

## EU Terrorist Listing

An Overview about Listing and Delisting Procedures

Martin Wählisch

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# EU TERRORIST LISTING

## AN OVERVIEW ABOUT LISTING AND DELISTING PROCEDURES

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### Executive Summary

Terrorism continues to be a real global security threat. In parallel, counter terrorism efforts face serious dilemmas: legally, states are entitled and sometimes even obliged to take measures to safeguard the wellbeing of their citizens. On the other hand, whether initiated by the UN, the EU, or national authorities, responding actions are criticized for their lack of due process protection, clarity and transparency.

Major mechanisms for fighting terrorism are blacklists. In the aftermath of 9/11, the European Union imposed various restrictions on several entities and individuals. Following UN Security Council Resolution 1373, the EU targeted those associated with al-Qaida, Osama bin Laden, or the Taliban. Moreover, since 2001, the EU applies autonomous sanctions as part of its own struggle against terrorism within the Common Foreign and Security Policy framework.

This briefing paper gives an overview about EU listing and de-listing procedures. The objective of this compilation is to explain the current modus operandi, without arguing against or for its legal pitfalls. Methodically, the paper describes normative rules of EU regulations and decisions. Cases of European jurisdiction are also partly addressed.

The first part outlines the EU's smart sanctions system. The second part describes the internal listing processes within EU institutions. The third part examines de-listing options and legal remedies. The fourth part summaries changes by the Lisbon Treaty.

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## I. Systematic of the EU Smart Sanction System

The EU has a multi-layered smart sanctions system: some invert sanctions set by the UN, as the ones against Iraq in 2003.<sup>1</sup> Separate EU targeted ones have a closer European focus, such as restrictions taken against the Belarus in 2006.

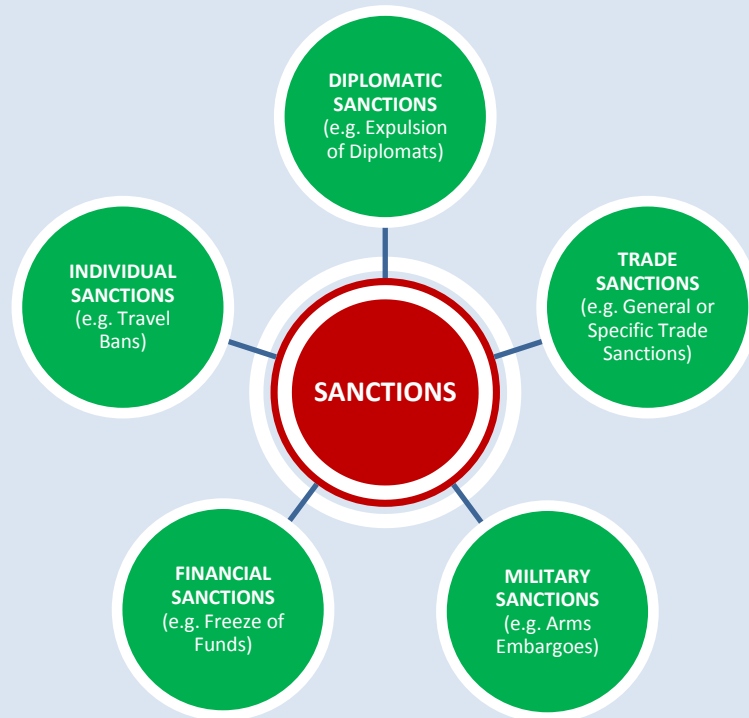
Sanctions can target governmental and non-state entities as well as individuals, and comprise measures such as the freeze of assets and other financial restrictions, arms embargoes, or travel bans, and visa denials (see chart page 3). They apply equally to EU citizens and non-EU nationals within the territory of EU member states.

Key instruments for imposing sanctions are terrorism lists. Accordingly, the EU maintains two separate categories: One analogue to UN specifications, as well as an autonomous EU regime. Additionally, some EU member states have established their own practices, such as the UK, The Netherlands, Belgium, Spain, and others (see chart page 3).

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<sup>1</sup> For details see: [http://ec.europa.eu/external\\_relations/cfsp/sanctions/index\\_en.htm](http://ec.europa.eu/external_relations/cfsp/sanctions/index_en.htm).

## TYPES OF SANCTIONS



## TYPES OF EU TERRORIST LISTS

	IMPLEMENTED UN LIST	AUTONOMOUS EU LIST	EU MEMBER STATE LISTS
▶ MAIN TARGET	<ul style="list-style-type: none"> <li>“Individuals and entities associated with al-Qaida or the Taliban”</li> </ul>	<ul style="list-style-type: none"> <li>“Persons, groups, and entities involved in terrorist acts”</li> </ul>	<ul style="list-style-type: none"> <li>“International terrorist organizations”</li> </ul>
▶ LEGAL BASIS	<ul style="list-style-type: none"> <li>UN SC Resolution 1267 (1999), 1390 (2002): UN Resolution on Al-Qaida and Taliban Sanctions</li> </ul>	<ul style="list-style-type: none"> <li>UN SC Resolution 1373 (2001): UN Terrorism Resolution</li> </ul>	<ul style="list-style-type: none"> <li>Examples: domestic legislation of the UK, The Netherlands, Belgium, Spain etc.</li> </ul>
▶ IMPLEMENTATION	<ul style="list-style-type: none"> <li>Through: Council Resolution 467/2001, Council Resolution 881/2002</li> </ul>	<ul style="list-style-type: none"> <li>Through: Council Regulation 2580/2001, based on Council Common Position 2001/931/CFSP</li> </ul>	
▶ LATEST AMENDMENT	<ul style="list-style-type: none"> <li>Council Resolution 1001/2010 (November 5, 2010)</li> </ul>	<ul style="list-style-type: none"> <li>Council Decision 2009/1004/CSFP (December 22, 2009)</li> </ul>	

## 1. Implementation of UN Terrorist List

A starting point for implemented terrorist lists is UN Security Council Resolution 1267 (1999), which established the *Al-Qaida and Taliban Sanctions Committee* (so called “UNSC 1267 Committee”) in October 1999. Due to Art. 25 UN Charter, EU member states had to comply with the binding resolution, which already in March 2001 led to Council Regulation 467/2001 listing names of targeted persons and entities.<sup>2</sup>

Subsequently, in May 2002, the EU Council adopted its Common Position 2002/402 and Regulation 881/2002 for “*dealing with Osama Bin Laden, members of al-Qaeda, the Taliban, and other entities associated with them*” in order to transpose the new UN Security Council Resolution 1390 (2002). Until today, the annexed list to Council Regulation 881/2002 has been amended through new regulations 138 times in order to conform to the UNSC 1267 Committee decisions. Most lately, the UNSC 1267 Committee has updated the list on November 4, 2010.<sup>3</sup> The latest amendment of Council Regulation 881/2002 was released on November 5, 2010 (Commission Regulation 1001/2010).<sup>4</sup>

## 2. Autonomous EU Terrorist List

The EU also applies measures against individuals and groups designated in EU specific terrorism lists, which go beyond UN sanctions.

