

Ministerial Submission

s 22(1)(a)(ii)

Cleared by: Chris Cannan

Date sent to MO: 30 November 2023

Action Requested By: 11 January 2024

Reason for Urgency: To ensure listing of persons and entities does not lapse.

FOR: Senator the Hon Penny Wong

INFO: The Hon Tim Watts MP

Senator the Hon Don Farrell

**Former Federal Republic of Yugoslavia: Proposed re-listing of persons scheduled to lapse on 13 January 2024**

**Key Issues:** Under sub-regulation 9(3) of the Autonomous Sanctions Regulations 2011 (the Regulations), you (Minister Wong) may continue the designation of persons and entities for targeted financial sanctions and/or declarations of persons for travel bans (together, 're-list') that continue to meet relevant criteria. Listings lapse after three years, unless renewed by you. In line with your directions (s 22(1)(a)(ii)), this submission seeks your agreement to re-list 21 persons indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) under the 'Former Federal Republic of Yugoslavia (FFRY) Criteria' (item 2 of regulation 6 of the Regulations) and to let the remaining listings lapse.

**Recommendation:**

That you:

- a) **note** you may exercise your discretion to designate or declare (or both) the targets – you are not compelled to designate or declare targets, even if they meet criteria;
- b) **note** and consider whether each of the persons meet the criteria for listing under regulation 6 on the basis of the Statements of Case (**Attachment A**);
- c) **agree** to redesignate each of the 21 persons (**Attachment A**) for targeted financial sanctions and redeclare the 21 persons for travel bans;
- d) having considered the matters in recommendations (a) to (c), complete and **sign** the decision record accordingly at **Attachment B**;
- e) if you decide to designate each of the 21 persons and declare the 21 persons for travel bans:
  - a. **sign** and date page 1 of the legislative instrument (**Attachment C**);
  - b. **agree** to the explanatory statement and statement of compatibility with human rights (**Attachment D**)
- f) consider and **sign** the decision record at **Attachment E** that recommends 87 listings lapse.

**Decision:**

Noted

Noted

Agreed / Not Agreed

Signed / Not Signed


Signed / Not Signed

Agreed / Not Agreed

Agreed / Not Agreed

**Domestic/Media Considerations:** Allowing listings to lapse may attract some domestic media attention and/or limited coverage in countries affected by the conflict.

**Action:** Should you agree, the Department will revert with a media handling strategy and talking points.

  
Penny Wong  
10/1/24



<b>Information:</b>		<b><u>Noted</u></b>
Tim Watts / /	Don Farrell / /	
<b>From:</b> Geoff Bowan, AS ELB (s 22(1)(a)(ii) ); Katy Lin, AS ASO (s 22(1)(a)(ii) )		<b>Contact:</b> s 22(1)(a)(ii) s 22(1)(a)(ii)
<b>Can this proposal be funded from within your existing <u>divisional</u> allocation (departmental/aid)?</b> Not Applicable		
<b>If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board?</b> Not Applicable		
<b>Consultation:</b> Belgrade Post, Vienna Post, Zagreb Post, AST, INT.		

**Background:**

You (Minister Wong) have the power to list persons or entities under regulation 6 of the Autonomous Sanctions Regulations 2011 (the Regulations) if you are satisfied they meet certain criteria. Under the 'Former Federal Republic of Yugoslavia (FFRY) Criteria' (item 2 of regulation 6 of the Regulations), you may list a person or entity if they are (a) indicted for an offence by the International Criminal Tribunal for the Former Yugoslavia (ICTY) (whether or not the person has been convicted of the offence); (b) indicted for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia (whether or not the person has been convicted of the offence); (c) subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY; (d) someone you are satisfied is a supporter of the former regime of Slobodan Milosevic; or (e) a person suspected of assisting a person who is indicted by the ICTY and not currently detained by the ICTY (the designation criteria).

2. The power to list persons or entities is discretionary. You may choose not to exercise your discretion to re-list persons or entities even if you are satisfied they meet the listing criteria. Additionally, you may choose to impose only a travel ban or only targeted financial sanctions on individuals, if you consider that is appropriate. However, the Department recommends imposing both in all 21 cases.

3. Australia has sanctioned 108 persons under the FFRY criteria. Sanctions have been in place since 1992. All listings considered under this submission are due to expire on 13 January 2024. If not renewed, sanctions will cease to apply against these persons.

4. On 16 November 2023, you requested that the Department work with your Office on a targeted re-listing (see **Attachment F - s 22(1)(a)(ii)** ). We seek your agreement to re-list 21 persons with indictments by the ICTY. This recognises the important role of the ICTY in prosecuting individuals for war crimes, crimes against humanity and genocide, and aligns with Australia's strong support for accountability for these crimes.

5. We also recommend you allow the designations and declarations of the remaining 87 persons to lapse on the basis that these persons are either: deceased, acquitted or have served their ICTY sentence, or were not indicted by the ICTY (see **Attachment E**). Doing so will bring Australia into closer alignment with likemindeds (UK, Canada, EU) who no longer impose sanctions, and demonstrate Australia's commitment to actively managing our sanctions regime.

6. Statements of Case to support each of the 21 recommended re-listings are set out at **Attachment A**. These draw on information from the ICTY, Belgrade Post and Dow Jones Factiva. The Department assesses the 21 persons detailed in Attachment A continue to meet the FFRY Criteria. We consider the information contained in the Statements of Case gives you sufficient basis to be satisfied on reasonable grounds that these persons satisfy the FFRY criteria. A public consultation period between 17 to 29 November was carried out to invite submissions from listed persons via DFAT's website. No submissions were received.

7. Should you agree to the recommendations, we will register the legislative instrument and explanatory statement (**Attachment C, Attachment D**) with the Federal Register of Legislation once signed (a requirement under the Legislation Act, typically implemented within 1-3 business days). Once signed, the instrument is considered to be made and may only be revoked by your decision and a similar registration process.

**Statements of Case**

**Autonomous Sanctions – Former Federal Republic of Yugoslavia (FFRY)**

**Context**

Sanctions remain an important mechanism to demonstrate Australia’s commitment to upholding internationally agreed rules and norms. This tranche comprises the relisting of 21 persons indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes during the Balkan Wars of the late 20<sup>th</sup> century. If not renewed, these listings will lapse on 13 January 2024.

First imposed in 1992, responsibility for the Former Federal Republic of Yugoslavia (FFRY) financial sanctions criteria was transferred to the Department of Foreign Affairs and Trade (the Department) when the Autonomous Sanctions Regulations 2011 (**the Regulations**) were legislated in 2011.

Based on available information, the Department assesses that the 21 persons set out in the Statements of Case below meet the requirements of item 2 of regulation 6 of the Regulations (FFRY Criteria):

A person who:

Regulation 6, Item 2	Former Federal Republic of Yugoslavia	<ul style="list-style-type: none"> <li>a) has been indicted for an offence by the ICTY (whether or not convicted of the offence);</li> <li>b) has been indicted for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia (whether or not convicted of the offence);</li> <li>c) is subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY;</li> <li>d) the Minister is satisfied is a supporter of the former regime of Slobodan Milosevic; or</li> <li>e) is suspected of assisting a person who is indicted by the ICTY and not currently detained by the ICTY.</li> </ul>
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The Statements of Case detail the role and activities of each person recommended for relisting. All 21 persons were previously listed under the FFRY criteria. On available information the Department assesses that it is open to you to be satisfied that:

- i) 21 persons continue to meet the criteria set out in item 2 of Regulation 6 of the Regulations (**FFRY Criteria**)

The 21 persons set out in the Statements of Case are those who have been indicted by the ICTY.

### **Statements of Case considerations**

As Foreign Minister, you are empowered to exercise your discretion to designate or declare (or both) the targets included below. You are not compelled to designate or declare, even if they meet the criteria. Some discretionary factors you may wish to consider include:

- **Likeminded actions** – Partner listings are referenced in each Statement of Case.
- **Financial assets in Australia** – AUSTRAC analysis indicates that no targets have significant assets in Australia.

The information and details contained in the Statement of Case for each person and entity listed below are, to DFAT's knowledge, accurate. They are supported by sources of information judged by DFAT to be credible and reliable.

### **Listings proposed to let lapse**

The Department recommends that the designation and declaration of 87 persons lapse, on the basis that: they are deceased, have been acquitted or have served their ICTY sentence, or were not indicted by the ICTY. Doing so will bring Australia into closer alignment with likemindeds (UK, Canada, EU) who no longer impose sanctions, and demonstrate Australia's commitment to actively managing our sanctions regime. It is open to you to let these persons lapse on the basis of the above.



## Former Federal Republic of Yugoslavia Sanctions

### Statements of Case supporting designation and declaration

#### Persons recommended for designation and declaration under the Former Federal Republic of Yugoslavia Criteria

##### 1. Name: Bruno STOJIĆ

Place of Birth: Hamzići, Municipality of Čitluk, Bosnia and Herzegovina

- STOJIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - STOJIĆ is not designated by any other country.
- STOJIĆ was convicted on 29 May 2013 by the ICTY of crimes against humanity (persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts), violations of the laws or customs of war (cruel treatment; unlawful labour; destruction or wilful damage done to institutions dedicated to religion or education; plunder of property of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians), and grave breaches of the Geneva Conventions (wilful killing; inhuman treatment (sexual assault); unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly).
  - STOJIĆ was the head of the Department of Defence. STOJIĆ was found guilty on the basis of individual criminal responsibility for his participation in a joint criminal enterprise led by Croatian President Franjo Tudjman, whose aim was to establish “a Croat entity whose borders would partially follow the border of the Banate of Croatia from 1939”, by forcibly and permanently expelling the Bosniak population from eight municipalities in Bosnia and Herzegovina.
- STOJIĆ was sentenced to 20 years imprisonment in 2013. His sentence was upheld in the ICTY Appeals Chamber in 2017.
  - He is still serving his sentence. The International Residual Mechanism for Criminal Tribunals (IRMCT) rejected an application for early release in May 2022.
  - No information has been found to indicate that STOJIĆ has been granted early release.
- Given that STOJIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that STOJIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**2. Name: Dragoljub KUNARAC****Place of Birth: Foča, Bosnia and Herzegovina**

- KUNARAC was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - KUNARAC is also designated by the United States of America.
- KUNARAC was convicted on 22 February 2001 by the ICTY of crimes against humanity (including one count of torture, three counts of rape and one count of enslavement) and violating the laws or customs of war (including two counts of torture, and four counts of rape).
- KUNARAC was sentenced to 28 years imprisonment. This sentence was re-affirmed by the ICTY Appeals Chamber on 12 June 2002. KUNARAC was transferred to Germany to serve his sentence on 12 December 2002.
  - He is still serving his sentence. The Court rejected an application for early release in December 2020.
  - No information has been found to indicate that KUNARAC has been granted early release.
- Given that KUNARAC was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that KUNARAC meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**3. Name: Dragomir MILOŠEVIĆ****Place of Birth: Murgas, Municipality of Ub, Serbia**

- MILOŠEVIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - MILOŠEVIĆ is also designated by the United States of America.
- MILOŠEVIĆ was convicted on 12 December 2007 by the ICTY of crimes against humanity (murder, inhumane acts) and violations of the laws or customs of war (terror) as outlined below.
  - From around March 1993, MILOŠEVIĆ was Chief of Staff to Stanislav Galić (refer to Statement of Case number 19), based around Sarajevo. He succeeded Galić as Corps Commander of the Sarajevo Romanija Corps of the Bosnian Serb Army in August 1994. MILOŠEVIĆ conducted a campaign of sniping and shelling attacks on Sarajevo, with the intent of spreading terror amongst the city's civilian population. He also conducted a campaign of artillery, mortar and modified air bomb shelling of civilian areas of Sarajevo and its civilian population. The attacks were deliberate, indiscriminate, excessive and disproportionate to the direct military advantage anticipated, and resulted in more than 1000 civilians being injured or killed.
- MILOŠEVIĆ was sentenced to 33 years imprisonment. This was reduced to 29 years imprisonment by the ICTY Appeals Chamber in 2009. MILOŠEVIĆ was transferred to Estonia to serve his sentence on 22 March 2011.

