

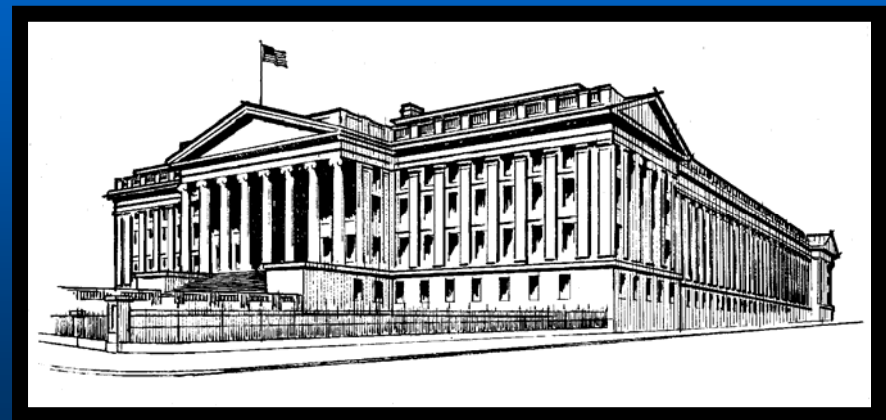
U.S. DEPARTMENT OF THE TREASURY



OFAC
Office of Foreign Assets Control

Programas y Perspectivas de OFAC

Oficina de Control de Activos Extranjeros (OFAC)
Departamento del Tesoro de los EE.UU.



AGENDA

- Misión
- Blancos y Objetivos de Sanciones
- Estatutos/Leyes y Criterio
- Programas de Designación y La Lista SDN
- Sanciones contra Narcotraficantes y Terroristas
- Casos: Barakat; Colombia
- Estrategias de cumplimiento y website de OFAC

LA MISIÓN DE OFAC

Administrar e implimentar sanciones económicas y embargos por medio de:

- Actas del Congreso Americano (eg. IEEPA, TWEA)
- Ordenes Ejecutivas del Presidente
- Sanciones internacionales bajo la ON

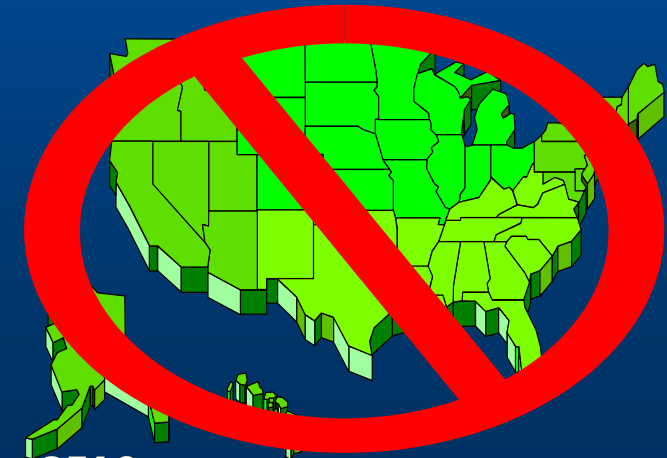
Blancos de sanciones

(para congelación o bloqueo de activos)

- Carteles de droga
- Terroristas internacionales
- Gobiernos y pseudo-gobiernos extranjeros sancionados
- Entes que proliferan armas de destrucción masiva (WMD)

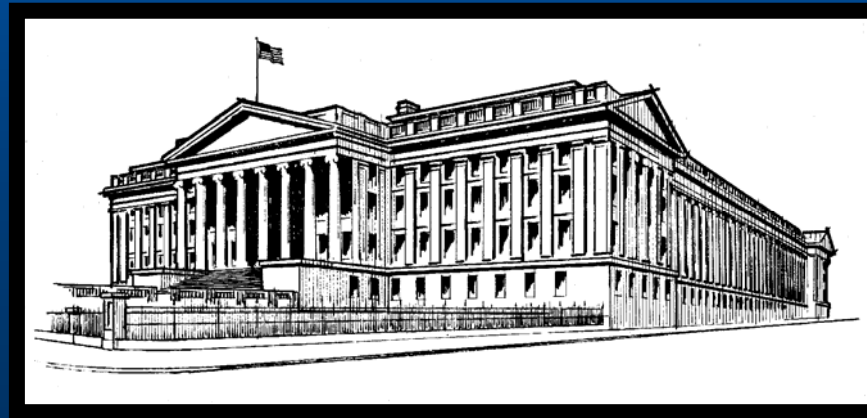
Objetivos

- Identificar; Denunciar; y Aislar los blancos de sanciones.
- Negar el acceso al sistema financiero de los EE.UU.
- Impedir transacciones con individuos y empresas de los EE.UU.
- Impedir o incapacitar a ciertas organizaciones e individuos y sus estructuras de apoyo.



¿Que autoridad legal ejerce la OFAC ?

