

# GENERAL COURT

## Judgment of the General Court of 22 November 2018 — Saleh Thabet and Others v Council

(Cases T-274/16 and T-275/16) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in Egypt — Freezing of funds — Objectives — Criteria for inclusion of persons targeted — Renewal of the applicants' designation on the list of persons targeted — Factual basis — Plea of illegality — Legal basis — Proportionality — Right to a fair trial — Presumption of innocence — Principle of good administration — Error of law — Manifest error of assessment — Right to property — Rights of defence — Right to effective judicial protection)*

(2019/C 44/23)

Language of the case: English

### Parties

*Applicant in Case T-274/16:* Suzanne Saleh Thabet (Cairo, Egypt) (represented by B. Kennelly QC, J. Pobjoy, Barrister, G. Martin, M. Rushton and C. Enderby Smith, Solicitors)

*Applicants in Case T-275/16:* Gamal Mohamed Hosni Elsayed Mubarak (Cairo), Alaa Mohamed Hosni Elsayed Mubarak (Cairo), Heidy Mahmoud Magdy Hussein Rasekh (Cairo), Khadiga Mahmoud El Gammal (Cairo) (represented by: B. Kennelly, J. Pobjoy, G. Martin, M. Rushton and C. Enderby Smith)

*Defendant:* Council of the European Union (represented initially by: S. Kyriakopoulou and M. Veiga, and subsequently by S. Kyriakopoulou and J. Kneale, acting as Agents)

### Re:

Application under Article 263 TFEU for annulment of (i) Council Decision (CFSP) 2016/411 of 18 March 2016 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2016 L 74, p. 40); (ii) Council Decision (CFSP) 2017/496 of 21 March 2017 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2017 L 76, p. 22); and (iii) Council Implementing Regulation (EU) 2017/491 of 21 March 2017 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ 2017 L 76, p. 10), in so far as those acts apply to the applicants.

### Operative part of the judgment

*The Court:*

1. Orders that Cases T-274/16 and T-275/16 be joined for the purposes of the judgment;
2. Dismisses the actions;
3. Orders Ms Suzanne Saleh Thabet, Mr Gamal Mohamed Hosni Elsayed Mubarak, Mr Alaa Mohamed Hosni Elsayed Mubarak, Ms Heidy Mahmoud Magdy Hussein Rasekh and Ms Khadiga Mahmoud El Gammal to pay the costs.

<sup>(1)</sup> OJ C 270, 25.7.2016.