

# OFAC

Office of Foreign Assets Control

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## DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS PROGRAM

*This document is explanatory only and does not have the force of law. Executive Orders 13413, 13671, and the implementing regulations pertaining to the situation in the Democratic Republic of the Congo (31 C.F.R. Part 547) contain the legally binding provisions governing the sanctions. This document does not supplement or modify the Executive Orders or regulations.*



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# SANCTIONS AGAINST PERSONS CONTRIBUTING TO THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

## I. INTRODUCTION

The Democratic Republic of the Congo (DRC) sanctions program began in October 2006 when the President, in Executive Order (E.O.) 13413, determined that the widespread violence and atrocities in the DRC threatened regional stability and posed an unusual and extraordinary threat to the foreign policy of the United States, and declared a national emergency to deal with that threat. E.O. 13413 was amended on July 8, 2014 by E.O. 13671. In E.O. 13671, the President took additional steps to deal with the national emergency declared in E.O. 13413, and expanded the sanctions criteria established in E.O. 13413 to provide additional authority for targeting persons threatening the peace, security, or stability of the DRC and the surrounding region.

## II. OVERVIEW OF AUTHORITIES

On October 27, 2006, the President issued [E.O. 13413](#) pursuant to, *inter alia*, the [International Emergency Economic Powers Act](#) (50 U.S.C. §§ 1701 *et seq.*) (IEEPA), the [National Emergencies Act](#) (50 U.S.C. §§ 1601 *et seq.*) (NEA), and section 5 of the [United Nations Participation Act](#), as amended (22 U.S.C. § 287c) (UNPA).

On May 28, 2009, the Office of Foreign Assets Control (OFAC) issued the DRC Sanctions Regulations, [31 C.F.R. Part 547](#) (the “Regulations”), to implement E.O. 13413.

On July 8, 2014, the President issued [E.O. 13671](#) pursuant to, *inter alia*, IEEPA, NEA, and the UNPA, to take additional steps to deal with the national emergency declared in E.O. 13413. In particular, E.O. 13671 amended E.O. 13413 to more closely conform the designation criteria to the criteria established in relevant United Nations Security Council Resolutions, namely Resolution 2136 of January 30, 2014.

Current DRC sanctions block the property and interests in property of persons listed in the Annex to E.O. 13413 (the Annex) as well as specific individuals and entities determined by the Secretary of the Treasury, in consultation with the Secretary of State:

- To be a political or military leader of a foreign armed group operating in the DRC that impedes the disarmament, demobilization, voluntary repatriation, resettlement, or reintegration of combatants;
- To be a political or military leader of a Congolese armed group that impedes the disarmament, demobilization, voluntary repatriation, resettlement, or reintegration of combatants;
- To be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following in or in relation to the DRC:
  - (1) actions or policies that threaten the peace, security, or stability of the DRC;
  - (2) actions or policies that undermine democratic processes or institutions in the DRC;
  - (3) 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;
  - (4) the use or recruitment of children by armed groups or armed forces in the context of the conflict in the DRC;
  - (5) the obstruction of the delivery or distribution of, or access to, humanitarian assistance;

- (6) attacks against United Nations missions, international security presences, or other peacekeeping operations; or
- (7) support to persons, including armed groups, involved in activities that threaten the peace, security, or stability of the DRC or that undermine democratic processes or institutions in the DRC, through the illicit trade in natural resources of the DRC;

- Except where intended for the authorized support of humanitarian activities or the authorized use by or support of peacekeeping, international, or government forces, to have directly or indirectly supplied, sold, or transferred to the DRC, or been the recipient in the territory of the DRC of, arms and related materiel, including military aircraft and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities;
- To be a leader of (i) an entity, including any armed group, that has, or whose members have, engaged in any of the activities described in above, or (ii) an entity whose property and interests in property are blocked pursuant to E.O. 13413, as amended by E.O. 13671;
- To have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of (i) any of the activities described above, or (ii) any person whose property and interests in property are blocked pursuant to E.O. 13413, as amended by E.O. 13671; 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. 13413, as amended by E.O. 13671.

