EXPLANATORY MEMORANDUM TO THE

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

2004 No.2690

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) Regulations 2004 (SI 2004/2690) provide that breaches of certain provisions of Council Regulation (EC) No 1763/2004 of 11th October 2004 [1], ("the EC Regulation"), and certain other acts and omissions, are criminal offences. They also make other provisions to give practical effect to the EC Regulation, notably in relation to the obtaining of information for the purposes of enforcement.

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 Council Regulation (EC) No 1763/2004 of 11th October 2004, and to deter any possible breach of the financial sanctions. The Treasury considers 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 19th October 2004 (the day after they were made), without waiting the usual 21 days for Parliamentary scrutiny. The Treasury has acted quickly to adopt the necessary legislation.

4. Legislative Background

4.1 Council Regulation (EC) No 1763/2004 of 11th October 2004, required EU Member States to freeze all funds and economic resources owned or controlled, directly or indirectly by **Radovan Karadjic, Ratko Mladic** and **Ante Gotovina,** as listed Annex I, and that no funds or economic resources shall be made available to or for the benefit of any such listed individuals. The above Regulations provide that certain breaches of the Council Regulation and certain other acts and omissions are criminal offences and make certain other enforcement provisions.

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1 O.J. L No 314, 14.10.2004, p 14.

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

The Financial Secretary to the Treasury, Stephen Timms, has made the following statement:

In my view, the provisions of the International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources) Regulations 2004 are compatible with the Convention rights.

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) in particular with regard to Radovan Karadzic, Ratko Mladic and Ante Gotovina, the UK considers it appropriate to freeze the assets of these individuals as part of the EU's overall effort to prevent any assistance provided to them and to bring them to the ICTY.

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.