

# **Sanctions Alert**

A bi-monthly summary of sanctions news and events

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## Russia News

### EU, US Extend Crimea, Sevastopol Sanctions

On 18 December 2014, the EU published [Council Regulation \(EU\) No 1351/2014](#) amending [Council Regulation \(EU\) No 692/2014](#), and [Council Decision 2014/933/CFSP](#) amending [Council Decision 2014/386/CFSP](#). Together, the amended Regulation and Decision expand the scope of sanctions already in place in respect of Crimea and Sevastopol, and in particular introduce prohibitions in respect of:

- (i) Investments in real estate and businesses in Crimea or Sevastopol, including a ban on the provision of credit or loans to entities in Crimea or Sevastopol;
- (ii) Exports of a wide variety of goods and services to Crimea or Sevastopol, not limited to those relating to specific sectors or industries; and
- (iii) Services directly related to tourism.

On 19 December 2014, President Obama issued [Executive Order \("E.O."\) 13685](#), authorising new blocking sanctions and trade restrictions targeting Russia-annexed Crimea. The new trade restrictions on Crimea prohibit:

- (i) New investment in Crimea by a US person;
- (ii) Importation into the United States, directly or indirectly, of any goods, services or technology from Crimea;
- (iii) The exportation, reexportation, sale or supply, directly or indirectly, from the United States or by a US person of any goods, services or technology to Crimea; and

- (iv) Approval, financing, facilitation or guarantee by a US person of any transaction by non-US persons that would be prohibited under the EO if performed by a US person or within the States.

E.O. 13685 also authorises the Secretary of the Treasury, in consultation with the Secretary of State, to impose sanctions on any person determined:

- (i) To operate in the Crimea;
- (ii) To be a leader of an entity operating in Crimea;
- (iii) To be owned or controlled by, or to have acted for or on behalf of, a person designated under this E.O. 13685; or
- (iv) To have provided material support to any person designated under this E.O. 13685.

No persons have yet been designated pursuant to E.O. 13685. However, the trade restrictions described above are immediately effective.

Concurrent with the signing of E.O. 13685, the US Treasury Department's Office of Foreign Assets Control ("OFAC") issued Ukraine-related [General License 4](#), which generally authorises the exportation or reexportation to Crimea of agricultural commodities, medicine, medical supplies and replacement parts for medical devices that would otherwise be prohibited by E.O. 13685.

On 30 December 2014, OFAC issued Ukraine-related [General License 5](#), which provides a "winding down" period for E.O. 13685's trade restrictions through

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the end of January 2015. The winding down period is limited to investments and import or export agreements in effect on 20 December 2014, and it does not allow any new exports from the United States to Crimea or any new imports into the United States from Crimea.

For further information on these topics, please see our Client Update "[US and EU Continue to Expand Ukraine-related Sanctions and Clarify Sanctions Targeting Russian Companies](#)".

[Statement by the President](#)

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## US Designates 24 Additional Individuals and Entities for Separatist Activities in Ukraine

On 19 December 2014, OFAC announced the designation of 24 individuals and entities pursuant to E.O. 13660, which authorises sanctions on persons determined to be responsible for, or complicit in, actions or policies that threaten the peace, security, stability, sovereignty, or territorial integrity of Ukraine.

Designated individuals include both Ukrainian and Russian nationals, and designated entities include several militias, political groups, a Russia-based equity investment group and a biker gang based in Crimea.

[Treasury Department Press Release](#)

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## US Sanctions Four Russian Officials under Magnitsky Act

On 29 December 2014, the US State Department held a Special Briefing to announce that Secretary Kerry transmitted a report to Congress pursuant to the Sergei Magnitsky Rule of Law Accountability Act ("Magnitsky Act"), which authorises sanctions on individuals determined by the US government to be involved in the detention, abuse or death of Mr Magnitsky, as well as individuals responsible for gross human rights abuses against persons attempting to expose corruption in the Russian government or promote internationally-recognised human rights in Russia.

The report included a list of four Russian officials now added to the lists of persons sanctioned under the Magnitsky Act. Two officials were designated because

they were implicated in the death of Mr Magnitsky, and the other two are Chechen officials implicated in the kidnapping, torture and later framing of a noted Chechen activist earlier this year. The State Department noted that, going forward, although there will be fewer future designations of persons tied to Mr Magnitsky's death, the State Department is committed to continuing to administer the Magnitsky Act by turning to designations of those associated with gross human rights violations.

