Security Council Targeted Sanctions and Human Rights

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The course will focus on human rights protection of individuals whose names are included in UN lists of targeted sanctions. It will develop around the following three set of questions:

1. What kind of protection, if any, does the UN system offer to individuals targeted by UN sanctions? Are remedies *ex ante* or *ex post*; judicial, quasi-judicial or political? Does protection afforded to the affected individual by the State of nationality (or residence) qualify as exercise of diplomatic protection?

2. Is the lack of judicial guarantees at the universal level (where sanctions are imposed) effectively remedied, in whole or in part, at the regional and/or at the national level (where sanctions are implemented)? If so, is protection effective and not less favourable than that afforded when individual rights are similarly affected outside the scope of UN sanctions regimes? Are there objective grounds justifying a less favourable treatment?

3. Are international monitoring bodies such as the UN Committee of Human Rights and the European Court of Human Rights up to the task of protecting the rights of targeted individuals, when other international as well as national systems have failed to do so? And the ICC? Which judicial policy considerations caution against allowing full judicial review in situations where human rights are affected in the implementation of a UN resolution?

**Lecture 1: United Nations**

SC Resolution 1730 (2006) adopted on 19 December 2006


*Id.* Narrative Summaries of Reasons for Listing: Nada, Sayadi and Vinck

ILC Draft Articles on Diplomatic Protection adopted in 2006

ILC Commentaries on the Draft Articles on Diplomatic Protection, Articles 1-2 and 18.

ILC Draft Articles on Responsibility of States for Internationally Wrongful Acts adopted in 2006, Articles 1-3

ILC Draft Articles on Responsibility of International Organizations provisionally adopted in 2008, Art. 15 with commentary thereto
Lecture 2: European Union and National States


ECJ (Grand Chamber), Judgment of 3 September 2008, *Yassin Abdullah Kadi and Al Barakaat International Foundation v. Council of the European Union and Commission of the European Communities* (Joined Cases C-402/05P and C-415/05P)


CFI (Seventh Chamber), Judgment of 4 December 2008, *People’s Modjahedines Organisation of Iran v. Council of the European Union* (Case T-284/08)

Lecture 3: UN Committee of Human Rights and ECHR

SC Resolution 1636 (2005) adopted on 31 October 2005

SC Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, List of Individuals and Entities Subject to the Measures Imposed by Paragraphs 13 and 15 of Security Council Resolution 1596 (2005)

ICC, PTC-I, Request to States Parties to the Rome Statute for the Identification, Tracing and Freezing or Seizure of the Property and Assets of Mr. Thomas Lubanga Dyilo of 31 March 2006, *The Prosecutor v. Thomas Lubanga Dyilo* (ICC-01/04-01/06)


ECHR (Grand Chamber), Judgment of 30 June 2005, *Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland* (On application no. 45036/98)

ECHR (Grand Chamber), Decision of 2 May 2007, *Behrami and Behrami v. France and Saramati v. France, Germany and Norway* (On applications no. 71412/01 and 78166/01)
Electronic Bibliography


Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, Annual Report concerning the periods from 1 January to 31 December 2008 (S/2008/848) at http://daccess-ods.un.org/TMP/2389456.html

http://www.youssefnada.ch/


General Background

"Individual Remedies Against Security Council Targeted Sanctions", Italian Yearbook of Int. Law, 2008, 55-77

A. Ciampi, "L’Union européenne et le respect des droits de l’homme dans la mise en œuvre des sanctions devant la Cour européenne des droits de l’homme", Revue générale de droit international public, 2006, 85-116