

EU Sanctions and the Erosion of Fundamental Legal Principles:

Hüseyin Doğru is a journalist whose work has focused on politically sensitive subjects, including reporting on Palestine and Ukraine. His reporting and public commentary have attracted scrutiny from European authorities, and he has been subjected to restrictive measures under the EU sanctions framework, specifically **Council Regulation (EU) 2024/2642**, as amended (notably by Regulation 2025/965 reflecting his listing), concerning actions destabilising the Union and its Member States. Notably, Mr. Doğru has **not been charged with a criminal offense**, nor has any court found that he violated domestic or international law. The sanctions imposed on him are executive measures, adopted outside the framework of criminal proceedings.

The publicly articulated allegations against Mr. Doğru relate not to criminal conduct, but to assessments of his work and speech as allegedly inappropriate, harmful, or undesirable under the European Union's foreign and security policy objectives. These assessments have not been tested in an adversarial judicial process, nor has Mr. Doğru been afforded a prior hearing before an independent and impartial tribunal. Nevertheless, the sanctions imposed have had immediate and severe consequences.

On **January 8, 2026**, Mr. Doğru published an urgent appeal on the social media platform X, stating:

"URGENT: As of now, I have ZERO access to any money. I can't provide food for my family, incl. 2 newborns, due to EU sanctions. Previously, I was granted access to €506 to survive which is now also inaccessible. My bank blocked it. The EU de facto sanctioned my children too."

This statement describes a situation of **total financial deprivation**, including the loss of access to funds previously authorized under humanitarian exemptions intended to cover basic needs. According to Mr. Doğru, the blocking of these funds by his bank has left him unable to purchase food, cover housing or medical expenses, or meet the basic needs of his family, including two newborn children.

As of early 2026, Mr. Doğru's situation remains unresolved. His appeal against the sanctions in September 2025 was rejected, and the evidence cited for his listing consists solely of his journalism and public commentary. No derogation or humanitarian release of funds has occurred, underscoring the persistent and severe impact of these measures.

Critically, the complete absence of accessible funds has also rendered Mr. Doğru **unable to enlist legal counsel**. As a result, he lacks the practical means to obtain legal advice or pursue judicial redress against the sanctions imposed on him. He is therefore subject to severe restrictive measures while being financially incapacitated from challenging their le-

gality. The safeguards formally embedded in the EU sanctions framework—designed precisely to prevent such outcomes—have, in this case, failed to operate.

Mr. Dođru's situation provides a concrete and urgent illustration of the broader legal problem examined in this essay: how EU sanctions, when implemented in a manner that results in total deprivation, denial of legal defense, and harm to dependent children, cease to function as lawful preventive measures and instead operate as **extrajudicial punishment**, incompatible with fundamental constitutional principles and human rights obligations.

Severe Material Deprivation and Inhuman Treatment

A foundational principle of human rights law is the protection of human dignity. Measures that deprive an individual of the ability to meet basic needs—food, housing, healthcare, and legal assistance—strike at the core of that principle.

Article 3 of the European Convention on Human Rights (ECHR) prohibits inhuman or degrading treatment in absolute terms. While traditionally associated with detention or physical abuse, the jurisprudence of the European Court of Human Rights recognizes that **state-imposed material deprivation**, when sufficiently severe and foreseeable, may reach the Article 3 threshold. A total asset freeze that leaves an individual without any access to money creates conditions incompatible with human dignity, particularly where the deprivation is prolonged and unavoidable.

These concerns are magnified when sanctions predictably affect **dependent children**. International law, including the Convention on the Rights of the Child, requires that the best interests of the child be a primary consideration in all state action. Sanctions that deprive children of food, shelter, or medical care—even indirectly—constitute a form of collective punishment. Such outcomes are neither incidental nor unforeseeable and therefore engage the responsibility of the sanctioning authorities.

The Legal Safeguards Built into the EU Sanctions Framework

Importantly, the unlawfulness of total deprivation is not merely a matter of external human rights critique; it is explicitly acknowledged within the **EU sanctions framework itself**. EU asset-freeze regulations routinely include binding safeguards allowing access to funds for:

- **Basic needs**, including food, rent, utilities, medical treatment, and childcare; and
- **Reasonable professional fees**, including expenses associated with legal services.

These exemptions are not discretionary humanitarian gestures but **legal requirements**, reflecting the EU's obligations under the Charter of Fundamental Rights, the ECHR, and general principles of EU law such as proportionality and effective judicial protection. Their inclusion constitutes an explicit recognition that sanctions must not reduce individuals to destitution or obstruct their ability to defend themselves.

Failure of Safeguards and the Illegality of Total Deprivation

Where, despite these safeguards, a sanctioned individual is left with **zero access to funds**, including previously authorized subsistence allowances, the sanctions are no longer being applied lawfully. Such a situation represents a **breach of the sanctions regulation itself**, not merely an unfortunate administrative outcome.

