

EU Sanctions, Human Dignity, and the Hüseyin Doğru Case: A Juridical Analysis (Expanded)

In the contemporary European Union, targeted sanctions have become an increasingly central instrument of preventive governance. Designed to counter terrorism, proliferation, cyber operations, and hybrid threats, these measures are formally administrative and precautionary rather than punitive. Yet their practical effects may approach — and sometimes exceed — those of criminal penalties.

The case of Hüseyin Doğru, a German journalist reportedly unable for extended periods to access funds sufficient to secure food and basic necessities for his family following his designation under an EU sanctions regime, illustrates a profound tension within European legal order. The Union's constitutional commitment to **human dignity, proportionality, and effective judicial protection** coexists with regulatory mechanisms capable of producing severe socio-economic isolation.

II. History and Regulatory Context of the Case

Hüseyin Doğru, a Berlin-based journalist of Turkish-Kurdish origin, founded the English-language platform *red.media*, linked to AFA Medya. The outlet reportedly focused on anti-colonial and left-wing perspectives and provided extensive coverage of pro-Palestinian demonstrations and the Gaza conflict, often criticising German and EU policy positions.

On 20 May 2025, the Council of the European Union designated Doğru and his media outlet under a sanctions framework addressing hybrid threats and destabilisation. The listing cited alleged involvement in information manipulation activities linked to Russian strategic interests.

Crucially:

- the designation was **administrative rather than criminal**;
- no indictment, conviction, or adversarial evidentiary hearing preceded the restrictive measures.

The consequences included:

- comprehensive asset freeze;
- travel restrictions and document surrender;
- prohibition on provision of economic resources;
- indirect effects on family members' financial access.

Requests for reconsideration were rejected in September 2025. Annulment proceedings remain pending before the Court of Justice of the European Union. Domestic litigation intensified following banks' refusal to release funds authorised for subsistence allowances, culminating in the rejection of emergency relief by the Frankfurt district court in March 2026.

III. The Legal Nature of EU Targeted Sanctions: Preventive Measures with Quasi-Penal Effects

EU targeted sanctions occupy an ambiguous doctrinal position.

Formally, they are:

- **preventive administrative measures**
- aimed at disrupting networks and influence operations
- justified by external-relations and security competences.

Substantively, however, they may generate:

- long-term financial exclusion;
- reputational stigma;
- restrictions on mobility and professional activity;
- dependency on administrative discretion for survival resources.

This dual nature has been recognised in the landmark jurisprudence of the Court of Justice of the European Union, particularly in *Kadi v Council*, which affirmed that **even security-motivated sanctions remain subject to full review for proportionality and fundamental-rights compliance**.

The preventive character of sanctions does not eliminate their capacity to interfere deeply with:

- property rights,
- private and family life,
- freedom of expression,
- minimum-subsistence guarantees.

Thus, the doctrinal challenge lies in ensuring that **preventive rationality does not eclipse constitutional accountability**.

IV. Primacy of EU Law and the Role of National Courts

The Frankfurt court's reasoning appears to reflect a restrictive interpretation of EU law primacy derived from cases such as *Costa v ENEL* and *Simmenthal*. These decisions indeed establish that national law must yield to directly applicable Union measures.

However, primacy operates **within a constitutional ecosystem that includes fundamental-rights guarantees embedded in EU law itself.**

National courts therefore retain several obligations:

1. **Rights-conforming interpretation** They must interpret sanctions regulations — including humanitarian derogations — in light of the EU Charter.
2. **Proportionality scrutiny of implementation measures** Banking practices and administrative enforcement decisions remain reviewable.
3. **Preliminary reference mechanism** Where interpretation or validity is uncertain, courts must engage the Court of Justice of the European Union rather than treating sanctions as normatively absolute.

The key issue is therefore not a binary conflict between primacy and dignity, but the **extent of interpretative margin within EU law itself.**

V. Humanitarian Derogations and the Proportionality Test

EU sanctions regimes typically contain derogations allowing access to funds necessary for:

- food,
- rent,
- medical treatment,
- legal expenses.

The effectiveness of these safeguards must be assessed using the classical EU proportionality framework.

1. Legitimate Aim

Countering hybrid threats and information manipulation constitutes a recognised objective of EU external action.

2. Suitability

Financial restrictions may plausibly reduce capacity to finance destabilising activities.

3. Necessity

A critical question arises:

Is comprehensive banking exclusion necessary where authorities have authorised subsistence allowances?

If less restrictive alternatives exist — such as monitored accounts or supervised disbursement mechanisms — necessity may not be satisfied.

4. Proportionality *stricto sensu*

Where enforcement risks plunging an individual and dependent children into destitution, the balance between security objectives and human dignity becomes constitutionally acute.

Failure to operationalise humanitarian derogations may therefore transform formally targeted sanctions into **de facto instruments of socio-economic exclusion**.

VI. German Constitutional Guarantees and Minimum Subsistence Jurisprudence

The German Basic Law enshrines:

- inviolability of human dignity (Art. 1 GG),
- general liberty (Art. 2 GG),
- property protection (Art. 14 GG),
- the social-state principle (Art. 20 GG).

