

Implementation Assistance Notice - No. 1

(as updated on 6 March 2017)

To assist States in implementing the travel ban in relation to the Sudan sanctions regime

Objective and scope of the travel ban

1. The travel ban as set out in subparagraph 3 (d) of Security Council resolution 1591 (2005) obliges States to:

[...] take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Sanctions Committee pursuant to subparagraph 3(c) of the same resolution [or by the Security Council], provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;

2. The criteria for designation of individuals as subject to the travel ban are also contained in subparagraph 3 (c) of resolution 1591 (2015). The current list of individuals subject to the travel ban can be found at: <https://www.un.org/sc/suborg/en/sanctions/1591/materials>. The names of these individuals are also included in the Consolidated United Nations Security Council Sanctions List, which is available at: <https://www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list>. The list is available in different formats to assist authorities in identifying the listed individuals as efficiently as possible, both manually and electronically.

3. The purpose of the travel ban is to limit the international travel of listed individuals. It is preventive in nature and not reliant upon criminal standards established under national laws.

Obligations of States

4. All States are required to implement the travel ban in relation to all individuals on the Sudan Sanctions List maintained by the Sudan Sanctions Committee. The travel ban applies wherever such listed individuals are located. The responsibility to implement the travel ban lies with the State(s) of entry and/or transit.

5. The travel ban requires States to:

- (i) prevent the entry of the listed individuals into their territories; and
- (ii) prevent the transit of the listed individuals through their territories

unless one of the exceptions or exemption provisions apply. The *Exceptions* and *Exemptions* are explained hereinafter.

6. The obligation of States to prevent the entry of listed individuals into their territories **applies in all circumstances**, regardless of the method of entry, the point of entry or the nature of the travel documents used, if any, and despite any permissions or visas issued by the State in accordance with its national legislation.

7. The obligation to prevent the transit through a State's territory **applies to any passage**

through its territory, however brief, even if the listed individual has travel documents, permissions and/or transit visas as required by the State in accordance with its national legislation and is able to demonstrate that he/she will continue his/her journey to another State.

8. However, the obligation to prevent entry and/or transit does not require a State to prevent a listed individual, who happens to be a national of that State, from travelling purely within its territory.

Effective implementation of the travel ban by States

9. To ensure the effective implementation of the travel ban, States are encouraged to add the names of the listed individuals to their visa watch lists and any other watch lists that aim to prevent and detect illegal entries. States are also encouraged to take other relevant measures in accordance with their international obligations and national laws and regulations, which may include, but are not limited to, cancelling visas and entry permits or refusing to issue any visa/permit for the listed individuals.

10. Further, in order to enhance the effectiveness of the travel ban implementation, States are encouraged to submit, where available and in accordance with their national legislation, photographs and other biometric data on listed individuals for inclusion in INTERPOL-United Nations Security Council Special Notices, in addition to further identifying information for inclusion in the Sudan Sanctions List.

Reporting of non-compliance with the travel ban

11. As per paragraph 11 of the resolution 2265 (2016), the Council has requested the Panel of Experts to share with the Committee any information regarding possible non-compliance with the travel ban as soon as possible, and directed the Committee to respond effectively to any reports of non-compliance by States. As per paragraph 12 of the same resolution,, the Council has called upon the Government of Sudan to enhance cooperation and information-sharing with other States with regards to the travel ban. As per paragraph 22 of resolution 2265 (2016), the Council has urged all States to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures, which would include information on incidents of non-compliance with the travel ban..

12. Upon discovery of cases in which designated individuals are found present on or transiting through their territory, and such cases do not fall under the categories of exceptions or exemptions, the Committee encourages Member States to promptly report such non-compliance of the travel ban to the Committee.

Exceptions

13. The exception to the travel ban is provided for in subparagraph 3 (d) of resolution 1591 (2005). Under the Sudan travel ban, there is no obligation on a State to deny entry into its territory of its own nationals. Further, there is no international obligation to arrest or prosecute listed individuals on the basis of their inclusion in the Sudan Sanctions List.

Exemptions

14. A request for exemption from the travel ban is considered by the Committee on a case by case basis, and the Committee is authorized to determine that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in Sudan and the region, in accordance with subparagraph 3 (f) of resolution 1591 (2005).

15. While granting a request for exemption from the travel ban, the Committee may attach any condition(s) to the exemption granted that are consistent with subparagraph 3 (f) of resolution 1591 (2005).