In 2001, condemning the 9/11 terror attacks, the UN Security Council obliged all States to take wide-ranging and “comprehensive steps” to combat international terrorism. In its Resolution 1373 the Security Council decided that all States should prevent and suppress the financing of terrorism, as well as criminalize the willful provision or collection of funds for such acts. UN member states were encouraged to share their intelligence on terrorist groups in order to assist in combating international terrorism. The resolution also calls on all States to adjust their national laws so that they can ratify all existing international conventions on terrorism. The Security Council established the “UN Counter Terrorism Committee” (CTC) to monitor state compliance with the provisions of the

### KEY ABBREVIATIONS

- ▶ **UNSCR 1267:** “*United Nations Security Council Resolution 1267*” → Established UN sanction system against Al-Qaida and the Taliban
- ▶ **CFSP:** “*Common Foreign and Security Policy*” → Title of the EU’s foreign policy pillar
- ▶ **CP 931 WP:** “*Working Party on implementation of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism*” → EU working group managing the EU autonomous terrorism list, which are based on the Council Common Position 931

### TIMELINE

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- UNSCR 1267 (1999): *Establishment of “UN Al-Qaida & Taliban Sanction Committee”*
  - EU Council Regulation 467/2001: *Implementation of UNSCR 1267*
  - UNSCR 1373 (2001): *SCR calling to take “comprehensive steps” to combat terrorism; establishment of “UN Counter Terrorism Committee”*
  - EU Council Regulation 2580/2001, Council Common Position 2001/931/CFSP: *Implementation of UNSCR 1373*
  - UNSCR 1390 (2002): *Modification of UN sanctions regime*
  - EU Common Position 2002/402, EU Regulation 881/2002: *Implementation of UNSCR 1390*
  - UNSCR 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) etc.: *Modification of UN sanctions regime*
  - EU Council Decision 2010/386/CFSP: *Update of EU autonomous terrorist list*
  - November 4, 2010: *Latest update of UNSCR 1267 Committee list*
  - EU Regulation 1001/2010: *Amendment of Council Regulation 881/2002 implementing UNSCR 1267 Committee list*

<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:067:0001:0023:EN:PDF>.

<sup>3</sup> <http://www.un.org/sc/committees/1267/pdf/consolidatedlist.pdf>.

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:290:0033:0036:EN:PDF>.

resolution.

The EU implemented UNSCR 1373 through Council Regulation 2580/2001 in December 27, 2001, based on the Council Common Position 2001/931/CFSP about the “Application of specific measures to combat terrorism”. In its Common Position, the Council lays down a definition for terrorism and listing criteria. As an Annex, the Common Position comprises a list of persons, groups, and entities, all of which the EU sees as involved in terrorist acts (e.g. Continuity Irish Republican Army, E.T.A., terrorist wing of Hamas, Palestinian Islamic Jihad).<sup>5</sup> The Council Regulation also restricts any sort of financing of terrorist activities. To this end, it specifies what is meant by “funds and other financial assets” to be frozen, “banking and other financial services” and “controlling a legal person”. The Regulation also comprises exceptions to unfreeze assets in certain circumstances. There are, for instance, humanitarian exemptions allowing the use of funds in certain circumstances such as payments for food, medicine, or legal fees. Besides, the Regulation contains provisions for the establishment, review, and amending of a list of persons, groups, and entities to which it applies.

The EU autonomous terrorist list has been updated by successive regulations and decisions. Most recently, the EU has renewed the list in July 2010 through Council Decision 2010/386/CFSP (July 12, 2010).<sup>6</sup>

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## II. Listing Procedures (Autonomous EU Terrorism List)

During the first half of 2007, the Council consolidated its listing and de-listing procedures pursuant to the Common Position 2001/931/CFSP and Council Regulation No 2580/2001.<sup>7</sup> The changes follow various cases at the EU Court of First Instance ruling against the previous process (e.g. OMPI case in December 2006).

As a result of this review, concrete improvements were agreed upon in order to establish more clarity and transparency. A new working party, the “Working Party on implementation of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism” (CP 931 WP), has been established and assigned with examining proposals for listings and de-listings. It has also been tasked with preparing the regular review of the Council. The CP 931 WP changed the informal consultation mechanism among Member States that has been in place since 2001. CP 931 WP is composed of representatives of the Ministries of Justice and Internal Affairs of the EU capitals.

Since 2007, the listing procedure of the autonomous EU terrorism list regime is as follows:<sup>8</sup>

### 1. Designation

The EU compiles its autonomous CP 931 list on the basis of proposals from EU member states and third states which relate to recommendations of their security experts and intelligence assessments. Recommendations shall be preferably made through the Council Presidency or EU delegations.

Following a ruling of the European Union’s Court of First Instance (“Sison case”, see below), a competent national authority has to have taken a decision to initiate investigations or to prosecute, based on serious and credible evidence or clues. Verification that there is a decision of a national authority is an essential precondition for the adoption by the Council.

