

**EXPLANATORY MEMORANDUM TO THE  
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER  
YUGOSLAVIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES)**

**ORDER 2004**

**2004 No. 3039**

**1.** This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This instrument implements a Common Position adopted by the Council of the European Union.

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

None.

**4. Legislative Background**

4.1 On 11 October 2004 the Council of the European Union adopted Common Position 2004/694/CFSP (the Common Position) concerning measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). These measures prohibit making available funds, financial assets or economic resources to a number of listed persons and the freezing of their funds, financial assets or economic resources.

4.2 This instrument implements the Common Position in the Overseas Territories except for Bermuda and Gibraltar. Bermuda adopts its own legislation to implement EU Common Positions since the UK does not have power to legislate for Bermuda in this respect. Gibraltar is covered by EC Regulation No 1763/2004 adopted on 11 October 2004 which implemented matters of Community competence and takes its own action to provide penalties for breach of EC Regulations.

4.3 It is made using powers in the Saint Helena Act 1833, British Settlements Acts 1887 and 1945 and prerogative powers.

**5. Extent**

5.1 This instrument applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, St Helena Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands, and the UK Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus. All the territories were consulted.

## **6. European Convention on Human Rights**

Not applicable.

## **7. Policy background**

7.1 The assets freeze against a number of individuals indicted by the ICTY but who remain at large is part of the European Union's overall effort to assist the ICTY and to bring before the ICTY a number of persons indicted by it.

## **8. Impact**

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

## **9. Contact**

John Evans at the Foreign and Commonwealth Office Tel: 020 7008 3041 or e-mail: [ian.hendry@fco.gov.uk](mailto:ian.hendry@fco.gov.uk) can answer any queries regarding the instrument.