives it economic support.

Finally, the General Court finds that the Council did not infringe Mr Makhlouf's fundamental rights (including the principle of proportionality, the right to property and the right to privacy). With regard in particular to the argument that the decision to freeze the funds infringed Mr Makhlouf's right to privacy (that decision preventing him from ensuring that his family had a standard of living comparable to that which it had previously), the General Court states that the right to privacy is not intended to protect the individual against a loss of his purchasing power.

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.

¹ Case T-509/11 relates solely to the entries made in 2011 and 2012 in the following acts: Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria (OJ 2011 L 199, p. 74), Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273/CFSP (OJ 2011 L 319, p. 56) and Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782/CFSP (OJ 2012 L 330, p. 21). Subsequent acts have extended Mr Makhlouf's entry in the list. He seeks the annulment thereof in pending Case [T-443/13](#).

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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