

# OFAC

Office of Foreign Assets Control

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## SUDAN SANCTIONS PROGRAM

*This document is explanatory only and does not have the force of law. Executive Orders 13067, 13400, 13412, applicable laws and the implementing regulations pertaining to Sudan and Darfur (31 C.F.R. Parts 538 and 546 respectively) contain the legally binding provisions governing the sanctions. This document does not supplement or modify the Executive orders or the regulations.*



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# SANCTIONS RELATING TO SUDAN

## I. INTRODUCTION

The Sudan sanctions program began in 1997 when the President issued Executive Order (“E.O.”) 13067, which imposed a comprehensive trade embargo on Sudan and blocked the assets of the Government of Sudan. In 2006, the President issued E.O. 13400, which targets those involved in the conflict in Sudan’s Darfur region. Later that year, the President issued E.O. 13412, which exempted the then-regional Government of Southern Sudan as well as certain specified areas from most of the prohibitions under the Sudan sanctions program. Following South Sudan’s independence from Sudan in July 2011, the Treasury Department’s Office of Foreign Assets Control (“OFAC”) authorized all activities relating to the petroleum and petrochemical industries in the Republic of South Sudan, to the extent they were otherwise prohibited, as well as the transshipment of goods, technology, and services through Sudan to or from the Republic of South Sudan.

## II. OVERVIEW OF AUTHORITIES

On November 3, 1997, the President issued Executive Order (“E.O.”) [13067](#), finding that the policies and actions of the Government of Sudan, including continued support for international terrorism, ongoing efforts to destabilize neighboring governments, and the prevalence of human rights violations, including slavery and the denial of religious freedom, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. E.O. 13067 imposed a trade embargo against the entire territory of Sudan and a comprehensive blocking of the Government of Sudan.

Later, in response to United Nations Security Council Resolution [1591](#) of March 29, 2005, which condemned the continued violations of human rights and international humanitarian law in Sudan’s Darfur region, the President issued E.O. [13400](#) on April 26, 2006. In E.O. 13400, the President found that an unusual and extraordinary threat to the national security and foreign policy of the United States is posed by the persistence of violence in Sudan’s Darfur region, particularly against civilians and including sexual violence against women and girls, and by the deterioration of the security situation and its negative impact on humanitarian assistance efforts. The President dealt with that threat by blocking the property of certain persons in connection with the conflict in Darfur.

On October 13, 2006, the President issued E.O. [13412](#), which continues the comprehensive blocking of the Government of Sudan imposed by E.O. 13067, but exempts the then-regional Government of South Sudan from the definition of the Government of Sudan, thereby allowing most transactions with the Government of South Sudan and removing it from the scope of the blocking provision in E.O. 13067. E.O. 13412 also prohibits all transactions by U.S. persons relating to Sudan’s petroleum and petrochemical industries, including in the Specified Areas of Sudan. Additionally, E.O. 13412 exempts Southern Kordofan/Nuba Mountains State, Blue Nile State, Abyei, Darfur, and marginalized areas in and around Khartoum – referred to as “the Specified Areas of Sudan” – from certain of the prohibitions imposed by E.O. 13067.

Effective July 1, 1998, OFAC issued the [Sudanese Sanctions Regulations](#) (“SSR”), 31 C.F.R. part 538, to implement E.O. 13067. The SSR were then amended effective October 31, 2007, to implement E.O. 13412. Effective May 28, 2009, OFAC issued the [Darfur Sanctions Regulations](#), 31 C.F.R. part 546, to implement E.O. 13400.