- Congelación o bloqueo de activos
- Imposición de sanciones económicas
- Programas globales o extensos
- Programas seleccionados



Departamento del Tesoro EE.UU.- OFAC

OFAC administra sanciones bajo 14 estatutos

- 1) Trading With the Enemy Act (TWEA), **50 U.S.C. App. §§ 1-44**
- 2) International Emergency Economic Powers Act (IEEPA), **50 U.S.C. §§ 1701-06**
- 3) Iraqi Sanctions Act (ISA), **Pub. L. 101-513, Secs. 586-586J, 104 Stat. 2047-55**
- 4) United Nations Participation Act (UNPA), **22 U.S.C. § 287c**
- 5) International Security and Development Cooperation Act (ISDCA), **22 U.S.C. 2349 aa-8 and aa-9**
- 6) Cuban Democracy Act (CDA), **22 U.S.C. § 6001-10**
- 7) Cuban Liberty and Democratic Solidarity (LIBERTAD) Act, **22 U.S.C. 6021-91**
- 8) Antiterrorism and Effective Death Penalty Act, **8 U.S.C. 1189, 18 U.S.C. 2332d, and 18 U.S.C. 2339B**
- 9) Foreign Narcotics Kingpin Designation Act, **21 U.S.C. 1901-1908, 8 U.S.C. 1182**
- 10) The Trade Sanctions Reform and Export Enhancement Act (TSRA), **22 U.S.C. 7201-11**
- 11) The Burmese Freedom and Democracy Act of 2003 (BFDA), **Public Law 108-61**
- 12) The Clean Diamonds Trade Act (CDTA), **Public Law 108-19**
- 13) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, **Sec.57, Public Law 104-208, 110stat. 3009-116**
- 14) The Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, **Public Law 108-175**

Criterio – en general

Personas (naturales o jurídicas), grupos, o países que en cualquier sitio del mundo contraten o presten ayuda financiera o colaboración de alguna naturaleza o realicen negociación alguna con personas incluidas en cualquiera de las listas de la OFAC corren el riesgo de ser incluidas en las citadas listas en calidad colaboradores de narcotraficantes, criminales internacionales, o terroristas.

OFAC administra 29 programas de sanciones financieras.

- **Burma (Myanmar)**
- **Cuba**
- **Development Fund for Iraq**
- **Diamond Trading (Rough Diamonds)**
- **Foreign Narcotics Kingpin**
- **Foreign Terrorist Organizations**
- **Iran (1979)**
- **Iran (1995)**
- **Iraq***
- **Liberia**
- **Libya***
- **Narcotics Trafficking (Colombia)**
- **Nonproliferation (WMD)**
- **North Korea**
- **Russian Uranium**
- **Sierra Leone***
- **Sudan**
- **Syria**
- **Taliban (Afghanistan)***
- **Terrorism – Global (SDGT)**
- **Terrorist List Government**
- **Terrorists Who Threaten Middle East Peace**
- **Transaction Control Regulations**
- **UNITA (Angola)***
- **Western Balkans**
- **Yugoslavia (Kosovo)***
- **Yugoslavia (Milosevic)***
- **Yugoslavia (Serbia & Montenegro)***
- **Zimbabwe**

La Lista SDN

- SDN = Specially Designated National (Nacional Especialmente Designado)
- Por medio de los Programas de OFAC, la lista de SDNs sigue creciendo y bloqueando activos de entidades incluidas.
- Se prohíbe a cualquier persona (natural o jurídica) bajo la jurisdicción de los EE.UU. de tener vínculos económicos o financieros con los SDNs.
- eg. Ningún banco en los EE.UU. puede tener cuenta o hacer una transacción para un SDN. Si se encuentra con fondos de un SDN, es obligatorio reportar y congelar esos activos.

Impacto de la lista SDN

- Se niega el acceso a todo servicio del sector financiero (tanto a nivel nacional como internacional).
- Se niega el acceso a los beneficios de comercio y transacciones con empresas estadounidenses.
- Se les revoca la visa americana a toda persona en la lista OFAC.

Programas de Designacion Narco-Terrorismo

SDNTs=Specially Designated Narcotics Traffickers

- Narcotraficantes Específicamente Señalados
- Programa iniciado el 21 october 1995 bajo Orden Ejecutivo 12978 de Presidente Clinton
- Contra Carteles de la droga en Colombia y entidades asociadas.

SDNTKs=Specially Designated Narcotics Trafficking Kingpins

- Designación de Capos de la Droga (“Kingpins”)
- Program iniciado el 3 de diciembre de 1999 bajo el “Foreign Narcotics Kingpin Designation Act”
- Contra Carteles de la droga a nivel mundial y *narco-terroristas*.

