

Database

The implementation of United Nations sanctions

This database contains the original national contributions bringing together information on The implementation of United Nations sanctions



Information on the contribution

Member State

Serbia

Created on

Contribution of 01/03/2011

Permanent link to the contribution

<http://www.cahdidatabases.coe.int/C/UN Sanctions/Serbia/2016/49>

Translations

- No translations

THIS DOCUMENT CAN BE QUOTED AS FOLLOWS:

Database of the CAHDI "The implementation of United Nations sanctions" - contribution of Serbia - 01/03/2011

1. Which are the procedures for the incorporation of Security Council Resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case-law?

(March 2011)

The Republic of Serbia has not yet adopted the Law on the Enforcement of International Restrictive Measures, as a commission of legal experts is currently working on a draft proposal. In the absence of the implementing legislation, the incorporation of relevant provisions from UN Security Council resolutions in each particular case is done by the adoption of Conclusion of the Government. The Conclusion is based on Information prepared by the Ministry of Foreign Affairs, which contains the reasons for imposing sanctions and the description of restrictive measures to be adopted. In addition, the Government, by its Conclusion, appoints Ministry or Ministries tasked with enforcing and implementing measures stipulated by the UN SC Resolution. Following the adoption of the Governmental Conclusion on the enforcement of restrictive measures stipulated by the relevant UN SC resolution, the Ministry of Foreign Affairs, through its Permanent Mission to the UN, communicates the Governmental Report on restrictive measures to the competent UN SC Committee.

2. Does the choice depend on the content and the legal nature of the Security Council Resolution?

The modality for the incorporation of UN SC resolutions is invariable and is carried out in accordance with the aforementioned procedure. However, appointing a competent Ministry is contingent upon the content of the relevant UN SC resolution.

3. When sanctions are imposed for a fixed period of time which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?

Where a UN SC resolution imposes sanctions for a fixed period of time, which is not renewed, the Government of the Republic of Serbia adopts a specific Conclusion on lifting the sanctions.

4. When a Security Council Resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority, which is competent to authorise export?

If a UN SC resolution imposing an export embargo provides for exceptions while not establishing a Committee competent to authorize them, in the cases prescribed by the resolution, the Government of the Republic of Serbia, through its Conclusion, appoints a Ministry competent to authorize stipulated exceptions.

5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?

Each new decision of a UN SC Sanctions Committee is incorporated into domestic law on the basis of a new Conclusion adopted by the Government of the Republic of Serbia.

6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights? For example, have national courts assumed jurisdiction in cases where sanctions are challenged by individuals affected by sanctions: a. if implemented through EU regulations? b. if implemented directly at national level?

/

7. Are there decisions of national courts or state practice concerning the relationship between sanctions towards individuals and the human rights of these individuals?

To date there is no case law on the points in questions 6 and 7.