

Appeal brought on 23 December 2008 by People's Mojahedin Organization of Iran against the judgment of the Court of First Instance (Seventh Chamber) delivered on 23 October 2008 in Case T-256/07: People's Mojahedin Organization of Iran v Council of the European Union (Case C-576/08 P)

Language of the case: English

Parties

Appellant: People's Mojahedin Organization of Iran (represented by: J.-P. Spitzer, lawyer, D. Vaughan QC, M.-E. Demetriou, Barrister)

Other parties to the proceedings: Council of the European Union, United Kingdom of Great Britain and Northern Ireland, Commission of the European Communities, Kingdom of the Netherlands

Form of order sought

The appellant claims that the Court should:

set aside the decision of the Court of First Instance insofar as that Court dismissed the PMOI's application to annul Council Decision 2007/445/EC¹ as unfounded;

annul Decision 2007/445/EC insofar as it concerned the PMOI;

order the Council to pay the Appellant's costs in this Court and with regard to Decision 2007/445/EC in the Court of First Instance.

Pleas in law and main arguments

The Appellant contends that in a case which concerned fundamental rights and the application of Article 1(4) and 1(6) of Common Position 931/2001 and Article 2(3) of Regulation 2580/2001 in relation to a Community measure which maintained the People's Mojahedin of Iran on the list of proscribed organisations:

(1) In determining whether the Council had made a manifest error of assessment, the Court of First Instance failed to provide a full review of Decision 2006/445/EC as required by the EC Treaty;

(2) The Court of First Instance failed to respect the principle of effective judicial protection by failing to provide full review;

(3) The Court of First Instance was wrong in law to conclude that the Council had not committed a manifest error of assessment in reaching its Decision. The Council and the CFI had before it all the facts and arguments that were before the national tribunal and should have considered the exculpatory material in detail;

(4) The Court of First Instance was wrong in law under Articles 1(4) and (6) of the aforesaid Common Position and Article 2(3) of the aforesaid Regulation to reject the Appellant's contention that only contemporaneous terrorist activity or threats are capable of justifying the continued inclusion of a person on the list;

(5) The CFI was wrong to conclude that the Council could correctly exclude the exculpatory material adduced by the Appellant on the basis of its conclusion on the matters addressed by the previous ground of appeal;

(6) The Court of First Instance was wrong to reject the Appellant's argument that the Council had failed to give adequate reasons in respect of the exculpatory material adduced by the Appellant concerning matters since 2001, and why the continued inclusion of the Appellant on the list of proscribed organisations was justified.

¹ - Council Decision of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (2007/445/EC) OJ L 169, p. 58