[State Department Special Briefing](#)

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## US Congress Authorises Expanded Sanctions on Russia

On 18 December 2014, President Obama signed into law the [Ukraine Freedom Support Act of 2014 \(Public Law No. 113-272\)](#) (“UFSA”), which authorises expanded sanctions on Russia. The UFSA, originally introduced in the Senate in September, calls for the expansion of existing US sanctions that target companies in and activities involving Russia’s defence and energy sectors, including non-US financial companies that facilitate and support related transactions. Among other provisions, the sanctions set out in the UFSA include:

- (i) Imposing sanctions on Rosoboronexport, Russia’s state-owned agency for defence-related imports and exports;
- (ii) Authorising sanctions on Russian companies that sell or transfer defence articles into certain countries, including Syria, Ukraine, Georgia and Moldova;
- (iii) Authorising sanctions on any foreign person that makes a significant investment in certain Russian crude oil projects; and

- (iv) Prohibiting foreign financial institutions that facilitate certain transactions involving Russia’s defence and energy sectors or any Russian person on the US Treasury Department’s Specially Designated Nationals list from opening or maintaining correspondent or payable-through accounts in the United States.

In signing the UFSA into law, President Obama indicated that his Administration did not intend to impose new sanctions under the law but noted that “the Act gives the Administration additional authorities that could be utilized, if circumstances warrant.”

[Statement by the President on the Ukraine Freedom Support Act](#)

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## European Commission and OFAC Publish Guidance Regarding Respective Russia Sanctions

The European Commission has published [Commission Guidance Note on the Implementation of Certain Provisions of Regulation \(EU\) No 833/2014](#), which provides guidance on the implementation of restrictions imposed on the Russian financial sector pursuant to [Council Regulation \(EU\) No 833/2014](#) as amended by [Council Regulation \(EU\) No 960/2014](#) and [Council Regulation \(EU\) No 1290/2014](#). The Guidance, conceived in a form of answers to certain questions

that have been brought to the Commission’s attention, covers a broad range of topics relating to financial assistance, financial services, emergency funding, loans and access to capital markets. Among other things, it clarifies that deposits, including long-term deposits, with Russian banks subject to the restrictions are not prohibited.

On 11 December 2014, OFAC issued [three new frequently asked questions \(“FAQs”\)](#) that address

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issues under the United States’ sectoral sanctions on Russia. FAQ No. 419 clarifies questions regarding payment terms and prohibited extensions of credit under the sectoral sanctions. FAQ Nos. 420 and 421 address issues related to the sectoral sanctions targeting Russia’s energy industry, clarifying the definitions of “production” and “Arctic offshore project,” respectively.

For further information on this topic, please see our Client Update “[US and EU Continue to Expand Ukraine-related Sanctions and Clarify Sanctions Targeting Russian Companies](#)”.

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## Canada Extends Sanctions in Respect of Ukraine

On 19 December 2014, the Government of Canada announced that it had expanded sanctions imposed in respect of actions undertaken by the Russian Federation and certain Russian and Ukrainian individuals in Ukraine.

The expanded sanctions are found in the [Regulations Amending the Special Economic Measures \(Russia\) Regulations](#) (the “Russia Regulations”) and the [Regulations Amending the Special Economic Measures \(Ukraine\) Regulations](#), and:

- (i) Impose asset freezes on a further 20 individuals, all of whom are already subject to EU sanctions;
- (ii) Include new restrictions on the export of technology required for Arctic oil exploration and extraction; and
- (iii) Further define existing prohibitions on the provision of debt and equity financing.

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## EU News

### Yemen: EU Implements Restrictive Measures Regime

Pursuant to [Council Regulation \(EU\) No 1352/2014](#) and [Council Decision \(EU\) 2014/932/CFSP](#), the EU has introduced sanctions against those “*engaging in or providing support for acts that threaten the peace, security or stability of Yemen*”, and in particular those who undermine the Gulf Cooperation Council Transition Agreement, the Yemen Comprehensive National Dialogue Conference, or who plan, direct or commit acts that violate international humanitarian or human rights law.