Cali Cartel Fronts International Network October 2003

Cali cartel leaders

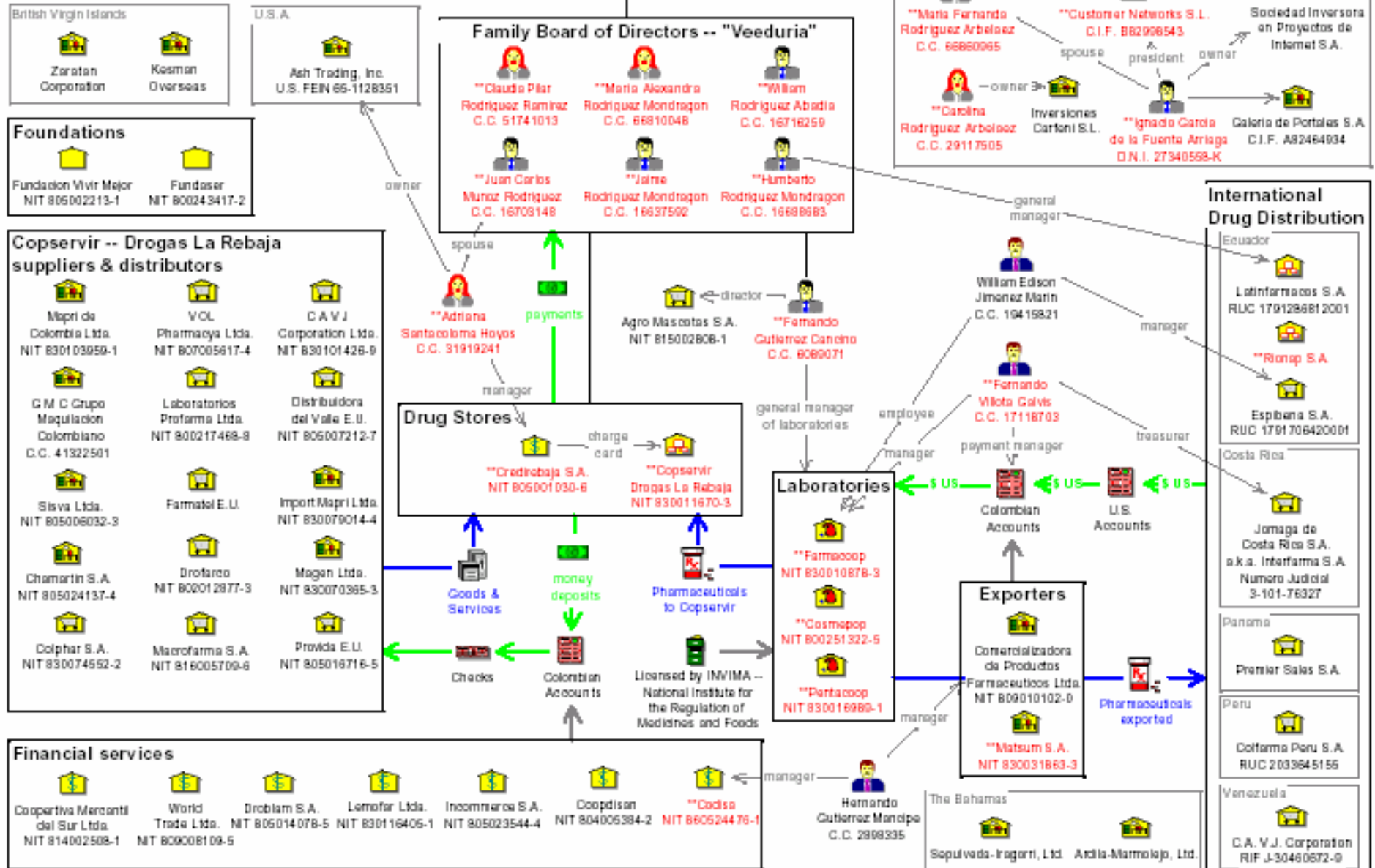


****Gilberto Rodríguez Orejuela** ****Miguel Rodríguez Orejuela**

Department of the Treasury Office of Foreign Assets Control

Specially Designated Narcotics Traffickers (SDNTs)

**** Red text denotes previously designated SDNT** **Black text denotes designation in October 2003**



ARELLANO FELIX ORGANIZATION (AFO)

January 2005

Foreign Narcotics Kingpin Designation Act

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

All individuals and companies shown on this chart are Mexican.

AFO Money Laundering Cell



Ruelas Martinez Currency Exchange Houses



Ruelas Martinez Family Members



Other Ruelas Martinez Companies



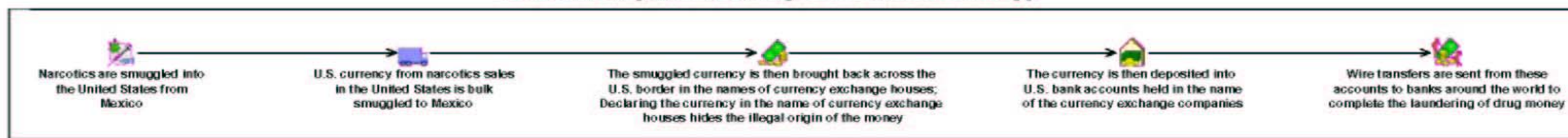
Ruelas Martinez Business Associates



Associated Companies



AFO Money Laundering Cell's Methodology



Foreign Narcotics Kingpin Designation Act - Tier II

Department of the Treasury
Office of Foreign Assets Control

Revolutionary Armed Forces of Colombia (FARC)

February 2004

(19 Individuals)



FARC Designated by the President as a
Significant Foreign Narcotics Trafficker on May 29, 2003



Pedro Antonio Marin
"Manuel Marulanda"
"Tirofijo"
FARC Supreme Leader



Juvenal Ovidio Ricardo Palma Pineda
"Simon Trinidad"
FARC Commander
Captured in Ecuador - January 2004
In Colombian Custody

