

INTERNATIONAL SANCTIONS (SUDAN) (RESTRICTIVE MEASURES) REGULATIONS 2004

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FIRST SCHEDULE
SECOND SCHEDULE

The Minister of Legislative Affairs, in exercise of the powers conferred by section 2 of the International Sanctions Act 2003, makes the following Regulations:

Citation

1 These Regulations may be cited as the International Sanctions (Sudan) (Restrictive Measures) Regulations 2004.

Interpretation

2 In these Regulations —

"assistance" means any form of assistance, including technical assistance, services, financing and financial assistance;

"commander", in relation to an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator of the aircraft or the person who is for the time being the pilot in command of the aircraft;

"document" includes information recorded in any form, and in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

"export" includes shipment as stores;

"exportation" in relation to any ship, submersible vehicle or aircraft, includes the taking out of Bermuda of the ship, submersible vehicle or aircraft notwithstanding that it is conveying goods or passengers and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

"master", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

"Minister" means the Minister of Finance;

"operator", in relation to an aircraft or vehicle, means the person for the time being having the management of the aircraft or vehicle;

"owner", in relation to a ship, where the owner of a ship is not the operator, means the operator and any person to whom it is chartered;

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"person" includes a body incorporated or constituted under the laws of Bermuda;

"restricted goods" means the goods specified in the First Schedule;

"ship" includes every description of vessel used in navigation;

"shipment" includes loading into an aircraft;

"stores" means goods for use in a ship or aircraft and includes fuel and spare parts and other articles of equipment, whether or not for immediate fitting, but excludes any goods for use in a ship or aircraft as merchandise for sale by retail to persons carried therein;

"vehicle" means a land transport vehicle.

RESTRICTED GOODS, TECHNICAL ASSISTANCE AND TRAINING

Supply of restricted goods

3 (1) Any person who, except under the authority of a licence granted by the Minister under this regulation or regulation 4 —

(a) supplies or delivers;

(b) agrees to supply or deliver; or

(c) does any act calculated to promote the supply or delivery of,

restricted goods to any person in Sudan commits an offence under these Regulations, unless he proves that he did not know and had no reason to suppose that the goods in question were to be supplied or delivered to a person in Sudan.

(2) Nothing in paragraph (1)(b) or (c) shall apply where the supply or delivery of the goods to the person concerned is authorised by a licence granted by the Minister under this regulation.

Exportation of restricted goods to Sudan

4 (1) Except under the authority of a licence granted by the Minister under this regulation, restricted goods are prohibited to be exported from Bermuda to any destination in Sudan or to any destination for the purpose of delivery, directly or indirectly, to or to the order of any person in Sudan.

(2) Any restricted goods which are exported or attempted to be exported shall be liable to forfeiture.

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(3) Any person knowingly concerned in the exportation or attempted exportation of such goods commits an offence under these Regulations.

Provision of assistance, advice or training related to military activities

5 Any person who, except under the authority of a licence granted by the Minister under this regulation, directly or indirectly provides to any person in Sudan any —

- (a) assistance;
- (b) advice; or
- (c) training,

related to military activities commits an offence under these Regulations, unless he proves that he did not know and had no reason to suppose that the assistance, advice or training in question was to be provided to a person in Sudan.

Use of ships, aircraft and vehicles: restricted goods

6 (1) Notwithstanding regulation 3, and except under the authority of a licence granted by the Minister under this regulation, no ship or aircraft to which this regulation applies, and no vehicle within Bermuda, shall be used for the carriage of restricted goods if the carriage is, or forms part of, carriage from any place outside Sudan to any destination therein.

(2) This regulation applies to ships registered in Bermuda, to aircraft so registered and to any other ship or aircraft that is for the time being chartered to any person in Bermuda.

(3) If any ship, aircraft or vehicle is used in contravention of paragraph (1) then —

- (a) in the case of a ship registered in Bermuda or any aircraft so registered, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (b) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is a person referred to in paragraph (2), the master of the ship or, as the case may be, the operator and the commander of the aircraft; or
- (c) in the case of a vehicle, the operator of the vehicle,

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commits an offence under these Regulations, unless he proves that he did not know and had no reason to suppose that the carriage of the goods in question was, or formed part of, carriage from any place outside Sudan to any destination in Sudan.

(4) Nothing in paragraph (1) shall apply where the supply or delivery or exportation from Bermuda of the goods concerned to Sudan was authorised by a licence granted by the Minister under regulation 3 or 4.

(5) Nothing in this regulation shall be construed so as to prejudice any other law prohibiting or restricting the use of ships, aircraft or vehicles.

GENERAL

Customs powers to demand evidence of destination of goods

7 Any exporter or any shipper of restricted goods which have been exported from Bermuda shall, if so required by the Minister, furnish within such time as the Minister may allow proof to the Minister's satisfaction that the goods have reached either —

- (a) a destination to which they were authorised to be exported by a licence granted under these Regulations; or
- (b) a destination to which their exportation was not prohibited by these Regulations,

and, if he fails to do so, he commits an offence under these Regulations, unless he proves that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

Offences in connection with applications for licences, conditions attaching to licences, etc.

