- 4. Fourth plea in law, alleging that Commission Regulation (EU) No 1139/2010 and Commission Regulation (EU) No 1138/2010 are a disproportionate interference to all four applicants' rights to property and their private life under Article 8 of the European Convention on Human Rights and Fundamental Freedoms. In addition, such legislation is irrational, particularly given the United Kingdom's stance that the first three applicants no longer fulfil the relevant criteria.
- (¹) Commission Regulation (EU) No 1139/2010 of 7 December 2010 amending for the 141st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban (OJ 2010 L 322, p. 6)
- (2) Commission Regulation (EU) No 1138/2010 of 7 December 2010 amending for the 140th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban (OJ 2010 L 322, p. 4)

Action brought on 11 March 2011 — Guiai Bi Poin v Council

(Case T-137/11)

(2011/C 130/42)

Language of the case: French

Parties

Applicant: Georges Guiai Bi Poin (Abidjan, Côte d'Ivoire) (represented by: G. Collard, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare that, concerning the applicant, Mr Georges GUIAI BI POIN, Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011, published on 15 January 2011 in the Official Journal of the European Union, are not justified in fact,
- consequently,
 - annul Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011;
 - alternatively, order that the name of Mr Georges GUIAI BI POIN be removed from the lists annexed to that regulation and to that decision.

Pleas in law and main arguments

In support of the action, the applicant puts forward two pleas in law.

1. First plea in law alleging a breach of the obligation to state reasons, in so far as the grounds for including the applicant

- on the list of persons and entities to which the restrictive measures apply are stereotyped without any specific factual element making it possible to assess the relevance of that inclusion being mentioned.
- 2. Second plea in law alleging a manifest error of assessment, in so far as:
 - the applicant is accused of refusing to place himself under the authority of the democratically elected president, A. Ouattara, whereas the applicant may not in the capacity of a soldier avoid obeying the constitutional authorities of his country which have declared L. Gbagbo elected president and
 - the applicant is accused of being responsible for serious breaches of human rights and international humanitarian law, whereas the applicant has not been challenged by the International Criminal Court whose jurisdiction has been recognised by the Republic of Côte d'Ivoire.

Action brought on 11 March 2011 — Ahouma v Council

(Case T-138/11)

(2011/C 130/43)

Language of the case: French

Parties

Applicant: Brouha Nathanaël Ahouma (Abidjan, Côte d'Ivoire) (represented by: G. Collard, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare that, concerning the applicant, Mr Brouha Nathanaël AHOUMA, Council Regulation (EU) No 25/2011 of 14 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011, published on 15 January 2011 in the Official Journal of the European Union, are not justified in fact,
- consequently,
 - annul Council Regulation (EU) No 25/2011 of 14
 January 2011 and Council Decision 2011/18/CFSP of 14 January 2011;
 - alternatively, order that the name of Mr Brouha Nathanaël AHOUMA be removed from the lists annexed to that regulation and to that decision.

Pleas in law and main arguments

The pleas in law and main arguments raised by the applicant are, in essence, identical or similar to those raised in Case T-137/11 Guiai Bi Poin v Council.