

Press and Information Division

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Order of the President of the Court of First Instance in Case T-47/03 R

*José Maria Sison v Council and Commission*

**THE PRESIDENT OF THE COURT OF FIRST INSTANCE HAS DISMISSED AN ACTION FOR INTERIM RELIEF AIMED AT THE UNFREEZING OF FUNDS OF A PERSON INCLUDED ON THE COMMUNITY'S LIST OF SUSPECTED TERRORISTS.**

*The President considers that the applicant has failed to prove that the suspension of his inclusion on the list of suspected terrorists is required as a matter of urgency to prevent serious and irreparable harm to him.*

In order to combat terrorism, a Council regulation of 2001 (No 2580/2001) provides that all funds or assets of persons and groups included on a list are frozen. Moreover, no economic resources, including social benefits, should be made available to these persons or groups. Natural and legal persons or groups are to be included on the list if they are involved in terrorist activities or controlled by those involved in such activities. The Council is required to review that list and can add or remove names as appropriate .

The regulation allows the competent authorities in each Member State to grant specific authorisations to use the frozen funds for essential human needs of the person included in the list and their family, such as for foodstuffs, medicines, rent, mortgage payments etc, and also to pay taxes, compulsory insurance premiums and utility bills. In addition, the regulation permits the competent authorities of Member States to grant specific authorisations to make economic resources available, following consultation with the other Member States, the Council and the Commission.

In December 2002, the Council adopted a decision updating the list of persons to which the regulation applied. This decision included Mr Sison, a Philippine national living in the Netherlands, in the list, along with the New Peoples Army, a Philippine group allegedly linked to Mr Sison. The Dutch Ministry of Finance, as the competent authority in the Netherlands, froze Mr Sison's assets and terminated the grant of social benefits.

Mr Sison applied to the Court of First Instance of the EC to have this Council decision annulled insofar as it included his name on the revised list. He also applied, by way of a request for interim relief, for suspension of the decision insofar as it concerned him. If successful, such a request would result in the unfreezing of his assets and the continued grant of social benefits.

The President of the Court of First Instance, who has jurisdiction in respect of such requests for interim relief, has today issued an order dealing with Mr Sison's application.

The President recalls that, for an application for interim measures to be granted, the applicant must show that such measures are required as a matter of **urgency** and that he will suffer serious and irreparable damage if this is not granted.

Concerning the **material harm** that Mr Sison claims to be suffering, the President points out that purely financial damage cannot, in principle, be regarded as irreparable or even difficult to repair because financial compensation can be provided at a later date. However, the President then examines whether, in light of the circumstances, the applicant has sufficient money to meet his basic needs. In this respect, the President considers that, as the regulation makes provision for specific authorisations by the competent authorities to meet the applicants basic needs, Mr Sison may apply to the competent national authority to obtain such financial result. Whilst Mr Sison has applied for social benefits to be paid to him by the Dutch authorities and whilst this request was initially refused by the latter, he is now, the President observes, still pursuing his right of appeal before the Dutch Courts. Moreover the President notes that Mr Sison has not made any application to the Dutch authorities for his funds to be unfrozen to provide for his basic human needs, nor has he provided any evidence that such an application, if successful, would not provide him with the relief required. As such, the President considers that Mr Sison has failed to prove that the possibility of receiving an authorisation from the national authorities and the available domestic remedies would not enable him to avoid serious and irreparable damage. Therefore **the condition of urgency has not been met, as other options to achieve the same result remain open** to Mr Sison.

In relation to the **non-material harm** alleged by Mr Sison, in particular the damage to his reputation caused by his inclusion on the list, the President considers that any suspension of application of the decision would no more remedy that damage than would annulment of the challenged decision when the final judgment is given in the main action. Since the purpose of interim relief is to ensure that the ruling in the main case has full effect rather than to provide reparation, the President concludes that the condition of urgency has not been met.

**As the condition of urgency is not satisfied, the President has dismissed the application for interim relief.**

***Reminder:** The Court of First Instance will give its final judgment on the substance of this case at a later date. An appeal, limited to points of law, can be brought before the Court of Justice against the decision of the Court of First Instance in the two months following its notification.*

*Unofficial document for media use; not binding on the Court of First Instance.*

*This press release is available in English only  
For the full text of the Order, please consult our internet page:  
**[www.curia.eu.int](http://www.curia.eu.int) .***

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