16. Detailed information regarding the procedure to be followed, when requesting exemptions under subparagraph 3 (f) of resolution 1591 (2005), can be found in paragraph 9 of the Guidelines¹ of the Sanctions Committee.

Manner of submitting exemption request

17. Each request for exemption to the travel ban shall be submitted in writing, on behalf of the listed individual, to the Chair of the Committee through the Permanent Mission to the United Nations of the Member State of which the listed individual is a national or resident, or through the relevant UN office.

Timing of submission of exemption request

18. Except in cases of emergency, to be determined by the Chair, all requests shall be received by the Chair **no less than five working days** before the commencement date of the proposed travel.

Information and documents required for making all exemption requests

19. All requests should include the following information, with accompanying documents to the extent possible:

- a. The name, designation, nationality and passport number(s) of the person(s) undertaking the proposed travel.
- b. The purpose(s) of the proposed travel, with copies of supporting documents furnishing details connected to the request, such as specific dates and times of meetings or appointments.
- c. The proposed dates and times of departure from and return to the country from which the travel is to commence.
- d. The complete itinerary for such travel, including the airports / ports of departure and return and all transit stops.
- e. Details of the mode of transport to be used, including where applicable, record locator,

¹ Guidelines of the Committee for the Conduct of its Work, as revised and adopted on 23 December 2013, is available at <https://www.un.org/sc/suborg/en/sanctions/1591/committee-guidelines>

flight numbers and names of vessels.

f. A statement of specific justification for the exemption.

Exemption requests on humanitarian grounds

20. For exemption requests based on medical or other humanitarian need, including religious obligation, the Committee will determine whether the travel is justified within the provisions of subparagraph 3 (f) of resolution 1591 (2005), once informed of the name of the traveller, the reason for travel, the date and time of treatment, along with flight details, including transit points and destination(s).

21. In cases of emergency medical evacuations, the Chair shall also be promptly provided with a doctor's note containing details of the nature of the medical emergency and the facility where treatment was received by the patient, without prejudice to the respect of medical confidentiality, as well as information regarding the date, time, and mode of travel by which the patient returned or will return to his/her country of residence.

Exemption requests on the ground of advancing peace and stability in Darfur

22. Pursuant to subparagraph 3 (f) of resolution 1591 (2005), where the Committee concludes that an exemption on the travel ban would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in Darfur and the region, it will subsequently authorize such travel within 48 hours of coming to such conclusion.

Changes in previously submitted request for exemptions

23. Any changes to the travel exemption previously submitted to the Committee, particularly the points of transit, shall require prior approval of the Committee and shall be received by the Chair and circulated to the Committee members no less than five working days prior to the commencement of the travel, except in cases of emergency, as determined by the Chair.

Short advancement or postponement of approved travel exemptions

24. In the event of advancement or postponement of travel, for which the Committee has already issued an exemption, the Chair of the Committee shall be informed in writing immediately. Submission to the Chair of written notification will be sufficient in cases where the time of departure is advanced or postponed no more than 48 hours and the previously submitted itinerary remains otherwise unchanged. If travel is to be advanced or postponed more than 48 hours before or after the date previously approved by the Committee, a new exemption request must be submitted, and should be received by the Chair and circulated to Committee members.

Request for extension(s) of approved travel exemptions

25. Any request for extension(s) of exemptions approved by the Committee pursuant to subparagraph 3 (f) of resolution 1591 (2005) shall also be subject to the provisions mentioned in paragraphs 17-19 above, and shall be received by the Chair in writing, attaching the revised itinerary, no less than five working days before the expiry of the approved exemption period, and

circulated to Committee members.

Notification of approved exemption requests to concerned Permanent Missions

26. In cases where the Committee approves requests for exemptions to the travel ban, the Chair will write to the Permanent Mission to the United Nations of the State of which the listed individual is a national or resident, or to the relevant UN office; informing them of the approval. Copies of the approval letter will also be sent to the Permanent Missions to the United Nations of all State(s) which the listed individual will be travelling to and transiting in the course of the approved exemption.

Obligation of Member States, or relevant UN office, to report the return

27. The Committee shall receive written confirmation from the Member State in whose territory the listed individual resides, or from the relevant UN office, with supporting documents, confirming the itinerary and date on which the listed individuals, travelling under an exemption granted by the Committee, returned to the country of residence.

Posting of exemptions on the Committee's webpage

28. All requests for exemptions and extensions thereto, which have been approved by the Committee pursuant to subparagraph 3 (f) of resolution 1591 (2005), shall be posted on the Committee's webpage until confirmation of the return to the country of residence of the listed individual is received by the Committee.