FARC SECRETARIAT

 Milton de Jesus Tenzel Redondo "Joaquin Gomez" Secretariat Member FARC Commander 	 Rodrigo Londono Echeverry "Timoleon Jimenez" Secretariat Member FARC Commander 	 Noel Mata Mata "Efrain Guzman" Secretariat Member FARC Commander 	 Luciano Marin Arango "Ivan Marouca" Secretariat Member FARC Commander 	 Guillermo Leon Saenz Vargas "Alfonso Cano" Secretariat Member FARC Commander 	 Luis Edgar Davis Silva "Raul Reyes" Secretariat Member 	 Jorge Briceño Suarez "Mono Jojoy" Secretariat Member Senior FARC Military Commander 	 German Briceño Suarez "Granobles" FARC Commander
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Brothers

Luis Alberto Alban Burbano
FARC International Representative

Henry Castellano Garzon
"Romana"
FARC Front Commander

Jose Benito Cabrera Cuevas
"Fabian Ramirez"
FARC Commander

Tomas Molina Caracas
"Negro Acacio"
16th Front Commander

Jorge Torres Victoria
"Pablo Catastrumbo"
FARC Central General Staff member
FARC Commander

Nelson Vargas Rueda
FARC member
Captured in Colombia
In U.S. Custody

Gustavo Becerra Aguablanca
FARC Member

Eugenio Vargas Perdomo
"Carlo Bobs"
FARC Member
Captured in Suriname - June 2002
In U.S. Custody

Ties to Brazilian narcotic trafficker
Luis Fernando De Costa and Leonardo
Diaz Mendonca, previously designated
by the President as Tier I Kingpins

Oscar Caracas Viveros
FARC Member

Foreign Narcotics Kingpin Designation Act - Tier II

Department of the Treasury
Office of Foreign Assets Control

United Self-Defense Forces of Colombia (AUC)

February 2004

(18 Individuals & 3 entities)



AUC Designated by the President as a
Significant Foreign Narcotics Trafficker on May 29, 2003

AUC KEY FIGURES

 Carlos Castano Gil DOB 05/15/65 C.C. 70564150 U.S. INDICTMENT	 Salvatore Mancuso Gomez DOB 08/17/64 C.C. 6892624 U.S. INDICTMENT	 Juan Carlos Sierra Ramirez DOB 04/15/66 C.C. 71690143 U.S. INDICTMENT	 Hernan Giraldo Serna DOB 10/16/45 C.C. 12531356 U.S. INDICTMENT
 Ivan Roberto Duque Gaviria (a.k.a. "Ernesto Baez") DOB 05/09/55 C.C. 10241940 U.S. INDICTMENT	 Hector German Bulltrago Parada (a.k.a. "Martin Llanos") DOB 01/21/68 C.C. 79436816 U.S. INDICTMENT	 Luis Eduardo Cifuentes Galindo (a.k.a. "El Aguilá") DOB 03/16/60 C.C. 3254362 U.S. INDICTMENT	 Guillermo Perez Alzate (a.k.a. "Pablo Sevillano") C.C. 71646527 U.S. INDICTMENT
 Ramon Maria Isaza Arango DOB 09/30/40 C.C. 5812993 U.S. INDICTMENT	 Jose Vicente Castano Gil DOB 07/02/57 C.C. 3370637 U.S. INDICTMENT	 Hector Castano Gil DOB 03/24/1959 C.C. 03371328 U.S. INDICTMENT	 Diego Fernando Iurillo Bejarano (a.k.a. "Adolfo Paz") (a.k.a. "Don Borna") DOB 02/23/61 C.C. 16357144 U.S. INDICTMENT

FRONT COMPANIES

SOCIEDAD DE COMERCIALIZACION INTERNACIONAL POSEIDON S.A.
 (a.k.a. C.I. POSEIDON S.A.)
 (f.k.a. C.I. COMERCIALIZADORA INTERNACIONAL POSEIDON S.A.)
 NIT 300173090-7
 Calle 79 Sur No. 48B-56, Sabana, Antioquia, Colombia

LOS GNCMOS LTDA.
 NIT 300195514-2
 Calle 5 No. 61-52, apto. 412B, Cali, Valle, Colombia

Other AUC members

 Carlos Ali Romero Varela DOB 03/19/1959 C.C. 13447909 In U.S. Custody U.S. Indictment	 Edgar Fernando Blanco Pueria DOB 06/19/46 C.C. 13224235 Captured in Costa Rica - 2002 Awaiting extradition to U.S. U.S. Indictment
 Luis Manuel Sanchez Varilla DOB 02/01/1954 C.C. 08174649 In Colombian Custody U.S. Indictment	 Elkin Alberto Arroyave Ruiz DOB 09/03/68 C.C. 04652820 Captured in Costa Rica - 2002 In U.S. Custody U.S. Indictment

