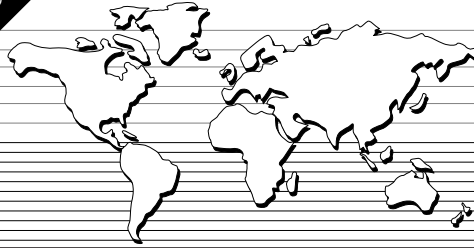




U.S. Department of the Treasury
Office of Foreign Assets Control



CÔTE D'IVOIRE

What You Need To Know About U.S. Sanctions

Executive Order - Blocking Property of Certain Persons Contributing to the Conflict in Côte d'Ivoire

■ **INTRODUCTION** - On February 8, 2006, President Bush issued a new Executive Order declaring a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States posed by the conflict in Côte d'Ivoire. Despite the intervention and effort of the international community, numerous violations of human rights and international humanitarian law have been perpetrated against civilians during the ongoing political crisis in Côte d'Ivoire. The United Nations Security Council, expressing deep concern about the hostilities and the repeated violations of the May 3, 2003 ceasefire agreement, issued Resolution 1572. It determined that the situation in Côte d'Ivoire poses a threat to international peace and security in the region and called on member states to take certain measures against those responsible. The new Executive Order blocks the property of persons contributing to the political and social unrest in Côte d'Ivoire. Providing statutory authority for these sanctions is the International Emergency Economic Powers Act ("IEEPA"), the National Emergencies Act and sections 301 of title 3 of the United States Code.

This fact sheet provides general information about the Côte d'Ivoire sanctions program imposed by the new Executive Order and administered by the U.S. Treasury Department's Office of Foreign Assets Control ("OFAC").

■ **PROHIBITED TRANSACTIONS** – The new Executive Order prohibits U.S. persons, wherever located, or anyone in the United States from engaging in any transactions with any person, entity or organization found to: 1) constitute a threat to the peace and reconciliation process in Côte d'Ivoire; 2) be in serious violation of International law in Côte d'Ivoire; 3) have directly or indirectly supplied, sold or transferred to Côte d'Ivoire arms or assistance, advice or training related to military activities; 4) to have publicly incited violence and hatred contributing to the conflict; 5) to have provided material, financial or technical assistance to those qualified above or to any person designated pursuant to this order. Persons, entities and organizations referenced in Annex A of the Executive Order are all incorporated into OFAC's list of Specially Designated Nationals and Blocked Persons (SDN) using the descriptor [COTED]. Prohibited transactions include, but are not limited to, exports (direct and indirect), imports (direct and indirect), trade brokering, financing and facilitation, as well as financial transactions. Attempts by

a U.S. person, or persons within the U.S. to evade or avoid these sanctions are also prohibited.

Under the new Executive Order, U.S. persons are required to block any property of any Côte d'Ivoire Specially Designated Nationals that is in the United States, that comes into the United States, or that comes under the control of a U.S. person wherever located. The term property includes, but is not limited to, money, checks, drafts, bank accounts, securities and other financial instruments, letters of credit, bills of sales, bills of lading and other evidences of title, wire transfers, merchandise and goods. Blockable property also includes any property in which there is any interest of a Côte d'Ivoire SDNs, including direct, indirect, future or contingent, and tangible or intangible interests. Foreign branches and representative offices of U.S. companies, as well as U.S. branches and representative offices of foreign companies are considered U.S. persons for purposes of these prohibitions.

Transactions that do not involve any of the Côte d'Ivoire SDNs, or any person or entity believed to be owned, controlled or acting on behalf of a Côte d'Ivoire SDNs are not prohibited by the new Executive Order. The parties blocked under this program are:

The following names were listed in the Annex of the new Executive Order and have been incorporated in OFAC's SDN list with the program designation [COTED]. They are listed here in OFAC's SDN format:

