

Doc. 10856
23 March 2006

UN Security Council blacklists

Motion for a resolution
presented by Mr Marty and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. The Assembly emphasises the vital role of the Council of Europe in the protection of individuals' fundamental rights and in the effectiveness of the legal safeguards available to individuals.
2. The undersigned are particularly concerned about the UN Security Council's practice of placing individuals on lists known as "black lists". It concerns a sanction procedure towards individuals and/or entities. The sanction results from the inscription on such a "black list". To this effect, the Security Council has established sanction committees which are in charge of managing the lists. To date, four sanction committees have been set up: one for Liberia, one for Sierra-Leone, one for Iraq and one for al-Qa'idah. The oldest list is based on a Security Council Resolution dating back to 1990. In practice, over 300 individuals are concerned.
3. The reasons why an individual is placed on a "black list" usually remain secret.
4. Inclusion on such a list has particularly serious consequences restricting the fundamental rights of the individual concerned, and may entail a prohibition of travel likely to impinge on his or her freedom to move around and to choose a place of residence, but also, in the event of sickness, the right to have good health and the right to life.
5. Inclusion on such a list also brings financial measures against him or her, such as the freezing of bank accounts for an unspecified period. Clearly, such measures conflict directly with the right of ownership, and entail considerable problems in everyday life.
6. It is extremely difficult for individuals to defend themselves against such measures, since the Security Council measures are issued to member states. The fundamental principles governing measures restricting freedom are totally disregarded: there is no right to be heard, no provision for appeal, and the rules on fair trial are completely ignored.
7. The "de-listing" of individuals is lacking in any kind of transparency, as there is no formal procedure. The only known criterion is unanimity, with no need to indicate the exact grounds for maintaining the measure.
8. The case of two individuals "listed" since November 2001 is a good example and particularly revealing and even worrying as to the manner in which fundamental rights are interpreted, under the aegis of the United Nations, even in countries considered to be advanced in this area. As the directors of a financial institution suspected by the American authorities of links to the financing of terrorism, these two persons have had all their assets frozen for over four years now and the business achievements of a whole career's work have been ruined. In addition, they are not allowed to leave the tiny enclave of Campione (Italian enclave in Switzerland). After a long investigation, the Swiss judicial authorities found no evidence against these individuals. At the end of the investigation, they were even paid a grant of 119 000 Swiss francs (about € 75 000) by the Swiss State to enable them to pay their lawyers. Notwithstanding all this, they remain "listed" and continue to suffer serious restrictions of their fundamental rights.

9. The Assembly disapproves of the abuses to which such a procedure leads and resolves to examine this matter carefully in terms of the impediments to fundamental rights entailed and the particular cases of some of the persons concerned.

*Signed*¹:

MARTY, Dick, Switzerland, ALDE
ALEVRAS, Athanasios, Greece, SOC
ARABADJIEV, Alexander, Bulgaria, SOC
ATEŞ, Abdülkadir, Turkey, SOC
BEMELMANS-VIDEC, Marie-Louise, Netherlands, EPP/CD
CEBECİ, Erol Aslan, Turkey, EPP/CD
CILEVIČS, Boriss, Latvia, SOC
DUPRAZ, John, Switzerland, ALDE
EXNER, Václav, Czech Republic, UEL
GARDETTO, Jean-Charles, Monaco, EPP/CD
GENTIL, Pierre-Alain, Switzerland, SOC
GROSS, Andreas, Switzerland, SOC
IVANOV, Sergei, Estonia, ALDE
JOVAŠEVIĆ, Ljubiša, Serbia and Montenegro, EPP/CD
JURGENS, Erik, Netherlands, SOC
Lord, TOMLINSON, John, United Kingdom, SOC
MAISSEN, Theo, Switzerland, EPP/CD
MERCAN, Murat, Turkey, EPP/CD
PAPADIMITRIOU, Elsa, Greece, EPP/CD
POURGOURIDES, Christos, Cyprus, EPP/CD
RANDEGGER, Johannes, Switzerland, ALDE
REIMANN, Maximilian, Switzerland, ALDE
SEVERIN, Adrian, Romania, SOC
TKÁČ, Vojtech, Slovakia, SOC
TOMASZEWSKA, Ewa, Poland, NR
VARVITSIOTIS, Miltiadis, Greece, EPP/CD
ZAPFL-HELBLING, Rosmarie, Switzerland, EPP/CD
ŽIŽIĆ, Zoran, Serbia and Montenegro, SOC

¹ SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group