AUC Financial Managers

 Rafael Dario Alencia Pineda DOB 02/04/63 C.C. 06889663 U.S. INDICTMENT	 Sor Teresa Gomez Alvarez DOB 08/27/56 C.C. 21446537 U.S. INDICTMENT
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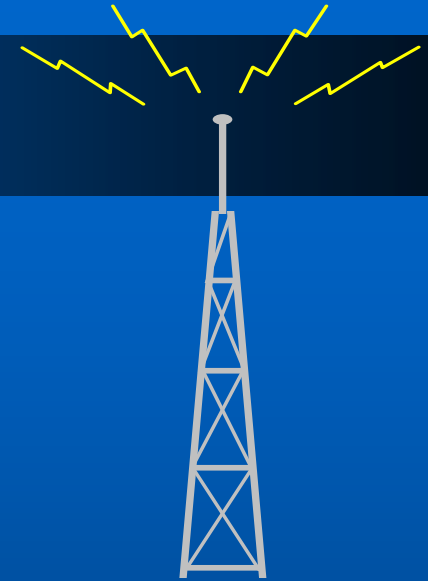
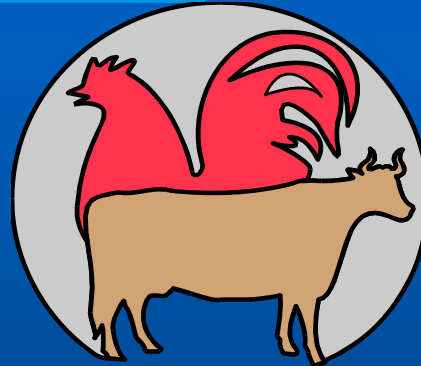
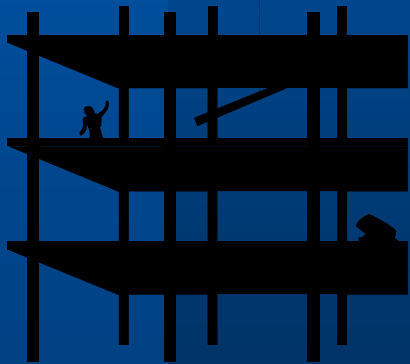
FRONT COMPANY

FUNPAZCCR
 (a.k.a. Fundacion para la Paz de Cordoba)
 (a.k.a. FUNDAZCCR)
 (a.k.a. Fundacion por la Paz de Cordoba)
 NIT 830054536-9
 Carrera 6 No. 29-12, Monteria, Cordoba, Colombia

Empresas de fachada

- Firmas de construcción e inmobiliarias

- Hoteles
- Supermercados
- Industrias avícolas
- Fundaciones
- Consultorías



- Farmacias
- Laboratorios farmacéuticos
- Comunicaciones
- Turismo
- Empresas de radiodifusión
- Firmas de inversiones

Configuración

(Narco-terroristas/Capos)

SDNTs (Colombia-related)

- Capos 18
- Empresas 460
- Personas 737
- Total 1.215

SDNTKs (Kingpin-related)

- Capos 57
- Empresas 34
- Personas 82
- Total 173

Programas de Designación - Terrorismo

SDGT = Specially Designated Global Terrorist

- Creación de la Lista de Terroristas Globales en Oct. 2001
- Bajo Orden Ejecutiva 13224 del Presidente Bush
- Ordenó sanciones económicas a más organizaciones con nexos terroristas.
- SDGTs - Nombradas por OFAC del Depto. del Tesoro
- FTO's - Organizaciones de Terrorismo Internacional - nombradas por el Depto del Estado y agregadas a la lista OFAC.



Departamento del Tesoro EE.UU.- OFAC



Kathy Willens / AP

Sanciones Contra Grupos Terroristas

- FARC, Sendero Luminoso, ETA, Al-Qaeda, Hizbollah, etc.
- EN LA LISTA DE *TERRORISTAS ESPECIALMENTE DESIGNADOS*

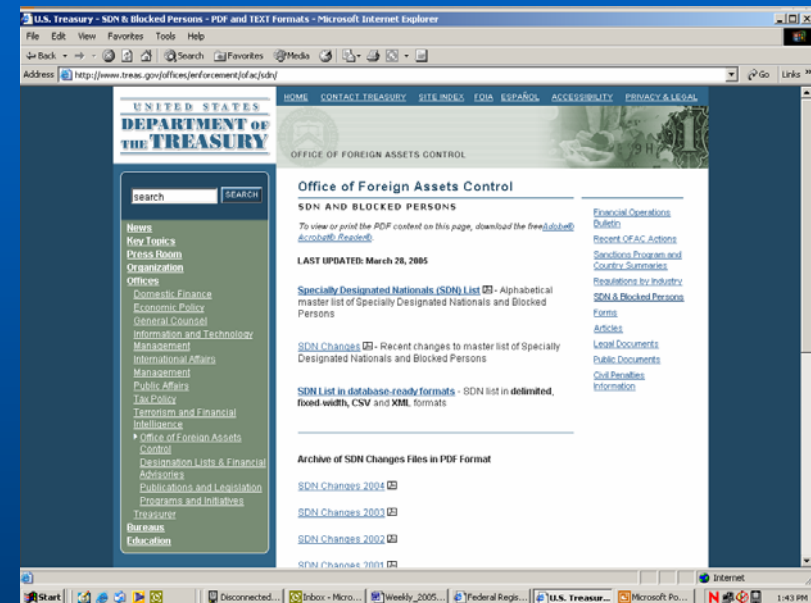


Departamento del Tesoro EE.UU.- OFAC



Designaciones Terroristas

- Hasta 1 de junio de 2005, **404 personas han sido designadas desde el principio de este programa anti-terrorista (E.O. 13224).**
- **Approx. 304 de las designaciones han sido bilaterales y/o por medio de la ONU.**



Blanco de OFAC: Red Completa de Organizaciones Terroristas

Incluyendo terroristas, los grupos o células, y sus estructuras de soporte.