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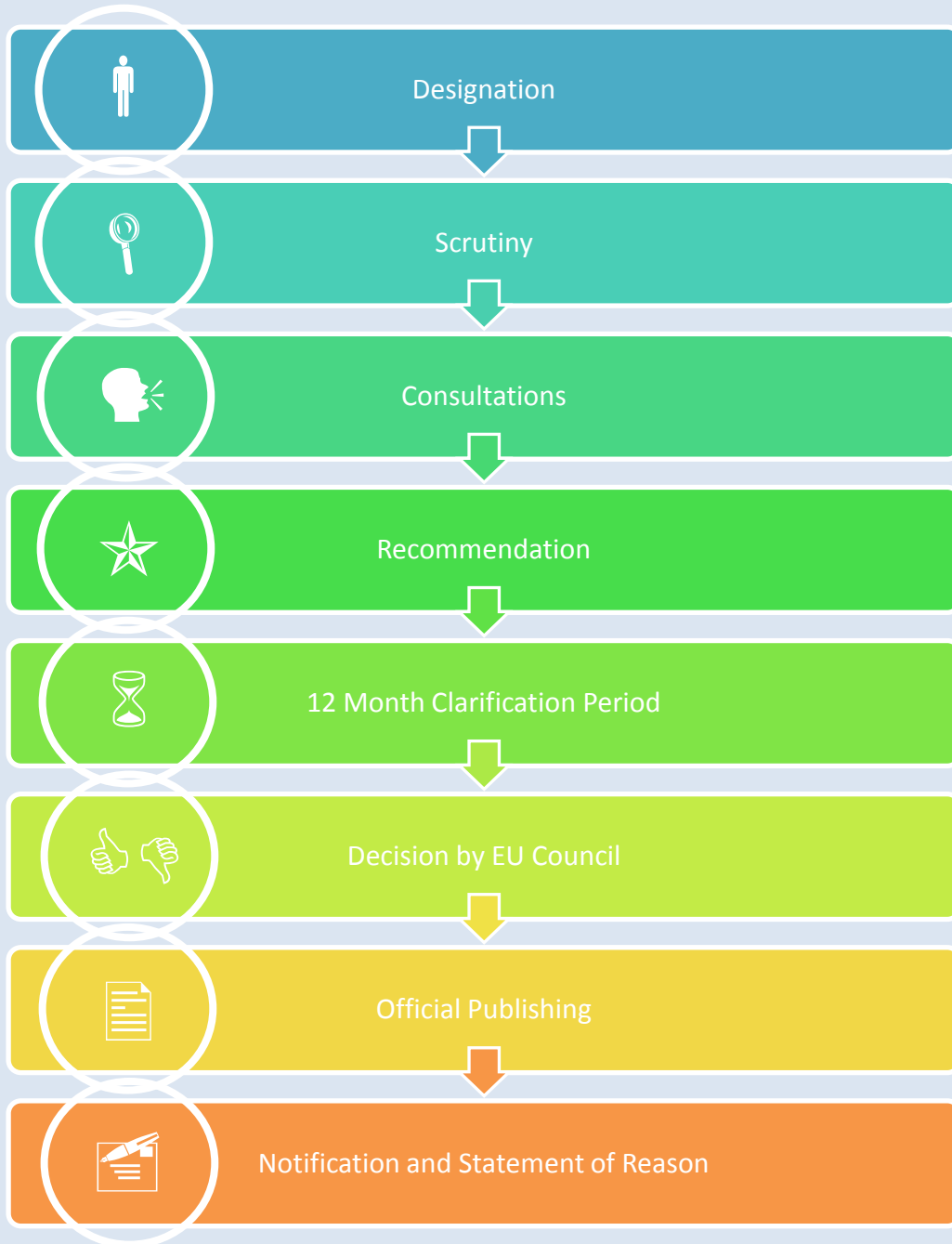
<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:344:0093:0096:EN:PDF>.

<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:178:0028:0030:EN:PDF>.

<sup>7</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/st10826-re01en07.pdf>.

<sup>8</sup> For further details see: <http://www.consilium.europa.eu/uedocs/cmsUpload/st10826-re01en07.pdf>, [http://www.consilium.europa.eu/uedocs/cmsUpload/090618\\_EU\\_terrorist\\_list\\_EN.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/090618_EU_terrorist_list_EN.pdf).

LISTING PROCEDURE (AUTONOMOUS EU TERRORISM LIST)



## 2. Scrutiny

When receiving a proposal from a third state, the Presidency, or any delegation, is expected to carry out a first basic scrutiny of the proposal in accordance with the criteria for listing set out in Article 1 (4) of the Common Position 2001/931/CFSP as well as with the fundamental principles and procedures (e.g. rule of law, respects human rights, inter alia the right to an effective remedy and fair trial, the presumption of innocence and the right not to be judged or punished twice for the same offence).

The Presidency or delegation may, on this basis, ask the third state for additional information deemed necessary.

## 3. Consultations

Information is circulated to the delegations of Member States for discussion in the CP 931 Working Party. The proceedings of the CP 931 WP are confidential.

Delegations will have 15 days to check the material, during which time they will submit the information received to their competent national authorities. Exceptionally, a delegation may put forward a justified request to shorten the deadline. A request of this nature does not prejudice the view taken on the issue in the CP 931 WP.

The Presidency, on an ad hoc basis or at the request of a Member State, will notify delegations, 15 days in advance of a CP 931 WP meeting, that a particular individual, group or number of groups will be discussed. Exceptionally, a delegation may put forward a justified request to shorten the deadline. A request of this nature does not prejudice the view taken on the issue in the CP 931 WP.

If it has been established that a terrorist group or entity already listed has re-named itself, and that the re-naming did not change the character, and in particular the terrorist objectives, of the group or entity, the CP 931 WP may recommend that the new name be added to the original listing as an alias.

The Presidency, on its own initiative or at the request of a Member State, may decide to invite a representative from EUROPOL to attend the meeting of the CP 931 WP to make a presentation of background information in order to facilitate discussion on a particular subject.

The Presidency, on its own initiative or at the request of a Member State, may decide to invite the General Secretariat of the Council to make a presentation of background information in order to facilitate discussion on a particular subject.

## 4. Recommendation

Finally, the CP 931 Working Party prepares the decision by giving a recommendation for listing and delisting. The recommendation will be endorsed by the Permanent Representatives Committee (so called "COREPER") with a view to their adoption by the Council.

## 5. Twelve Months Clarification Period

When a proposal has been made by a Member State and a decision to list has not been taken within 12 months, the Presidency will ask the Member State in question to inform the CP 931 WP whether it wishes to maintain its request and to provide more information as necessary.

When a proposal has been made by a third state, and a decision to list has not been taken within 12 months, the Presidency will also ask the third state whether it wishes to maintain its request and to provide further supporting information as necessary. If the request is maintained, the CP 931 WP will consider whether any further action is necessary on the basis of the supporting information provided, and the Presidency will inform the third state.



## 6. Decision by EU Council

The Council finally adopts the list through a unanimous Council decision.

The Council is the EU's main decision-making body. The EU member states are represented by one minister from each of the EU's national governments, depending on the agenda subject. Concerning terrorism issues, the Council has a particular configuration comprising the Ministers for Justice and Internal Affairs.

In EU law, a "Council Decision" is a legislative instrument that is binding in its entirety to all those it addresses. Decisions in the Council are usually taken by qualified majority voting. However, in some particularly sensitive areas such as the EU Common Foreign and Security Policy, taxation, asylum, and immigration policy, Council decisions must be unanimous. Thus, each member state has the power of veto in these areas.