- He is still serving his sentence. The Court rejected an application for early release in March 2021.
- No information has been found to indicate that MILOŠEVIĆ has been granted early release.
- Given that MILOŠEVIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that MILOŠEVIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

#### 4. Name: Goran JELISIĆ

##### Place of Birth: Bijeljina, Bosnia and Herzegovina

- JELISIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - JELISIĆ is also designated by the United States of America.
- JELISIĆ was convicted on 14 December 1999 by the ICTY of crimes against humanity (murder and inhumane acts) and violations of the laws or customs of war (murder, cruel treatment and plunder).
  - JELISIĆ was convicted of killing five people at the Brčko police station and eight at the Luka camp. He systematically killed Muslim detainees at the Laser Bus Co., the Brčko police station and the Luka camp. He beat a female victim with a police baton and then shot and killed her near the main hangar building at the Luka camp, a former port facility and he stole money, watches, jewellery and other valuables from the detainees upon their arrival at the Luka camp, threatening with death those who did not hand over all their possessions.
- JELISIĆ was sentenced to 40 years imprisonment. This sentence was upheld on appeal in July 2001. JELISIĆ was transferred to Italy to serve his sentence on 29 May 2003, where credit was given for time served since 22 January 1998.
  - Following a request by the Italian authorities, JELISIĆ was transferred to Scheveningen Prison in the Netherlands in November 2022, as under Italian law his sentence could not be enforced after January 2023.
  - He is still serving his sentence. No information has been found to indicate that JELISIĆ has been granted early release.
- Given that JELISIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that JELISIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).



**5. Name: Jadranko PRLIĆ****Place of Birth: Dakovo, Croatia**

- PRLIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - PRLIĆ is not designated by any other country.
- PRLIĆ was convicted on 29 May 2013 by the ICTY of crimes against humanity, violations of the laws or customs of war, and grave breaches of the Geneva Conventions.
  - PRLIĆ was the President of the Croatian Defence Council (HVO) and Prime Minister of the self-proclaimed 'Croatian Republic of Herceg-Bosna'.
  - He was convicted of crimes against humanity (persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts), violations of the laws or customs of war (cruel treatment; unlawful labour; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians), and grave breaches of the Geneva Conventions (wilful killing; inhuman treatment (sexual assault); unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly).
- PRLIĆ was sentenced to 25 years imprisonment. This was affirmed by the ICTY Appeals Chamber on 29 November 2017.
- PRLIĆ is serving his sentence in the United Kingdom (Isle of Wight).
  - His request for early release was denied in March 2021. The court said he will be eligible for early release in April 2024.
  - He is still serving his sentence. No information has been found to indicate that PRLIĆ has been granted early release.
- Given that PRLIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that PRLIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**6. Name: Mićo STANIŠIĆ****Place of Birth: Ponor, Pale Municipality, in Bosnia and Herzegovina**

- STANIŠIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - STANIŠIĆ is not designated by any other country.
- STANIŠIĆ was convicted on 27 March 2013 by the ICTY of crimes against humanity and violations of the laws or customs of law as outlined below.
  - STANIŠIĆ was the Minister of the Serbian Ministry of Internal Affairs in Bosnia and Herzegovina. STANIŠIĆ was convicted alongside Stojan Župljanin (refer to Statement of Case number 19) of participating in a joint criminal enterprise with the objective to permanently remove non-Serbs from the territory of a planned

Serbian state and that many of the crimes committed in a number of municipalities in Bosnia and Herzegovina were foreseeable to STANIŠIĆ. This included the murder of approximately 200 Bosniak captives at Koricanske Stijene on Mount Vlasic in August 1992, and the shooting of more than 100 people at the Keraterm detention camp in July 1992, committed by police forces over which STANIŠIĆ and Zupljanin had effective control.

- . STANIŠIĆ was sentenced to 22 years imprisonment. This was upheld by the ICTY Appeals Chamber on 30 June 2016.
  - o He is still serving his sentence. No information has been found to indicate that STANIŠIĆ has been granted early release.
- . Given that STANIŠIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that STANIŠIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

## 7. Name: Milan LUKIĆ

### Place of Birth: Foča, Bosnia and Herzegovina

- . LUKIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o LUKIĆ is also designated by the United States of America.
- . LUKIĆ was convicted on 20 July 2009 by the ICTY of crimes against humanity (persecutions on political, racial and religious grounds, murder, inhumane acts, and extermination) and violations of the laws or customs of war (murder and cruel treatment).
  - o LUKIĆ was the wartime leader of the Avengers paramilitary group. He was convicted of having abducted 20 passengers (18 Bosniaks, citizens of Serbia and Montenegro from the Sandzak area, one Croat and one person of Arab descent) from a train at Strpci station near Visegrad in eastern Bosnia in February 1993 and then murdered them. The train was halted at the station by Bosnian Serb soldiers as it was travelling from Belgrade to Bar in Montenegro. Lukic, along with several Bosnian Serb soldiers, then participated in taking the abducted people to a school in Prelovo, where they were beaten, tortured, abused and robbed. The prisoners were then taken to the village of Musici, where Lukic personally participated in the murder of the abducted people, whose bodies were dumped in the Drina River.
- . LUKIĆ was sentenced to life imprisonment. This was upheld by the ICTY Appeals Chamber on 4 December 2012. He is currently serving his sentence in Estonia and an application for early release was rejected in December 2020. There is no information to indicate that LUKIĆ has been granted early release.
- . Given that LUKIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that LUKIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**8. Name: Milan MARTIĆ****Place of Birth: Knin, Croatia**

- MARTIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - MARTIĆ is also designated by the United States of America.
- MARTIĆ was convicted on 12 June 2007 by the ICTY of crimes against humanity, forcible transfers and violations of the laws or customs of war.
  - From 4 January 1991 until August 1995, MARTIĆ held various leadership positions, including President, Minister of Defence and Minister of Internal Affairs, in the self-proclaimed 'Serbian Autonomous District Krajina (SAO)' and the self-proclaimed 'Republic of Serbian Krajina (RSK)'.
  - MARTIĆ was convicted on 16 counts of the indictment including persecutions on political, racial and religious grounds, murder, imprisonment, torture, inhumane acts, deportation, inhumane acts, cruel treatment, wanton destruction of villages or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to education or religion, plunder of public or private property and attacks on civilians. He oversaw the forcible displacement of Croat and non-Serb population from the SAO and RSK and ordered the shelling of Zagreb on 2-3 May 1995, causing the death of seven people and injuring 214 others.
- MARTIĆ was sentenced to 35 years imprisonment. This was upheld on appeal on 8 October 2008. He is serving his sentence in Estonia.
  - MARTIĆ applied for early release, but this was denied by the Tartu County Court (Estonia) in March 2021.
  - He is still serving his sentence. There is no information to indicate that MARTIĆ has been granted early release.
- MARTIĆ was subsequently convicted, in absentia, by the Zagreb County Court on 10 March 2020 for his role in staging rocket attacks on the city of Karlovac in Croatia in 1995. MARTIĆ was sentenced to seven years in prison.
- Given that MARTIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that MARTIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**9. Name: Milomir STAKIĆ****Place of Birth: Marićka, Bosnia and Herzegovina**

- STAKIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - STAKIĆ is also designated by the United States of America.
- STAKIĆ was convicted on 31 July 2003 by the ICTY of crimes against humanity, extermination, murder and persecutions as outlined below.

- STAKIĆ was the President of the Serb controlled Prijedor Municipality Crisis Staff and Head of the Municipal Council for National Defence in Prijedor in north-western Bosnia and Herzegovina.
- STAKIĆ was convicted as a member of a joint criminal enterprise, the purpose of which was to consolidate Serb control over Prijedor municipality at any cost, resulting in widespread killings committed by Serb forces in towns, surrounding areas, and in detention facilities throughout the municipality.
- He played an important role in a campaign aimed at ethnically cleansing Prijedor municipality by deporting and persecuting around 20,000 primarily Bosnian Muslims and Bosnian Croats. He actively participated in the establishment of the camps Omarska, Keraterm and Trnopolje where detainees were subjected to serious mistreatment and abuse which amounted to torture, on a daily basis: detainees were severely beaten, often with weapons such as cables, batons and chains.
- He was responsible for the murder of more than 1,500 people in the Prijedor municipality, including the killing of around 120 men in Keraterm camp on 5 August 1992 and executions of approximately 200 people at Korićanske Stijene on Mount Vlašić on 21 August 1992.
- STAKIĆ was sentenced to life imprisonment. This was reduced to 40 years imprisonment by the ICTY Appeals Chamber on 22 March 2006. Stakić was transferred to France to serve his sentence on 12 January 2007.
  - The IRMCT rejected his request for early release in December 2020.
  - STAKIĆ received a ten-month reduction on his sentence, as his entitlement under French law, in December 2021.
  - He is still serving his sentence. No information has been found to indicate that STAKIĆ has been granted early release.
- Given that STAKIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that STAKIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

#### 10. Name: Miroslav BRALO

##### Place of Birth: Kratine, Vitez, Bosnia and Herzegovina

- BRALO was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - BRALO is also designated by the United States of America.
- BRALO was convicted on 7 December 2005 by the ICTY of murder torture, rape, persecutions on political, racial and religious grounds, and inhumane treatment.
  - BRALO was a member of the 'Jokers' anti-terrorist platoon of the 4<sup>th</sup> Military Police Battalion of the Croatian Defence Council (HVO). He was found guilty of the murder of at least four Bosniak men and assisting in the killing of 14 Bosniak civilians, nine of whom were children. He raped and tortured a Bosniak woman,



imprisoning her for two months to be further violated. He was also involved in the unlawful confinement and inhuman treatment of Bosniak civilians, who were used as labourers and human shields for HVO forces from sniper fire.