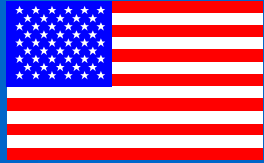


Departamento del Tesoro EE.UU.- OFAC

Caso: Barakat – Zona Triple Frontera

Nueva designacion: Assad Ahmad Barakat

- Nombrado el 10 de junio 2004 como miembro sudamericano del grupo terrorista Hizbola.
- Vinculos cercanos con varios extremistas islamicos.
- Dos negocios de Barakat tambien designados; como fachadas para las actividades de Hizbola en la region:
 - Casa Apollo en Ciudad del Este, Paraguay
 - Barakat Import Export Ltda. en Iquique, Chile
- Barakat además utilizaba tácticas violentas y medidas coactivas para recaudar grandes cantidades de dinero que se enviaban a Hizbola en Líbano e Irán.



OFAC en Colombia



La cooperación y conformidad voluntaria con la lista OFAC por gran parte de la comunidad financiera y otros negocios del sector privado ha convertido este programa en un éxito en Colombia y la region andina.

- *Colaboración del gobierno colombiano y el sector financiero*
- *Respaldo a los estatutos y mecanismos legales creados para combatir el lavado de activos*
- *Por riesgo operacional, la comunidad financiera ha persistido en bloquear y rechazar transacciones con individuos y empresas que figuran en la lista.*
- *Los bancos han cerrado un gran numero de cuentas de los SDNT del narcotrafico.*

Estrategias de Cumplimiento

Se recomienda:

- Revisar todas transacciones; buscando coincidencias con nombres, compañías, grupos, y ciudades que aparecen en la lista OFAC.
- Considerar un software con un ‘buscador OFAC.’

Estrategias de Cumplimiento

Se recomienda mantener información actualizada:

- La lista de OFAC puede ser revisada cualquier día.
- Se puede suscribir a los boletines de OFAC.
- Designar una persona (oficial de cumplimiento o seguridad) para rastrear cambios en la lista de OFAC y comunicarse con OFAC, la embajada u otras autoridades como la UIF nacional si tiene dudas/preguntas.

Estrategias de Cumplimiento

Usar los recursos de OFAC:

- Lista completa de SDNs (y sub-listas de SDGTs, SDNTs, etc.)
- Folletos sobre cada programa de sanciones
- *Folletos para industrias ('MSB Brochure' – para empresas de servicios monetarios)*
- Servicio de suscripción para boletines de OFAC por correo electrónico
- Preguntas Frecuentes (“Frequently Asked Questions”)

Estrategias de Cumplimiento

Usar otros recursos disponibles:

- Recomendaciones y normas internacionales
- Gafisud (FATF), ONU, Banco Mundial, asociaciones cambiarias, etc.
- Listas negras de otros países – Union Europea, Canada, países vecinos, etc.
- Usar OFAC como una de varias herramientas, pero establecer y seguir buenas practicas corporativas e institucionales.

Información por Internet:

www.treas.gov/ofac



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MISSION

The Office of Foreign Assets Control ("OFAC") of the US Department of the Treasury administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. OFAC acts under Presidential wartime and national emergency powers, as well as authority granted by specific legislation, to impose controls on transactions and freeze foreign assets under US jurisdiction. Many of the sanctions are based on United Nations and other international mandates, are multilateral in scope, and involve close cooperation with allied governments.

RESOURCES

[Using OFAC's Hotline](#)

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[Overview of Sanctions](#)

Iran

- [Overview of Sanctions](#)
- [Guidelines and Information](#)

Iraq

- [Overview of Sanctions](#)
- [Guidelines and Information](#)

Liberia

- [Overview of Sanctions](#)

Libya

- [Overview of Sanctions](#)
- [Guidelines and Information](#)

Narcotics Trafficking

- [Overview of Sanctions](#)
- including overview of the Foreign Narcotics Kingpin Designation Act
- [Guidelines and Information](#)

Nonproliferation

- [Summary of Regulations](#) of the Weapons of Mass Destruction Trade Control

North Korea

- [Overview of Sanctions](#)

Sudan

- [Overview of Sanctions](#)
- [Guidelines and Information](#)

Terrorists

- [Overview of Sanctions](#)
- Executive Order 13224 (including names)
- Summary of the Terrorism Sanctions Regulations
- Terrorism List Governments Sanctions Regulations (Syria)

Folletos Importantes!