8 (1) If for the purposes of obtaining any licence under these Regulations any person makes any statement, or furnishes any document or information which to his knowledge is false in a material particular, or recklessly makes any statement or furnishes any document or information which is false in a material particular, he commits an offence under these Regulations.

(2) Any person who has done any act under the authority of a licence granted by the Minister under these Regulations and who fails to comply with any conditions attaching to that licence commits an offence under these Regulations.

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(3) No person shall be found guilty of an offence under paragraph (2) where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Minister after the doing of the act authorised by the licence.

Declaration of goods: powers of search

9 (1) Any person who is about to leave Bermuda shall, if he is required to do so by an officer authorised for the purpose by the Minister —

- (a) declare whether or not he has with him any restricted goods which are destined for Sudan or for delivery, directly or indirectly, to or to the order of any person in Sudan; and
- (b) produce any such goods as aforesaid which he has with him.

(2) Any such officer, or any person acting under his direction, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid.

(3) No person shall be searched in pursuance of paragraph (2) except by a person of the same sex.

(4) Any person who without reasonable excuse refuses to make a declaration, or fails to produce any goods, or refuses to allow himself to be searched in accordance with the foregoing provisions of this regulation, commits an offence under these Regulations.

(5) Any person who under the provisions of this regulation makes a declaration which to his knowledge is false in a material particular, or recklessly makes any declaration which is false in a material particular, commits an offence under these Regulations.

Investigation, etc. of suspected ships

10 (1) Where any authorised officer has reason to suspect that any ship to which regulation 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that regulation —

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and

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- (c) in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of regulation 6(1), any authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)), with a view to preventing the commission (or the continued commission) of any such contravention, or in order that enquiries into the matter may be pursued, may take the further action specified in paragraph (2).
- (2) The further action referred to in paragraph (1)(c) is either —
- (a) to direct the master of the ship to refrain, except with the consent of any authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified; or
- (b) to request the master of the ship to take any one or more of the following steps —
- (i) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by an authorised officer that the ship may so proceed;
- (ii) if the ship is in port in Bermuda, to cause her to remain there until the master is notified by an authorised officer that the ship may depart;
- (iii) if the ship is in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (b)(ii); and
- (iv) to take her to any other destination that may be specified by the officer in agreement with the master.
- (3) Notwithstanding regulation 13(3), where —
- (a) a master refuses or fails to comply with a request made under paragraph (2)(b); or
- (b) an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with,

any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the

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generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(4) Before or on exercising any power conferred by this regulation, an authorised officer shall, if requested to do so, produce evidence of his authority.

(5) In this regulation "authorised officer" means —

- (a) any commissioned military officer; or
- (b) any person authorised by the Minister for the purpose of this regulation either generally or in a particular case.

Investigation, etc. of suspected aircraft

11 (1) Where any authorised person has reason to suspect that any aircraft to which regulation 6 applies has been or is being or is about to be used in contravention of paragraph (1) of that regulation —

- (a) he may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force;
- (b) he may request the charterer, the operator and the commander of the aircraft or any of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify; and
- (c) if the aircraft is then in Bermuda, any authorised person may (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of a request made under sub-paragraph (b)) further request the charterer, the operator and the commander or any of them to cause the aircraft and any of its cargo to remain in Bermuda until notified that the aircraft and its cargo may depart.

(2) Notwithstanding regulation 13(3), where an authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose —

- (a) enter, or authorise entry, upon any land and upon that aircraft;

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(b) detain, or authorise the detention of that aircraft and any of its cargo; and

(c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this regulation, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this regulation —

"authorised person" means any person authorised by the Minister for the purpose of this regulation either generally or in a particular case.

Investigation, etc. of suspected vehicles

12 (1) Where any authorised person has reason to suspect that any vehicle in Bermuda has been or is being or is about to be used in contravention of regulation 6 —

(a) he may (either alone or accompanied and assisted by persons under his authority) enter the vehicle and search it and, for that purpose, may use or authorise the use of reasonable force;

(b) he may request the operator and the driver of the vehicle or either of them to furnish such information relating to the vehicle and any goods contained in it and produce for his inspection such documents so relating and such goods as he may specify; and

(c) any authorised person may (either there and then or upon consideration of any information furnished or document or goods produced in pursuance of a request made under sub-paragraph (b)) further request the operator or the driver to cause the vehicle and any goods contained in it to remain in Bermuda until notified that the vehicle may depart.

(2) Notwithstanding regulation 13(3), where any authorised person has reason to suspect that any request that has been made under paragraph (1)(c) may not be complied with, he may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose —

(a) enter, or authorise entry, upon any land and enter, or authorise entry of, that vehicle;

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(b) detain, or authorise the detention of, that vehicle and any goods contained in it; and

(c) use, or authorise the use of, reasonable force.

(3) Before or on exercising any power conferred by this regulation, an authorised person shall, if requested to do so, produce evidence of his authority.

(4) In this regulation —

"authorised person" means any person authorised by the Minister for the purpose of this regulation either generally or in a particular case.

