



**COUNCIL OF
THE EUROPEAN UNION**

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DECLASSIFICATION

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



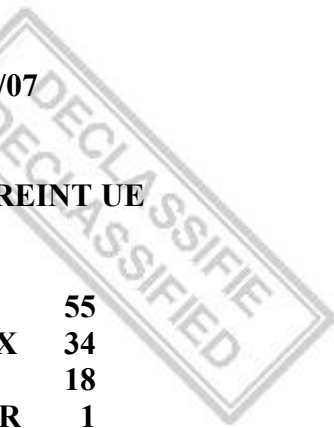
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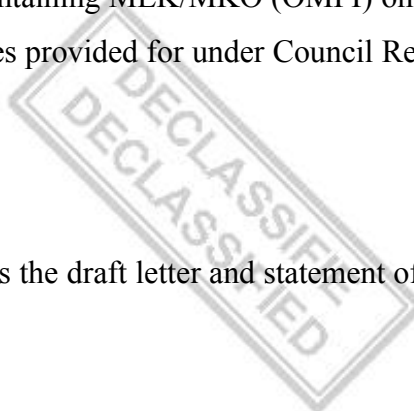


"I/A" ITEM NOTE

From : General Secretariat
To : Committee of Permanent Representatives / Council
Subject : Follow-up to the judgment of the Court of First Instance in case T-228/02 - OMPI v. Council

1. On 12 December 2006, the Court of First Instance of the European Communities issued its judgement in case T-228/02, Organisation des Modjahedines du Peuple de l'Iran (OMPI) v. Council of the European Union. The Court annulled Council Decision 2005/930/EC insofar as it imposed an asset freeze on OMPI following its inclusion in the EU list of persons, groups and entities involved in terrorist acts. The Court found i.a. that the decision ordering the freezing of OMPI's funds did not contain a sufficient statement of reasons and that the right to a fair hearing had not been respected.
2. The Council is obliged to take the measures necessary to comply with that judgement.
3. As far as OMPI is concerned, the Foreign Relations Counsellors Working party (RELEX) discussed on 18 December 2006 and 18 January 2007 the steps necessary in order to maintain that group on the list.

4. RELEX agreed on the text of a draft letter to be sent to MEK/MKO (OMPI) in order to inform it of the Council's intention to maintain it on the list of persons and entities subject to the asset freeze and to allow MEK/MKO (OMPI) to submit observations thereon. Attached to the letter is a statement of reasons indicating the grounds for maintaining MEK/MKO (OMPI) on the list of persons and entities subject to the restrictive measures provided for under Council Regulation (EC) No 2580/2001 of 27 December 2001.
5. Coreper is invited to recommend that the Council agrees the draft letter and statement of reasons in Annex to be sent to MEK/MKO (OMPI).



Draft letter to be sent to **Mujahedin-e Khalq Organisation**, regarding the Council's intention to maintain them on the list of persons, groups and entities to which Regulation 2580/2001 applies

This letter is addressed to you following the judgment of the Court of First Instance of the European Communities of 12 December 2006 in case T-228/02 (Organisation des Modjahedines du Peuple d'Iran v. Council of the European Union).

The Council has determined that the grounds for including your organisation on the list of persons and entities subject to the restrictive measures provided for under Council Regulation (EC) 2580/2001 of 27 December 2001 are still valid. Consequently, the Council intends to maintain your organisation on that list.

You will find enclosed with this letter a statement of reasons for the inclusion of your organisation on the above-mentioned list. You may submit to the Council, together with any supporting documentation, observations on the Council's intention to maintain your organisation on the above-mentioned list and its reasons for doing so, within one month of the date of this letter, to the following address: Council of the European Union, General Secretariat (Attn.: UNSCR 1373 designations), Rue de la Loi 175, B-1048 Brussels, or by telefax, number (0032)2-281 5387.

Mujahedin-e Khalq Organisation (MEK or MKO) [minus the ‘National Council of Resistance of Iran’ (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)

Mujahedin-e Khalq Organisation (MEK or MKO) is a terrorist group formed in 1965. It advocates the violent overthrow of the Iranian government. In the late 1980s MEK was exiled to Iraq, from where it conducted several cross-border attacks against Iran. In April 1992 the MEK conducted terrorist attacks on Iranian embassies and installations in 13 countries. During the presidential election campaign in 1993, the group claimed responsibility for a number of attacks against oil installations, including Iran's largest refinery. In April 1999 the MEK assassinated the deputy chief of the Iranian Armed Forces General Staff, Ali Sayyad Shirazi. In 2000 and 2001 it claimed that its members were involved in further hit-and-run raids against the Iranian military, law enforcement units, government buildings near the Iran-Iraq border. These acts fall within the provision of Article 1(3), subpoints (a), (b), (d), (g) and (h) of Common Position 2001/931/CFSP, and were committed with the aims set out in Article 1(3), points (i) and (iii) thereof.

Mujahedin-e Khalq Organisation (MEK or MKO) falls within Article 2(3) (ii) of Regulation (EC) n° 2580/2001.

Having regard to the MEK's commission of and participation in acts of terrorism, the UK Secretary of State took a decision on 29 March 2001 to proscribe Mujahedin-e Khalq (MEK or MKO) as an organisation concerned in terrorism under the UK Terrorism Act 2000. This decision is subject to review as set out in the Act.

A decision in respect of Mujahedin-e Khalq Organisation (MEK or MKO) has thus been taken by a competent authority within the meaning of Article 1(4) of Common Position 2001/931/CFSP.

The Council notes that the above decision by the UK Secretary of State to proscribe Mujahedin-e Khalq Organisation (MEK or MKO) as an organisation concerned in terrorism still remains in force, and is satisfied that the reasons for including it on the list of persons and entities subject to the measures set out in Article 2(1) and (2) of Regulation (EC) no. 2580/2001 remain valid.

Having considered these elements, the Council has decided that Mujahedin-e Khalq Organisation (MEK or MKO) should continue to be subject to the measures set out in Article 2(1) and (2) of Regulation (EC) n° 2580/2001.