- . BRALO was sentenced to 20 years imprisonment, which was upheld upon appeal in 2007. He is serving his sentence in Sweden.
  - o On 31 December 2019, the International Residual Mechanism for Criminal Tribunals (IRMCT) rejected an appeal for BRALO's early release.
  - o He is still serving his sentence. No information has been found to indicate that BRALO has been granted early release.
- . Given that BRALO was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that BRALO meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

#### **11. Name: Nebojša PAVKOVIĆ**

**Place of Birth: Senjski Rudnik, Municipality of Despotovac, Serbia**

- . PAVKOVIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o PAVKOVIĆ is also designated by the United States of America.
- . PAVKOVIĆ was convicted on 26 February 2009 by the ICTY of crimes against humanity and violations of the laws or customs of war.
  - o PAVKOVIĆ was a Commander of the Third Army of the Yugoslav Army and was found guilty of deportation, other inhumane acts (forcible transfer), murder, and persecutions on political, racial or religious grounds. This judgment was on the basis of his participation in a joint criminal enterprise from October 1998 until June 1999 during which the forces of the Former Republic of Yugoslavia and Serbia perpetrated crimes (including killing, sexual assault, and the intentional destruction of mosques) which resulted in the forcible transfer and deportation of approximately 800,000 Kosovo Albanian civilians between January and June 1999.
- . PAVKOVIĆ was sentenced to 22 years imprisonment. This was upheld on appeal in 2014. He is currently serving his sentence in Finland.
  - o The IRMCT rejected his request for early release in May 2022.
  - o He is still serving his sentence. No information has been found to indicate that PAVKOVIĆ has been granted early release.
- . Given that PAVKOVIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that PAVKOVIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).



**12. Name: Radislav KRSTIĆ****Place of Birth: Vlasenica, Bosnia and Herzegovina**

- KRSTIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - KRSTIĆ is also designated by the United States of America.
- KRSTIĆ was convicted on 2 August 2001 by the ICTY of genocide, crimes against humanity and violations of the laws or customs of war.
  - KRSTIĆ was the Chief of Staff/Deputy Commander of the Drina Corps of the Bosnian Serb Army. He was appointed Commander of the Drina Corps on 13 July 1995. He was found guilty of participating in a joint criminal enterprise to kill the Bosniak military-aged men from Srebrenica from the evening of 13 July 1995 onwards. He was further found guilty as a member of a joint criminal enterprise whose objective was to forcibly transfer Bosniak women, children and the elderly from Potočari on 12 and 13 July 1995 and to create a humanitarian crisis in support of this endeavour by causing the Srebrenica residents to flee to Potočari, where there was a lack of food, shelter and necessary services, increasing their fear and panic and ultimately increasing their willingness to leave the territory.
- KRSTIĆ was sentenced to 46 years imprisonment. This was reduced to 35 years upon appeal in 2004.
  - KRSTIĆ made a request for early release in 2019 and 2022. These were rejected by the IRMCT.
  - He is still serving his sentence. No information has been found to indicate that KRSTIĆ has been granted early release.
- Given that KRSTIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that KRSTIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**13. Name: Radivoje MILETIĆ****Place of Birth: Štović, Bosnia and Herzegovina**

- MILETIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - MILETIĆ is not designated by any other country.
- MILETIĆ was convicted on 10 June 2010 by the ICTY of crimes against humanity.
  - MILETIĆ was the Chief of Operations and Training Administration of the Army of Republika Srpska (Vojska Republike Srpske or 'VRS') Main Staff. He was found guilty on the basis of individual criminal responsibility for his role in two joint criminal enterprises to:
    - murder the able-bodied Bosnian Muslim men from Srebrenica and
    - forcibly remove the Bosnian Muslim population from Srebrenica and Žepa.
- MILETIĆ was sentenced to 19 years imprisonment. This was reduced to 18 years upon appeal. He is currently serving his sentence in Finland.

- The IRMCT denied his requests for early release in May 2021 and June 2022.
- He is still serving his sentence. No information has been found to indicate that Miletić has been granted early release.
- Given that MILETIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that MILETIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

#### 14. Name: Radovan KARADŽIĆ

##### Place of Birth: Municipality of Šavnik, Montenegro

- KARADŽIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - KARADŽIĆ is also designated by the United States of America.
- KARADŽIĆ was convicted on 24 March 2016 by the ICTY of genocide, crimes against humanity and violations of the laws or customs of war.
  - KARADŽIĆ was a founding member, and President, of the Serbian Democratic Party until his resignation on 19 July 1996. He was Chairman of the National Security Council of the so-called Serbian Republic of Bosnia and Herzegovina (later Republika Srpska) and was President of the three-member Presidency of Republika Srpska from its creation on 12 May 1992 until 17 December 1992, and thereafter sole President of Republika Srpska and Supreme Commander of its armed forces until July 1996.
  - He was found guilty on the basis of individual criminal responsibility through his participation in a number of joint criminal enterprises to:
    - permanently remove Bosnian Muslim and Bosnian Croat inhabitants from the areas of Bosnia and Herzegovina, which were claimed as Bosnian Serb territory.
    - establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, aimed to spread terror amongst them.
    - eliminate Bosnian Muslims in Srebrenica by killing men and boys and forcibly removing women, young children and the elderly from the area.
    - take United Nations personnel hostage in order to compel NATO to abstain from conducting air strikes against Bosnian Serb military targets.
  - KARADŽIĆ was also convicted of knowing or having reason to know that crimes were about to be committed or had been committed by forces under his effective control and failing to prevent the crimes or punish the perpetrators.
- KARADŽIĆ was sentenced to 40 years imprisonment. This was increased to life imprisonment upon appeal in March 2019. He is currently serving his sentence in the UK.
- Given that KARADŽIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that KARADŽIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**15. Name: Radovan STANKOVIĆ****Place of Birth: Trebiča, Municipality of Foča, Bosnia and Herzegovina**

- . STANKOVIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o STANKOVIĆ is also designated by the United States of America.
- . STANKOVIĆ was convicted on 15 November 2006 by the Court of Bosnia and Herzegovina of crimes against humanity (enslavement, imprisonment, torture, rape). STANKOVIĆ's case was ultimately referred by the ICTY to the Court of Bosnia and Herzegovina.
  - o He was found guilty of establishing a detention centre ("Karaman's House"); detaining at least nine female persons and inciting soldiers to rape them; compelling detainees to forced labour, inside and outside of the detention center; repeatedly raping a detainee, compelling her to forced labour at several locations and having her witness him raping her under aged sister; and raping and abusing the under aged sister.
- . STANKOVIĆ was sentenced to 16 years imprisonment. This was increased to 20 years upon appeal.
  - o On 25 March 2007, Radovan Stankovic escaped from the Foča prison where he was serving his sentence. Interpol issued a warrant for Radovan Stankovic's arrest and he was apprehended on 21 January 2012. On 24 December 2012, he was sentenced to two years imprisonment for using force while escaping.
  - o He is still serving his sentence. No information has been found to indicate that STANKOVIĆ has been granted early release.
- . Given that STANKOVIĆ was indicted by the ICTY and for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia Herzegovina, it is open to the Minister to be satisfied that STANKOVIĆ meets the criteria for listing (as per item 2(a) and item 2(b) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**16. Name: Ratko MLADIĆ****Place of Birth: Municipality of Kalinovik, Bosnia and Herzegovina**

- . MLADIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o MLADIĆ is also designated by the United States of America.
- . MLADIĆ was convicted on 22 November 2017 by the ICTY of genocide, crimes against humanity and violations of the laws or customs of war.
  - o MLADIĆ was the Colonel General, Commander of the Main Staff of the Army of Republika Srpska, Bosnia and Herzegovina. He was found guilty of:
    - genocide and persecution, extermination, murder, and the inhumane act of forcible transfer in the area of Srebrenica in 1995
    - persecution, extermination, murder, deportation and inhumane act of forcible transfer in municipalities throughout Bosnia and Herzegovina

- murder, terror and unlawful attacks on civilians in Sarajevo, and
- hostage-taking of UN personnel.
- MLADIĆ was sentenced to life imprisonment. He is currently serving his sentence in the Netherlands.
  - MLADIĆ appealed against the verdict, as did the Hague prosecution, which is calling for him to be found guilty of genocide in six other municipalities in 1992.
    - MLADIĆ's appeal was rejected in 2021 and his sentence of life imprisonment was reconfirmed.
- Given that MLADIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that MLADIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

#### 17. Name: Sredoje LUKIĆ

##### Place of Birth: Rujništ, Bosnia and Herzegovina

- LUKIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - LUKIĆ is also designated by the United States of America.
- LUKIĆ was convicted on 20 July 2009 by the ICTY of crimes against humanity, war crimes, aiding and abetting the commission of the crime of persecutions, inhumane acts, murder and cruel treatment.
  - LUKIĆ was a member of a group of local Bosnian Serb paramilitaries in Višegrad and served as a police officer both before and during the 1992-1995 conflict.
  - He was found guilty on the basis of individual criminal responsibility for inhumane acts (crimes against humanity) and cruel treatment (violations of the laws and customs of war) regarding the beating of detainees at the Uzamnica camp with extraordinary brutality, causing them serious and permanent damage.
  - He was also found guilty of aiding and abetting persecutions, murder and inhumane acts (crimes against humanity), cruel treatment and murder (violations of the laws and customs of war) regarding his "substantially contributing to" the Pionirska Street incident in which 59 Bosnian Muslims, including women and children, were robbed at gunpoint, women and children were strip-searched, women raped, before then being locked in a house that was subsequently set on fire.
- LUKIĆ was sentenced to 30 years imprisonment. This was reduced to 27 years upon appeal in December 2012. He is currently serving his sentence in Norway.
  - He is still serving his sentence. No information has been found to indicate that LUKIĆ has been granted early release.
- Given that LUKIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that LUKIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).