## 7. Official Publishing

In a last step, as all official documents, the Council decision is published in the EU Official Journal.

## 8. Notification and Statement of Reason

Since 2007, after a listing decision has been taken, the Council Secretariat will notify –with the assistance of the proposing State – each person, group, and entity listed under Council Regulation No 2580/2001 through a letter.

A statement of reasons is provided for each person or entity subject of restrictions. The statement of reasons clarifies how the criteria provided for in the Common Position have been met.

Moreover, the persons and entities concerned are informed of the possibility to submit a request, together with supporting documentation, that the decision to include them on the list should be reconsidered. When appropriate, a deadline will be specified.

The notification also includes a request for consent of the listed persons, groups, and entities to give public access to the statement of reasons.

In addition, a notice is published in the 'C' series of the Official Journal ('Information and Notices') to inform the persons, groups and entities whose address is not known of the possibility to obtain the Council's statement of reasons concerning them.

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# III. Review, De-listing, and Legal Remedies

Since the creation of terror lists, review processes, possibilities for de-listing, and legal remedies have been a crucial aspect:

## 1. Review Process

### *a) Review of EU Autonomous Terrorism Lists*

Common Position listing decisions taken by the Council are reviewed at regular intervals and at least every six months.

Member States inform each other about any new facts and developments with regard to previous listings as well as to the national procedures which led to the adoption of the decision referred to in Article 1 (4) of the Common Position. Any new facts and developments concerning decisions of competent authorities of third States will also be circulated to Member States for consideration.

The CP 931 WP carries out a thorough assessment as to whether the grounds for each listing are still valid, taking into account all relevant considerations, including inter-alia the person's, group's, or entity's past record of involvement in terrorist acts, the current status of the group or entity, and the perceived future intentions of the person, group or entity.

To this end, any new information presented by a Member State, a third State, or a listed person, group or entity will be examined by the CP 931 WP.<sup>9</sup> If, in the course of this assessment, the CP 931 WP considers that the new information presented requires an amendment to a statement of reasons, it will recommend that this statement of reasons be updated accordingly.

Following its assessment, the CP 931 WP makes recommendations to be considered or reflected upon in the necessary legal instruments, containing a new consolidated list of persons, groups, and entities. These will be endorsed by the Permanent Representatives Committee with a possibility of their adoption by the Council.

Independent of the above review process, the Council can at any time adopt an individual decision on new listings or de-listings of persons, groups, or entities.

### *b) Review of Implemented UN Terrorism Lists*

Review procedures of the EU contrast with the UN ones, which until recently had no such administrative practices.

However, this has begun to change, especially since the adoption of UNSCR 1822 and the three-year review practice included in the procedures of the UNSCR 1267 regime. In 2008, the European Court of Justice annulled a European Union regulation that had frozen the assets within the 27-nation bloc of Sweden-based Al Barakaat International Foundation in response to its inclusion on the UN list. The court found that Al Barakaat's right to defend itself against inclusion had not been respected.

As a result, the UN moved closer to the EU's review practice, with the exception that a listed entity cannot take its case to a court.

## **2. Requests for Delisting**

A request for a de-listing can be made at any time by listed persons, groups, and entities, a Member State, or the third State which had originally proposed the listing in question.

Requests for de-listing are expected to be discussed in the CP 931 WP as a matter of priority.

As laid down in the 2007 EU rules of procedures (see above), de-listing is appropriate wherever the criteria for listing set out in the Common Position are no longer met.

De-listing may also be appropriate in other cases, e.g. the death of a listed person or the liquidation of a listed entity.

Once the Council Secretariat receives a letter from a designated person, group or entity, or a legal representative of a person, group or entity on the list, the receipt of the letter is expected to be acknowledged by the Secretariat.

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<sup>9</sup> Council of the European Union, Rue de la Loi / Wetstraat, 175. B-1048 Brussels.

### 3. Legal Remedies

Several listing decisions have been problematic for the EU in recent years, notably due to individuals and entities, which successfully challenged public authorities in court. Nonetheless, legal remedies are limited.

#### *a) Legal Remedies against EU Autonomous Terrorism Lists*

Objections may be, for instance, raised against the bank freezing the assets, which can be referred to a national court for judgment in review of the regulation. A national court cannot per se annul a Council regulation listing. Though, the national courts can obtain preliminary rulings from the Court of First Instance, which is the General Court as a branch of the Court of Justice of the European Union. The European Court of First Instance can undertake a legal review in regard to the treaties involved and the legality of the listing, such as whether the designating authority notified a statement of reason, the entity has been properly notified, and the Council has followed the proper procedures in a timely manner.<sup>10</sup> One argument that can arise is that evidence for the original inclusion is no longer solid. However, neither European courts nor the Court of First Instance can judge on the political reasons for imposing sanctions.

Several appeals concerning national decisions which provide a basis for listing under EU Regulation 2580/2001 have gone to national courts and the European Court of First Instance:

Prominent is the case of Mr. Jose Maria Sison, a Philippine exile resident in the Netherlands. Mr. Sison first appeared on the EU terrorist list in October 2002 alongside the New People's Army (NPA), the armed wing of the Communist Party of the Philippines. Mr. Sison was neither notified of his inclusion in the EU terrorist list nor given any further explanation of the EU member states' decision to include him. On July 11, 2007, the EU's Court of First Instance ruled that the EU Council had acted unlawfully by including Mr. Sison in the terrorist list after failing to provide him with any reasoning, or giving him any chance to respond to the allegations; this was found as a clear breach of his right to a fair trial as guaranteed by Article 6 the European Convention on Human Rights.<sup>11</sup> In another trial of Mr. Sison in September 2009, the Court held that a decision to instigate investigations or prosecute them must form part of national proceedings.

Similarly, the European Court of First Instance ruled in April 2008 against the way the Kurdistan Workers Party (PKK) was put on the bloc's list of groups whose funds must be frozen. The court said the EU had failed to tell the PKK in advance of the decision, as it was required to do so. The Court stated that the group was not properly informed of the decision to blacklist them, nor given a right to appeal the decision. Thus, the group was not in the position to understand, clearly and unequivocally, the reasoning.

