

EXPLANATORY MEMORANDUM TO THE
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER
YUGOSLAVIA (FINANCIAL SANCTIONS AGAINST INDICTEES)
REGULATIONS 2005

2005 No. 1527

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

2. **Description**

The International Criminal Tribunal for the Former Yugoslavia (Financial Sanctions Against Indictées) Regulations 2005 (SI 2005/1527) provide that breaches of certain provisions of Council Regulation 1763/2004 of 11th October¹(the "EC Regulation"), as amended most recently by Council Regulation (EC) No 607/2005 of 18th April² and Commission Regulation (EC) No. 830/2005 of 30th May 2005³, 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**

There are no matters of special interest to the Joint Committee on Statutory Instruments.

4. **Legislative Background**

- 4.1 The EC Regulation , required EU Member States to freeze the funds and economic resources of various persons who have been indicted by the International Criminal Tribunal for the former Yugoslavia. The list of targeted persons has been subsequently updated by:

Commission Regulation (EC) No.1965/2004⁴,

Commission Regulation (EC) No 2233/2004⁵,

Commission Regulation (EC) No 295/2005⁶,

Commission Regulation (EC) No 607/2005, and most recently by

Commission Regulation (EC) No 830/2005.

- 4.2 The statutory instrument to which this Memorandum relates implements those EC Regulation as amended, including the recent amending instrument in a single consolidated instrument; and provides for relevant enforcement provisions.

¹ O.J.L.314, 14.10.04, p.14

² O.J. L No 104, 23/04/2005, p46.as amended by corrigenda O.J. L.104, 23.04.05, P.46

³ O.J. L.137, 31.5.2005, p.24

⁴ O.J. L.339, 16.11.04, p.4

⁵ O.J.L.379, 24.12.04, P.75

⁶ O.J. L.50, 23.2.05, P.5

4.3 The instrument also revokes:

- the International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictes) Regulation 2004 (S.I. 2004/2690) and

- the International Criminal Tribunal for the Former Yugoslavia (Freezing of Funds and Economic Resources of Indictes) (Amendment) Regulations (S.I. 2004/3099)

which previously implemented the EC Regulation.

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

5. Extent

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The UK considers it appropriate to freeze the assets of individuals targeted by these restrictive measures as part of the EU's overall effort to prevent any assistance being provided to such individuals in order to assist in bringing such individuals before the International Criminal Tribunal for the former Yugoslavia.

7.2 The list of individuals targeted by these restrictive measures has been amended by the EU to reflect the fact that certain individuals have been brought before the Tribunal and certain other individuals have been added to the list of indictees.

7.3 That amended list of targeted individuals should be enforced in the UK in accordance with the UK's EU obligations.

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

James Russell-Mitra at Her Majesty's Treasury, Tel: 0207 270 4901 or e-mail: James.Russell-Mitra@hm-treasury.gsi.gov.uk can answer any queries regarding the instrument.