The names of persons and entities listed in the Annex to E.O. 13413 or designated pursuant to E.O. 13413, as amended by E.O. 13671, or the Regulations, and 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 "[DRCONGO]." The SDN List can be searched online at <http://sdnsearch.ofac.treas.gov/Default.aspx>.

*This fact sheet is a broad summary of the sanctions currently in place. For an updated list of authorities and sanctions please refer to OFAC's website at:*  
<http://www.treasury.gov/resource-center/sanctions/Programs/pages/drc.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 directly or indirectly owned, whether individually or in the aggregate, by one or more persons 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](http://www.treasury.gov/resource-center/sanctions/Documents/licensing_guidance.pdf).

### IV. AUTHORIZED TRANSACTIONS

#### GENERAL LICENSES

OFAC may authorize certain types or categories of activities and transactions, which would otherwise be prohibited by E.O. 13413, as amended by E.O. 13671, or the Regulations, 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. § 547.201(a) 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. § 547.506. For an updated list of all general licenses relating to the DRC sanctions program, please see 31 C.F.R. § 547 subpart E and visit:

<http://www.treasury.gov/resource-center/sanctions/Programs/pages/drc.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 these three methods:

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

## V. PENALTIES

Civil monetary penalties of up to the greater of \$250,000 (\$284,582 as of August 1, 2016 for violations occurring after November 2, 2015) 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 any license, order, regulation, or prohibition issued under IEEPA. 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, or willfully conspires to commit, or aids or abets in the commission of a violation of the any license, order, regulation, or prohibition issued under IEEPA. Criminal violations of any order, rule, or regulation issued under the UNPA may result in fines of up to \$1,000,000, imprisonment for up to 20 years, or both.

This document is explanatory only and does not have the force of law. Please see E.O. 13413, E.O. 13671, and the Regulations for legally binding provisions governing the sanctions. This document does not supplement or modify the Executive Orders or the Regulations.

OFAC administers a number of U.S. economic sanctions programs. OFAC sanctions programs can range from being comprehensive in nature, such as a program that blocks the entire government of a country and includes broad geographically-based trade restrictions, to being fairly limited, such as a program that targets only specific individuals and entities. Some programs both target particular individuals and entities and prohibit types of transactions. It is therefore important to review the details of any given sanctions program to understand its scope. It is also important to note that although a program may be targeted, the prohibitions in such programs on dealings with individuals and entities whose property and interests in property are blocked are very broad, and they apply regardless of where the targeted person is located. The names of individuals and entities that are designated or identified as blocked by OFAC are incorporated into OFAC's list of Specially Designated Nationals and Blocked Persons (SDN List), which includes over 5,000 names of persons whose property and interests in property are blocked. Note, however, that the SDN List is not a comprehensive list of all such entities and individuals. The property and interests in property of an entity that is 50 percent or more directly or indirectly owned, whether individually or in the aggregate, by one or more blocked persons are also blocked, regardless of whether the entity itself is listed on the SDN List.

*Please note that* OFAC maintains other sanctions lists that may have different prohibitions associated with them. See the "[Sanctions Programs and Country Information](#)" page for information on specific programs and other Treasury sanctions lists). Because OFAC's programs are constantly changing, it is very important to check OFAC's website on a regular basis. You may also wish to sign up for updates via OFAC's Email Notification System, to receive notifications regarding changes to OFAC's sanctions programs. For additional information about these programs or about sanctions involving the Democratic Republic of the Congo please contact:

OFFICE OF FOREIGN ASSETS CONTROL

U.S. Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Freedman's Bank Building  
Washington, DC 20220  
[www.treasury.gov/ofac](http://www.treasury.gov/ofac)  
(202) 622-2490