Highly debated has been also the case of the People's Mujahedeen Organization of Iran (PMOI). Of Marxist and Islamic conviction, PMOI was founded in 1965 to fight Iran's royalist regime. The group continued with an armed struggle against the Islamic government. In 2002, at the request of the United Kingdom, the EU added PMOI to its autonomous terrorist list. In 2006, the European Court of Justice ruled that the listing was "unlawful" since PMOI now sought to achieve regime-change in Iran only by peaceful methods. Later, the Council of the European Union voted twice to defy the ruling of its own court. In November 2007, the UK's Proscribed Organizations Appeal Commission (POAC) ruled to the annulment of the terrorist designation and ordered the British government to remove PMOI off the national terrorist list. In December 2008, the PMOI won another legal case, the European Court of Justice overturned the EU order of freezing the group's funds. The ruling concluded that the Council failed to give sufficient reasons for its decision, as the UK judicial authorities had taken PMOI from their national

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<sup>10</sup> For details see: [http://www.smartsanctions.se/Mikael\\_Eriksson/in\\_search\\_091119.pdf](http://www.smartsanctions.se/Mikael_Eriksson/in_search_091119.pdf).

<sup>11</sup> For an overview see: <http://www.statewatch.org/terrorlists/docs/Press%20release%20Sison%20-%20April-2009.pdf>.

list of terrorist organizations. Finally, in January 2009, the Council removed the group from its list of terrorist organizations.

The EU's procedures are reasonably court-proofed, at least in regard to their structure and when correctly applied. The second PMOI judgments and the recent 2009 El-Morabit case have partly recognized this. The implementation, though, sometimes fails to follow established procedures for such reasons as time factors, bureaucratic factors, political will, restrictive information sharing, coordination problems, practical problems, and the quality of the statements of reasons. Another general problem of judicial review is that case trail could take a long time to be solved. Nevertheless, the Court of First Instance can, under Article 76a of its Rule of Procedure, decide in an expedited procedure with regard to the particular urgency and circumstances of a case.

#### *b) Legal Remedies against Implemented UN Terrorism Lists*

Under international law, the Member States of the EU cannot depart from UN Security Council decisions. However, the EU courts have suggested in a number of rulings on listing procedures that EU transposition of UN sanctions has to meet the same minimal legal standards as those involving its autonomous sanctions.

In the Al-Kadi landmark decision of the European Court of Justice on UN based targeted sanctions in September 2008, for example, the Court annulled the listing decisions in this case because the persons challenging the EU regulation had not received the chance to present their case, violating the right to be heard, nor had been informed about the allegations against them, violating the right to a fair trial.<sup>12</sup> The Saudi Arabian businessman, Yassin Abdullah Al-Kadi, was suspected to support activities of Bin Laden financially. Al-Kadi repeatedly denied any connection, but was already recorded on a U.S. Government list of leading terror financiers as well as on the UN terrorist list. Finally in September 2010, the General Court of the European Union annulled the regulation freezing Al-Kadi's funds.<sup>13</sup>

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## IV. Changes by the Lisbon Treaty?

In December 2009 the Lisbon Treaty entered into force, which amended the treaties governing the European Union.<sup>14</sup>

Under the Lisbon Treaty changes with regard to terrorism listing are ambiguous: First, the European Council is now authorized to act under a more majoritarian rule, a unanimity vote is only required in certain cases (e.g. Common Security and Defense Policy, see Article 42). As counter terrorism falls in the Justice and Internal Affairs pillar of the EU, the majority principle also valid here. On the other side, the terrorism listing regime was established under the Common Foreign and Security Policy pillar (CFSP, see Council Common Position 2001/931/CFSP), whereas the unanimous vote continues to apply.



#### *“Article 16*

- 1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Treaties.*
- 2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.*


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<sup>12</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62005J0402:EN:HTML>.


<sup>13</sup> For an overview see:

<http://europa.eu/rapid/pressReleasesAction.do?reference=CJE/10/95&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>14</sup> Lisbon Treaty: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF>.

	<p>3. <u>The Council shall act by a qualified majority except where the Treaties provide otherwise.</u></p> <p>4. As from 1 November 2014, a qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union. (...)"</p>
	<p>"SECTION 2. PROVISIONS ON THE COMMON SECURITY AND DEFENCE POLICY. Article 42.</p> <p>4. <u>Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate. (...)"</u></p>

Moreover, Article 83 gives the European Parliament and the Council the competence to streamline the definition of terrorism by setting "minimal rules":

	<p>"Article 83</p> <p>1. <u>The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish <u>minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.</u></u></p> <p><u>These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.</u></p> <p><u>On the basis of developments in crime, the Council may adopt a decision identifying other areas of crime that meet the criteria specified in this paragraph. It shall act unanimously after obtaining the consent of the European Parliament. (...)"</u></p>
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The Lisbon Treaty also brings several novelties in combating terrorism by the EU itself, such as the definition of a framework for the freezing of funds, the obligation for legal safeguards and a solidarity clause for combating terrorist attacks. Article 75, para. 1 of the Lisbon Treaty, for instance, introduces a new specific legal basis for EU economic sanctions legislation, such as for freezing and deployment bans. As far as travel restrictions and arms embargo are concerned, the competence stays with the EU member states:

	<p>"Article 75.</p> <p><u>Where necessary to achieve the objectives set out in Article 67, as regards preventing and combating terrorism and related activities, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall define a framework for administrative <u>measures with regard to capital movements and payments, such as the freezing of funds, financial assets or economic gains</u> belonging to, or owned or held by, natural or legal persons, groups or non-State entities.</u></p> <p><u>The Council, on a proposal from the Commission, shall adopt measures to implement the framework referred to in the first paragraph.</u></p> <p><u>The acts referred to in this Article shall include necessary provisions on legal safeguards."</u></p>
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Finally, the Lisbon Treaty contains a "Solidarity Clause". Article 222 asks for a mobilisation of all instruments, including military resources if a EU member state is attacked. This is the Union's response to events like 9/11 in general and the terrorist bombings in Madrid and London in particular:



*“TITLE VII. SOLIDARITY CLAUSE. Article 222.*

*1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:*

*(a) – prevent the terrorist threat in the territory of the Member States;*

*– protect democratic institutions and the civilian population from any terrorist attack;*

*– assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;*

*(b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.*

*2. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.*

*3. The arrangements for the implementation by the Union of the solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 31(1) of the Treaty on European Union where this decision has defence implications. The European Parliament shall be informed.*

*For the purposes of this paragraph and without prejudice to Article 240, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 71; the two committees shall, if necessary, submit joint opinions.*

*4. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.”*

## V. Annex

1. Latest implemented UN terrorist list (November 2010): *COMMISSION REGULATION (EU) No 1001/2010 of 5 November 2010 amending for the 138th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban*
2. Latest EU autonomous terrorist list (July 2010): *COUNCIL DECISION 2010/386/CFSP of 12 July 2010 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism*

**COMMISSION REGULATION (EU) No 1001/2010****of 5 November 2010****amending for the 138th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, <sup>(1)</sup> and in particular Article 7(1)(a) and 7a(1) and 7a(5) <sup>(2)</sup> thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 20 October 2010 the Sanctions Committee of the United Nations Security Council decided to add two

natural persons to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply and to amend eleven entries on the list.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 November 2010.

