The Law of the List
UN counterterrorism sanctions and the politics of global security law
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The Law of the List:
UN Counterterrorism Sanctions and the Politics of Global Security Law

Gavin Sullivan

UN Counterterrorism Sanctions and the Politics of Global Security Law
THE LAW OF THE LIST: UN COUNTERTERRORISM SANCTIONS
AND THE POLITICS OF GLOBAL SECURITY LAW

ACADEMISCH PROEFSCHRIFT

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aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus
prof. dr. ir. K.I.J. Maex
ten overstaan van een door het College
voor Promoties ingestelde commissie,
in het openbaar te verdedigen in de Agnietenkapel
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Faculteit der Maatschappij- en Gedragswetenschappen
# The Law of the List: UN Counterterrorism Sanctions and the Politics of Global Security Law

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Abbreviations

AG – Advocate General
ANT – Actor-Network Theory
API – Advanced Passenger Information
AVSEC - Aviation Security Plan of Action
CSIS – Canadian Security Intelligence Service
CTC – Counter Terrorism Committee
ECJ – European Court of Justice
ECtHR – European Court of Human Rights
EGC – European General Court
EU – European Union
EUI – European University Institute
FOIA – Freedom of Information Act
FTF – Foreign Terrorist Fighter
GAL – Global Administrative Law
GDS – Global Distribution Systems
HRC – Human Rights Committee
IATA – International Air Transport Association
ICAO – International Civil Aviation Organisation
ICCPR – International Convention on Civil and Political Rights
IO – International Organisation
IR – International Relations
NGO – Non-Governmental Organisation
OFAC – Office of Foreign Assets Control
PNR – Passenger Name Record
R2P – Responsibility to Protect
SARPS – Standards and Recommended Practices
SCAD – Security Council Affairs Division
SCR – Security Council Resolution
SIAC – UK Special Immigration Appeals Commission
STS – Science and Technology Studies
TPN – Transnational Policy Network
UK – United Kingdom
UN – United Nations
UNSC – United Nations Security Council
US – United States
USAP – Universal Security Audit Programme
WTO – World Trade Organisation
List of Cases

International and Regional

Case C-155/79 Australian Mining and Smelting Europe Ltd. v Commission [1982] ECR 1575 (170)
Case T-315/01 Kadi v Council and Commission [2005] ECR II 3649 (90)
Case T-228/02, Organisation des Modjahedines du peuple d'Iran v Council of European Union [2006] ECR II 4665 (160)
Joined Cases C-402 P and 415/05 P Kadi and Al Barakaat v Council and Commission [2008] ECR I 6351 (5, 90, 161)
Case T-85/09, Kadi v Commission [2010] ECR II 5177 (90, 157)
Case C-27-09 P French Republic v PMOI [2011] ECR I 13427, Opinion of AG Sharpston (163)
Joined Cases C-584/10 P, C-593/10 P and C-595/10 P Commission, Council and United Kingdom v Kadi [2013] Nyr (17, 91, 158)
Case T-306/10, Yusef v Commission [2014] Nyr (171)

European Court of Human Rights

A and others v United Kingdom App. No. 3455/05 (ECtHR, 19 February 2009) (166)
Al-Dulimi and Montana Management Inc. v Switzerland App. No. 5809/08 (ECtHR, 26 November 2013) (89, 124)
Al-Khawaja and Tahery v United Kingdom App. Nos. 26766/05 and 22228/06 (ECtHR, 15 December 2011) (156)
Nada v Switzerland Appl. No. 10593/08 (ECtHR, 12 September 2012) (88)

United Nations Human Rights Committee


National

Canada

Abdelrazik v Canada (Minister of Foreign Affairs) 2009 F.C. 580 (5, 85)

Germany

Oberlandesgericht (OLG), OLG Hamburg, Decision of 14 June 2005, reprinted in (2005) 58 Neue Juristische Wochenzeitschrift 2326 (143)
Solange I (29 May 1974) BVerfGE 37 (7)
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Switzerland

Youssef Mustapha Nada v SECO, Staatssekretariat fur Wirtschaft (Schweizer Bundesgericht)
(14 November 2007), 1A.45/2007/daa (88)

United Kingdom

R v Goldstein [1983] 1 WLR 151 (120)
R v Secretary of State for the Home Department, Ex p Simms [2000] 2 AC 115 (87)
Secretary of State for the Home Department v Rehman [2001] UKHL 47 (163, 169)
A and others v Secretary of State for the Home Department (No 2) [2005] UKHL 71 (143, 144, 148, 171)
HM Treasury v Ahmed and Others [2010] UKSC 2 (3, 86)
Youssef v Secretary of State for Foreign and Commonwealth Affairs [2016] UKSC 3 (128)
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| Interview M | Interview with member of European Commission Legal Service  
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| Interview N | Interview with member of the European General Court  
Luxembourg, March 2013 |
| Interview O | Interview with member of the European External Action Service (EEAS)  
Brussels, March 2013 |
| Interview P | Interview with member of European Court of Justice  
Luxembourg, March 2013 |
| Interview Q | Interview with member of Council of the European Union  
Brussels, March 2013 |
Interview with a member of the Commission Legal Service
Brussels, October 2013

Additional Interviews

Interview with member of the German Mission to the UN
New York, November 2012

Interview with member of the Swiss Mission to the UN
New York, November 2012

Interview with two members of the UK Mission to the UN
New York, November 2012

Interview with member of the US Mission to the UN
New York, November 2012

Interview with lawyer representing targeted individuals
London, March 2013

Interview with former member of the UK Sanctions Unit
London, April 2013

Interview with member of the UK FCO Sanctions Team
London, April 2013

Interview with lawyer representing targeted individuals
London, May 2013

Interview with lawyer representing targeted entities
Washington DC, June 2014

Interview with member of the German Mission to the UN
New York, June 2014

Interview with member of the US Mission to the UN
New York, June 2014

Interview with expert from INTERPOL
New York (via Skype), September 2014

Interview with expert from International Air Transport Association (IATA)
Montreal (via Skype) October 2014