

**Case T-85/09 Yassin Abdullah Kadi v Commission [2010] ECR II-05177**

**Facts:** A resolution was adopted which aimed to implement a resolution from the United Nations Security Council. The resolution set out a list of alleged terrorists whose assets were subject to freezing injunctions. Terrorists identified had no recourse to judicial review via the United Nations, and were not permitted to reasons for their inclusion on the list. The plaintiff sought to challenge the freezing order and recover his assets. While the Court held in his favour on some grounds, the plaintiff still objected to the basis on which the UN continued to list him and brought proceedings to invalidate the legality of the EU measures, and indirectly, the UN measures.

**Held:** The General Court held that the applicant's rights of defence have been 'observed' only in the most formal and superficial sense, as the Commission in actual fact considered itself strictly bound by the Sanctions Committee's findings and therefore at no time envisaged calling those findings into question in the light of the applicant's observations. However, the General Court added that it was not for it to review indirectly whether Security Council Resolutions were compatible with such fundamental rights as are protected by the European Union legal order, nor to verify that there had been no error of assessment of the facts and evidence relied on by the Security Council in support of the measures it had taken, nor, again, to review indirectly the appropriateness and proportionality of those measures.