

Yemen, Syria & Afghanistan: Case Studies in International Law, Peace, Justice, and Sanctions in Armed Conflict

War Crimes Committee, International Bar Association
War Crimes Research Group, King's College London War Studies

John Balouziyeh, Partner
Curtis, Mallet-Prevost, Colt & Mosle LLP, New York
jbalouziyeh@curtis.com

King's College London
27 June 2023

U.S. Sanctions against Syria (timeline)

1979: The U.S. designates Syria as “State Sponsor of Terrorism” following Syria's military occupation of Lebanon and Syria’s state-sponsored support to Hezbollah and other designated terrorist groups.

2004: The U.S. adopts the Syria Accountability Act (“SAA”), imposes restrictions on exports and bans Syrian air carriers from flying to the U.S.

! **U.S.-Syria trade:**
 until 2010: exceeds \$900 mln.
 from 2012: \$ 60 mln.

2019: Syria Sanctions Related program. New sanctions in response to Government of Turkey activities in northern Syria



2004: Syria Sanctions Program. Until 2004, sanctions consist of an arms embargo, limits on assistance and sanctions targeting government officials.

2011: Expansion of sanctions impacting trade. Financial restrictions of the Syrian government and Syrian owned enterprises.

2011-2019: Designations of officials, businessmen, entities, etc.

2020 CAESAR Act: Imposition of secondary sanctions to curb trade between Syria and third countries.



U.S. sanctions against Syria (primary)







U.S. primary sanctions apply against U.S. persons*

*defined as any U.S. citizen, permanent resident, entity organized under the laws of the U.S. or any jurisdiction within the U.S., or any person in the U.S.

Restrictions

-  Asset freezes on individuals/entities (government, businessmen)
-  Arms Embargo
-  Exportation, reexportation, sale or supply of goods/technology to Syria
-  Ban on Exports of Services to Syria (including processing of financial transactions)
-  Ban on the import and trading of Syrian petroleum
-  Prohibition on public procurement
-  Prohibition on new investment
-  Prohibition on evasion and conspiracy

Exemptions

-  Provision of medicines and medical devices
-  Activities in support of nongovernmental organization activities
-  Services related to exportation of non-U.S.-origin goods & exports approved by Dept. of Commerce
-  Non-commercial, personal remittances
-  Activities in non-controlled areas
-  Activities for relief (e.g., COVID-19, earthquake)

U.S. sanctions against Syria (secondary)

U.S. secondary sanctions target non-U.S. persons. They disincentivize trade between Syria and third countries.

The Countering America's Adversaries Through Sanctions Act (“CAATSA”) provides for the imposition of sanctions of non-U.S. persons who **knowingly** provide **significant** financial, material or technological support to, or knowingly engage in, a significant transaction with:

- (i) the **Government of Syria** (including any entity owned or controlled by the government of Syria) ...
- (iii) a foreign person **subject to sanctions** ...with respect to Syria



The E.U. criticized the extra-territorial application of U.S. law and, in response, adopted the Blocking Statute.

Consequences of sanctions infringement

- Civil monetary penalties up to the greater of USD 250,000 or twice the amount of the underlying transaction;
- Upon conviction, criminal fines of up to USD 1,000,000, imprisonment for up to 20 years or both



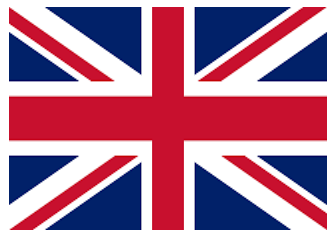
Other sanctions against Syria

The U.N., E.U., Canada, Australia, Switzerland, and the UK have imposed sanctions against Syria since the onset of the 2011 armed conflict.



UNITED NATIONS

Undertook restrictive measures in response to the 14 February 2005 terrorist bombing in Beirut, Lebanon. However, there are currently no listed individuals under asset freezes. In 2022, a UN Special Rapporteur [urged](#) the West to lift sanctions to relieve the Syrian humanitarian crisis

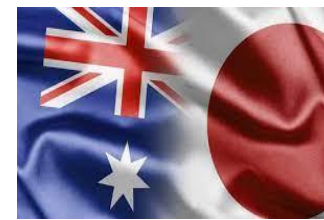


The [Syria \(Sanctions\) \(EU Exit\) Regulations 2019](#) fully came into force on 31 December 2020. They are intended to ensure that certain sanctions relating to Syria continue to effectively operate following Brexit.

The sanctions include asset freezes, restriction on trade (export, import), restriction on investment etc. [See UK Sanctions Guidance.](#)



The E.U. has imposed an arms embargo, asset freezes, investment restrictions, financial services restrictions, a ban on flights, restrictions on exports of certain goods to Syria, prohibitions of oil imports, restrictions on dealings with cultural property removed from Syria, etc. See [EU Sanctions Map](#).



[Canada](#), [Japan](#) and [Australia](#) have also adopted similar restrictive measures against Syria, including asset freezes, trade restrictions, etc.



www.curtis.com

ALMATY | ASTANA | BEIJING | BUENOS AIRES | DUBAI | FRANKFURT | GENEVA | HOUSTON | LONDON | MEXICO CITY | MILAN | MUSCAT | NEW YORK | PARIS | ROME | WASHINGTON, D.C.