The restrictive measures take the form of an asset freeze and travel ban, and target (1) Ali Abdullah Saleh, former president of Yemen; (2) Abdullah Yahya Al Hakim, the Houthi group second-in-command; and (3) Abd Al-Khaliq Al-Huthi, a Houthi military commander.

The new EU sanctions mirror the sanctions introduced by the UN and the US in late 2014. For further information on the UN and US Sanctions regimes, please see [Issue 30 of Sanctions Alert](#).

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## Syria: EU Extends Restrictive Measures to Restrict Supply of Jet Fuel and Additives

Pursuant to [Council Decision 2014/901/CFSP](#), which amends [Council Decision 2013/255/CFSP](#), and [Council Regulation \(EU\) No 1323/2014](#), which amends [Council Regulation \(EU\) No 36/2012](#), the EU has extended the sanctions regime in place against Syria. It is now prohibited to sell, supply, transfer or export of jet fuel and additives specifically formulated for jet fuel

to Syria. Moreover, it is also prohibited to provide, directly or indirectly, financing or financial assistance, insurance and reinsurance, or brokering services in connection with the trade of jet fuel or jet fuel additives.

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## EU Designation of Hamas Annulled

On 17 December 2014, the General Court of the EU published its judgment in *Hamas v Council of the European Union* (Case T-400/10) in which it annulled the designation of the Hamas (including its military wing, Hamas-Izz al-Din al-Qassem) as a terrorist organisation for the purposes of [Council Common Position 2001/931/CFSP](#) (the “Common Position”), as amended by [Council Decision 2010/386/CFSP](#), and [Council Regulation \(EC\) No 2580/2001](#) as implemented by [Council Implementing Regulation \(EU\) No 610/2010](#).

The General Court annulled the designation because the Council failed to make its decision to freeze Hamas’s funds on evidence that had been concretely examined and confirmed in decisions of national competent authorities, as is required by EU law. Instead, the General Court found that the Council relied on factual implications derived from the press

and the internet. In its judgment, the Court “stresse[d] that [the] annulments... do not imply any substantive assessment of the question of the classification of Hamas as a terrorist group”.

The effect of the annulment has been stayed for 3 months or for the duration of any appeal that may be brought. This period allows the Council (should it so decide) to re-designate Hamas in a manner compliant with the requirements of the Common Position and EU case law.

[Judgment of the General Court of the European Union in \*Hamas v Council of the European Union\* \(Case T-400/10\)](#) (French)

[Press release of the General Court of the European Union, dated 17 December 2014](#)

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## EU announces intention to renew Tunisia restrictive measures

On 10 January 2015 the EU published [Notice No 2015/C 006/02](#) in relation to [Council Regulation \(EU\) No 101/2011](#) (the “Regulation”) and [Council Decision 2011/72/CFSP](#) (“Decision 72”) (as implemented by [Council Implementing Decision 2011/79/CFSP](#)), which together introduced restrictive measures comprising asset freezes and travel bans on the former President of Tunisia, Zine el Abidine ben Ali, his wife, Leila Bent Mohammed Trabelsi, and more than 40 other individuals. The Regulation and the Decision targeted individuals deemed to be responsible for the misappropriation of Tunisian state funds and thereby undermining democratic progress in the country.

In the Notice, the Council of the EU announced its intention to renew the restrictive measures introduced by the Decision. The Decision was previously renewed on 30 January 2014 by [Council Decision 2014/49/CFSP](#), which extended its effect until 31 January 2015. The Notice also informs those subject to restrictive measures that the EU possesses “*new elements*” in respect of their listing and they have until 15 January to submit a request to the Council of the EU to obtain the information that relates to them. The Regulation continues in force and is otherwise unaffected by the Notice.

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## US News

### US to Ease Sanctions on Cuba

On 17 December 2014, the United States and Cuba announced that, following a prisoner-exchange, the two countries would re-establish diplomatic relations. As a result, President Obama announced that the United States will ease certain aspects of the existing US embargo on Cuba. However, the complete lifting of the embargo is likely to require an act of Congress, and the limited changes will take place at a later date under the licensing authority of the US Treasury Department’s Office of Foreign Assets Control and the US Commerce Department’s Bureau of Industry and Security (“BIS”).

