EXPLANATORY MEMORANDUM TO THE

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (FREEZING OF FUNDS AND ECONOMIC RESOURCES OF INDICTEES) (AMENDMENT) REGULATIONS 2004

2004 No. 3099

1. This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictees) (Amendment) Regulations 2004 (SI 2004/3099) amend the definition of the "EC Regulation" in SI 2004/2690 so that it refers to Council Regulation (EC) No 1763/2004 as amended by Commission Regulation (EC) No 1965/2004 of 15 November 2004[1]..

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 It is necessary for the above Regulations to come into force as soon as possible in order that the proper effect is given to Commission Regulation (EC) No 1965/2004 of 15 November 2004, and to deter any possible breach of the financial sanctions. The Treasury have acted quickly to adopt the necessary amending legislation and consider it necessary to avoid any further delay before the Regulations come into force, and for that reason they are expressed to come into force on 25th November 2004 (the day after they were made), without waiting the usual 21 days for Parliamentary scrutiny.

4. Legislative Background

4.1 Council Regulation (EC) No 1763/2004 of 11 October 2004, required EU Member States to freeze all funds and economic resources belonging to or owned or held by the persons listed in Annex I to that Regulation (namely **Radovan Karadjic, Ratko Mladic** and **Ante Gotovina)**, and that no funds or economic resources shall be made available to or for the benefit of any such listed individual. On 15 November, the Council decided that the asset freeze should be extended to a further 18 indictees of the International Criminal Tribunal of the Former Federal republic of Yugoslavia (Council

1 O.J. L 339, 16.11.2004, p. 4.

Decision 2004/767/CSFP). Consequently, the Annex to the Council Regulation was replaced by Commission Regulation (EC) No 1965/2004.

4.2 The above Regulations take into account the extension of the asset freeze and ensure that the enforcement provisions and criminal penalties apply to the extended list of targeted persons..

The above instrument is made in exercise of the powers conferred by Section 2(2) of the European Communities Act 1972.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The requirement to make an ECHR statement is not applicable in this instance as this is a negative instrument which does not amend primary legislation.

7. Policy background

7.1 In order to supplement the measures recommended in United Nations Security Council Resolution (UNSCR) 1503, adopted on 28 August 2003, against individuals, groups or organisations assisting indictees at large, including the request that all Member States intensify their cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), the UK considers it appropriate to freeze the assets of those individuals indicted by the ICTY, as part of the EU's overall effort to prevent any assistance provided to them and to bring them to justice.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is negligible.

9. Contact

Robert Pollock at the Her Majesty’s Treasury, Tel: 0207 270 5323 or e-mail: Robert.Pollock@HM-Treasury.gsi.gov.uk can answer any queries regarding the instrument.