



Jersey

**COMMUNITY PROVISIONS  
(IMPLEMENTATION OF THE  
MANDATE OF THE INTERNATIONAL  
CRIMINAL TRIBUNAL FOR THE  
FORMER YUGOSLAVIA) (JERSEY)  
ORDER 2007**

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Jersey

## **COMMUNITY PROVISIONS (IMPLEMENTATION OF THE MANDATE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA) (JERSEY) ORDER 2007**

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## **COMMUNITY PROVISIONS (IMPLEMENTATION OF THE MANDATE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA) (JERSEY) ORDER 2007**

**THE CHIEF MINISTER**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996<sup>1</sup> and having regard to Council Regulation (EC) No. 1763/2004 of 11th October 2004 (as amended by subsequent Council and Commission Regulations) concerning certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY), orders as follows –

Commencement [[see endnotes](#)]

### **1 Interpretation**

In this Order, unless the context otherwise requires –

“competent authorities” –

- (a) when used to refer to competent authorities of Member States of the European Community, means the competent authorities listed respectively in relation to those countries in Schedule 2; and
- (b) when used to refer to competent authorities in any of the other British Islands, means the authorities in those Islands respectively exercising functions that are the same as or similar to those exercisable by the Minister under this Order;

“funds” means financial assets and benefits of every kind, including but not limited to –

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- (d) interest, dividends or other income on or value accruing from or generated by assets;
- (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading, bills of sale;
- (g) documents evidencing an interest in funds or financial resources;
- (h) any other instrument of export financing;

“freezing of funds” means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

“economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

“freezing of economic resources” means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them;

“ICTY” means the International Criminal Tribunal for the former Yugoslavia.

## **2 Application**

This Order shall apply –

- (a) within Jersey, the territorial sea adjacent to Jersey, and the airspace above Jersey and the territorial sea adjacent to Jersey;
- (b) on board any aircraft or any vessel under Jersey’s jurisdiction;
- (c) to any legal person or body that is incorporated or constituted under the law of Jersey; and
- (d) to any legal person or body that is doing business in Jersey.

## **3 Funds and economic resources frozen**

- (1) All funds and economic resources belonging to, or owned or held by, natural persons indicted by the ICTY, and listed in Schedule 1, are frozen.
- (2) No funds or economic resources are to be made available, directly or indirectly, to or for the benefit of the natural persons listed in Schedule 1.

- (3) The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to at paragraphs (1) and (2) is prohibited.

#### **4 Derogation from Article 3**

- (1) By way of derogation from Article 3, the Minister may authorize the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as the Minister deems appropriate, after having determined that the funds or economic resources concerned are –
- (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
  - (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.
- (2) The Minister may inform –
- (a) the competent authorities of the Member States of the European Community;
  - (b) the competent authorities of the other British Islands; and
  - (c) the European Commission,
- of any authorization granted under this Article.

#### **5 Derogation from Article 3 on compliance with conditions**

- (1) By way of derogation from Article 3, the Minister may authorize the release of certain frozen funds or economic resources, if the following conditions are met –
- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 14 October 2004 or of a judicial, administrative or arbitral judgment rendered prior to that date;
  - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognized as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
  - (c) the lien or judgment is not for the benefit of a person, entity or body listed in Schedule 1;
  - (d) the lien or judgment is not contrary to public policy.

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- (2) The Minister may inform –
- (a) the competent authorities of the Member States of the European Community;
  - (b) the competent authorities of the other British Islands; and
  - (c) the European Commission,
- of any authorization granted under this Article.

## **6 Exceptions from Article 3**

- (1) Article 3(2) does 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 prior to the date on which those accounts became subject to this Order,
- (2) However any such interest, other earnings and payments continue to be subject to Article 3(1).

## **7 Crediting and freezing of funds from third parties**

- (1) Article 3(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, but any additions to such accounts shall also be frozen.
- (2) A financial institution that credits a frozen account under paragraph (1) shall inform the Minister about the transaction without delay.

## **8 Duty to report to and cooperate with Minister**

- (1) Without prejudice to any provision of the law of Jersey concerning confidentiality, natural and legal persons, entities and bodies shall –
- (a) supply immediately any information that would facilitate compliance with this Order (such as accounts and amounts frozen in accordance with Article 3) to the Minister; and
  - (b) cooperate with the Minister in any verification of that information.
- (2) Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

## **9 Limitation of liability**

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Order, shall not give rise to liability of any kind on the part of the natural or legal person or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.



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## **10 Provision of information to European Commission**

- (1) The Minister may inform the European Commission of the measures taken under this Order.
- (2) The Minister may –
  - (a) transmit to the European Commission any information to which Article 8(1) refers; and
  - (b) supply the European Commission with any other relevant information at the Minister's disposal in connection with this Order (and, in particular, information in respect of violation or enforcement problems or judgments of courts of law).