Although the full details of the changes to the US embargo on Cuba are not yet known, several changes have been announced, including the following:

- (i) Travellers to Cuba will be able to use credit and debit cards issued by US financial institutions;
- (ii) US financial institutions will be permitted to open correspondent accounts at Cuban financial institutions but only for certain authorised transactions;
- (iii) Previously blocked accounts at US banks of Cuban nationals who have relocated outside of Cuba will be unblocked;
- (iv) A wider variety of remittance payments and donations will be permitted, and remittance forwarders will no longer require a specific license to send authorised remittances to Cuba;

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- (v) New categories of items will be authorised for export from the United States to Cuba, including building materials for private residents, goods for private sector entrepreneurs, agricultural equipment for small farmers and communications devices and related software;
  - (vi) A wider variety of travel will be authorised under a general license, but tourism will not be included;
  - (vii) The extraterritorial restrictions of the embargo on Cuba will be scaled back to allow US-owned or -controlled entities in third countries to provide services to and engage in financial transactions with individual Cuban nationals in third countries; and
  - (viii) US persons will be authorised to participate in third-country professional meetings and conferences related to Cuba.
- The US has said that other changes are actively under consideration, including a review of whether Cuba should be removed from the list of state sponsors of terrorism.
- For further information on this topic, please see our Client Update "[United States to Ease Cuba Sanctions](#)".
- [White House Fact Sheet](#)
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## US Imposes New Sanctions on Government and Governing Party of North Korea

On 2 January 2015, President Obama issued [E.O. 13687](#) in response to North Korean provocations, including the cyber-attack on Sony Pictures Entertainment and threats against movie theatres and moviegoers. E.O. 13687 authorises the Treasury Department to impose sanctions on persons determined:

- (i) To be an agency, instrumentality or controlled entity of the Government of North Korea or the Workers' Party of Korea;
  - (ii) To be an official of the Government of Korea;
  - (iii) To be an official of the Workers' Party of Korea;
  - (iv) To have materially assisted or provided support for, or goods or services to, the Government of North Korea or any person sanctioned under this E.O. 13687; or
  - (v) To be owned or controlled by, or to have acted or purported to act for, the Government of North Korea or any person sanctioned under this E.O. 13687.
- In conjunction with the issuance of E.O. 13687, the [Treasury Department announced](#) that 3 entities and 10 individuals have been designated under the new sanctions authority. The newly sanctioned entities are the Reconnaissance General Bureau ("RGB"), which is North Korea's primary intelligence organisation, Korea Mining Development Trading Corporation ("KOMID"), referred to as North Korea's primary arms dealer, and Korea Tangun Trading Corporation, which has responsibility for procuring commodities and technologies to support North Korea's defence research and development programmes. Most of the designated individuals are officials or representatives of these entities.
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## US Targets Businesses Providing Iran with US Currency and Supporting Human Rights Abuses, Designates Additional IRISL-Controlled Vessels

On 30 December 2014, the US Treasury Department blocked the property of 9 individuals and entities for supplying US currency to Iran or for providing technology services to Iran in support of censorship or activities of Iran's Islamic Revolutionary Guard Corps ("IRGC"). It also made 30 additions to its list of vessels controlled by the Islamic Republic of Iran Shipping Lines ("IRISL").

The Treasury Department invoked E.O. 13622 to designate six individuals and one entity, Belfast General Trading LLC of Dubai, UAE, for assisting the Government of Iran in acquiring US currency. Five of the designated individuals contracted with Iran, or worked with individuals who contracted with Iran, to enable Iran to obtain US notes. According to the US government, these persons together delivered hundreds of millions of US dollars in physical currency to the Iranian government. The sixth individual is an official of Asia Bank of Moscow, Russia, who allegedly oversaw an operation by Asia Bank to deliver \$10 million in physical US currency to the Government of Iran. Asia Bank itself was previously designated under E.O. 13622 in August 2014.

At the same time, the Treasury Department blocked the property of Douran Software Technologies under E.O. 13628, which authorises sanctions on persons that support censorship in Iran since the June 2009 Iranian elections, stating that the company acted on behalf of an Iranian entity set up to filter access to web sites and is one of the main vendors for an Iranian government project to monitor computer activity. Aabysec, an Iranian company, was blocked pursuant to E.O. 13553 for providing support to the IRGC by assisting the IRGC with hacking projects involving web applications and web server services.