Provisions supplementary to regulations 10 to 12

13 (1) No information furnished or document produced by any person in pursuance of a request made under regulation 10, 11 or 12 shall be disclosed except —

(a) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

(b) to any person who would have been empowered under regulation 10, 11 or 12 to request that it be furnished or produced or to any person holding or acting in any office under or in the service of —

(i) the Crown in respect of the Government of the United Kingdom; or

(ii) the Government of Bermuda;

(c) on the authority of the Minister, to any person in the service of the Government of any other country for the purpose of assisting that Government in securing compliance with or detecting evasion of measures in relation to Sudan decided upon by the Council of the European Union; or

(d) with a view to the institution of, or otherwise for the purposes of, any proceedings in Bermuda, for an offence

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under these Regulations or, with respect to any of the matters regulated by these Regulations, for an offence relating to customs.

(2) Any power conferred by regulation 10, 11 or 12 to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(3) Each of the following persons commits an offence under these Regulations, that is to say —

- (a) a master of a ship who disobeys any direction given under regulation 10(2)(a);
- (b) a master of a ship or a charterer or an operator or a commander of an aircraft or an operator or a driver of a vehicle who —
 - (i) without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under regulation 10, 11 or 12 by any person empowered to make it; or
 - (ii) furnishes any document or information which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, to such a person in response to such a request;
- (c) a master or a member of a crew of a ship or a charterer or an operator or a commander or a member of a crew of an aircraft or an operator or a driver of a vehicle who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under regulation 10, 11 or 12.

(4) Nothing in regulations 10 to 13 shall be construed so as to prejudice any other law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships, aircraft or vehicles.

Obtaining of evidence and information

14 The Second Schedule shall have effect in order to facilitate the obtaining, by or on behalf of the Minister —

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- (a) of evidence and information for the purpose of securing compliance with or detecting evasion of these Regulations in Bermuda; and
- (b) of evidence of the commission in Bermuda, of an offence under these Regulations or, with respect to any of the matters regulated by these Regulations, an offence relating to customs.

Penalties and proceedings

15 (1) Any person found guilty of an offence under regulation 3, 4, 5 or 6(3) shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding seven years or to a fine of \$20,000.00 or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine of \$5,000.00 or to both.

(2) Any person found guilty of an offence under regulation 13(3)(b)(ii) or paragraph 5(b) or (d) of the Second Schedule shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine of \$10,000.00 or to both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine of \$5,000.00 or to both.

(3) Any person found guilty of an offence under regulation 8(1) or (2) or regulation 9(4) shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine of \$10,000.00 or to both;
- (b) on summary conviction to a fine of \$5,000.00.

(4) Any person found guilty of an offence under regulation 13(3)(a), 13(3)(b)(i) or 13(3)(c), or paragraph 5(a) or (c) of the Second Schedule shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding \$5,000.00 or to both.

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(5) Any person found guilty of an offence under regulation 7 or 9(3) shall be liable on summary conviction to a fine not exceeding \$5,000.00.

(6) Where any body corporate commits an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to have committed that offence, and shall be liable to be proceeded against and punished accordingly.

(7) Summary proceedings for an offence under these Regulations, being an offence alleged to have been committed outside Bermuda, may be commenced at any time not later than 12 months from the date on which the person charged first enters Bermuda after committing the offence.

(8) Proceedings against any person for an offence under these Regulations may be taken before the appropriate court in Bermuda.

(9) No proceedings for an offence under these Regulations shall be instituted except by or with the consent of the Director of Public Prosecutions.

(10) Paragraph (9) shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers of the Minister

16 (1) The Minister may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under these Regulations (other than the power to give authority under the Second Schedule to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in these Regulations to the Minister shall be construed accordingly.

(2) Any licences granted under these Regulations shall be in writing and may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

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FIRST SCHEDULE

(regulation 2)

RESTRICTED GOODS

MILITARY, SECURITY AND PARAMILITARY GOODS, SOFTWARE AND TECHNOLOGY AND ARMS, AMMUNITION AND RELATED MATERIAL

ML1 Smooth-bore weapons with a calibre of less than 20 mm, other firearms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, as follows, and specially designed components therefor:

- (a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns;
- (b) Smooth-bore weapons;
- (c) Weapons using caseless ammunition;
- (d) Silencers, "special gun-mountings", weapon sights, clips and flash suppressers for firearms in ML1.a., ML1.b. or ML1.c.

Note: ML1 does not control:

- (a) *Air weapons (other than those declared by the Firearms (Dangerous Air Weapons) Rule^[12] to be specially dangerous);*
- (b) *Firearms specially designed for dummy ammunition and which are incapable of firing any ammunition in this Part of this Schedule;*
- (c) *Firearms certified by a registered UK Proof House as having been rendered incapable of firing any ammunition in this Part of this Schedule;*
- (d) *Bayonets;*
- (e) *Air (pneumatic) or cartridge (explosive) powered guns or pistols designed as:*
 - 1. *Industrial tools; or*
 - 2. *Humane stunning devices employed specifically for animal slaughter;*
- (f) *Signal pistols.*

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ML2 Smooth-bore weapons with a calibre of 20 mm or more, other armament or weapons with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, as follows, and specially designed components therefor:

- (a) Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, recoilless rifles and signature reduction devices therefor;
- (b) Military smoke, gas and "pyrotechnic" projectors or generators;
- (c) Weapon sights for firearms in ML2.a. or ML2.b.