If financial institutions or national authorities block access to exempted funds, the resulting deprivation is legally attributable to the state and the EU legal order. The denial of access to funds for **legal services** is particularly serious: the right to an effective remedy under Article 47 of the EU Charter requires not only formal access to courts but the **practical ability to exercise that right**. A system that prevents an individual from paying legal counsel disables any meaningful challenge to the measures imposed and transforms judicial review into a hollow formality.

The failure of safeguards is especially grave where **children are affected**. The sanctions framework does not authorize the starvation or homelessness of minors. When exemptions fail in such circumstances, the measures become irreconcilable with the principle of the best interests of the child and with basic standards of human dignity.

Crucially, this failure strips sanctions of their claimed **preventive character**. Preventive measures must be limited, calibrated, and reversible. When safeguards collapse and deprivation becomes absolute, sanctions acquire a coercive and punitive nature, functioning as extrajudicial penalties rather than lawful regulatory tools.

The Right to Due Process and Effective Judicial Protection

Due process is a cornerstone of constitutional democracy. Article 6 ECHR and Article 47 of the EU Charter guarantee the right to a fair hearing, the right to be informed of allegations, and the right to effective judicial review by an independent and impartial tribunal.

EU sanctions regimes frequently fall short of these requirements. Individuals may be listed by executive decision based on undisclosed or vaguely articulated grounds, often relying on confidential intelligence. Sanctions typically take effect immediately, while judicial review—if available—occurs only after severe harm has already been inflicted.

Where individuals are not charged with any criminal offense and are denied the procedural safeguards associated with criminal proceedings, yet are subjected to consequences comparable to criminal penalties, the sanctions violate the essence of due process. This “punish first, review later” structure is fundamentally incompatible with the rule of law.

Nullum Poena Sine Lege and the Foreseeability Problem

The principle of *nullum poena sine lege*, enshrined in Article 7 ECHR, prohibits punishment without pre-existing law and requires that legal norms be accessible and foreseeable. Individuals must be able to understand in advance what conduct could expose them to punitive consequences.

EU sanctions undermine this principle when they penalize conduct that is not illegal—such as lawful journalistic or political activity—or when listing criteria are so vague that individuals cannot reasonably foresee the consequences of their actions. Although sanctions are formally labeled as “preventive,” their severity, stigma, and potentially indefinite duration give them the substantive character of punishment.

Following the principles established in *Kadi v. Commission*, EU courts require that sanctions be substantiated by evidence and proportionate to the purported objective. In Mr. Doğru’s case, the framing of lawful pro-Palestine reporting as “destabilising” (linked only tenuously to broader geopolitical narratives) raises serious proportionality concerns.

Legal classification cannot override legal reality. Measures that function as punishment must be subject to the legal constraints governing punishment. To allow otherwise is to hollow out one of the most fundamental protections against arbitrary power.

Freedom of Expression and Indirect Censorship

Where sanctions are linked to journalistic work or political expression, additional constitutional violations arise. Article 10 ECHR and Article 11 of the EU Charter protect freedom of expression, particularly political speech and journalism, which occupy a privileged position in democratic society.

Journalistic activity enjoys **heightened protection**, as reflected in *Steel and Morris v. United Kingdom*, particularly when reporting on matters of public interest. Financial deprivation imposed by executive decree can serve as an effective form of indirect censorship. Unlike criminal prosecution, it avoids public scrutiny and procedural safeguards while achieving the same silencing effect. Such interference cannot be justified unless it is lawful, necessary, and proportionate—criteria not met where sanctions suppress lawful expression without judicial findings of wrongdoing and prevent access to legal remedies.

Sanctions as Extrajudicial Punishment

Taken together, these elements demonstrate that certain EU sanctions regimes operate as **extrajudicial punishment**. They impose severe and individualized harm; they are based on alleged wrongdoing; they bypass criminal procedure; and they are enforced without effective safeguards or timely judicial control.

The absence of a criminal label does not negate their punitive nature. Constitutional and human rights law assess measures by their **substance and effect**, not their formal designation. When sanctions replicate the consequences of criminal penalties while evading the safeguards that make punishment lawful, they undermine the separation of powers and erode the rule of law itself.

Conclusion

EU sanctions that result in total financial deprivation, deny access to legally mandated humanitarian and legal-defense exemptions, obstruct effective judicial remedies, and foreseeably harm dependent children violate fundamental constitutional and human rights principles. Despite their formal characterization as preventive measures, such sanctions function in practice as **extrajudicial punishment**—imposed without law, without trial, and without dignity. If the European Union is to remain faithful to its foundational commitment to human rights and the rule of law, sanctions regimes must be subjected to rigorous substantive and procedural limits, ensuring that no individual is punished outside the bounds of lawful judicial process.

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