Additionally, as part of its on-going efforts to identify vessels owned or operated by IRISL, the Treasury Department added 30 additional vessels to its Specially Designated Nationals list. IRISL's property has long been blocked under E.O. 13382, which targets proliferators of weapons of mass destruction.

[Treasury Department Press Release](#)

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## US Expands Narcotics Sanctions Against Mexico's Sinaloa Cartel

On 23 December 2014, the [US Treasury Department announced](#) that it was blocking the property of Cesar Gastelum Serrano, a Mexican national, under the Foreign Narcotics Kingpin Designation Act ("Kingpin Act"). The Treasury Department alleges that Mr Serrano is "one of the most prolific cocaine

suppliers for Mexico's Sinaloa Cartel" and is capable of trafficking tons of cocaine per week through Honduras and Guatemala to Mexico. Also designated were 3 brothers of Mr Serrano, Alfredo, Jaime and Guadalupe Candelario Gastelum Serrano, for providing direct support to Mr Serrano's drug-trafficking activities.

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Earlier, on 18 December 2014, the [Treasury Department designated Alejandra Araujo Uriarte](#), a Mexican national, under the Kingpin Act. Ms Araujo Uriarte was designated for her role in holding and concealing assets in her name on behalf of her son-in-law, Juan Jose Esparragoza Morena. Mr Esparragoza

Morena is known as “El Azul” and is a leader of the Sinaloa Cartel.

The Sinaloa Cartel was designated as a significant foreign narcotics trafficker in 2009.

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## US Announces New Counterterrorism Designations

On 18 December 2014, the [US State Department announced](#) the designations of Ajnad Misr, a group based in Egypt, and Ibrahim al-Rubaysh, an individual, as Specially Designated Global Terrorists (“SDGT”) under E.O. 13224.

According to the State Department, Ajnad Misr is a violent extremist group that formed in January 2014 from Ansar Bayt al-Maqdis, a designated foreign terrorist organisation and Specially Designated Global Terrorist entity. Ajnad Misr has since claimed numerous attacks on Egyptian security forces at government buildings, public spaces and universities.

Ibrahim al-Rubaysh is described as a senior leader of al-Qaida in the Arabian Peninsula (“AQAP”), and the State Department states that he serves as a senior advisor to AQAP for operational planning and, as a senior sharia official of AQAP, provides justification for attacks by AQAP. Since October 2014, the United States has offered a reward of up to \$5 million for information leading to the arrest and conviction of Mr al-Rubaysh.

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## US Sanctions Fuel Suppliers Based in the UAE, Netherlands and Switzerland for Aiding Syrian Government

On 17 December 2014, the US Treasury Department blocked the property of 11 individuals and entities, spread across 4 countries, pursuant to E.O. 13582, which authorises sanctions against persons that provide material assistance to the Syrian regime. Among the entities designated were the Abdulkarim Group, based in Syria, Maxima Middle East Trading Co., based in the United Arab Emirates (“UAE”), Staroil B.V., based in the Netherlands, and Rixo International Trading Ltd., Bluemarine SA and Skirron Holding, all based in

Switzerland. The designated individuals were primarily the senior executives and owners of these entities.

According to the Treasury Department, these entities and individuals provided support to the Syrian regime and to Pangates International Corporation Ltd., which was previously designated under E.O. 13582, primarily by assisting in the delivery of specialty fuels and base oils to Syria for military use. The Treasury Department asserts that there is evidence that these entities

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used falsified shipping documents to mislabel and misrepresent the true contents and destination of the fuels and base oils.

In addition being placed on the Specially Designated Nationals (“SDN”) list under E.O. 13582, six of the entities and individuals were also added to the Foreign Sanctions Evaders (“FSE”) list under E.O. 13608, which

authorises imposition of sanctions on persons who have facilitated deceptive transactions on behalf of the Government of Syria.

[Treasury Department Press Release](#)

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## US Congress Authorises Sanctions on Venezuelan Human Rights Offenders

On 18 December 2014, President Obama signed the [Venezuela Defense of Human Rights and Civil Society Act of 2014 \(Venezuela Act\) \(Pub. L. No. 113-278\)](#).

