

**Joined Cases C-584/10 P, C-593/10 P and C-595/10 P European Commission and Others  
v Yassin Abdullah Kadi [2013]**

**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. The General Court agreed with the applicant, in part, holding that the Commission had not observed his rights of defence, but also stated 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. The Commission, the Council and certain Member States appealed this decision on the basis that, inter alia, the level of review the General Court had exercised was incorrect.

**Held:** The Grand Chamber held that to ensure effective judicial protection, it was necessary to have a solid factual basis for listing someone. This entailed a verification of the factual allegations in the summary of reasons underpinning that decision with the consequence that judicial review could not be restricted to an assessment of the cogency in the abstract of the reasons relied on, but had to be concerned with whether those reasons, or, at the very least, one of those reasons, deemed sufficient in itself to support that decision, was substantiated.