*For the Commission,  
On behalf of the President,*

Karel KOVANDA

*Acting Director-General for External Relations*

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 9.

<sup>(2)</sup> Article 7a was inserted by Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).



## ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

(1) The following entries shall be added under the heading 'Natural persons':

- (a) 'Hakimullah **Mehsud** (*alias* (a) Hakeemullah Mehsud, (b) Zulfiqar). Date of birth: Approximately 1979. Place of birth: Pakistan. Nationality: Pakistani. Other information: (a) Reportedly born in South Waziristan, Pakistan; (b) Believed to be residing in Pakistan; (c) Leader of Tehrik-i-Taliban Pakistan, an organization based in the tribal areas along the Afghanistan-Pakistan border. Date of designation referred to in Article 2a(4)(b): 21.10.2010.'
- (b) 'Wali **Ur Rehman**. Date of birth: Approximately 1970. Place of birth: Pakistan. Nationality: Pakistani. Other information: (a) Reportedly born in South Waziristan, Pakistan; (b) Believed to be residing in Pakistan; (c) Emir of Tehrik-i-Taliban for Southwest Waziristan Agency, Federally Administered Tribal Areas, Pakistan. Date of designation referred to in Article 2a(4)(b): 21.10.2010.'

(2) The entry 'Ahmed Khalfan Ghailani (*alias* (a) Ahmad, Abu Bakr, (b) Ahmed, Abubakar, (c) Ahmed, Abubakar K., (d) Ahmed, Abubakar Khalfan, (e) Ahmed, Abubakary K., (f) Ahmed, Ahmed Khalfan, (g) Ali, Ahmed Khalfan, (h) Ghailani, Abubakary Khalfan Ahmed, (i) Ghailani, Ahmed, (j) Ghilani, Ahmad Khalafan, (k) Hussein, Mahafudh Abubakar Ahmed Abdallah, (l) Khalfan, Ahmed, (m) Mohammed, Shariff Omar, (n) Haytham al-Kini, (o) Ahmed The Tanzanian, (p) Foopie, (q) Fupi, (r) Ahmed, A, (s) Al Tanzani, Ahmad, (t) Bakr, Abu, (u) Khabar, Abu). Date of birth: (a) 14.3.1974, (b) 13.4.1974, (c) 14.4.1974, (d) 1.8.1970. Place of birth: Zanzibar, Tanzania. Nationality: Tanzania. Other information: apprehended in July 2004 and in custody of the United States of America, as of July 2007.' under the heading 'Natural persons' shall be replaced by the following:

'Ahmed Khalfan Ghailani (*alias* (a) Ahmad, Abu Bakr, (b) Ahmed, Abubakar, (c) Ahmed, Abubakar K., (d) Ahmed, Abubakar Khalfan, (e) Ahmed, Abubakary K., (f) Ahmed, Ahmed Khalfan, (g) Ali, Ahmed Khalfan, (h) Ghailani, Abubakary Khalfan Ahmed, (i) Ghailani, Ahmed, (j) Ghilani, Ahmad Khalafan, (k) Hussein, Mahafudh Abubakar Ahmed Abdallah, (l) Khalfan, Ahmed, (m) Mohammed, Shariff Omar, (n) Haytham al-Kini, (o) Ahmed The Tanzanian, (p) Foopie, (q) Fupi, (r) Ahmed, A, (s) Al Tanzani, Ahmad, (t) Bakr, Abu, (u) Khabar, Abu). Address: United States of America. Date of birth: (a) 14.3.1974, (b) 13.4.1974, (c) 14.4.1974, (d) 1.8.1970. Place of birth: Zanzibar, Tanzania. Nationality: Tanzania. Date of designation referred to in Article 2a(4)(b): 17.10.2001.'

(3) The entry 'Khalid Abd Al-Rahman Hamd Al-Fawaz (*alias* (a) Al-Fauwaz, Khaled, (b) Al-Fauwaz, Khaled A., (c) Al-Fawwaz, Khalid, (d) Al Fawwaz, Khalik; (e) Al-Fawwaz, Khaled, (f) Al Fawwaz, Khaled, (g) Khalid Abdulrahman H. Al Fawaz). Address: 55 Hawarden Hill, Brooke Road, London NW2 7BR, United Kingdom. Date of birth: (a) 25.8.1962, (b) 24.8.1962. Place of birth: Kuwait. Nationality: Saudi Arabian. Passport No: 456682 (issued on 6.11.1990, expired on 13.9.1995). Other information: Resides in London.' under the heading 'Natural persons' shall be replaced by the following:

'Khalid Abd Al-Rahman Hamd **Al-Fawaz** (*alias* (a) Al-Fauwaz, Khaled, (b) Al-Fauwaz, Khaled A., (c) Al-Fawwaz, Khalid, (d) Al Fawwaz, Khalik; (e) Al-Fawwaz, Khaled, (f) Al Fawwaz, Khaled, (g) Khalid Abdulrahman H. Al Fawaz). Address: London, United Kingdom. Date of birth: 24.8.1962. Place of birth: Kuwait. Nationality: Saudi Arabian. Passport No: 456682 (issued on 6.11.1990, expired on 13.9.1995). Date of designation referred to in Article 2a(4)(b): 24.4.2002.'

