

Action brought on 26 July 2002 by the Organisation des Modjahedines du Peuple d'Iran (OMPI) against the Council of the European Union

(Case T-228/02)

(2002/C 247/31)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 26 July 2002 by the Organisation des Modjahedines du Peuple d'Iran (People's Mujahidin of Iran) (OMPI) established in Auvers sur Oise (France), represented by Jean-Pierre Spitzer, Lawyer.

The applicant claims that the Court should:

- partially annul Council Decision 2002/460/EC of 17 June 2002 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 Decision 2002/334/EC;
- partially annul Common Position 2002/462/CFSP of 17 June 2002 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2002/340/CFSP;
- partially annul Common Position 2002/340/CFSP of 2 May 2002 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, revising the list of persons covered;
- declare all those legislative texts inapplicable to the applicant;
- order the Council of the European Union to pay OMPI the sum of EUR 1 for harm suffered;
- order the Council of the European Union to pay all the costs.

Pleas in law and main arguments

The applicant organisation seeks annulment of the legislative texts which are the subject-matter of the present action in so far as they expressly refer to it. The applicant states in this regard that inclusion in the contested lists is a penalty which causes it considerable harm, if only because it is equated with terrorist organisations denounced by it.

In support of its claims, the applicant pleads:

- Breach of its rights of defence in that it was not given the opportunity to be heard before being included in the contested lists.
- In the alternative, failure to have regard to the right to revolt against tyranny and oppression as a superior rule of law. It observes in this regard that it is conducting legitimate resistance against the Iranian regime, while complying with the fundamental principles of democracy and of respect for human rights. Its resistance is, moreover, supported by the international community.
- In the further alternative, breach of the principle of non-discrimination, both in relation to the organisations which are included in the list and in relation to those that are not, for example Al-Qaida. It points out in this regard that, unlike almost all the organisations included in the list, it is not opposing a democratic regime, that it has never undertaken actions against civilians and that it is the only resistance movement which is acting within Iran's borders and defending peace in the region.

Action brought on 2 August 2002 by X against Commission of the European Communities

(Case T-230/02)

(2002/C 247/32)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 August 2002 by X, represented by Gilles Bounéou, lawyer.

The applicant claims that the Court should:

- order the defendant to pay EUR 75 000 by way of compensation or any other amount to be determined *ex aequo et bono* by the Court;
- order the defendant to pay the costs.