



EUROPEAN UNION
Permanent Delegation to the United Nations Office
and other international organisations in Geneva
Ambassador

Geneva, 11 November 2024

Note for the attention of Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Independent Expert on human rights and international solidarity and the Special Rapporteur on the right to privacy

Subject: Transmission note: Joint Communication from Special Procedures, Office of the High Commissioner for Human Rights - JAL OTH 123/2024

I have the pleasure of enclosing the attached reply from the European Union to the Joint Communication sent by Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Independent Expert on human rights and international solidarity and the Special Rapporteur on the right to privacy.

Yours sincerely,

Lotte Knudsen
Ambassador

Email to: ohchr-registry@un.org

Enc.: EU reply on the above mentioned subject

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The EU Delegation to the UN Office and other international organisations in Geneva presents its compliment to the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, the Independent Expert on human rights and international solidarity and the Special Rapporteur on the right to privacy and has the honor to refer to the 10 September Joint communication from Special Procedures.

The EU Delegation hereby wishes to transmit in attachment the response of the competent EU services to the Joint Communication from Special Procedures of 10 September 2024.

Enclosure:

Dear Ms Douhan, dear Ms Bailliet, dear Ms Brian Nougrères,

The European External Action Service (EEAS) services in charge of EU restrictive measures and human rights have the honor to refer to the Joint Communication from Special Procedures of 10 September 2024, in which you refer to the situation of Ms Alexandra Melnichenko. This communication has been shared with the Council relevant working parties.

Firstly, EU restrictive measures are fully compliant with international law and are imposed in particular in reaction to actions that constitute breaches of international norms and to defend key UN principles, such as in the case of Russia's military aggression against Ukraine. They fully respect rights of persons flowing from international law, including human rights law. As mentioned in your communication, EU restrictive measures designations are accompanied by an explanation - statement of reasons - to enable the individual or entity concerned to understand the grounds for their listing. They are based on specific listing criteria and evidence that is made available to the listed individual, upon request. Proportionality is ensured through the regular review of all restrictive measures, including individual listings.

Secondly, listed individuals and entities are also notified about changes to their EU restrictive measures designations and given an opportunity to provide observations, submit requests for access to their file and make de-listing requests, which are examined by the competent EU body, in the present case the Council of the European Union. Designated individuals and entities may challenge EU restrictive measures before the Court of Justice of the EU, asserting their due process rights and their right to a fair trial. Pursuant to the applications in case T-498/22 and T-1113/23 from Ms Melnichenko, the decisions to include her in the list of individuals and entities subject to EU restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine are currently under judicial review by the Court. The Council of the European Union has regularly engaged, through written correspondence, with the representatives of Ms Melnichenko.

Yours sincerely,