**18. Name: Stanislav GALIĆ****Place of Birth: Goles, Bosnia and Herzegovina**

- . GALIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o GALIĆ is also designated by the United States of America.
- . GALIĆ was convicted on 5 December 2003 by the ICTY of acts of violence – the primary purpose of which was to spread terror among the civilian population, murder and inhumane acts – other than murder.
  - o GALIĆ was the Commander of the Sarajevo Romanija Corps of the Bosnian Serb Army, based around Sarajevo, Bosnia and Herzegovina. From November 1992, he held the rank of Major-General.
  - o He was found guilty of conducting a campaign of sniping and shelling attacks on the city of Sarajevo and did so with the primary aim of spreading terror among the city's civilian population. These attacks, which took place on an almost daily basis, over many months, resulted in the killing of hundreds of men and women of all ages, including children, and the wounding of thousands, with the intent of terrorising the population in the city.
- . GALIĆ was sentenced to 20 years imprisonment. This was increased to life imprisonment upon appeal in 2006. He is currently serving his sentence in Germany.
  - o The IRMCT denied his request for early release in March 2021.
  - o He is still serving his sentence. No information has been found to indicate that GALIĆ has been granted early release.
- . Given that GALIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that GALIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

**19. Name: Stojan ŽUPLJANIN****Place of Birth: Maslovare, Kotor Varoš, Bosnia and Herzegovina**

- . ŽUPLJANIN was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o ŽUPLJANIN is also designated by the United States of America.
- . ŽUPLJANIN was convicted on 27 March 2013 by the ICTY of crimes against humanity (persecutions and extermination) and violations of the laws or customs of law (murder and torture).
  - o ŽUPLJANIN was the Chief of the Regional Security Services Centre of Banja Luka (north-western Bosnia and Herzegovina). He was also a member of the Autonomous Region of Krajina Crisis staff.
  - o ŽUPLJANIN was found guilty on the basis of individual criminal responsibility for his participation in a joint criminal enterprise with the objective to permanently remove Bosnian Muslims, Croats and other non-Serbs from the territory of a



planned Serbian state and that many of the crimes committed in a number of municipalities in Bosnia and Herzegovina were foreseeable.

- ŽUPLJANIN was sentenced to 22 years imprisonment. This was affirmed upon appeal in June 2016.
  - ŽUPLJANIN submitted a request for early release in July 2023.
  - He is still serving his sentence. No information has been found to indicate that ŽUPLJANIN has been granted early release.
- Given that ŽUPLJANIN was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that ŽUPLJANIN meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

## 20. Name: Vlastimir DORDEVIĆ

**Place of Birth: Koznica, Vladičin Han Municipality, Serbia**

- DORDEVIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - DORDEVIĆ is also designated by the United States of America.
- DORDEVIĆ was convicted on 23 February 2011 by the ICTY of Crimes against humanity (deportation, other inhumane acts - forcible transfer, murder, persecutions on political, racial and religious grounds) and violations of the laws or customs of war (murder).
  - DORDEVIĆ was the Assistant Minister of the Serbian Ministry of Internal Affairs (MUP) and Chief of the Public Security Department (RJB) of the MUP from 1 June 1997 to 30 January 2001. He was responsible for all units and personnel of the RJB in Serbia, including Kosovo between 1 January and 20 June 1999.
  - He was found guilty of having participated in a joint criminal enterprise which had the purpose of changing the ethnic balance in Kosovo. This objective was to be achieved through criminal means consisting of a widespread or systematic campaign of terror and violence against Kosovo Albanians.
  - It was proved that forces of the Federal Republic of Yugoslavia and Serbia, acting at the direction, with the encouragement, or with the support of DORDEVIĆ, perpetrated crimes which resulted in the forced deportation of approximately 800,000 Kosovo Albanian civilians. To facilitate these expulsions and displacements, forces of the FRY and Serbia deliberately created an atmosphere of fear and oppression through the use of force, threats of force and acts of violence.
  - The same forces, acting at the direction, with the encouragement, or with the support of DORDEVIĆ, murdered hundreds of Kosovo Albanian civilians and other persons taking no active part in the hostilities and sexually assaulted Kosovo Albanians, in particular women. These forces also systematically damaged and destroyed cultural monuments and Muslim sacred sites. They shelled, burned and dynamited mosques throughout the province.

- . DORDEVIĆ was sentenced to 27 years imprisonment. This was reduced to 18 years upon appeal in 2014. He is currently serving his sentence in Germany. The IRMCT denied his request for early release in November 2021.
  - o He is still serving his sentence. No information has been found to indicate that DORDEVIĆ has been granted early release.
- . Given that DORDEVIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that DORDEVIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

## 21. Name: Vujadin POPOVIĆ

### Place of Birth: Popovići, Bosnia and Herzegovina

- . POPOVIĆ was designated under the FFRY criteria in 2011 as an ICTY indictee, and most recently re-designated on 13 January 2021.
  - o POPOVIĆ is also designated by the United States of America.
- . POPOVIĆ was convicted on 10 June 2010 by the ICTY of genocide, crimes against humanity, and violations of the laws or customs of war.
  - o POPOVIĆ was the Lieutenant Colonel and the Chief of Security of the Drina Corps of the Army of Republika Srpska. He was found guilty on the basis of individual criminal responsibility for his role in two joint criminal enterprises to:
    - murder the able-bodied Bosnian Muslim men from Srebrenica, and
    - forcibly remove the Bosnian Muslim population from Srebrenica and Žepa.
- . POPOVIĆ was sentenced to life imprisonment. This was upheld upon appeal in 2015 and conspiracy to commit genocide was added to his list of convictions. He is currently serving his sentence in Germany.
  - o The IRMCT denied his request for early release in December 2020.
  - o He is still serving his sentence. No information has been found to indicate that POPOVIĆ has been granted early release.
- . Given that POPOVIĆ was indicted for an offence by the ICTY, it is open to the Minister to be satisfied that POPOVIĆ meets the criteria for listing (as per item 2(a) of regulation 6 of the Autonomous Sanctions Regulations 2011).

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ATTACHMENT B

**Decision Record**

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Autonomous Sanctions – Former Federal Republic of Yugoslavia

**Guide**

- The Decision at Part A
  - redesignates 21 persons for targeted financial sanctions and redeclares 21 persons for travel bans, except for those which you indicate 'Do Not Designate' or 'Do Not Declare' in Part C.
- The listing criteria at Part B provides the criteria for designating persons and entities for targeted financial sanctions and declaring persons for travel bans, as set out in item 2 of regulation 6 of the Autonomous Sanctions Regulations 2011 (**the Regulations**).

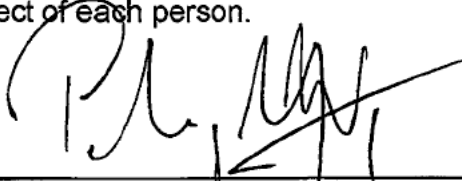
**PART A: DESIGNATION AND DECLARATION**

I am satisfied that the persons identified in Part C each individually meet the criteria for designation and declaration outlined in Part B below unless I have initialled the '**Do Not Designate**' or '**Do Not Declare**' column in respect of a person.

I exercise my discretion to:

- a. **redesignate** 21 persons as a designated person as each person individually satisfies the listing criteria under item 2 of regulation 6 of the Regulations, unless I have initialled the 'Do Not Designate' column in respect of a person;
- b. **redeclare** 21 persons as a declared person for the purpose of preventing them from travelling to, entering or remaining in Australia, as each person individually satisfies the listing criteria under item 2 of regulation 6 of the Regulations, unless I have initialled the 'Do Not Declare' column in respect of a person.

I confirm that, in reaching my decision, I have considered the Statements of Case (**Attachment A**) prepared by my Department in respect of each person.




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Penny Wong  
Minister for Foreign Affairs  
10 / 1 / 22

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**ATTACHMENT B**

**PART B: CRITERIA FOR LISTING**

The listing criteria for persons and entities is set out in item 2 of regulation 6 of the Regulations, as follows:

A person who:

- a) has been indicted for an offence by the ICTY (whether or not convicted of the offence);
- b) has been indicted for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia (whether or not convicted of the offence);
- c) is subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY;
- d) the Minister is satisfied is a supporter of the former regime of Slobodan Milosevic; or
- e) is suspected of assisting a person who is indicted by the ICTY and not currently detained by the ICTY.

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ATTACHMENT B

## PART C: DECISION ON DESIGNATION AND DECLARATION

**Persons**

Persons proposed for redesignation and redeclaration under Former Federal Republic of Yugoslavia Criteria (Item 2 of regulation 6)

Ref No	Primary name	Address	Additional Information	Citizenship	Place of Birth	DOB	Listed by likemindeds	DO NOT DESIGNATE	DO NOT DECLARE
1.	<b>Bruno STOJIĆ</b>		ICTY indictee		Hamzići, Municipality of Čitluk, Bosnia and Herzegovina	08/04/1955	No		
2.	<b>Dragoljub KUNARAC</b>		ICTY indictee		Foča, Bosnia and Herzegovina	15/05/1960	Yes – The United States		
3.	<b>Dragomir MILOŠEVIĆ</b>		ICTY indictee		Murgas, Municipality of Ub, Serbia	04/02/1942	Yes – The United States		
4.	<b>Goran JELISIĆ</b>		ICTY indictee		Bijeljina, Bosnia and Herzegovina	07/06/1968	Yes – The United States		
5.	<b>Jadranko PRLIĆ</b>		ICTY indictee		Dakovo, Croatia	10/06/1959	No		

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## ATTACHMENT B

Ref No	Primary name	Address	Additional Information	Citizenship	Place of Birth	DOB	Listed by likemindeds	DO NOT DESIGNATE	DO NOT DECLARE
6.	<b>Mičo STANIŠIĆ</b>		<i>ICTY indictee</i>		Ponor, Pale Municipality, in Bosnia and Herzegovina	30/06/1954	No		
7.	<b>Milan LUKIĆ</b>		<i>ICTY indictee</i>		Foča, Bosnia and Herzegovina	06/09/1967	Yes – The United States		
8.	<b>Milan MARTIĆ</b>		<i>ICTY indictee</i>		Knin, Croatia	18/11/1954	Yes – The United States		
9.	<b>Milomir STAKIĆ</b>		<i>ICTY indictee</i>		Marička, Bosnia and Herzegovina	19/01/1962	Yes – The United States		
10.	<b>Miroslav BRALO</b>		<i>ICTY indictee</i>		Kratine, Vitez, Bosnia and Herzegovina	13/10/1967	Yes – The United States		
11.	<b>Nebojša PAVKOVIĆ</b>		<i>ICTY indictee</i>		Senjski Rudnik, Municipality of Despotovac, Serbia	10/04/1946	Yes – The United States		
12.	<b>Radislav KRSTIĆ</b>		<i>ICTY indictee</i>		Vlasenica, Bosnia and Herzegovina	15/02/1948	Yes – The United States		