NARCOTICS

What You Need To Know About Executive Order 12978

An overview of the blocking of assets and prohibitions against transactions with Narcotics Traffickers - Title 31 Part 536 of the U.S. Code of Federal Regulations

■ INTRODUCTION - On October 21, 1995, President Clinton signed Executive Order 12978 entitled "Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers" (the "Order") which has been implemented as the "Narcotics Trafficking Sanctions Regulations" at 31 CFR Part 536.

The Order blocks all property subject to U.S. jurisdiction in which there is any interest of four principal figures in the Cali drug cartel who are listed in the annex to the Order. Those four individuals are named as "Principal Individuals" below. In addition, the Order blocks the property and interests in property of foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, (a) to play a significant role in international narcotics trafficking centered in Colombia, or (b) to materially assist in or provide financial or technological support for, or goods or services in support of, persons designated in or pursuant to the Order. In addition, the Order blocks all property and interests in property subject to U.S. jurisdiction of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the Order (collectively "Specially Designated Narcotics Traffickers" or "SDNTs"). Listed below are additional foreign entities and individuals designated by the Office of Foreign Assets Control as SDNTs pursuant to the Order.

The Order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDNTs, and any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, the prohibitions contained in the Order. This obviously impacts trade transactions (involving, for example, letters of credit) as well as accounts and other assets.

Designations of persons blocked pursuant to the Order are effective upon the date of determination by the Director of the Office of Foreign Assets Control, acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the Federal Register, or upon prior actual notice.

Corporate criminal penalties for violations of the International Emergency Economic Powers Act range up to \$500,000; individual penalties range up to \$250,000 and 10 years in jail. Civil penalties of up to \$11,000 may also be imposed administratively.

The following have been named:

SPECIALLY DESIGNATED NARCOTICS TRAFFICKERS (SDNTs):

Principal Individuals -

HERRERA BUITRAGO, Helmer (a.k.a. "Pacho"; a.k.a. "H7"), Cali, Colombia; DOB 24 Aug 1951; alt. DOB 5 Jul 1951; Passport J297011 (Colombia); Cedula No. 16247821 (Colombia) (individual)

NASSER DAVID, Julio Cesar (a.k.a. "Jaime Perez Peña"), Calle 74 No. 53-30, Barranquilla, Colombia; Carrera 388 No. 76-40, Barranquilla, Colombia; c/o AGRICOLA SINGEL LTDA., Barranquilla, Colombia; c/o DESARROLLOS PIRANOS "DESARROLLAR" LTDA., Barranquilla, Colombia; c/o EDUCACIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o GRAN COMPANIA DE HOTELES LTDA., Barranquilla, Colombia; c/o HOTELERAS INMUEBLES DE COLOMBIA LTDA., Barranquilla, Colombia; c/o INMOBILIARIA DEL CARIBE LTDA., Barranquilla, Colombia; c/o INVERSIONES PRADO TRADE CENTER LTDA., Barranquilla, Colombia; c/o NEGOCIOS Y PROPIEDADES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA., Barranquilla, Colombia; c/o PROMOCIONES Y CONSTRUCCIONES DEL CARIBE LTDA. Y CIA. S.C.A., Barranquilla, Colombia; c/o PROMOTORA HOTEL BARRANQUILLA LTDA., Barranquilla, Colombia; c/o SURAMERICANA DE HOTELES LTDA., Barranquilla, Colombia; DOB 11 Nov 1940; alt. DOB 1 Oct 1940; Passport H130865 (Colombia); Cedula No. 3710619 (Colombia) (individual)

RODRIGUEZ OREJUELA, Gilberto (a.k.a. "Lucas"; a.k.a. "The Chess Player"), Cali, Colombia; DOB 31 Jan 1939; Passport 1321642 (Colombia); 77588 (Argentina); 10545699 (Venezuela); Cedula No. 6096101 (Colombia) (individual)

RODRIGUEZ OREJUELA, Miguel Angel (a.k.a. "El Smer"; a.k.a. "Patino"; a.k.a. "Patino"; a.k.a. "Patty"; a.k.a. "Pat"; a.k.a. "Mauricio"; a.k.a. "Manolo"; a.k.a. "Miki"; a.k.a. "Mauri"; a.k.a. "Doctor M.R.O."); Casa No. 19, Avenida 4 de Ciudad Jardin, Cali, Colombia; DOB 23 Nov 1943; alt. DOB 15 Aug 1943; Cedula No. 6096103 (Colombia) (individual)

SANTACRUZ LONDOÑO, Jose (a.k.a. "Chepa"; a.k.a. "Don Chepa"; a.k.a. "El Santo Chepa"; a.k.a. "T7"), Cali, Colombia; DOB 1 Oct 1943; Passport A8146814 (Colombia); Cedula No. 14432250 (Colombia) (individual)

Entities -

ADMACOOP (a.k.a. COOPERATIVA MULTIACTIVA DE ADMINISTRACION Y MANEJO ADMACOOP), Calle 128 No. 26-58, Bogotá, Colombia; Carrera 28A No. 14-26, Bogotá, Colombia; NIT # 830303634 (Colombia)

