International Criminal Tribunal for the former Yugoslavia ICTY: effective implementation of the mandate

2004/0114(CNS) - 29/04/2004 - Legislative proposal

PURPOSE : to impose restrictive measures in support of the International Criminal Tribunal for the former Yugoslavia (ICTY).

PROPOSED ACT : Council Regulation.

CONTENT : the Commission is proposing this Regulation based on two developments. Firstly, in 2004 the Council reached a Common Position on further restrictive measures to prevent the entry into, or transit through their territories, of certain persons who are engaged in activities which help persons at large to evade justice for crimes which the ICTY has indicted them. Anyone involved in obstructing the ICTY's mandate is included in this Common Position. Within this context the Council requested the Commission to prepare a Regulation on the freezing of certain funds and economic resources relating to those covered by the Common Position. Secondly, the UN Security Council requested all States to intensify co-operation and assistance to the ICTY and in particular to help bring all fugitive inductees to the ICTY.

Based on these two developments, the Commission proposes to adopt legislation whereby persons, groups and entities, whose funds and economic resources are to be frozen, are not necessarily part of a regime. Such a move would help preserve international security and peace. The position of those covered would be similar to that of the persons, groups and entities whose funds and economic resources have been frozen because of their involvement in international terrorism. Further, the proposed provisions are in line with the recent Regulation in respect of Zimbabwe.

Finally, in order to prevent funds and economic resources from being moved, the Commission asks for the contents not be disclosed to the public prior to the Regulation being approved by the Council and published in the Official Journal of the European Union.