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## ATTACHMENT B

Ref No	Primary name	Address	Additional Information	Citizenship	Place of Birth	DOB	Listed by likemindeds	DO NOT DESIGNATE	DO NOT DECLARE
13.	<b>Radivoje MILETIĆ</b>		<i>ICTY indictee</i>		Štović, Bosnia and Herzegovina	06/12/1947	No		
14.	<b>Radovan KARADŽIĆ</b>		<i>ICTY indictee</i>		Municipality of Šavnik, Montenegro	19/06/1945	Yes – The United States		
15.	<b>Radovan STANKOVIĆ</b>		<i>ICTY indictee</i>		Trebiča, Municipality of Foča, Bosnia and Herzegovina	10/03/1969	Yes – The United States		
16.	<b>Ratko MLADIĆ</b>		<i>ICTY indictee</i>		Municipality of Kalinovik, Bosnia and Herzegovina	12/03/1942	Yes – The United States		
17.	<b>Sredoje LUKIĆ</b>		<i>ICTY indictee</i>		Rujište, Bosnia and Herzegovina	05/04/1961	Yes – The United States		
18.	<b>Stanislav GALIĆ</b>		<i>ICTY indictee</i>		Goles, Bosnia and Herzegovina	12/03/1943	Yes – The United States		

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## ATTACHMENT B

Ref No	Primary name	Address	Additional Information	Citizenship	Place of Birth	DOB	Listed by likemindeds	DO NOT DESIGNATE	DO NOT DECLARE
19.	<b>Stojan ŽUPLJANIN</b>		<i>ICTY indictee</i>		Maslovare, Kotor Varoš, Bosnia and Herzegovina	22/09/1951	Yes – The United States		
20.	<b>Vlastimir DORDEVIĆ</b>		<i>ICTY indictee</i>		Koznica, Vladičin Han Municipality, Serbia	17/11/1948	Yes – The United States		
21.	<b>Vujadin POPOVIĆ</b>		<i>ICTY indictee</i>		Popovići, Bosnia and Herzegovina	14/03/1957	Yes – The United States		

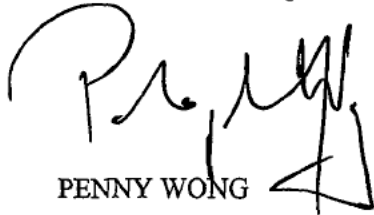


**Autonomous Sanctions (Designated and  
Declared Persons—Former Federal Republic of  
Yugoslavia) Amendment (No. 1) Instrument  
2023**

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I, PENNY WONG, Minister for Foreign Affairs, make the following instrument.

Dated 10<sup>th</sup> January 2024



PENNY WONG  
Minister for Foreign Affairs

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**1 Name**

This instrument is the *Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023*.

**2 Commencement**

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	12 January 2024.	
2. Schedule 1	12 January 2024	
3. Schedule 2	14 January 2024	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

**3 Authority**

This instrument is made under paragraphs 6(a) and (b) and subregulation 9(3) of the *Autonomous Sanctions Regulations 2011*.

**4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012*

#### **1 Subsection 3(1)**

Omit “paragraph 6 (1) (a)”, substitute “paragraph 6(a)”.

#### **2 Subsection 3(2)**

Omit “paragraph 6 (1) (b)”, substitute “paragraph 6(b)”.

#### **3 At the end of Part 3**

Add:

#### **6 Continuation of effect of designations and declarations on and after date of making of the *Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No.1) Instrument 2023***

- (1) The designation, under paragraph 6(a) of the *Autonomous Sanctions Regulations 2011*, of the persons mentioned in items 10, 16, 17, 23, 28, 33, 36, 37, 44, 53, 57, 70, 72, 74, 75, 78, 87, 90, 92, 100, 102 in Schedule 1 continues to have effect.
- (2) The declaration, under paragraph 6(b) of the *Autonomous Sanctions Regulations 2011*, of the persons mentioned in items 10, 16, 17, 23, 28, 33, 36, 37, 44, 53, 57, 70, 72, 74, 75, 78, 87, 90, 92, 100, 102 in Schedule 1 continues to have effect.

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## Schedule 2—Repeals

### *Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012*

- 1 Schedule 1 (table items 1-9, 11-15, 18-22, 24-27, 29-32, 34, 35, 38, 40-43, 45-48, 50-52, 54-56, 58-66, 68-69, 71, 73, 76, 77, 79-86, 88-89, 91, 93-99, 101, 103-111)**

Repeal the items.

## Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

### *Autonomous Sanctions Regulations 2011*

#### *Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023*

Autonomous sanctions are measures not involving the use of armed force which a government imposes as a matter of foreign policy in response to situations of international concern. Such situations include the commission of genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions and violations of the laws or customs of war, as occurred in the Former Federal Republic of Yugoslavia (FFRY).

The *Autonomous Sanctions Regulations 2011* (**the Regulations**) make provisions for, among other things, the proscription of persons or entities for autonomous sanctions in relation to the FFRY. Regulation 6 of the Regulations enables the Minister for Foreign Affairs (**the Minister**) to designate a person for targeted financial sanctions and/or declare a person for the purposes of a travel ban, in a range of circumstances, including if the Minister is satisfied (pursuant to item 2 of regulation 6, ‘**FFRY criteria**’) that a person:

- has been indicted for an offence by the International Criminal Tribunal for the former Yugoslavia (**the ICTY**), or within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia;
- is subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY;
- is a supporter of the former regime of Slobodan Milosevic; or
- is suspected of assisting a person who is indicted by the ICTY and not currently detained by the ICTY.

The purpose of a designation is to subject the designated person or entity to targeted financial sanctions. There are two components to targeted financial sanctions under the Regulations:

- the designated person or entity becomes the object of the prohibition in regulation 14 (which prohibits directly or indirectly making an asset available to, or for the benefit of, a designated person or entity, other than as authorised by a permit granted under regulation 18); and
- any asset owned or controlled by a designated person or entity is a “controlled asset” and subject to the prohibition in regulation 15 (which prohibits a person from either using or dealing with that asset, or allowing it to be used or dealt with, or facilitating the use of or dealing with it, other than as authorised by a permit granted under regulation 18).

The purpose of a declaration is to prevent a person from travelling to, entering or remaining in Australia.

Designated and declared persons in respect of the FFRY are listed in the *Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012 (the 2012 List)*.

Under subregulations 9(1) and (2) of the Regulations, designations and declarations that are declared to continue to have effect under subregulation 9(3) of the Regulations cease to have effect three years after the making of the most recent declaration, unless the Minister declares they are to continue to have effect pursuant to subregulation 9(3) of the Regulations.

The *Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023 (the 2023 Instrument)* gives effect to a renewal of the designations and declarations (together referred to as **listings**) of 21 persons for targeted financial sanctions and travel bans under the FFRY criteria. The Minister exercised their discretion to make the designations and declarations being satisfied that each of the persons meet the FFRY criteria.

The 2023 Instrument also allows the listings for 87 persons to lapse on the anniversary of their latest listing (13 January 2021), either because the person is deceased, has served their sentence, was not indicted by ICTY, or was indicted but acquitted by the ICTY.

Details of the 2023 Instrument are set out at **Attachment A**.

The legal framework for the imposition of autonomous sanctions by Australia, of which the Regulations are part, was the subject of extensive consultation with governmental and non-governmental stakeholders. The Department of Foreign Affairs and Trade (DFAT) undertook public consultation through its website in relation to the listings contained in the 2023 through its website. No submissions were received in response to this public consultation.

The Office of Impact Analysis has advised that a Regulation Impact Statement is not required for listing instruments of this nature (OBPR22-02078).

This Instrument is exempt from sunseting under table item 10B of section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* on the basis that it is subject to a more stringent statutory review process than is set out in Part 4 of Chapter 3 of the *Legislation Act 2003*.



**Attachment A***Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023*Section 1

The title of the instrument is the *Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023*.

Section 2

Sections 1 to 4 of the 2023 Instrument commence the day after it is registered. Schedule 1 of the instrument commences on 12 January 2024. Schedule 2 of the 2023 Instrument commences on 14 January 2024.

Section 3

Section 3 provides that the 2023 Instrument is made under paragraphs 6(a) and (b) and subregulation 9(3) of the Regulations.

Under subsection 33(3) of the *Acts Interpretation Act 1901*, where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument. Subsection 33(3) of the *Acts Interpretation Act 1901* has been relied on, in conjunction with regulation 9 of the Regulations, to renew the designations and declarations of 21 persons in the *Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012 (the 2012 List)*.

Section 4

Section 4 provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Amendments

*Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012*

Item 1

Item 1 is a technical amendment necessitated due to a change in the numbering of the Regulations. This amendment ensures that the relevant paragraph of the Regulations is referenced.

Item 2

Item 2 is a technical amendment necessitated due to a change in the numbering of the Regulations. This amendment ensures that the relevant paragraph of the Regulations is referenced.

Item 3

Item 3 contains the Minister for Foreign Affairs' (**the Minister**) declaration under subregulation 9(3) of the Regulations that the designations and declarations of 21 persons under paragraphs 6(a) and 6(b) of the Regulations continue to have effect.

Schedule 2 – Repeals

*Autonomous Sanctions (Designated and Declared Persons – Former Federal Republic of Yugoslavia) List 2012*

Item 1

Item 1 repeals the listings of 87 persons in Schedule 1 of the 2012 List, either because the person is deceased, has served their sentence, was not indicted by ICTY, or was indicted but acquitted by the ICTY.

## Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the  
*Human Rights (Parliamentary Scrutiny) Act 2011*

*Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023*

*The Autonomous Sanctions (Designated and Declared Persons—Former Federal Republic of Yugoslavia) Amendment (No. 1) Instrument 2023 (the 2023 Instrument)* is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of *the Human Rights (Parliamentary Scrutiny) Act 2011*.

Australia's autonomous sanctions frameworks impose highly targeted measures in response to situations of international concern. This includes the commission of genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions and violations of the laws or customs of war, as occurred in the Former Federal Republic of Yugoslavia (FFRY). Autonomous sanctions pursue legitimate objectives and have appropriate safeguards in place to ensure that any limitation on human rights engaged by the imposition of sanctions is a reasonable, necessary and proportionate response to the situation of international concern, and do not affect particularly vulnerable groups. The Government keeps its sanctions frameworks under regular review, including in relation to whether more effective, less rights-restrictive means are available to achieve similar foreign policy objectives.

The 2023 Instrument continues under subregulation 9(3) of the Regulations the designations and declarations of persons that were last continued in effect in January 2021. The Minister made the 2023 Instrument being satisfied that each of the persons meets the criteria set out in item 2 of the table in regulation 6 and is a person who:

- (a) has been indicted for an offence by the ICTY (whether or not the person has been convicted of the offence);
- (b) has been indicted for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia (whether or not the person has been convicted of the offence);
- (c) is subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY;
- (d) the Minister is satisfied is a supporter of the former regime of Slobodan Milosevic;
- (e) is suspected of assisting a person who is:
  - (i) indicted by the ICTY; and
  - (ii) not currently detained by the ICTY.