Note: ML2 does not control signal pistols.

ML3 Ammunition and fuze setting devices, as follows, and specially designed components therefor, for the weapons in ML1, ML2 or ML12;

- (a) Ammunition for the weapons in ML1, ML2 or ML12;

Note: ML3.a. does not control:

- (a) *Ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber;*
- (b) *Lead or lead alloy pellet ammunition specially designed for air weapons;*
- (c) *Cartridges specially designed for signalling, bird scaring or lighting of gas flares at oil wells.*

- (b) Fuze setting devices specially designed for ammunition in ML3.a.

ML4 Bombs, torpedoes, rockets, missiles, other explosive devices and charges, and related equipment and accessories, as follows, specially designed for military use, and specially designed components therefor:

N.B.: Electronic guidance and navigation equipment is controlled in ML11.

- (a) Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices and demolition-kits, devices that contain "pyrotechnics", cartridges and simulators (i.e., equipment simulating the characteristics of any of these "goods");

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- (b) Equipment specially designed for the handling, control, activation, powering with one-time operational output, launching, laying, sweeping, discharging, decoying, jamming, detonation, disruption or detection of "goods" in ML4.a.

Technical Note:

Hand held devices, limited by design solely to the detection of metal objects and incapable of distinguishing between mines and other metal objects, are not considered to be specially designed for the detection of "goods" in ML4.a.

PL5006 Apparatus or devices specially designed for military use, used for the handling, control, discharging, decoying, jamming, detonation, disruption or detection of "improvised explosive devices" or other explosive devices not in ML4.a., and specially designed components therefor.

Note: PL5006 does not control inspection devices not employing electronic management.

PL5030 Bombs and grenades, other than those in ML4, and specially designed components therefor.

ML5 Fire control equipment and related alerting and warning equipment, related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

- (a) Weapon sights, bombing computers, gun laying equipment and weapon control systems;
- (b) Target acquisition, designation, range-finding, surveillance or tracking systems; detection, data fusion, recognition or identification equipment; and sensor integration equipment;
- (c) Countermeasure equipment for "goods" in ML5.a. or ML5.b;
- (d) Field test or alignment equipment, specially designed for "goods" in ML5.a. or ML5.b.

ML6 Ground "vehicles" and components, as follows:

N.B.: Electronic guidance and navigation equipment is controlled in ML11.

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- (a) Ground "vehicles" and components therefor, specially designed or modified for military use;

Technical Note:

For the purposes of ML6.a. the term ground "vehicles" includes trailers.

Note: In ML6.a. modification of a ground "vehicle" for military use entails a structural, electrical or mechanical change involving one or more specially designed military component.

- (b) All-wheel drive "vehicles" capable of off-road use which have been manufactured or fitted with metallic or non-metallic materials to provide ballistic protection.

Note 1: ML6.b. does not control "vehicles" designed or fitted out for the transportation of valuables or funds.

Note 2: ML6.b. does not control "vehicles" fitted with, or designed or modified to be fitted with, a plough or flail for the purpose of land mine clearance.

- ML7 Chemical or biological toxic agents, toxic chemicals and mixtures containing such agents or chemicals, "tear gases", radioactive materials, related equipment, components, materials and "technology", as follows:

N.B.: Chemicals are listed by name and Chemical Abstract Service (CAS) number. Chemicals of the same structural formula (e.g., hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

- (a) Biological agents and radioactive materials "adapted for use in war" to produce casualties in humans or animals, degrade equipment or damage crops or the environment, and chemical warfare (CW) agents;

Note: ML7.a. includes, but is not limited to, the following:

1. CW nerve agents:

- (a) O-Alkyl (equal to or less than C10, including cycloalkyl) alkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-phosphonofluoridates,

such as:

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Sarin (GB): O-Isopropyl methylphosphonofluoridate (CAS 107-44-8); and

Soman (GD): O-Pinacolyl methylphosphonofluoridate (CAS 96-64-0);

- (b) *O-Alkyl (equal to or less than C10, including cycloalkyl) N,N-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphoramidocyanidates,*

such as:

Tabun (GA): O-Ethyl N,N-dimethylphosphoramidocyanidate (CAS 77-81-6);

- (c) *O-Alkyl (H or equal to or less than C10, including cycloalkyl)S-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-aminoethylalkyl (Methyl, Ethyl, n-Propyl or Isopropyl)*

phosphonothiolates and corresponding alkylated and protonated salts,

such as:

VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (CAS 50782-69-9);

2. *CW vesicant agents:*

- (a) *Sulphur mustards,*

such as:

2-Chloroethylchloromethyl-sulphide (CAS 2625-76-5);

Bis(2-chloroethyl) sulphide (CAS 505-60-2);