The Venezuela Act was passed in response to the use of force by the Government of Venezuela against anti-government protests that began on 4 February 2014. Among other actions, the Venezuela Act directs the President to impose blocking sanctions and a travel ban on any person, including current or former Venezuelan officials, if they are found:

- (i) To have perpetrated or to be responsible for significant acts of violence or serious human rights abuses against persons associated with the anti-government protests;

- (ii) To have directed or ordered the arrest or prosecution of a person primarily because of the person’s legitimate exercise of freedom of assembly or expression; or
- (iii) To have knowingly materially assisted or provided significant support for the commission of such acts.

No persons have yet been designated under the Venezuela Act, and the authority to impose sanctions under the Act expires on 31 December 2016.

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## UK Extradites Chinese National to US on Charges of Exporting Nuclear-Related Goods to Iran

On 5 December 2014, the US Attorney’s Office for the District of Massachusetts announced that Sihai (Alex) Cheng, a citizen of the People’s Republic of China, arrived in the United States for prosecution on charges of conspiring to export US goods with nuclear

development applications to Iran. Cheng was arrested by UK authorities in February 2014 at the request of the US government and was detained in the UK pending extradition.

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Beginning in 2005, Cheng allegedly supplied US-origin goods to Eyvaz, an Iranian company believed to be involved in the development and procurement of parts for Iran's nuclear weapons programme. In 2009, the indictment asserts, Cheng and others conspired to obtain hundreds of pressure transducers manufactured by MKS Instruments, Inc., a company headquartered

in the US, which ultimately were shipped to Iran through China. Pressure transducers can be used in gas centrifuges to convert natural uranium into a form that can be used in nuclear weapons.

[Department of Justice Press Release](#)

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## US Machinery Company and CEO Sentenced for Iran Exports

On 3 December 2014, the US District Court for the Middle District of Pennsylvania sentenced Hetran Inc., which operates an engineering and machinery plant in the US, and its chief executive officer Helmut Oertmann, for conspiring to export goods from the US to Iran. Hetran and Oertmann had pleaded guilty in May 2014 to falsifying shipping documents to deliver a horizontal lathe manufactured by Hetran, used for the

manufacture of automobile and aircraft parts, to Iran in violation of U.S. sanctions. Oertmann was sentenced to 12 months' probation, and in addition, Hetran and Oertmann are jointly liable for a \$837,500 fine, of which \$500,000 has been suspended.

[Department of Justice Press Release](#)

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## OFAC Adopts New UN Data Format for SDN List

On 5 January 2015, the US Treasury Department's [Office of Foreign Assets Control announced](#) that it had adopted an advanced sanctions list format for its Specially Designated Nationals (SDN) list based on data standards developed by the United Nations and the Wolfsberg Group of International Banks. Among other capabilities, the new format supports the use of writing systems beyond the Latin script and name formats based on the rules of a specific culture, language

or region. The United States is the first UN member state to implement the new data model. The SDN list remains available in its traditional formats as well. The new format has not yet been applied to OFAC's non-SDN lists, such as the Foreign Sanctions Evaders list and the Sectoral Sanctions Identifications list.

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## UN News

### UN Removes Two Individuals from Al-Qaida Sanctions List

On 2 January 2015, the UN Security Council Committee established pursuant to UNSC Resolutions 1267 (1999) and 1989 (2011) delisted the following two individuals from the Al-Qaida sanctions list as individuals associated with Al-Qaida:  
(1) Ismail Mohamed Ismail Abu Shaweesh; and

(2) Aqeel Abdulaziz Aqeel al-Aqeel. Both are currently in detention.

[UN Press Release](#)

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### UN Removes One Individual from Somalia and Eritrea Sanctions List

On 19 December 2014, the UN Security Council Committee established pursuant to UNSC Resolutions 751 (1992) and 1907 (2009) delisted Mohamed Sa'id, currently residing in Galgala, Somalia, from the sanctions list concerning Somalia and Eritrea.

[UN Press Release](#)

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### UN Removes One Individual from Central African Republic Sanctions List

On 31 December, the UN Security Council Committee established pursuant to UNSC Resolution 2127 (2013) removed Levy Yakete, reportedly deceased as of 15 November 2014, from the sanctions list concerning the Central African Republic.

[UN Press Release](#)

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# Sanctions Alert

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