The human rights compatibility of the 2023 Instrument is addressed by reference to each of the human rights engaged below.

## **Right to privacy**

### Right

Article 17 of the International Covenant on Civil and Political Rights (**the ICCPR**) prohibits unlawful or arbitrary interferences with a person's privacy, family, home and correspondence.

The use of the term 'arbitrary' in the ICCPR means that any interferences with privacy must be in accordance with the provisions, aims and objectives of the ICCPR and should be reasonable in the individual circumstances. Arbitrariness connotes elements of injustice, unpredictability, unreasonableness, capriciousness and 'unproportionality'.<sup>1</sup>

### Permissible limitations

The 2023 Instrument is not an unlawful interference with an individual's right to privacy. Section 10 of the *Autonomous Sanctions Act 2011 (the Act)* permits regulations relating to, among other things: 'proscription of persons or entities (for specified purposes or more generally)'; and 'restriction or prevention of uses of, dealings with, and making available of, assets'. The designations and declarations continued in the 2023 Instrument were made pursuant to regulation 9 of the Regulations, which provides that the Minister may, by legislative instrument, continue in effect a person's designation for targeted financial sanctions and/or a declaration for a travel ban.

The measures contained in the 2023 Instrument are not an arbitrary interference with an individual's right to privacy. An interference with privacy will not be arbitrary where it is reasonable, necessary and proportionate in the individual circumstances.

In listing an individual under the Regulations for targeted financial sanctions and/or travel bans, the Minister uses predictable, publicly available criteria. These criteria are designed to capture only those persons the Minister is satisfied are involved in situations of international concern, as set out in regulation 6 of the Regulations.

Accordingly, targeted financial sanctions and travel bans imposed by the Minister through the designation of specific individuals under the Regulations are reasonable, necessary and proportionate to the individual circumstances the sanctions are seeking to address. Therefore, any interference with the right to privacy created by the operation of the 2023 Instrument is not arbitrary or unlawful and, therefore, is consistent with Australia's obligations under Article 17 of the ICCPR.

## **Right to respect for the family**

### Right

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<sup>1</sup> Manfred Nowak, *United Nations Covenant on Civil and Political Rights: CCPR Commentary* (NP Engel, 1993) 178.

The right to respect for the family is protected by Articles 17 and 23 of the ICCPR. It covers, among other things, the separation of family members under migration laws, and arbitrary or unlawful interferences with the family.

Limitations on the right to respect for the family under Articles 17 and 23 of the ICCPR will not violate those articles if the measures in question are lawful and non-arbitrary. An interference with respect for the family will be consistent with the ICCPR where it is necessary and proportionate, in accordance with the provisions, aims and objectives of the ICCPR, and is reasonable in the individual circumstances.

#### Permissible limitations

As set out above, the autonomous sanctions regime is authorised by domestic law and is not unlawful.

As the listing criteria in regulation 6 of the Regulations are drafted by reference to specific foreign countries, it is highly unlikely, as a practical matter, that a person declared for a travel ban will hold an Australian visa, usually reside in Australia and have immediate family also in Australia.

The Department of Foreign Affairs and Trade (**DFAT**) consults relevant agencies as appropriate in advance of a designation and declaration of a person with known connections to Australia to determine the possible impacts of the designation and declaration on any family members in Australia.

To the extent that the travel bans imposed pursuant to the 2023 Instrument engage and limit the right to respect for the family in a particular case, the Regulations provide sufficient flexibility to treat different cases differently. Under the Regulations, the Minister may waive the operation of a travel ban on the grounds that it would be either: (a) in the national interest; or (b) on humanitarian grounds. This provides a mechanism to address circumstances in which issues such as the possible separation of family members in Australia are involved. In addition, this decision may be judicially reviewed. Finally, were such a separation to take place, for the reasons outlined in relation to Article 17 above, such a separation would be reasonable, necessary, proportionate and justified in achieving the objective of the 2023 Instrument.

Accordingly, any interference with the right to respect for the family created by the operation of the 2023 Instrument is not unlawful or arbitrary and, is consistent with Australia's obligations under Articles 17 and 23 of the ICCPR.

### **Right to an adequate standard of living**

#### Right

The right to an adequate standard of living is contained in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (**ICESCR**) and requires States to ensure the availability and accessibility of the resources that are essential to the realisation of the right: namely, food, water, and housing.

Article 4 of the ICESCR provides that this right may be subject to such limitations ‘as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society’. To be consistent with the ICESCR, limitations must be proportionate.

#### Permissible limitations

Any limitation on the enjoyment of Article 11(1), to the extent that it occurs, is justified. The Regulations allow for any adverse impacts on family members as a consequence of targeted financial sanctions to be mitigated. The Regulations also provide for the payment of basic expenses (among others) in certain circumstances. The objective of ‘basic expenses exemption’ in regulation 20 is, in part, to enable the Australian Government to administer the sanctions regime in a manner compatible with relevant human rights standards.

The permit process is a flexible and effective safeguard on any limitation to the enjoyment of Article 11(1) of the ICESCR.

#### **Right to freedom of movement**

##### Right

Article 12 of the ICCPR protects the right to freedom of movement, which includes a right to leave Australia, as well as the right to enter, remain, or return to one’s ‘own country’.

The right to freedom of movement may be restricted under domestic law on any of the grounds in Article 12(3) of the ICCPR, namely national security, public order, public health or morals or the rights and freedoms of others. Any limitation on the enjoyment of the right also needs to be reasonable, necessary and proportionate.

#### Permissible limitations

As the listing criteria in regulation 6 of the Regulations are drafted by reference to specific foreign countries, it is highly unlikely, as a practical matter, that a person declared for a travel ban would be an Australian citizen, or have spent such lengths of time in Australia, such that Australia could be considered their ‘own country’. Furthermore, travel bans – which are a power to refuse a visa and to cancel a visa – do not apply to Australian citizens.

To the extent that Article 12(4) is engaged in an individual case, such that a person listed in the 2023 Instrument is prevented from entering Australia as their ‘own country’, the imposition of the travel ban would be justified.

As set out above in relation to Article 17 of the ICCPR, travel bans are a reasonable, necessary and proportionate means of achieving the legitimate objectives of Australia’s autonomous sanctions framework. Travel bans are reasonable because they are only imposed on persons who the Minister is satisfied are responsible for giving rise to situations of international concern.



Preventing a person who has been involved in the commission of war crimes or genocide, from travelling to, entering or remaining in Australia through operation of the 2023 Instrument, is a reasonable means to achieve the legitimate foreign policy objective of signalling Australia's concerns about such egregious acts.

The Minister may also waive the operation of a declaration that was made for the purpose of preventing a person from travelling to, entering or remaining in Australia, on the grounds that it would be either: (a) in the national interest; or (b) on humanitarian grounds. This decision is subject to natural justice requirements, and may be judicially reviewed.

## **Non refoulement**

### Right

The obligations relating to the prohibition on torture and other cruel, inhuman or degrading treatment or punishment under Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**the CAT**) and Article 7 of the ICCPR, as well as Article 6 of the ICCPR on the right to life and prohibition on arbitrary deprivation of life, are engaged by the travel restrictions in the 2023 Instrument. There is no permissible derogation from these implied or express non-refoulement obligations.

### Permissible limitations

To the extent that the travel bans imposed pursuant to the 2023 Instrument engage Australia's non-refoulement obligations, the Regulations allow the Minister to waive the operation of a travel ban on the grounds that it would be either: (a) in the national interest; or (b) on humanitarian grounds.

A travel ban may lead to the cancellation of a visa held by a non-citizen lawfully in Australia, which can lead to removal under section 198 of the *Migration Act 1958*. Australia will continue to meet its non-refoulement obligations through mechanisms prior to the person becoming available for removal under the *Migration Act 1958*, including through the protection visa application process, and through the use of the Minister for Home Affairs' personal powers in the *Migration Act 1958*.

The 2023 Instrument is consistent with Australia's international non-refoulement obligations as, together with the Minister's powers to revoke a declaration or waive its operation in an individual case, non-refoulement obligations are considered prior to a person becoming available for removal under the *Migration Act 1958*. A person must not be removed from Australia to another country if there is a real risk that the person may be subjected to arbitrary deprivation of life, the death penalty, torture, cruel or inhuman treatment or punishment, or degrading treatment or punishment.

## **Right to equality and non-discrimination**

### Right

The right to equality and non-discrimination under Article 26 of the ICCPR provides that everyone is entitled to enjoy their rights without discrimination of any kind, and that people are equal before the law and are entitled without discrimination to the equal and non-discriminatory protection of the law.

Differential treatment (including the differential effect of a measure that is neutral on its face) will not constitute unlawful discrimination if the differential treatment is based on reasonable and objective criteria, serves a legitimate objective, and is a proportionate means of achieving that objective.

#### Permissible limitations

Any differential treatment of people as a consequence of the application of the 2023 Instrument does not amount to discrimination pursuant to Article 26 of the ICCPR.

The criteria set out in regulation 6 of the Regulations are reasonable and objective. They are reasonable insofar as they list only those foreign countries and activities which the Government has specifically determined give rise to situations of international concern. They are objective as they provide a clear, consistent and objectively verifiable reference point by which the Minister is able to make a designation or declaration. The Regulations serve a legitimate objective, as discussed throughout this statement.

To the extent that the measures result in a differential impact on persons from particular countries, this is both proportionate and necessary to achieve the objective of the 2023 Instrument. Country-specific sanctions will inevitably impact persons from certain countries more than others, given they are used as a tool of foreign diplomacy to facilitate the conduct of Australia's international relations with particular countries. In this case, the measures will predominately impact persons of Bosnia-Herzegovina, Croatian and Serbian nationality due to the location of the situation of international concern to which the measures respond.

Denying access to international travel and the international financial system to certain designated individuals is a highly targeted, justified and less rights-restrictive means of achieving the aims of the Regulations, including in a context where other conventional mechanisms are unavailable.

While these measures may impact individuals of certain nationalities and national origins more than others, there is no information to support the view that affected groups are vulnerable. Rather, the individuals designated in the 2023 Instrument are persons the Minister is satisfied are involved in activities that give rise to situations of international concern. Further, there are several safeguards, such as the availability of judicial review and regular review processes in place, to ensure that any limitation is proportionate to the objective being sought.

Attachment E

**Decision Record**

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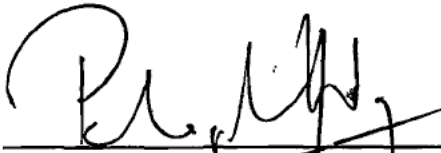
Autonomous Sanctions – Former Federal Republic of Yugoslavia (FFRY)

**RECOMMENDATION**

The Department recommends the designations and declarations of the 87 persons in Part A be allowed to lapse, on the basis that these persons are either: deceased, acquitted, or have served their ICTY sentence, or were not indicted by the ICTY.