Bis(2-chloroethylthio) methane (CAS 63869-13-6);

1,2-bis (2-chloroethylthio) ethane (CAS 3563-36-8);

1,3-bis (2-chloroethylthio) -n-propane (CAS 63905-10-2);

1,4-bis (2-chloroethylthio) -n-butane (CAS 142868-93-7);

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1,5-bis (2-chloroethylthio) -n-pentane (CAS 142868-94-8);

Bis (2-chloroethylthiomethyl) ether (CAS 63918-90-1);

Bis (2-chloroethylthioethyl) ether (CAS 63918-89-8);

(b) *Lewisites,*

such as:

2-chlorovinylchloroarsine (CAS 541-25-3);

Tris (2-chlorovinyl) arsine (CAS 40334-70-1);

Bis (2-chlorovinyl) chloroarsine (CAS 40334-69-8);

(c) *Nitrogen mustards,*

such as:

HN1: bis (2-chloroethyl) ethylamine (CAS 538-07-8);

HN2: bis (2-chloroethyl) methylamine (CAS 51-75-2);

HN3: tris (2-chloroethyl) amine (CAS 555-77-1);

3. *CW incapacitating agents,*

such as:

3-Quinuclidinyl benzilate (BZ) (CAS 6581-06-2);

4. *CW defoliants,*

such as:

Butyl 2-chloro-4-fluorophenoxyacetate (LNF);

2,4,5-trichlorophenoxyacetic acid mixed with 2,4-dichlorophenoxyacetic acid (Agent Orange).

(b) CW binary precursors and key precursors, as follows, and chemical mixtures containing one or more of these precursors:

1. Alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) Phosphonyl Difluorides,

such as:

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DF: Methyl Phosphonyldifluoride (CAS 676-99-3);

2. O-Alkyl (H or equal to or less than C10, including cycloalkyl) O-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonite and corresponding alkylated and protonated salts,

such as:

QL: O-Ethyl-2-di-isopropylaminoethyl methylphosphonite (CAS 57856-11-8);

3. Chlorosarin: O-Isopropyl methylphosphonochloridate (CAS 1445-76-7);
4. Chlorosoman: O-Pinacolyl methylphosphonochloridate (CAS 7040-57-5);

- (c) "Tear gases" and "riot control agents" including, but not limited to:

1. Bromobenzyl cyanide (CA) (CAS 5798-79-8);
2. o-Chlorobenzylidenemalononitrile (o-Chlorobenzalmalononitrile) (CS) (CAS 2698-41-1);
3. Phenylacetyl chloride (w-chloroacetophenone) (CN) (CAS 532-27-4);
4. Dibenz-(b,f)-1,4-oxazaphine (CR) (CAS 257-07-8);

Note: ML7.c. does not control "tear gases" or "riot control agents" individually packaged for personal self-defence purposes.

- (d) Equipment specially designed or modified for military use for the dissemination of any of the following, and specially designed components therefor:

1. Materials or agents in ML7.a. or ML7.c.;
2. CW agents made up of precursors in ML7.b.;

- (e) Protective and decontamination "goods", specially designed or modified for military use, and specially designed components therefor, and specially formulated chemical "mixtures", as follows:

1. "Goods" specially designed for defence against materials in ML7.a. or ML7.c. and specially designed components therefor;

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N.B.: See also 1A of Annex I to "the Regulation".

2. "Goods" specially designed or modified for the decontamination of "goods" contaminated with materials in ML7.a. and specially designed components therefor;
 3. Chemical mixtures specially developed or formulated for the decontamination of "goods" contaminated with materials in ML7.a.;
- (f) "Goods" specially designed or modified for military use, for the detection or identification of materials in ML7.a. or ML7.c. and specially designed components therefor;

Note: ML7.f. does not control personal radiation monitoring dosimeters.

- (g) "Biopolymers" specially designed or processed for the detection or identification of CW agents in ML7.a., and the cultures of specific cells used to produce them;
- (h) "Biocatalysts" for the decontamination or degradation of CW agents, and biological systems therefor, as follows:
1. "Biocatalysts" specially designed for the decontamination or degradation of CW agents in ML7.a. resulting from directed laboratory selection or genetic manipulation of biological systems;
 2. Biological systems, as follows: "expression vectors", viruses or cultures of cells containing the genetic information specific to the "production" of "biocatalysts" in ML7.h.1.;

(i) "Technology" as follows:

1. "Technology" for the "development", "production" or "use" of toxicological agents, related equipment or components in ML7.a. to ML7.f.;
2. "Technology" for the "development", "production" or "use" of "biopolymers" or cultures of specific cells in ML7.g.;
3. "Technology" exclusively for the incorporation of "biocatalysts", in ML7.h.1., into military carrier substances or military materiel.