## **11 Offences**

- (1) Any person who –
  - (a) contravenes Article 3;
  - (b) intentionally furnishes false information or a false explanation to any person exercising his or her powers under this Order; or
  - (c) with intent to evade the provisions of this Order, destroys, mutilates, defaces, secretes or removes any document,shall be guilty of an offence and liable to a fine and to imprisonment for a term not exceeding 2 years.
- (2) Any person who, without reasonable excuse, refuses or fails within the time and manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Order shall be guilty of an offence and liable to a fine and to imprisonment for a term not exceeding 3 months.
- (3) Where an offence under this Order committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.
- (5) Any person who aids, abets, counsels or procures the commission of an offence under this Order shall also be guilty of the offence and liable in

the same manner as a principal offender to the penalty provided for that offence.

- (6) No prosecution for an offence under this Order shall be instituted without the consent of the Attorney General.

## **12 Applicability of Customs and Excise (Jersey) Law 1999 to certain offences**

- (1) Article 48 of the Customs and Excise (Jersey) Law 1999<sup>2</sup> (which Article relates to powers of arrest) shall apply to the arrest of any person for an offence under this Order as it applies to the arrest of any person for an offence under that Law.
- (2) Articles 64, 65, 66 and 67 of the Customs and Excise (Jersey) Law 1999 (which Articles relate to legal proceedings, power to levy penalties and provisions as to proof) shall apply in relation to offences and penalties under this Order and proceedings for such offences as they apply in relation to offences and penalties and proceedings for offences under that Law.

## **13 Power of delegation**

- (1) The Minister may, to such extent and subject to such restrictions and conditions as the Minister thinks proper, delegate or authorize the delegation of any of the Minister's functions under this Order to any person, or class or description of person, approved by the Minister.
- (2) Where any such function is so delegated, references to the Minister shall be construed accordingly.

## **14 Citation**

This Order may be cited as the Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Jersey) Order 2007.

**SCHEDULE 1<sup>3</sup>**

(Article 3(1))

**LIST OF PERSONS REFERRED TO IN ARTICLE 3**

- 1 Hadzic, Goran. Date of birth: 7.9.1958. Place of birth: Vinkovci, Republic of Croatia. Nationality: Serbia and Montenegro.
- 2 Mladić, Ratko. Date of birth: 12.3.1942. Place of birth: Bozanovici, Municipality of Kalinovik, Bosnia and Herzegovina. Nationality: (a) Bosnia and Herzegovina, (b) Serbia and Montenegro.

## **SCHEDULE 2**

(Article 1)

### **LIST OF COMPETENT AUTHORITIES**

#### **BELGIUM**

Service public fédéral des affaires étrangères, commerce extérieur et coopération au développement/Federale  
Overheidsdienst Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking  
Egmont 1  
Rue des Petits Carmes/Karmelietenstraat 19  
B-1000 Bruxelles/Brussel

Service public fédéral des finances/Federale Overheidsdienst Financiën  
Administration de la trésorerie/Administratie van de Thesaurie  
Avenue des Arts/Kunstlaan 30  
B-1040 Bruxelles/Brussel  
Télécopieur/fax (32-2) 233 74 65  
Courriel/e-mail: Quesfinvragen.tf@minfin.fed.be

#### **CZECH REPUBLIC**

Ministerstvo financí  
Finanční analytický útvar  
P.O. Box 675  
Jindřišská 14  
111 21 Praha 1  
Tel: +420 25704 4501  
Fax: +420 25704 4502

#### **DENMARK**

National Agency for Enterprise and Construction/Erhvervs- og Byggestyrelsen  
Dahlerups Pakhus  
Langelinie Allé 17  
DK-2100 København Ø  
Tlf. (45) 35 46 60 00  
Fax (45) 35 46 60 01  
E-mail: ebst@ebst.dk

#### **GERMANY**

*Concerning freezing of funds / Einfrieren von Guthaben:*  
Deutsche Bundesbank  
Servicezentrum Finanzsanktionen  
Postfach  
D-80281 München  
Tel. (49-89) 2889 3800  
Fax: (49-89) 350163 3800

*Concerning goods / Waren:*  
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)  
Frankfurter Straße 29—35  
D-65760 Eschborn  
Tel. (49-6196) 9 08-0  
Fax: (49-6196) 9 08-800

#### **ESTONIA**

Finantsinspeksioon  
Sakala 4  
15030 Tallinn  
Tel: (372-6) 680 500  
Faks: (372-6) 680 501

