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COUNCIL COMMON POSITION 2004/694/CFSP

of 11 October 2004

on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

(OJ L 315, 14.10.2004, p. 52)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Decision 2004/767/CFSP of 15 November 2004	L 339	16	16.11.2004
►M2	Council Decision 2004/900/CFSP of 22 December 2004	L 379	108	24.12.2004
►M3	Council Decision 2005/148/CFSP of 21 February 2005	L 49	34	22.2.2005
►M4	Council Decision 2005/316/CFSP of 18 April 2005	L 100	54	20.4.2005
►M5	Council Decision 2005/426/CFSP of 6 June 2005	L 144	52	8.6.2005
►M6	Council Common Position 2005/689/CFSP of 6 October 2005	L 261	29	7.10.2005
►M7	Council Decision 2005/927/CFSP of 21 December 2005	L 337	71	22.12.2005
►M8	Council Decision 2006/205/CFSP of 10 March 2006	L 72	16	11.3.2006
►M9	Council Decision 2006/484/CFSP of 11 July 2006	L 189	25	12.7.2006
►M10	Council Common Position 2006/671/CFSP of 5 October 2006	L 275	66	6.10.2006
►M11	Council Decision 2007/449/CFSP of 28 June 2007	L 169	75	29.6.2007
►M12	Council common position 2007/635/CFSP of 1 October 2007	L 256	30	2.10.2007

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on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 30 March 2004, the Council adopted Common Position 2004/293/CFSP ([1]) renewing measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the form of restrictions on admission against persons who are engaged in activities which help persons at large continue to evade justice for crimes for which the ICTY has indicted them or are otherwise acting in a manner which could obstruct the ICTY's effective implementation of its mandate.

(2) The Council has reiterated the need to intensify efforts to bring Radovan Karadžić, Ratko Mladić and Ante Gotovina to the ICTY.

(3) 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, and taking into account the fact that this Resolution requests all States to intensify their cooperation with the ICTY in particular with regard to Radovan Karadžić, Ratko Mladić and Ante Gotovina, the Council 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.

(4) The Council will renew, or amend as appropriate, these measures if the persons subject to the assets freeze remain at large.

(5) Action by the Community is needed in order to implement these measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. All funds and economic resources belonging to the natural persons listed in the Annex, who have been indicted by the ICTY, shall be frozen.

2. No funds or economic resources shall be made available directly or indirectly to or for the benefit of the natural persons listed in the Annex.

3. Exemptions may be made for funds or economic resources which are:

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

([1]) OJ L 94, 31.3.2004, p. 65.

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(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 2

The Council, acting upon a proposal by a Member State or the Commission, shall adopt amendments to the list contained in the Annex as required.

Article 3

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 4

This Common Position shall take effect on the date of its adoption. It shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 5

This Common Position shall be published in the *Official Journal of the European Union*.

▼**M11**

ANNEX

List of persons referred to in Article 1

	Individual	Reason
1.	Name: HADZIC Goran (male) Date of birth: 7.9.1958 Place of birth: Vinkovci, Croatia National of Serbia	indicted by ICTY and still at large *Indictment: 4.6.2004* *Case No: IT-04-75*
2.	Name: KARADZIC Radovan (male) Date of birth: 19.6.1945 Place of birth: Petnjica, Savnik municipality, Montenegro National of Bosnia and Herzegovina	indicted by ICTY and still at large *Initial indictment: 25.7.1995; second indictment: 16.11.1995; amended indictment: 31.5.2000* *Case No: IT-95-5/18*
3.	Name: MLADIC Ratko (male) Date of birth: 12.3.1948 Place of birth: Bozanovici, Kalinovik municipality, Bosnia and Herzegovina National of Bosnia and Herzegovina	indicted by ICTY and still at large *Initial indictment: 25.7.1995; second indictment: 16.11.1995; amended indictment: 8.11.2002* *Case No: IT-95-5/18*
4.	Name: ZUPLJANIN Stojan (male) Date of birth: 22.9.1951 Place of birth: Kotor Varos, Bosnia and Herzegovina National of Bosnia and Herzegovina	indicted by ICTY and still at large *Initial indictment: 17.12.1999; second amended indictment: 6.10.2004* *Case No: IT-99-36-I*