- DJUE, Eugene Ngoran Kouadio; DOB 20 Dec 1969; alt. DOB 1 Jan 1966; POB Akakro, Cote d'Ivoire; Leader of Union for the Total Liberation of Cote d'Ivoire (Union pour la Liberation Totale de la Cote d'Ivoire, UPLTCI) (individual) [COTED]
- FOFIE, Martin Kouakou; DOB 1 Jan 1968; "New Forces" (Forces Nouvelles) Zone Commander in Korhogo (individual) [COTED]
- BLE GOUDE, Charles, 23 BP 3383, Abidjan 23, Cote d'Ivoire; DOB 1 Jan 1972; POB Guiberoua, Cote d'Ivoire; Passport PDAE088DH12 (Cote d'Ivoire); Head of "Young Patriots" (Congres Panafricain des Jeunes Patriotes, COJEP) (individual) [COTED]

■ **PENALTIES** - Criminal fines for violating the Executive Order or regulations to be issued pursuant to the Executive Order range up to the greater of \$500,000 or twice the pecuniary gain per violation for an organization, or up to the greater of \$250,000 or twice the pecuniary gain per violation for an individual. Individuals may also be imprisoned for up to 10 years for a criminal violation. Knowingly making false statements or falsifying or concealing material facts when dealing with OFAC in connection with matters under its jurisdiction is a criminal offense. In addition, civil penalties of up to \$11,000 per violation may be imposed administratively.

If you have information regarding possible violations of these sanctions, please call the Treasury Department's Office of Foreign Assets Control at 202/622-2430. Your call will be handled confidentially.

This document is explanatory only and does not have the force of law. The Executive Order and implementing regulations to be issued pertaining to Côte d'Ivoire contain the legally binding provisions governing the sanctions. This document does not supplement or modify the Executive Order or regulations from a legal perspective.

The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving the Balkans, Burma (Myanmar), Cuba, Diamond Trading, Iran, Iraq, Liberia, North Korea, Sudan, Syria, Zimbabwe as well as highly enriched uranium, designated Terrorists and international Narcotics Traffickers, Foreign Terrorist Organizations and designated foreign persons who have engaged in activities relating to the proliferation of weapons of mass destruction. For additional information about these programs or about sanctions involving Côte d'Ivoire, please contact the:

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U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W. - Annex
Washington, D.C. 20220
<http://www.treas.gov/ofac>
202/622-2490

02-08-06

**BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN
CÔTE D'IVOIRE**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 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), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and to assist in addressing humanitarian, safety, and other concerns in or in relation to the country of Côte d'Ivoire,

I, GEORGE W. BUSH, President of the United States of America, determine that the situation in and in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004 and subsequent resolutions, and that has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat, and hereby order:

Section 1. (a) Except to the extent that section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)) may apply, or to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to constitute a threat to the peace and national reconciliation process in Côte d'Ivoire, such as by blocking the implementation of the Linas-Marcoussis Agreement of January 24, 2003, the Accra III Agreement of July 30, 2004, and the Pretoria Agreement of April 6, 2005;

(B) to be responsible for serious violations of international law in Côte d'Ivoire;

(C) to have directly or indirectly supplied, sold, or transferred to Côte d'Ivoire arms or any related materiel or any assistance, advice or training related to military activities;

(D) to have publicly incited violence and hatred contributing to the conflict in Côte d'Ivoire;

(E) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraphs (a)(ii)(A), (a)(ii)(B), (a)(ii)(C), or (a)(ii)(D) of this section or any person listed in or designated pursuant to this order; or

(F) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that, to the extent section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the type of articles specified in such section by, to, or for the benefit of, any person listed in or designated pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of, any person listed in or designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term "person" means an individual or entity;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term "arms or any related materiel" means arms or related materiel of all types, including military aircraft and equipment, but excludes:

(i) supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire and forces of France who support them;

(ii) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training;

(iii) supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(iv) supplies temporarily exported to Côte d'Ivoire to the forces of a country which is taking action, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire; and

(v) supplies of arms and related materiel and technical training and assistance intended solely for support of or use in the process of restructuring defense and security forces pursuant to paragraph 3, subparagraph (f) of the Linas-Marcoussis Agreement.

Sec. 4. For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 USC 1641) applicable to the Department of the Treasury in relation to this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 9. This order is effective at 12:01 a.m. eastern standard time on February 8, 2006.

THE WHITE HOUSE,
February 7, 2006