(4) The entry 'Mostafa Kamel Mostafa Ibrahim (*alias* (a) Mustafa Kamel Mustafa, (b) Adam Ramsey Eaman, (c) Kamel Mustapha Mustapha, (d) Mustapha Kamel Mustapha, (e) Abu Hamza, (f) Mostafa Kamel Mostafa, (g) Abu Hamza Al-Masri, (h) Al-Masri, Abu Hamza, (i) Al-Misri, Abu Hamza). Address: (a) 9 Aldbourne Road, Shepherds Bush, London W12 OLW, United Kingdom; (b) 8 Adie Road, Hammersmith, London W6 OPW, United Kingdom. Date of birth: 15.4.1958. Place of birth: Alexandria, Egypt. Nationality: British. Other information: Currently in custody in the United Kingdom.' under the heading 'Natural persons' shall be replaced by the following:

'Mostafa Kamel Mostafa **Ibrahim** (*alias* (a) Mustafa Kamel Mustafa, (b) Adam Ramsey Eaman, (c) Kamel Mustapha Mustapha, (d) Mustapha Kamel Mustapha, (e) Abu Hamza, (f) Mostafa Kamel Mostafa, (g) Abu Hamza Al-Masri, (h) Al-Masri, Abu Hamza, (i) Al-Misri, Abu Hamza). Address: (a) 9 Aldbourne Road, Shepherds Bush, London W12 OLW, United Kingdom; (b) 8 Adie Road, Hammersmith, London W6 OPW, United Kingdom. Date of birth: 15.4.1958. Place of birth: Alexandria, Egypt. Nationality: British. Date of designation referred to in Article 2a(4)(b): 24.4.2002.'

- (5) The entry 'Fethi Ben Al-Rabei Ben Absha Mnasri (*alias* (a) Fethi Alic, (b) Amor, (c) Omar Abu). Address: Birmingham, United Kingdom. Date of birth: 6.3.1969. Place of birth: Baja, Tunisia. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997, expired on 2.6.2002). Date of designation referred to in Article 2a (4) (b): 25.6.2003.' under the heading 'Natural persons' shall be replaced by the following:

'Fethi Ben Al-Rabei Ben Absha **Mnasri** (*alias* (a) Mnasri Fethi ben Rebai, (b) Mnasri Fethi ben Rebaj, (c) Mnasri Fethi ben al-Rabai, (d) Mnasri Fethi ben Rabaj, (e) Fethi Alic, (f) Amor, (g) Omar Abu, (h) Omar Tounsi, (i) Amar). Address: Birmingham, United Kingdom. Date of birth: (a) 6.3.1969, (b) 6.3.1963, (b) 3.6.1963. Place of birth: (a) Al-Sanadil Farm, Nafzah, Governorate of Baja, Tunisia; (b) Tunisia; (c) Algeria. Nationality: Tunisian. Passport No: L497470 (Tunisian passport issued on 3.6.1997, expired on 2.6.2002). Other information: Mother's name is Fatima Balayish. Date of designation referred to in Article 2a(4)(b): 25.6.2003.'

- (6) The entry 'Ahmed Hosni Rarrbo (*alias* (a) Rarrbo Abdallah, (b) Rarrbo Abdullah). Address: Algeria. Date of birth: 12.9.1974. Place of birth: Bologhine, Algeria. Nationality: Algerian. Other information: (a) In January 2003 sentenced in Italy to 2 years 4 months imprisonment. On 17 May 2004 sentenced in Italy by the Appeal Court to 8 months imprisonment, (b) Resides in Algeria as of 31 May 2006.' under the heading 'Natural persons' shall be replaced by the following:

'Ahmed Hosni **Rarrbo** (*alias* (a) Rarrbo Abdallah, (b) Rarrbo Abdullah, (c) Rarrbo Ahmed Hosni). Address: Algeria. Date of birth: 12.9.1974. Place of birth: (a) Bologhine, Algeria; (b) France. Nationality: Algerian. Date of designation referred to in Article 2a(4)(b): 25.6.2003.'

- (7) The entry 'Maxamed Cabdullaah Ciise, (*alias* (a) Maxamed Cabdullaahi Ciise, (b) Maxammed Cabdullaahi, (c) Cabdullah Mayamed Ciise. Address: (a) London, United Kingdom (as at November 2008); (b) Via Quaranta, Milan, Italy (previous address). Date of birth: 8.10.1974. Place of birth: Kismaayo, Somalia. Nationality: Somali. National identification: PX910063D (United Kingdom identification number). Other information: Present in the United Kingdom. Date of designation referred to in Article 2a (4) (b): 12.11.2003.' under the heading 'Natural persons' shall be replaced by the following:

'Maxamed Cabdullaah **Ciise**, (*alias* (a) Maxamed Cabdullaahi Ciise, (b) Maxammed Cabdullaahi, (c) Cabdullah Mayamed Ciise. Address: Somalia. Date of birth: 8.10.1974. Place of birth: Kismaayo, Somalia. Nationality: Somali. National identification: PX910063D (United Kingdom identification number). Other information: Present in Somalia as of April 2009 following transfer from United Kingdom. Date of designation referred to in Article 2a(4)(b): 12.11.2003.'

- (8) The entry 'Barakat Telecommunications Company Limited (aka BTELCO), Bakara Market, Dar Salaam Buildings, Mogadishu, Somalia; Kievitlaan 16, 't Veld, Noord-Holland, Netherlands' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'**Barakat Telecommunications Company Limited** (*alias* BTELCO). Address: Bakara Market, Dar Salaam Buildings, Mogadishu, Somalia. Other information: Office closed and defunct in the Netherlands as at August 2009. Date of designation referred to in Article 2a(4)(b): 9.11.2001.'

- (9) The entry 'Ansar al-Islam (*alias* (a) Devotees of Islam, (b) Jund al-Islam, (c) Soldiers of Islam, (d) Kurdistan Supporters of Islam, (e) Supporters of Islam in Kurdistan, (f) Followers of Islam in Kurdistan, (g) Kurdish Taliban, (h) Soldiers of God, (i) Ansar al-Sunna Army, (j) Jaish Ansar al-Sunna, (k) Ansar al-Sunna). Other information: Location Northern Iraq. Date of designation referred to in Article 2a (4) (b): 24.2.2003.' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'**Ansar al-Islam** (*alias* (a) Devotees of Islam, (b) Jund al-Islam, (c) Soldiers of Islam, (d) Kurdistan Supporters of Islam, (e) Supporters of Islam in Kurdistan, (f) Followers of Islam in Kurdistan, (g) Kurdish Taliban, (h) Soldiers of God, (i) Ansar al-Sunna Army, (j) Jaish Ansar al-Sunna, (k) Ansar al-Sunna). Other information: Located and primarily active in northern Iraq but maintains a presence in western and central Iraq. Date of designation referred to in Article 2a(4)(b): 24.2.2003.'

- (10) The entry 'Meadowbrook Investments Limited. Address: 44 Upper Belgrave Road, Clifton, Bristol, BS8 2XN, United Kingdom. Other information: Registration number: 05059698.' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

**Meadowbrook Investments Limited.** Address: 44 Upper Belgrave Road, Clifton, Bristol, BS8 2XN, United Kingdom. Other information: (a) Registration number: 05059698; (b) Associated with Mohammed Benhammedi. Date of designation referred to in Article 2a(4)(b): 7.2.2006.'