**DESIGNATION**

I exercise my discretion to allow the designation of 87 persons in Part A to lapse, unless I have initialled the '**Designate Person**' column in respect of the person.

  
\_\_\_\_\_  
Penny Wong  
Minister for Foreign Affairs  
10/1/24

## Attachment E

## PART A

## List of persons recommended to lapse under the FFRY framework on 13 January 2024

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB (DD/MM/YY)</u>	<u>Designate Person</u>
1.	<b><u>Aleksandar RADOVANOVIĆ</u></b> a.k.a: <b><u>Aca RADOVANOVIĆ</u></b>	<b><u>Bujakovići-Skelani,</u></b> <b><u>Bosnia and</u></b> <b><u>Herzegovina</u></b>	<b><u>20/06/1973</u></b>	
2.	<b><u>Berislav PUŠIĆ</u></b>	<b><u>Mostar,</u></b> <b><u>Bosnia and</u></b> <b><u>Herzegovina</u></b>	<b><u>08/06/1952</u></b>	
3.	<b><u>Bogdan GRBA</u></b>	<b><u>Licka Jesenica</u></b> <b><u>Saborsko, Croatia</u></b>	<b><u>09/01/1965</u></b>	
4.	<b><u>Boris BREBERINA</u></b>	<b><u>Karlovac, Croatia</u></b>	<b><u>18/05/1965</u></b>	
5.	<b><u>Boro TRBOJEVIĆ</u></b>	<b><u>Velika Peratovica,</u></b> <b><u>Croatia</u></b>	<b><u>02/01/1959</u></b>	
6.	<b><u>Bozo Latinovic</u></b>	<b><u>Cazin,</u></b> <b><u>Bosnia and</u></b> <b><u>Herzegovina</u></b>	<b><u>27/01/1957</u></b>	
7.	<b><u>Brane DŽINIĆ</u></b> a.k.a: <b><u>Čupo DŽINIĆ</u></b>	<b><u>Jelačići,</u></b> <b><u>Bosnia and</u></b> <b><u>Herzegovina</u></b>	<b><u>28/06/1974</u></b>	
8.	<b><u>Branimir GLAVAŠ</u></b>	<b><u>Osijek, Croatia</u></b>	<b><u>23/09/1956</u></b>	
9.	<b><u>Branislav MEDAN</u></b> a.k.a: <b><u>Brane MEDAN</u></b>	<b><u>Dubrovnik, Croatia</u></b>	<b><u>24/03/1965</u></b>	
10.	<b><u>Damir SIRETA</u></b> a.k.a: <b><u>Sićo SIRETA</u></b>	<b><u>Vukovar, Croatia</u></b>	<b><u>19/10/1963</u></b>	
11.	<b><u>Darko PERIĆ</u></b>	<b><u>Valjevo , Serbia</u></b>	<b><u>05/08/1954</u></b>	
12.	<b><u>Dragan BOROJEVIĆ</u></b>	<b><u>Kabavna,</u></b> <b><u>Donji Miholjac</u></b> <b><u>Municipality,</u></b> <b><u>Croatia</u></b>	<b><u>09/07/1970</u></b>	
13.	<b><u>Dragan MEDIĆ</u></b> a.k.a: <b><u>Guljo MEDIĆ</u></b>	<b><u>Vinkovački Banovci,</u></b> <b><u>Croatia</u></b>	<b><u>08/12/1970</u></b>	
14.	<b><u>Dragan STANOJEVIĆ</u></b>	<b><u>Ročević,</u></b>	<b><u>13/03/1962</u></b>	

## Attachment E

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB</u> <u>(DD/MM/YY)</u>	<u>Designate</u> <u>Person</u>
	<u>a.k.a: Janjić STANOJEVIĆ</u>	<u>Bosnia and</u> <u>Herzegovina</u>		
15.	<u>Duro KLJAIC</u> <u>a.k.a: Djuro KLJAIC</u>	<u>Tompojevci, Croatia</u>	<u>06/05/1949</u>	
16.	<u>Dusan KOVACEVIC</u>	<u>Plaski,</u> <u>Croatia</u>	<u>27/02/1966</u>	
17.	<u>Duško KNEŽEVIĆ</u> <u>a.k.a: Duća KNEŽEVIĆ</u> <u>a.k.a: Dušan KNEŽEVIĆ</u>	<u>Orlovci, Prijedor</u> <u>Municipality, Bosnia</u> <u>and Herzegovina</u>	<u>17/06/1967;</u>	
18.	<u>Eva RADEKA</u>	<u>Bosnjaci, Croatia</u>	<u>03/12/1946</u>	
19.	<u>Gojko JANKOVIĆ</u>	<u>Trbušće,</u> <u>Municipality of</u> <u>Foča, Bosnia and</u> <u>Herzegovina</u>	<u>31/10/1954</u>	
20.	<u>Idhan SIPIĆ</u> <u>a.k.a: Nuno SIPIĆ</u>	<u>Banja Luka, Bosnia</u> <u>and Herzegovina</u>	<u>09/04/1967</u>	
21.	<u>Ilija VUKELIC</u>	<u>Licka Jesenica,</u> <u>Croatia</u>	<u>24/04/1965</u>	
22.	<u>Ivica VRDOLJAK</u> <u>a.k.a: Geza VRDOLJAK</u>	<u>Derventa, Bosnia</u> <u>and Herzegovina</u>	<u>01/08/1968</u>	
23.	<u>Jadranko PALIJA</u>	<u>Hrvatska Kostajnica,</u> <u>Croatia</u>	<u>06/01/1961</u>	
24.	<u>Jovan DIMITRIJEVIĆ</u>	<u>Zemun, Serbia</u>	<u>06/06/1961</u>	
25.	<u>Marija MILOSEVIC</u>	<u>Požarevac, Serbia</u>	<u>1965</u>	
26.	<u>Marko MILOSEVIC</u>	<u>Serbia</u>	<u>02/07/1974;</u>	
27.	<u>Marko ŠKROBIĆ</u>	<u>Duratovci, Bosnia</u> <u>and Herzegovina</u>	<u>20/07/1971</u>	
28.	<u>Milan DEVČIĆ</u>	<u>Lovas, Vukovar</u> <u>Municipality,</u> <u>Croatia</u>	<u>23/01/1962</u>	



## Attachment E

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB</u> <u>(DD/MM/YY)</u>	<u>Designate</u> <u>Person</u>
29.	<u>Milan JARIC</u>	<u>Backa Palanka,</u> <u>Serbia</u>	<u>14/08/1951</u>	
30.	<u>Milan OGRIZOVIC</u>	<u>Licka Jesenica,</u> <u>Croatia</u>	<u>21/02/1963</u>	
31.	<u>Mile IKAC</u>	<u>Svinjarevci, Croatia</u>	<u>03/03/1953</u>	
32.	<u>Milenko TRIFUNOVIĆ a.k.a:</u> <u>Čop TRIFUNOVIĆ</u>	<u>Kostolomci, Bosnia</u> <u>and Herzegovina</u>	<u>26/01/1972</u>	
33.	<u>Milica GAJIC-MILOSEVIC</u>	<u>Not Known</u>	<u>1970</u>	
34.	<u>Milivoj PETKOVIĆ</u>	<u>Šibenik, Croatia</u>	<u>11/10/1949</u>	
35.	<u>Milorad TRBIĆ</u>	<u>Ponijevo, Zenica</u> <u>Municipality, Bosnia</u> <u>and Herzegovina</u>	<u>22/02/1958</u>	
36.	<u>Miloš RADIĆ</u>	<u>Srebrenica, Bosnia</u> <u>and Herzegovina</u>	<u>05/06/1959</u>	
37.	<u>Miodrag DIMITRIJEVIĆ</u>	<u>Kruševac,</u> <u>Serbia</u>	<u>27/02/1939</u>	
38.	<u>Miodrag ŠOLAJA</u> <u>a.k.a: Zicko ŠOLAJA</u>	<u>Sremska Mitrovica,</u> <u>Serbia</u>	<u>16/03/1979</u>	
39.	<u>Mirko PEKEZ</u> <u>a.k.a: Guzan PEKEZ</u>	<u>Čerkazovići, Bosnia</u> <u>and Herzegovina</u>	<u>28/10/1968</u>	
40.	<u>Mirko PEKEZ</u> <u>a.k.a: Peka PEKEZ</u>	<u>Čerkazovići, Bosnia</u> <u>and Herzegovina</u>	<u>31/05/1965</u>	
41.	<u>Mirko TODOROVIĆ</u> <u>a.k.a: Banana TODOROVIĆ</u>	<u>Bratunac, Bosnia</u> <u>and Herzegovina</u>	<u>15/05/1954</u>	
42.	<u>Miroslav RADIC</u>	<u>Zemun,</u> <u>Serbia</u>	<u>10/09/1962</u>	
43.	<u>Momčilo GRUBAN</u>	<u>Marička,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>19/06/1961</u>	
44.	<u>Goran MUGOŠA</u>	<u>Ravno Selo, Serbia</u>	<u>08/05/1967</u>	

## Attachment E

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB</u> <u>(DD/MM/YY)</u>	<u>Designate</u> <u>Person</u>
45.	<u>Nenad BIZIC</u>	<u>Brzaja,</u> <u>Croatia</u>	<u>15/01/1968</u>	
46.	<u>Nenad TANASKOVIĆ</u> a.k.a: <u>Nešo TANASKOVIĆ</u>	<u>Donja ljeska,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>20/11/1961</u>	
47.	<u>Nikola ANDRUN</u>	<u>Domanovići, Bosnia</u> <u>and Herzegovina</u>	<u>22/11/1957</u>	
48.	<u>Nikola GOLUBOVIC</u>	<u>Pakrac,</u> <u>Croatia</u>	<u>20/04/1962</u>	
49.	<u>Nikola JOVETIC</u>	<u>Licka Jesenica,</u> <u>Croatia</u>	<u>15/04/1966</u>	
50.	<u>Nikola STAKOR</u>	<u>Voinic,</u> <u>Croatia</u>	<u>23/10/1953</u>	
51.	<u>Nikola VUKELIC</u>	<u>Licka Jesenica,</u> <u>Croatia</u>	<u>01/01/1962</u>	
52.	<u>Paško LJUBIČIĆ</u>	<u>Nezirovići, Bosnia</u> <u>and Herzegovina</u>	<u>15/11/1965</u>	
53.	<u>Petar MITROVIC</u>	<u>Brežani,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>07/02/1967</u>	
54.	<u>Rade VRANESEVIC</u>	<u>Bukovica, Croatia</u>	<u>04/10/1947</u>	
55.	<u>Radisav JOSIPOVIĆ</u>	<u>Valjevo,</u> <u>Serbia</u>	<u>09/06/1959</u>	
56.	<u>Radivoj JAKOVLJEVIC</u>	<u>Vukovar, Croatia</u>	<u>13/10/1956</u>	
57.	<u>Radoslav BRĐANIN</u>	<u>Popovac,</u> <u>Municipality of</u> <u>Čelinac,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>09/02/1948</u>	
58.	<u>Radovan VLAJKOVIĆ</u>	<u>Stanina Reka,</u> <u>Valjevo</u> <u>Municipality, Serbia</u>	<u>22/08/1958</u>	