On January 9, 2011, in a popular referendum, the people of Southern Sudan voted in favor of independence. On July 9, 2011, Southern Sudan gained its independence, becoming the new Republic of South Sudan, and was formally recognized by the United States Government. As of July 9, 2011, therefore, the Republic of South Sudan is no longer subject to the SSR. While the Republic of South Sudan is no longer subject to the SSR, certain activities in or involving the Republic of South Sudan continue to be prohibited by the SSR, absent authorization from OFAC, given the interdependence between certain sectors of the economies of the Republic of South Sudan and Sudan. Effective December 8, 2011, OFAC issued two general licenses that authorize, to the extent otherwise prohibited by the SSR: (1) activities and transactions relating to the petroleum and petrochemical industries in the Republic of South Sudan and related financial transactions, and (2) the transshipment of goods, technology, and services through Sudan to or from the Republic of South Sudan and related financial transactions. OFAC also published a [fact sheet](#) answering some commonly asked questions about activities in the Republic of South Sudan following its independence from Sudan.

### III. PROHIBITED TRANSACTIONS

Sanctions with respect to Sudan fall into two broad categories: (1) the blocking of the Government of Sudan and the trade embargo against Sudan, and (2) targeted sanctions against individuals and entities contributing to the conflict in the Darfur region. Pursuant to E.O. 13067 and E.O. 13412, all property and interests in property of the Government of Sudan are blocked. (As noted above, the Government of Sudan does not include the independent government of the Republic of South Sudan.) E.O. 13067 and E.O. 13412 also prohibit, with certain exceptions:

- The importation of goods or services of Sudanese origin;
- The exportation or reexportation to Sudan of goods, technology, or services from the U.S. or by a U.S. person;
- The facilitation by a U.S. person of the exportation or reexportation of goods, technology, or services from Sudan to any destination or to Sudan from any location;
- The performance by a U.S. person of any contract in support of an industrial, commercial, public utility, or governmental project in Sudan;
- The grant or extension of credits or loans by a U.S. person to the Government of Sudan;
- Certain transactions relating to cargo to or from Sudan; and
- All transactions by U.S. persons relating to the petroleum or petrochemical industries in Sudan, including, but not limited to, oilfield services and oil or gas pipelines.

E.O. 13400 blocks the property and interests in property of persons listed in its Annex, as well as any person determined by OFAC to have engaged in certain activities in connection with the conflict in Darfur.

The names of persons and entities listed in the Annex to E.O. 13400 or designated pursuant to E.O. 13067, E.O. 13400, E.O. 13412, the SSR, and the Darfur Sanctions Regulations, whose property and interests in property are therefore blocked, are published in the *Federal Register* and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List ("SDN List"). Those blocked pursuant to E.O. 13067, E.O. 13412, and the SSR are labeled with the identifier "[SUDAN]" and those blocked pursuant to E.O. 13400 and the Darfur Sanctions Regulations are labeled with the identifier "[DARFUR]." OFAC continually identifies on the SDN List persons that constitute the Government of Sudan, although this is not an exhaustive list of all individuals and entities that are part of the Government of Sudan. Any individual or entity that meets the SSR's definition of the Government of Sudan is blocked, regardless of whether or not it appears on the SDN list. The SDN List is accessible via [www.treasury.gov/sdn](http://www.treasury.gov/sdn).

With certain exceptions, U.S. persons are prohibited from transferring, paying, exporting, withdrawing, or otherwise dealing in the property and interests in property of an entity or individual listed on the SDN List. The property and interests in property of an entity that is 50% or more owned, directly, or indirectly, by a person on the SDN List are also blocked, regardless of whether the entity itself is designated pursuant to E.O. 13067, E.O. 13400, E.O.13412, the SSR, or the Darfur Sanctions Regulations. For additional guidance on the 50% rule please see: [http://www.treasury.gov/resource-center/sanctions/Documents/licensing\\_guidance.pdf](http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf).

### IV. AUTHORIZED AND EXEMPT TRANSACTIONS

#### EXEMPT TRANSACTIONS

Certain types of activities and transactions are exempt from the prohibitions of the SSR and the Executive orders. For example, donations of articles intended to relieve human suffering, such as food, clothing, and medicine are exempt and the importation from Sudan and the exportation to Sudan of information or informational materials, as defined in § 538.306, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations. For a complete list of all exemptions please see [31 C.F.R. § 538.212](http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf).