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**GREECE**

- A. Freezing of Assets*  
Ministry of Economy and Finance  
General Directory of Economic Policy  
Address: 5 Nikis Str.  
GR-101 80 Athens  
Tel. (30-210) 33 32 786  
Fax (30-210) 33 32 810
- A Δέσμευση κεφαλαίων*  
Υπουργείο Οικονομίας και Οικονομικών  
Γενική Διεύθυνση Οικονομικής Πολιτικής  
Διεύθυνση: Νίκης 5  
GR-101 80 Αθήνα  
Τηλ. (30-210) 33 32 786  
Φαξ (30-210) 33 32 810
- B Import- Export restrictions*  
Ministry of Economy and Finance  
General Directorate for Policy Planning and Management  
Address: 1 Kornaroy Str.  
GR-105 63 Athens  
Tel. (30-210) 32 86 401-3  
Fax (30-210) 32 86 404
- B. Περιορισμοί εισαγωγών-εξαγωγών*  
Υπουργείο Οικονομίας και Οικονομικών  
Γενική Διεύθυνση Σχεδιασμού και Διαχείρισης Πολιτικής  
Διεύθυνση: Κορνάρου 1  
GR-105 63 Αθήνα  
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**SPAIN**

Dirección General del Tesoro y Política Financiera  
Subdirección General de Inspección y Control de Movimientos y Capitales  
Ministerio de Economía  
Paseo del Prado, 6  
E-28014 Madrid  
Tel. (34) 912 09 95 11

Subdirección General de Inversiones Exteriores  
Ministerio de Economía  
Paseo de la Castellana, 162  
E-28046 Madrid  
Tel. (34) 913 49 39 83

**FRANCE**

Ministère de l'économie, des finances et de l'industrie  
Direction générale des douanes et des droits indirects  
Cellule embargo – Bureau E2  
Téléphone (33-1) 44 74 48 93  
Télécopieur (33-1) 44 74 48 97

Community Provisions (Implementation of the mandate of the  
International Criminal Tribunal for the former Yugoslavia)  
(Jersey) Order 2007

SCHEDULE 2

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Ministère de l'économie, des finances et de l'industrie  
Direction du Trésor  
Service des affaires européennes et internationales  
Sous-direction E  
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F-75572 Paris Cedex 12  
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Télécopieur (33-1) 53 18 96 37

Ministère des affaires étrangères  
-- Direction de la coopération européenne  
Sous-direction des relations extérieures de la Communauté  
Téléphone (33-1) 43 17 44 52  
Télécopieur (33-1) 43 17 56 95  
  
-- Direction générale des affaires politiques et de sécurité  
Service de la politique étrangère et de sécurité commune  
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**IRELAND**

Central Bank and Financial Services Authority of Ireland  
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**ITALY**

Ministero degli Affari esteri  
Direzione generale per i paesi dell'Europa  
Ufficio III  
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Ministero dell'Economia e delle finanze  
Dipartimento del Tesoro  
Comitato di Sicurezza finanziaria  
Via XX Settembre, 97  
I-00187 Roma  
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**CYPRUS**

OFFICE OF THE ATTORNEY GENERAL  
OF THE REPUBLIC OF CYPRUS  
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**LATVIA**

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Al. J. Ch. Szucha 23  
00-580 Warszawa  
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*Zamrażanie aktywów:*  
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SCHEDULE 2

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**SLOVENIA**

Ministrstvo za pravosodje (Ministry of justice)  
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Finansinspektionen  
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SE-113 85 Stockholm  
Tfn (46-8) 787 80 00  
Fax (46-8) 24 13 35

**UNITED KINGDOM**

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London SW1A 2HQ  
United Kingdom  
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Fax: (44 20) 72 70 54 30  
E-Mail: financialsanctions@hm-treasury.gov.uk

*For Gibraltar*  
Ernest Montado  
Chief Secretary  
Government Secretariat  
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Fax 00 (350) 587 57 00

**EUROPEAN COMMUNITY**

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Directorate-General for External Relations  
Directorate CFSP  
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fax (32-2) 296 75 63  
E-Mail: [relex-sanctions@cec.eu.int](mailto:relex-sanctions@cec.eu.int)

**BULGARIA**

Министерство на финансите  
ул. "Г.С. Раковски" № 102  
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Fax: (359-2) 988 1207  
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Fax: (40) 21 319 2226  
e-mail: [cabinet@mae.ro](mailto:cabinet@mae.ro)

Ministerul Finanțelor Publice  
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Sector 5, București  
Tel.: (40) 21 319 9743  
Fax: (40) 21 312 1630  
e-mail: [cabinet.ministru@mfinante.ro](mailto:cabinet.ministru@mfinante.ro)

Ministerul Economiei și Comerțului  
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## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Jersey) Order 2007	R&O.77/2007	1 June 2007
Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Amendment) (Jersey) Order 2009	R&O.2/2009	23 January 2009

### Table of Renumbered Provisions

Original	Current
14	Spent, omitted
15	14

### Table of Endnote References

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- <sup>1</sup> chapter 17.245  
<sup>2</sup> chapter 24.660  
<sup>3</sup> Schedule 1 substituted by R&O.2/2009