## Attachment E

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB</u> <u>(DD/MM/YY)</u>	<u>Designate</u> <u>Person</u>
59.	<u>Ranko MIRILOVIC</u>	<u>Berak,</u> <u>Croatia</u>	<u>10/03/1957</u>	
60.	<u>Saša STOJANOVIĆ</u>	<u>Belgrade,</u> <u>Serbia</u>	<u>08/01/1967</u>	
61.	<u>Savo TODORVIĆ</u> a.k.a: <u>Savo TODOVIĆ</u>	<u>Rijeka,</u> <u>Croatia</u>	<u>11/12/1952</u>	
62.	<u>Simo SAMARDZIJA</u>	<u>Blatusa,</u> <u>Croatia</u>	<u>28/02/1952</u>	
63.	<u>Sladana KORDA</u>	<u>Vukovar, Croatia</u>	<u>28/10/1973</u>	
64.	<u>Slavko ŠAKIĆ</u>	<u>Zlavast,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>18/11/1972</u>	
65.	<u>Slobodan GOJKOVIC</u>	<u>Vukovar, Croatia</u>	<u>02/02/1962</u>	
66.	<u>Slobodan JAKOVLJEVIĆ</u> a.k.a: <u>Boban JAKOVLJEVIĆ</u>	<u>Kušići,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>09/01/1964</u>	
67.	<u>Slobodan OSTOJIĆ</u>	<u>Padžine,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>08/08/1966</u>	
68.	<u>Sreten LAZAREVIC</u>	<u>Ročević,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>31/03/1953</u>	
69.	<u>Sreten LUKIĆ</u>	<u>Višegrad,</u> <u>Bosnia and</u> <u>Herzegovina</u>	<u>28/03/1955</u>	
70.	<u>Stevan BJELAJAC</u>	<u>Glina,</u> <u>Croatia</u>	<u>18/12/1965</u>	
71.	<u>Tomo JURINOVIC</u>	<u>Duratovci, Bosnia</u> <u>and Herzegovina</u>	<u>30/03/1963</u>	
72.	<u>Valentin ĆORIĆ</u>	<u>Paoča, Municipality</u> <u>of Čitluk,</u>	<u>23/06/1956</u>	

## Attachment E

No.	Primary name & AKA	Place of birth	DOB (DD/MM/YY)	Designate Person
		<u>Bosnia and Herzegovina</u>		
73.	<u>Vaso TODOROVIĆ</u>	<u>Žabokvica, Bosnia and Herzegovina</u>	<u>02/03/1968</u>	
74.	<u>Veiz BJELIC</u>	<u>Vlasenica, Bosnia and Herzegovina</u>	<u>12/09/1949</u>	
75.	<u>Veljko BOSANAC</u>	<u>Kusonje, Croatia</u>	<u>24/02/1947</u>	
76.	<u>Veselin SLIVANCANIN</u>	<u>Zabljak, Montenegro</u>	<u>13/06/1953</u>	
77.	<u>Vladimir KOVAČEVIĆ</u>	<u>Nikšić, Montenegro</u>	<u>15/01/1961</u>	
78.	<u>Vojislav ŠEŠELJ</u>	<u>Sarajevo, Bosnia and Herzegovina</u>	<u>11/10/1954</u>	
79.	<u>Željko ĐUKIĆ</u> a.k.a: <u>Brko ĐUKIĆ</u>	<u>Vukovar, Croatia</u>	<u>25/02/1968</u>	
80.	<u>Željko KRNJAJIĆ</u>	<u>Lovas, Vukovar Municipality, Croatia</u>	<u>20/07/1960</u>	
81.	<u>Željko LELEK</u>	<u>Goražde, Bosnia and Herzegovina</u>	<u>09/02/1962</u>	
82.	<u>Željko MEJAKIĆ</u>	<u>Petrov Gaj, Bosnia and Herzegovina</u>	<u>02/08/1964</u>	
83.	<u>Zeljko MILOVANOVIC</u>	<u>Beli Manastir, Croatia</u>	<u>18/06/1966</u>	
84.	<u>Zijad KURTOVIC</u> a.k.a: <u>Zijo KURTOVIC</u>	<u>Donja Drežnica, Bosnia and Herzegovina</u>	<u>30/01/1967</u>	
85.	<u>Zoran KOSIJER</u>	<u>Ruma, Serbia</u>	<u>05/03/1966</u>	
86.	<u>Zrinko PINČIĆ</u>	<u>Sarajevo,</u>	<u>12/09/1948</u>	

Attachment E

<u>No.</u>	<u>Primary name &amp; AKA</u>	<u>Place of birth</u>	<u>DOB</u> <u>(DD/MM/YY)</u>	<u>Designate</u> <u>Person</u>
		<u>Bosnia and</u> <u>Herzegovina</u>		
87.	<u>Zvonko JURJEVIC</u>	<u>Varos/Slanovski</u> <u>Brod, Croatia</u>	<u>06/03/1934</u>	





# Ministerial Submission

s 22(1)(a)(ii)

Cleared by: Chris Cannan

Date sent to MO: 28 September 2023

FOR: Senator the Hon Penny Wong

Action Requested By: 13 October 2023

Reason for Urgency: Not Applicable

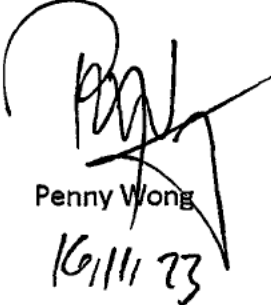
## Expiration of Autonomous Sanctions: Former Federal Republic of Yugoslavia


**Key Issues:** Australia imposes sanctions on 108 persons linked to the Former Federal Republic of Yugoslavia (FFRY) under the former regime of Slobodan Milošević. These sanctions will expire on 13 January 2024 unless renewed by you (Minister Wong). Of likeminded partners, only the United States and Japan still sanction persons connected to FFRY. This submission recommends you agree to allow the 108 listings to lapse. Allowing the listings to lapse would bring us into line with most of our likemindeds. Following consultation with Vienna, Belgrade and Zagreb Posts, we assess we can address any community concerns by highlighting the passing of three decades since the conflict, ongoing normalisation of relations among the states of FFRY, and the position of the majority of our likemindeds.

<p><b>Recommendation:</b> That you:</p> <p>a) <b>Agree</b> that the designations of 108 people for targeted financial sanctions and declarations of 108 people for travel bans on persons connected to the FFRY be allowed to lapse.</p> <p>b) <b>Agree</b> to remove the FFRY sanctions criteria from the <i>Autonomous Sanctions Regulations 2011</i> as part of the Department's review of the legislation, with changes expected to be implemented by early 2025.</p>	<p><b>Decision:</b></p> <p><u>Agreed / Not Agreed</u></p> <p><u>Agreed / Not Agreed</u></p>
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**Domestic/Media Considerations:** Allowing sanctions to lapse may attract limited domestic attention.  
**Action:** Should you agree, the Department will revert with a media strategy and talking points to manage any community concerns.

s 47E(d)

  
Penny Wong  
16/11/23



<b>From:</b> Geoff Bowan, DMG   EUD   Eastern Europe Branch s 22(1)(a)(ii)	<b>Contact:</b> s 22(1)(a)(ii)   s 22(1)(a)(ii)
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Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable  
If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

**Consultation:** HRA, INT, NES, RLD, Vienna Post, Belgrade Post, Zagreb Post

**Background:**

Australia's sanctions framework for the Former Federal Republic of Yugoslavia (FFRY) applies financial sanctions and travel bans on 108 persons associated with the FFRY (together, 'listings'). These persons supported the regime of Slobodan Milošević and/or are persons indicted for or suspected of committing war crimes during the Balkan wars in the 1990s. Sanctions have been in place since 1992 and are legislated under section 6 item 2 of the *Autonomous Sanctions Regulations 2011* (the Regulations).

2. The listings will lapse on 13 January 2024 unless you choose to re-list. Under the Regulations, listings lapse after three years unless renewed by you. The 108 FFRY listings were last renewed on 13 January 2021. You may renew a person or entity if you are satisfied that the relevant criteria continue to be met. Please refer to **Attachment A** for the relevant criteria.

3. We seek your agreement to allow the FFRY sanctions to lapse on the grounds that:

- a) Sanctions on the 108 persons have fulfilled their purpose and impose ongoing costs to the Australian Government. Allowing them to lapse will contemporise our policy settings and bilateral relations with the former states of the FFRY and demonstrate Australia's commitment to actively managing our sanctions regime to ensure it remains fit for purpose. The majority of those sanctioned have been convicted and served their sentences. Of those still in prison, many will never be released.
- b) Allowing the sanctions to lapse would align Australia with most likemindeds. s33(a)(iii)
- c) Of Australia's listings, 32 are also designated by the United States and three by Japan. The three designated by Japan are Slobodan Milošević's immediate family. A full list is at **Attachment B**.
- d) Unlike Australia and the EU, the US and Japan's sanctions regimes do not have legislative or policy mechanisms requiring the review of sanctions, nor do listings automatically lapse after a set period of time. s33(a)(iii). Japan removed all sanctions against the FFRY in 2000, except those against the family of Slobodan Milošević, s 33(a)(iii)
- e) We assess the risks of allowing all FFRY sanctions to lapse as minor.
  - i. There is currently no significant community pressure in relation to this sanctions regime. Allowing the sanctions to lapse may attract some community interest in relation to current events in the region which DFAT will proactively manage.
  - ii. We assess any community concerns at the lapsed sanctions can be addressed by highlighting the passing of three decades since the conflict, ongoing normalisation of relations among the states of FFRY and the position of the majority of our likemindeds.

4. Should you agree to allow the sanctions to lapse, the FFRY sanctions listing criteria in Item 2 of Regulation 6 would be removed as part of the Autonomous Sanctions Framework Review by the Australian Sanctions Office, scheduled to be implemented in early 2025.

5. Should you agree, we will revert with a media handling strategy and talking points.

6. **Attachment B** contains a list of all currently designated persons who still meet the Regulations criteria listed in Attachment A. Those individuals who are also sanctioned by the United States and Japan are identified.