Note 1: ML7.a. and ML7.c. do not control:

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- (a) Cyanogen chloride (CAS 506-77-4);
N.B.: See 1C of Annex I to "the Regulation".
- (b) Hydrocyanic acid (CAS 74-90-8);
- (c) Chlorine (CAS 7782-50-5);
- (d) Carbonyl chloride (phosgene) (CAS 75-44-5);
N.B.: See 1C of Annex I to "the Regulation".
- (e) Diphosgene (trichloromethyl-1-chloroformate) (CAS 503-38-8);
- (f) Ethyl bromoacetate (CAS 105-36-2);
- (g) Xylyl bromide: ortho: (CAS 89-92-9), meta: (CAS 620-13-3), para: (CAS 104-81-4);
- (h) Benzyl bromide (CAS 100-39-01);
- (i) Benzyl iodide (CAS 620-05-3);
- (j) Bromo acetone (CAS 598-31-2);
- (k) Cyanogen bromide (CAS 506-68-3);
- (l) Bromo methylethylketone (CAS 816-40-0);
- (m) Chloro acetone (CAS 78-95-5);
- (n) Ethyl iodoacetate (CAS 623-48-3);
- (o) Iodo acetone (CAS 3019-04-3);
- (p) Chloropicrin (CAS 76-06-2).

N.B.: See 1C of Annex I to "the Regulation".

Note 2: The "technology", cultures of cells and biological systems listed in ML7.g., ML7.h.2. and ML7.i.3. are exclusive and do not include "technology", cells or biological systems for civil purposes, (e.g., agricultural, pharmaceutical, medical, veterinary, environmental, waste management, or in the food industry).

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ML8 "Energetic materials", and related substances, as follows:

N.B.: Chemicals are listed by name and Chemical Abstract Service (CAS) number. Chemicals of the same structural formula (e.g., hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

Technical Note:

A "mixture" refers to a composition of two or more substances with at least one substance being controlled in ML8.

(a) "Explosives", as follows, and mixtures thereof:

1. ADNBF (aminodinitrobenzofuroxan or 7-amino-4,6-dinitrobenzofurazane-1-oxide) (CAS 97096-78-1);
2. BNCP (cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate) (CAS 117412-28-9);
3. CL-14 (diamino dinitrobenzofuroxan or 5,7-diamino-4,6-dinitrobenzofurazane-1-oxide) (CAS 117907-74-1);
4. CL-20 (HNIW or Hexanitrohexaazaisowurtzitane) (CAS 135285-90-4); chlathrates of CL-20;
5. CP (2-(5-cyanotetrazolato) penta amine-cobalt (III) perchlorate) (CAS 70247-32-4);
6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7);
7. DATB (diaminotrinitrobenzene) (CAS 1630-08-6);
8. DDFP (1,4-dinitrodifurazanopiperazine);
9. DDPO (2,6-diamino-3,5-dinitropyrazine-1-oxide, PZO) (CAS 194486-77-6);
10. DIPAM (3,3'-diamino-2,2',4,4',6,6'-hexanitrobiphenyl or dipicramide) (CAS 17215-44-0);
11. DNGU (DINGU or dinitroglycoluril) (CAS 55510-04-8);
12. Furazans, as follows:

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- (a) DAAOF (diaminoazoxyfurazan);
 - (b) DAAzF (diaminoazofurazan) (CAS 78644-90-3);
13. HMX and derivatives, as follows:
- (a) HMX (Cyclotetramethylenetetranitramine, octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine, 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane, octogen or octogene) (CAS 2691-41-0);
 - (b) difluoroaminated analogs of HMX;
 - (c) K-55 (2,4,6,8-tetranitro-2,4,6,8-tetraazabicyclo-[3,3,0]-octanone-3, tetranitrosemiglycouril or keto-bicyclic HMX) (CAS 130256-72-3);
14. HNAD (hexanitroadamantane) (CAS 143850-71-9);
15. HNS (hexanitrostilbene) (CAS 20062-22-0);
16. Imidazoles, as follows:
- (a) BNNII (Octahydro-2,5-bis(nitroimino)imidazo [4,5-d]imidazole);
 - (b) DNI (2,4-dinitroimidazole)(CAS 5213-49-0);
 - (c) FDIA (1-fluoro-2,4-dinitroimidazole);
 - (d) NTDNIA (N-(2-nitrotriazolo)-2,4-dinitroimidazole);
 - (e) PTIA (1-picryl-2,4,5-trinitroimidazole);
17. NTNMH (1-(2-nitrotriazolo)-2-dinitromethylene hydrazine);
18. NTO (ONTA or 3-nitro-1,2,4-triazol-5-one) (CAS 932-64-9);
19. Polynitrocubanes with more than four nitro groups;
20. PYX (2,6-bis(picrylamino)-3,5-dinitropyridine) (CAS 38082-89-2);
21. RDX and derivatives, as follows:

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- (a) RDX (cyclotrimethylenetrinitramine, cyclonite, T4, hexahydro-1,3,5-trinitro-1,3,5-triazine, 1,3,5-trinitro-1,3,5-triaza-cyclohexane, hexogen or hexogene) (CAS 121-82-4);
- (b) Keto-RDX (K-6 or 2,4,6-trinitro-2,4,6-triazacyclohexanone) (CAS 115029-35-1);
- 22. TAGN (triaminoguanidinenitrate) (CAS 4000-16-2);
- 23. TATB (triaminotrinitrobenzene) (CAS 3058-38-6);
- 24. TEDDZ (3,3,7,7-tetrakis(difluoroamine) octahydro-1,5-dinitro-1,5-diazocine);
- 25. Tetrazoles, as follows:
 - (a) NTAT (nitrotriazol aminotetrazole);
 - (b) NTNT (1-N-(2-nitrotriazolo)-4-nitrotetrazole);
- 26. Tetryl (trinitrophenylmethylnitramine) (CAS 479-45-8);
- 27. TNAD (1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin) (CAS 135877-16-6);
- 28. TNAZ (1,3,3-trinitroazetidine) (CAS 97645-24-4);
- 29. TNGU (SORGUYL or tetranitroglycoluril) (CAS 55510-03-7);
- 30. TNP (1,4,5,8-tetranitro-pyridazino[4,5-d]pyridazine) (CAS 229176-04-9);
- 31. Triazines, as follows:
 - (a) DNAM (2-oxy-4,6-dinitroamino-s-triazine) (CAS 19899-80-0);
 - (b) NNHT (2-nitroimino-5-nitro-hexahydro-1,3,5-triazine) (CAS 130400-13-4);
- 32. Triazoles, as follows:
 - (a) 5-azido-2-nitrotriazole;
 - (b) ADHTDN (4-amino-3,5-dihydrazino-1,2,4-triazole dinitramide) (CAS 1614-08-0);

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- (c) ADNT (1-amino-3,5-dinitro-1,2,4-triazole);
 - (d) BDNTA ([bis-dinitrotriazole]amine);
 - (e) DBT (3,3'-dinitro-5,5-bi-1,2,4-triazole) (CAS 30003-46-4);
 - (f) DNBT (dinitrobistriazole) (CAS 70890-46-9);
 - (g) NTDNA (2-nitrotriazole-5-dinitramide) (CAS 75393-84-9);
 - (h) NTDNT (1-N-(2-nitrotriazolo)-3,5-dinitrotriazole);
 - (i) PDNT (1-picryl-3,5-dinitrotriazole);
 - (j) TACOT (tetranitrobenzotriazolobenzotriazole) (CAS 25243-36-1);
33. Any "explosive" not listed elsewhere in ML8.a. with a detonation velocity exceeding 8,700 m/s at maximum density or a detonation pressure exceeding 34 GPa (340 kbar);
34. Other organic "explosives" not listed elsewhere in ML8.a. yielding detonation pressures of 25 GPa (250 kbar) or more that will remain stable at temperatures of 523 K (250°C) or higher for periods of 5 minutes or longer;
- (b) "Propellants", as follows:
 - 1. Any United Nations (UN) Class 1.1 solid "propellant" with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metallised, or more than 270 seconds for aluminised compositions;
 - 2. Any UN Class 1.3 solid "propellant" with a theoretical specific impulse (under standard conditions) of more than 230 seconds for non-halogenised, 250 seconds for

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non-metallised compositions and 266 seconds for metallised compositions;

3. "Propellants" having a force constant of more than 1,200 kJ/kg;
4. "Propellants" that can sustain a steady-state linear burning rate of more than 38 mm/s under standard conditions (as measured in the form of an inhibited single strand) of 6.89 MPa (68.9 bar) pressure and 294 K (21°C);
5. Elastomer modified cast double base (EMCDB) "propellants" with extensibility at maximum stress of more than 5% at 233 K (-40°C);
6. Any "propellant" containing substances listed in ML8.a.;

(c) "Pyrotechnics", fuels and related substances, as follows, and "mixtures" thereof:

1. Aircraft fuels specially formulated for military purposes;

Note: Aircraft fuels in ML8.c.1. are finished "goods", not their constituents.

2. Alane (aluminium hydride) (CAS 7784-21-6);
3. Carboranes; decaborane (CAS 17702-41-9); pentaboranes (CAS 19624-22-7 and 18433-84-6) and their derivatives;
4. Hydrazine and derivatives, as follows (see also ML8.d.8. and ML8.d.9. for oxidising hydrazine derivatives):

- (a) Hydrazine (CAS 302-01-2) in concentrations of 70% or more;

Note: ML8.c.4.a. does not control hydrazine "mixtures" specially formulated for corrosion control.

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- (b) Monomethyl hydrazine (CAS 60-34-4);
 - (c) Symmetrical dimethyl hydrazine (CAS 540-73-8);
 - (d) Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
5. Metal fuels in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following:
- (a) Metals and "mixtures" thereof, as follows:
 - 1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60 µm;
 - 2. Iron powder (CAS 7439-89-6) with particle size of 3 µm or less produced by reduction of iron oxide with hydrogen;
 - (b) "Mixtures", which contain any of the following:
 - 1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60 µm;
 - 2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85% purity or higher and particle sizes of less than 60 µm;

Note: ML8.c.5.b.2. does not control boron and boron carbide enriched with boron-10 (20% or more of total boron-10 content).