## GENERAL LICENSES

Certain types of activities and transactions that would otherwise be prohibited with respect to Sudan have been authorized by general licenses. General licenses may be published in the SSR, the Darfur Sanctions Regulations, on OFAC's Web site, or all three of these places. U.S. persons that meet the criteria set forth in each general license may avail themselves of the authorization therein without further authorization from OFAC. Those licensed activities and transactions include:

- the provision of a range of legal services;
- the transfer of non-commercial, personal remittances;
- transactions with respect to telecommunications in Sudan;
- the exportation or reexportation of food to Sudan;
- activities involving the oil sector in the Republic of South Sudan to the extent that such activities are prohibited by the SSR;
- the transshipment of goods, technology, or services through Sudan to or from the Republic of South Sudan;
- the export of certain internet-based services;
- activities of contractors or grantees of the U.S. government or the United Nations and its specialized agencies, programs, and funds, provided the activities are for the conduct of official business of the U.S. government, the United Nations, or UN agency, program, or fund; and
- certain academic and professional exchanges with Sudan.

For a complete list please see 31 C.F.R. Parts 538 and 546 subpart E and visit [the Sudan page](#) on OFAC's Web site.

## SPECIFIC LICENSES

On a case-by-case basis OFAC considers applications for specific licenses to authorize transactions that are prohibited but neither exempt nor authorized by a general license. Requests for a specific license must be submitted to OFAC's Licensing Division. License requests may be submitted using any of these three methods:

- Online: <http://www.treasury.gov/resource-center/sanctions/Pages/licensing.aspx>
- Fax: (202) 622-1657
- U.S. mail: Assistant Director for Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220

Additionally, the SSR and Darfur Sanctions Regulations contain Statements of Licensing Policy, which indicate types of transactions for which there is a generally favorable specific licensing policy. These include the [favorable licensing regime](#) through which U.S. persons can request from OFAC specific authorization for the commercial exportation or reexportation of certain types of agricultural equipment and services to Sudan.

## NON-GOVERNMENTAL AND INTERNATIONAL ORGANIZATIONS

Non-governmental organizations ("NGOs") involved in humanitarian or religious activities in the non-Specified Areas of Sudan may apply to OFAC for authorization pursuant to a specific license or to a registration issued under 538.521 of the SSR. The guidelines for NGO registration can be found [here](#).

## V. PENALTIES

Civil monetary penalties of up to \$250,000 or twice the amount of the underlying transaction may be imposed administratively against any person who violates, attempts to violate, conspires to violate, or causes a violation of the Sudan-related Executive orders, the SSR, or the Darfur Sanctions Regulations. Upon conviction, criminal penalties of up to \$1,000,000, imprisonment for up to 20 years, or both, may be imposed on any person who willfully commits or attempts to commit, willfully conspires to commit, aids, or abets in the commission of a violation of the Executive

orders or the regulations. Under the UNPA, criminal violations of E.O. 13400 or the Darfur Sanctions Regulations may result in fines of up to \$10,000, imprisonment for up to 10 years, or both.

This document is explanatory only and does not have the force of law. Please see particularly Executive Orders 13067, 13400, 13412, the SSR, and the Darfur Sanctions Regulations (31 C.F.R. parts 538 and 546), among other applicable laws, for the legally binding provisions governing the sanctions. This document does not supplement or modify the Executive orders or the regulations.

The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Belarus, Burma (Myanmar), Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Rough Diamond Trading (Kimberley Process), Iran, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, Syria, Yemen and Zimbabwe, as well as highly enriched uranium, persons who commit, threaten to commit, or support terrorism, international narcotics traffickers, Foreign Terrorist Organizations, Terrorism List Governments, transnational criminal organizations, and weapons of mass destruction and their supporters. For additional information about these programs or about sanctions involving Sudan, please contact:

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