General Court of the European Union
PRESS RELEASE No 33/14
Luxembourg, 12 March 2014

Press and Information

Judgment in Case T-202/12
Bouchra Al Assad v Council

The General Court confirms the entry of Ms Bushra al-Assad, sister of the Syrian President Bashar al-Assad, on the list of persons subject to restrictive measures taken against Syria

Despite the death of her husband (Deputy Chief of Staff of the Syrian regime), the family link between Ms al-Assad and her brother is sufficient for the Council to be able to regard her as being linked to the leaders of Syria

Ms Bushra al-Assad (or Bouchra Al Assad) is the sister of Mr Bashar al-Assad, President of the Syrian Arab Republic, and was married to Mr Assef Shawkat, Deputy Chief of Staff of the Syrian regime, until his death. In the context of the restrictive measures taken against Syria, the Council considered Ms al-Assad to be benefiting from and associated with the Syrian regime on account of the close personal relationship and intrinsic financial relationship to the Syrian President and other core Syrian regime figures. The Council therefore entered her name on the list of persons subject to restrictive measures, so that the funds she holds in the EU were frozen and she was prohibited from entry into, or transit through, the territory of the Member States of the EU. Ms al-Assad claims annulment of the acts relating to her inclusion in the list.

By its judgment delivered today, the General Court dismisses that application.

The General Court finds, first of all, that the Council complied with its obligation to state reasons. The Council's statement of reasons (personal and family ties to the Syrian regime) is sufficient to enable the reason for Ms al-Assad's entry on the list of persons subject to restrictive measures to be understood.

Next, the General Court finds that when the restrictive measures were adopted, the Council did not infringe Ms al-Assad's rights of defence or her right to effective judicial protection. Following her entry on the list, Ms al-Assad was informed of the grounds for her designation and invited to submit observations. The fact that that notification occurred after her initial listing cannot be regarded in itself as an infringement of the rights of the defence. Prior notification of the grounds would be liable to jeopardise the effectiveness of the fund-freezing measures, which must have a surprise effect and apply immediately. The Council was not, therefore, required to hear Ms al-Assad prior to her initial listing or even before adopting subsequent acts (in which the Council did not admit any new evidence). Lastly, the General Court notes that Ms al-Assad has had the opportunity over several months to challenge the evidence justifying her initial and continued inclusion in the list.

The General Court also finds that the Council was fully entitled to presume that persons whose ties to members of the Syrian regime are established may be regarded as supporting the regime or benefiting from it and, therefore, as being associated with it. That applies in the case of Ms al-Assad, despite the death of her husband and the overly vague nature of the Council's reference to her relationship with 'other core Syrian regime figures'. **According to the General Court, the mere fact that Ms al-Assad is the sister of the Syrian President is sufficient for the Council to be able to regard her as being linked to the leaders of Syria, particularly since it is well known that power has traditionally been exercised on a family basis in Syria, which the Council was entitled to take into account.** The General Court finds that if the restrictive measures were adopted only against the leaders of the Syrian regime, the Council's objectives could be defeated, since the leaders concerned could easily circumvent those measures through

their relatives. The General Court also notes that the Council produced extracts from internet sites indicating Ms al-Assad's political role, which confirms that she is associated with the Syrian regime. The General Court rejects Ms al-Assad's arguments that, as a non-working mother, she does not perform any public or economic function, and that her children are now at school in the United Arab Emirates. The General Court finds that the fact that Ms al-Assad's children are at school in the United Arab Emirates is not sufficient for her to be regarded as having dissociated herself from the Syrian regime and as having been forced to flee the country. There may be many other reasons for a change in Ms al-Assad's residence, such as the deterioration of the security situation in Syria.

Lastly, the General Court recognises that the restrictive measures restrict Ms al-Assad's right to property and affect her private life, since she does not have free enjoyment of her possessions and her freedom of movement is limited. However, given the overriding importance of the protection of civilian populations in Syria and the derogations provided for by the contested decisions (periodic review of the decision by the Council), the General Court holds that the restrictions are not disproportionate.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The full text of the judgment is published on the CURIA website on the day of delivery

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Pictures of the delivery of the judgment are available from "Europe by Satellite" (+32) 2 2964106