German constitutional jurisprudence recognises a **state obligation to ensure conditions for a dignified minimum existence**.

While sanctions derive from EU law, their implementation by national authorities and financial institutions must remain compatible with these constitutional standards. Where enforcement practices risk prolonged deprivation of essential goods, questions of **constitutional proportionality and indirect state responsibility** may arise.

VII. EU Charter and Convention Obligations

The EU Charter guarantees:

- dignity,
- family life,
- freedom of expression,
- property,
- effective judicial remedy.

Parallel protections exist under the European Convention on Human Rights, interpreted by the European Court of Human Rights.

Convention jurisprudence has increasingly recognised **positive obligations** requiring states to prevent conditions of severe material deprivation where such conditions are attributable to state action or regulatory frameworks.

Thus, the issue is not solely whether sanctions are lawful in principle, but whether **their practical enforcement respects minimum humanitarian thresholds**.

VIII. Collateral Effects and the Chilling of Civil Solidarity

One of the most distinctive aspects of the Dođru case concerns the legal risk faced by third parties providing humanitarian assistance.

Under German sanctions-implementation law, providing material support to listed individuals may constitute a criminal offence. This risk potentially extends to:

- grocery purchases,
- baby supplies,
- housing assistance.

Even in the absence of active prosecutions, the regulatory environment may generate a **chilling effect** on informal solidarity networks.

From a human-rights perspective, sanctions can thus restructure the **legal risk landscape of civil society**, extending deterrence beyond the listed individual.

This phenomenon may be conceptualised as:

collateral fundamental-rights impact — where preventive measures indirectly constrain the exercise of solidarity, association, and humanitarian action.

Such effects raise complex questions regarding proportionality and democratic legitimacy.

IX. Interim Protection and the Possibility of Rule 39 Measures

Rule 39 of the Rules of Court allows the European Court of Human Rights to indicate interim measures where there is an imminent risk of irreparable harm.

While traditionally applied in deportation or urgent medical cases, evolving jurisprudence suggests that **severe humanitarian deprivation linked to state action** may also reach the required threshold.

However, the Court applies a high standard of urgency and evidentiary clarity. Successful applications would likely require:

- detailed documentation of deprivation,
- proof of ineffective domestic remedies,
- demonstration of risk to dependent children.

Interim relief could potentially require national authorities to **ensure effective access to authorised subsistence funds** pending final adjudication.

X. Humanitarian Externalism and Internal Credibility of EU Normative Power

The European Union positions itself globally as a leading humanitarian actor, funding responses to famine, displacement, and armed conflict. This external humanitarian engagement forms part of the Union's identity as a normative power.

Yet cases in which sanctioned individuals and their families face prolonged financial deprivation within EU territory may generate a perception of inconsistency.

Article 7 TFEU requires coherence between Union policies. If humanitarian safeguards exist in sanctions legislation but fail in practice, questions arise regarding:

- legitimate expectations,
- proportionality,
- systemic credibility of fundamental-rights commitments.

The paradox is not merely rhetorical. It concerns the **internal sustainability of EU legitimacy**.

A legal order that emphasises dignity externally must demonstrate operational capacity to prevent humanitarian emergencies within its own jurisdiction.

XI. Banking Compliance, Over-Enforcement, and Potential Liability

Financial institutions operate under strong incentives to avoid sanctions violations, which can entail severe regulatory penalties. This environment encourages **over-compliance**, including blanket refusal to process authorised transactions.

Whether liability could arise depends on:

- clarity of administrative authorisation,
- negligence standards under national civil law,
- causation between refusal and demonstrable harm.

While legal accountability of banks remains complex, courts may increasingly scrutinise whether **risk-avoidance practices undermine the effectiveness of humanitarian derogations**.

XII. Prospects for Judicial Correction

Multiple avenues for legal redress remain:

- appellate review within German courts;
- constitutional complaint before the Federal Constitutional Court;
- annulment proceedings before the Court of Justice of the European Union;

- potential application to the European Court of Human Rights.

Should violations be established, remedies could include:

- compensation under state-liability doctrines,
- annulment of listing,
- interim humanitarian guarantees,
- damages under Article 41 ECHR.

Judicial clarification may also shape future sanctions design by defining **minimum operational standards for humanitarian safeguards**.

XIII. Conclusion: Security Governance and the Primacy of Human Dignity

The Dođru case illuminates a structural tension within modern European governance. Preventive sanctions regimes seek to protect democratic systems from covert destabilisation. Yet when implemented rigidly or without effective humanitarian mitigation, they may produce conditions approaching life-threatening deprivation.

The challenge for European courts is therefore not to dismantle sanctions policy, but to **articulate principled limits ensuring that preventive security measures remain anchored in constitutional humanism**.

Ultimately, the credibility of the European legal order depends on its ability to reconcile strategic resilience with the foundational promise that **human dignity is not conditional — even in times of geopolitical confrontation** ⚖️ ✨