

OFAC

Office of Foreign Assets Control

SOUTH SUDAN SANCTIONS PROGRAM

This document is explanatory only and does not have the force of law. Please see particularly Executive Order 13664, and the implementing regulations pertaining to South Sudan (31 C.F.R. Part 558) for legally binding provisions governing the sanctions. This document does not supplement or modify the Executive Order or the regulations.



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SANCTIONS AGAINST PERSONS CONTRIBUTING TO THE CONFLICT IN SOUTH SUDAN

I. INTRODUCTION

The South Sudan sanctions program implemented by the Office of Foreign Assets Control (OFAC) began on April 3, 2014, when the President issued Executive Order (E.O.) 13664. E.O. 13664 addresses the situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region. E.O. 13664 authorizes the imposition of targeted sanctions against specifically identified individuals and entities determined to be engaged in certain activities in South Sudan.

II. OVERVIEW OF AUTHORITIES

On April 3, 2014, the President issued [E.O. 13664](#), declaring a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the situation in and in relation to South Sudan, which has been marked by widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, and obstruction of humanitarian operations. E.O. 13664 was issued pursuant to, *inter alia*, the [International Emergency Economic Powers Act](#) (50 U.S.C. §§ 1701 *et seq.*) (IEEPA) and the [National Emergencies Act](#) (50 U.S.C. §§ 1601 *et seq.*) (NEA).

On July 1, 2014, OFAC issued the South Sudan Sanctions Regulations to implement E.O.13664. See [31 C.F.R. Part 558](#) (the “Regulations”).

Current South Sudan sanctions block the property and interests in property of persons that are determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following in or in relation to South Sudan:

- Actions or policies that threaten the peace, security, or stability of South Sudan;
- Actions or policies that threaten transitional agreements or undermine democratic processes or institutions in South Sudan;
- Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes;
- The commission of human rights abuses against persons in South Sudan;
- The targeting of women, children, or any civilians through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;
- The use or recruitment of children by armed groups or armed forces in the context of the conflict in South Sudan;
- The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, or of the delivery or distribution of, or access to, humanitarian assistance; or
- Attacks against United Nations missions, international security presences, or other peacekeeping operations;

E.O. 13664 also blocks the property and interests in property of persons that are determined:

- To be a leader of an entity, including any government, rebel militia, or other group, that has, or whose members have, engaged in any of the activities described above or of an entity whose property and interests in property are blocked pursuant to E.O. 13664;
- To have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of any of the activities described above or of any person whose property and interests in property are blocked pursuant to E.O. 13664; or
- To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13664.

The names of those persons and entities designated pursuant to E.O. 13664, 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) with the OFAC identifier "[SOUTH SUDAN]." The SDN List is available on OFAC's website at <http://www.treasury.gov/sdn>.

This fact sheet is a broad summary of the sanctions as of the date of publication. For an updated list of authorities and sanctions please refer to OFAC's website at:

http://www.treasury.gov/resource-center/sanctions/Programs/pages/south_sudan.aspx.

III. PROHIBITED TRANSACTIONS

Unless otherwise authorized or exempt, transactions by U.S. persons, or in or involving the United States, are prohibited if they involve transferring, paying, exporting, withdrawing, or otherwise dealing in the property or 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 percent or more owned, whether individually or in the aggregate, directly or indirectly, by a person on the SDN List are also blocked, regardless of whether the entity itself is listed. For details please see:

http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf.

Note: An entity in South Sudan that is commanded or controlled by an individual designated under E.O. 13664 is not considered blocked by operation of law. Payments made to non-designated individuals or entities under the command or control of an individual designated under E.O. 13664 do not, in and of themselves, constitute prohibited activity. U.S. persons should employ due diligence, however, to ensure that an SDN is not, for example, profiting from such transactions.

IV. AUTHORIZED TRANSACTIONS

GENERAL LICENSES

OFAC may authorize certain types or categories of activities and transactions, which would otherwise be prohibited with respect to South Sudan, by issuing a general license. General licenses may be published in the Regulations or on OFAC's website. For example, the provision of certain legal services to or on behalf of persons whose property and interests in property are blocked pursuant to 31 C.F.R. § 558.201 is authorized, provided that all receipts of payment of professional fees and reimbursement of incurred expenses must be specifically licensed. See [31 C.F.R. § 558.506](#).

For a current list of all general licenses relating to the South Sudan sanctions program, please see 31 C.F.R. Part 558 subpart E and visit: http://www.treasury.gov/resource-center/sanctions/Programs/pages/south_sudan.aspx.

SPECIFIC LICENSES

On a case-by-case basis OFAC considers applications for specific licenses to authorize transactions that are neither exempt nor covered 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 the below 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

V. PENALTIES

Civil monetary penalties of up to the greater of \$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 E.O. 13664 or the Regulations. Upon conviction, criminal fines 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, or willfully conspires to commit, or aids or abets in the commission of a violation of E.O. 13664 or the Regulations.

This document is explanatory only and does not have the force of law. Please see particularly E.O. 13664 and the Regulations among other authorities for legally binding provisions governing the sanctions. This document does not supplement or modify E.O. 13664 or the Regulations.

The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Belarus, Burma, the Central African Republic, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Rough Diamond Trading (Kimberley Process), Iran, Iraq, Lebanon, Liberia, Libya, the Magnitsky Act, North Korea, Somalia, Sudan, Syria, Ukraine, 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 proliferators of weapons of mass destruction and their supporters. For additional information about these programs or about sanctions involving South Sudan, please contact:

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