- (11) The entry 'Ozlam Properties Limited. Address: 88 Smithdown Road, Liverpool L7 4JQ, United Kingdom. Other information: Registration number: 05258730.' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

**Ozlam Properties Limited.** Address: 88 Smithdown Road, Liverpool L7 4JQ, United Kingdom. Other information: (a) Registration number: 05258730; (b) Associated with Mohammed Benhammedi. Date of designation referred to in Article 2a(4)(b): 7.2.2006.'

- (12) The entry 'Sara Properties Limited (*alias* Sara Properties). Address: (a) 104 Smithdown Road, Liverpool, Merseyside L7 4JQ, United Kingdom (b) 2a Hartington Road, Liverpool L8 OSG, United Kingdom. Other information: (a) website: <http://www.saraproperties.co.uk>, (b) registration number: 4636613.' shall be replaced by the following:

**Sara Properties Limited** (*alias* Sara Properties). Address: (a) 104 Smithdown Road, Liverpool, Merseyside L7 4JQ, United Kingdom (b) 2a Hartington Road, Liverpool L8 OSG, United Kingdom. Other information: (a) Registration number: 4636613; (b) Associated with Mohammed Benhammedi. Date of designation referred to in Article 2a(4)(b): 7.2.2006.'

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**COUNCIL DECISION 2010/386/CFSP****of 12 July 2010****updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism <sup>(1)</sup>.
- (2) On 22 December 2009, the Council adopted Decision 2009/1004/CFSP updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP <sup>(2)</sup>.
- (3) In accordance with Article 1(6) of Common Position 2001/931/CFSP, it is necessary to carry out a complete review of the list of persons, groups and entities to which Decision 2009/1004/CFSP applies.
- (4) This Decision sets out the result of the review that the Council has carried out in respect of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply.
- (5) The Council has determined that there are no longer grounds for keeping certain groups on the list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply.
- (6) The Council has concluded, that with the exception of the groups referred to in recital 5, the other persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply have been involved in terrorist acts within the meaning of

Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.

- (7) The list of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should be updated accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

The list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply shall be that set out in the Annex to this Decision.

*Article 2*

Decision 2009/1004/CFSP is hereby repealed.

*Article 3*

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 July 2010.

*For the Council*  
*The President*  
S. LARUELLE

<sup>(1)</sup> OJ L 344, 28.12.2001, p. 93.

<sup>(2)</sup> OJ L 346, 23.12.2009, p. 58.

## ANNEX

## LIST OF PERSONS, GROUPS AND ENTITIES REFERRED TO IN ARTICLE 1

## 1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), – member of ‘al-Takfir’ and ‘al-Hijra’
3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif-Bab al Shamal (Saudi Arabia), citizen of Saudi Arabia
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
5. AL YACCOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
6. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
7. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
8. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
9. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon, citizen of Lebanon
10. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the ‘Hofstadgroep’
11. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria – member of ‘al-Takfir’ and ‘al-Hijra’
12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria – member of ‘al-Takfir’ and ‘al-Hijra’
13. EL FATMI, Noureddine (a.k.a. Nouriddin EL FATMI, a.k.a. Nouriddine EL FATMI, a.k.a. Noureddine EL FATMI, a.k.a. Abu AL KA’E KA’E, a.k.a. Abu QAE QAE, a.k.a. FOUAD, a.k.a. FZAD, a.k.a. Nabil EL FATMI, a.k.a. Ben MOHAMMED, a.k.a. Ben Mohand BEN LARBI, a.k.a. Ben Driss Muhand IBN LARBI, a.k.a. Abu TAHAR, a.k.a. EGGIE), born 15.8.1982 in Midar (Morocco), passport (Morocco) No. N829139 – member of the ‘Hofstadgroep’
14. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali, a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 or 11.7.1965 in El Dibabiya (Saudi Arabia), citizen of Saudi Arabia
15. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
16. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
19. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
20. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
21. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
22. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
23. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
24. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) – member of ‘al-Takfir’ and ‘al-Hijra’
25. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the ‘Hofstadgroep’

## 2. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' – 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims')
  2. 'Al-Aqsa Martyrs' Brigade'
  3. 'Al-Aqsa e.V.'
  4. 'Al-Takfir' and 'Al-Hijra'
  5. 'Aum Shinrikyo' (a.k.a. 'AUM', a.k.a. 'Aum Supreme Truth', a.k.a. 'Aleph')
  6. 'Babbar Khalsa'
  7. 'Communist Party of the Philippines', including 'New People's Army' – 'NPA', Philippines
  8. 'Gama'a al-Islamiyya' (a.k.a. 'Al-Gama'a al-Islamiyya') ('Islamic Group' – 'IG')
  9. 'İslami Büyük Doğu Akıncılar Cephesi' – 'IBDA-C' ('Great Islamic Eastern Warriors Front')
  10. 'Hamas', including 'Hamas-Izz al-Din al-Qassem'
  11. 'Hizbul Mujahideen' – 'HM'
  12. 'Hofstadgroep'
  13. 'Holy Land Foundation for Relief and Development'
  14. 'International Sikh Youth Federation' – 'ISYP'
  15. 'Khalistan Zindabad Force' – 'KZF'
  16. 'Kurdistan Workers' Party' – 'PKK', (a.k.a. 'KADEK', a.k.a. 'KONGRA-GEL')
  17. 'Liberation Tigers of Tamil Eelam' – 'LTTE'
  18. 'Ejército de Liberación Nacional' ('National Liberation Army')
  19. 'Palestinian Islamic Jihad' – 'PIJ'
  20. 'Popular Front for the Liberation of Palestine' – 'PFLP'
  21. 'Popular Front for the Liberation of Palestine – General Command' (a.k.a. 'PFLP – General Command')
  22. 'Fuerzas armadas revolucionarias de Colombia' – 'FARC' ('Revolutionary Armed Forces of Colombia')
  23. 'Devrimci Halk Kurtuluş Partisi-Cephesi' – 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party')
  24. 'Sendero Luminoso' – 'SL' ('Shining Path')
  25. 'Stichting Al Aqsa' (a.k.a. 'Stichting Al Aqsa Nederland', a.k.a. 'Al Aqsa Nederland')
  26. 'Teyrbazen Azadiya Kurdistan' – 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks')
  27. 'Autodefensas Unidas de Colombia' – 'AUC' ('United Self-Defense Forces/Group of Colombia')
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