ADMINISTRACION INMOBILIARIA BOLIVAR S.A., Avenida 2C N.º. 24N-92, Cali,

TERRORISM

What You Need To Know About U.S. Sanctions

Executive Order 13224 blocking Terrorist Property and a summary of the Terrorism Sanctions Regulations (Title 31 Part 595 of the U.S. Code of Federal Regulations), Terrorism List Governments Sanctions Regulations (Title 31 Part 596 of the U.S. Code of Federal Regulations) and Foreign Terrorist Organizations Sanctions Regulations (Title 31 Part 597 of the U.S. Code of Federal Regulations)

EXECUTIVE ORDER 13224 - BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM

On 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 Emergency Act (50 U.S.C. 1601 et seq.), section 5 of the United States Participation Act of 1956, as amended (50 U.S.C. 1686), and section 201 of title 2, United States Code, and in view of United Nations Security Council Resolutions (UNSCR) 1189 of December 9, 1998, UNSCR 1207 of December 10, 2000, and the established sanctions contained therein, and UNSCR 1373 of July 30, 2002, establishing a mechanism to resolve the implementation of UNSCR 1373:

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism controlled by foreign terrorists, including the World Trade Center, Pennsylvania, and the Pentagon, occurred on September 11, 2001, acts recognized and condemned in UNSCR 1373, and UNSCR 1373 of December 10, 2000, and the continuing and increasing threat of further attacks on United States interests on the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in accordance with my declaration of September 11, 2001, Declaration of "National Emergencies for Threats of Global Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that location of the perpetrators and apprehensions of the financial foundation of foreign terrorist financial systems may be appropriate for those foreign persons that support or otherwise associate with those foreign terrorists. I also find that it would enable for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional end to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 2003(b) of EIEPA (50 U.S.C. 1703(b)), or 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 of the following persons that, under the United States or that transfer assets under the United States, or that transfer assets under the United States, are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. interests or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in or pursuant to the order or those persons determined to be subject to subsections (b), (c), or (d) of this order;

(d) except as provided in sections 1 of this order and other such conditions, if any, with foreign activities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the interests of the United States, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism of those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsections (b), (c), or (d) of this order.

Sec. 2. Except to the extent required by section 2003(b) of EIEPA (50 U.S.C. 1703(b)), or 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:

(a) any transactions by United States persons or within the United States in property or interests in property blocked pursuant to this order are prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transactions by any United States person or within the United States that evade or avoid, or have the purpose of evading or avoiding, or attempt to violate any of the prohibitions set forth in this order are prohibited; and

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

Departamento del Tesoro EE.UU. - OFAC



Protegiendo Nuestra Seguridad Nacional: La Importancia de Cumplir con la Oficina de Control de Bienes Extranjeros (OFAC) para las Empresas de Servicios Monetarios

Hace unos meses, un individuo entró en una Casa de Cambio grande y pagó dinero en efectivo para enviar un giro a otro país. Ya que la cantidad era pequeña, la casa de cambio no obtuvo información adicional de identificación del remitente. Cuando el nombre del remitente se buscó en la lista de la OFAC, se encontró una coincidencia exacta en la lista de Terroristas Globales Especialmente Designados de la OFAC. Adicionalmente, el beneficiario estaba en el último país donde se sabía que el terrorista había estado. En el momento en que la Casa de Cambio buscó en la lista, el remitente ya no estaba en la oficina. La Casa de Cambio intentó contactar varias veces al remitente para obtener información adicional que hubiera llevado a conocer si él era o no el terrorista, y además esperó varios meses antes de avisar a la OFAC. Luego, de hecho resultó que el remitente era un terrorista y su dinero debió haber sido bloqueado de inmediato. Como consecuencia, la Casa de Cambio enfrenta posibles penalidades por su negligencia, y se perdió un punto importante en la lucha contra el terrorismo.

La Importancia del Cumplimiento con la OFAC

La narración anterior ilustra varios puntos que las Empresas de Servicios Monetarios (ESM) deben tener en cuenta:

1) Las ESM no pueden ignorar la responsabilidad de cumplir con la OFAC

Las ESM son una alternativa importante a las instituciones bancarias tradicionales y pueden ser utilizadas por terroristas y narcotraficantes para transferir dinero dirigido a propósitos delictivos. Si las ESM no adoptan los procedimientos necesarios para proteger las transacciones, se crean medios que facilitan el movimiento de dinero de delincuentes y amenazan la seguridad nacional.

2) Es ilegal facilitar la transferencia de dinero a una Persona Especialmente Designada, sin importar el monto de la transacción.

Contrario a lo que generalmente se cree las regulaciones de la OFAC no hacen excepciones a transacciones pequeñas. Una ESM puede ser castigada por procesar una transacción de cualquier monto si una Persona Especialmente Designada o de la lista de Personas Bloqueadas de la OFAC toma parte en la transacción. Impedir e informar todas las transacciones que involucran objetivos sancionables, sin tener en cuenta el monto, puede prevenir un acto terrorista u otra actividad que amenace e la seguridad nacional americana y los objetivos de su política extranjera.

GRACIAS POR SU ATENCIÓN

OFAC

Departamento del Tesoro
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