Note: "Explosives" and fuels containing the metals or alloys listed in ML8.c.5. are controlled whether or not the metals or alloys are encapsulated in aluminium, magnesium, zirconium, or beryllium.
6. Military materiel containing thickeners for hydrocarbon fuels specially formulated for use in flame throwers or incendiary munitions, such

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as metal stearates or palmates (e.g., octal (CAS 637-12-7)); and M1, M2 and M3 thickeners;

7. Perchlorates, chlorates and chromates composited with powdered metal or other high energy fuel components;
8. Spherical aluminium powder (CAS 7429-90-5) with a particle size of 60 µm or less, manufactured from material with an aluminium content of 99% or more;
9. Titanium subhydride (TiHn) of stoichiometry equivalent to $n = 0.65-1.68$;

(d) Oxidisers, as follows, and "mixtures" thereof:

1. ADN (ammonium dinitramide or SR 12) (CAS 140456-78-6);
2. AP (ammonium perchlorate) (CAS 7790-98-9);
3. Compounds composed of fluorine and any of the following:
 - (a) Other halogens;
 - (b) Oxygen; or
 - (c) Nitrogen;

Note: ML8.d.3. does not control chlorine trifluoride.

N.B.: See also 1C of Annex I to "the Regulation".

4. DNAD (1,3-dinitro-1,3-diazetidine) (CAS 78246-06-7);
5. HAN (hydroxylammonium nitrate) (CAS 13465-08-2);
6. HAP (hydroxylammonium perchlorate) (CAS 15588-62-2);
7. HNF (hydrazinium nitroformate) (CAS 20773-28-8);
8. Hydrazine nitrate (CAS 37836-27-4);
9. Hydrazine perchlorate (CAS 27978-54-7);

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10. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) (CAS 8007-58-7);
- (e) Binders, plasticisers, monomers, polymers, as follows:
 1. AMMO (azidomethylmethyloxetane and its polymers) (CAS 90683-29-7);
 2. BAMO (bisazidomethyloxetane and its polymers) (CAS 17607-20-4);
 3. BDNPA (bis (2,2-dinitropropyl)acetal) (CAS 5108-69-0);
 4. BDNPF (bis (2,2-dinitropropyl)formal) (CAS 5917-61-3);
 5. BTTN (butanetrioltrinitrate) (CAS 6659-60-5);
 6. Energetic monomers, plasticisers and polymers containing nitro, azido, nitrate, nitraza or difluoroamino groups specially formulated for military use;
 7. FAMAO (3-difluoroaminomethyl-3-azidomethyl oxetane) and its polymers;
 8. FEFO (bis-(2-fluoro-2,2-dinitroethyl) formal) (CAS 17003-79-1);
 9. FPF-1 (poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal) (CAS 376-90-9);
 10. FPF-3 (poly-2,4,4,5,5,6,6-heptafluoro-2-trifluoromethyl-3-oxaheptane-1,7-diol formal);
 11. GAP (glycidylazide polymer) (CAS 143178-24-9) and its derivatives;
 12. HTPB (hydroxyl terminated polybutadiene) with a hydroxyl functionality equal to or greater than 2.2 and less than or equal to 2.4, a hydroxyl value of less than 0.77 meq/g, and a viscosity at 30°C of less than 47 poise (CAS 69102-90-5);
 13. Low (less than 10,000) molecular weight, alcohol functionalised, poly(epichlorohydrin); poly(epichlorohydrindiol) and triol;

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14. NENAs (nitrate ethylnitramine compounds) (CAS 17096-47-8, 85068-73-1, 82486-83-7, 82486-82-6 and 85954-06-9);
 15. PGN (poly-GLYN, polyglycidyl nitrate or poly(nitratomethyl oxirane)) (CAS 27814-48-8);
 16. Poly-NIMMO (poly nitratomethylmethyloxetane) or poly-NMMO (poly[3-Nitratomethyl-3-methyloxetane]) (CAS 84051-81-0);
 17. Polynitroorthocarbonates;
 18. TVOPA (1,2,3-tris[1,2-bis(difluoroamino)ethoxy] propane or tris vinoxyl propane adduct) (CAS 53159-39-0);
- (f) Additives, as follows:
1. Basic copper salicylate (CAS 62320-94-9);
 2. BHEGA (bis-(2-hydroxyethyl) glycolamide) (CAS 17409-41-5);
 3. BNO (butadienenitrile oxide) (CAS 9003-18-3);
 4. Ferrocene derivatives, as follows:
 - (a) Butacene (CAS 125856-62-4);
 - (b) Catocene (2,2-bis-ethylferrocenyl propane) (CAS 37206-42-1);
 - (c) Ferrocene carboxylic acids;
 - (d) n-butyl-ferrocene (CAS 319904-29-7);
 - (e) Other adducted polymer ferrocene derivatives;
 5. Lead beta-resorcylate (CAS 20936-32-7);
 6. Lead citrate (CAS 14450-60-3);
 7. Lead-copper chelates of beta-resorcylate or salicylates (CAS 68411-07-4);
 8. Lead maleate (CAS 19136-34-6);
 9. Lead salicylate (CAS 15748-73-9);
 10. Lead stannate (CAS 12036-31-6);
 11. MAPO (tris-1-(2-methyl)aziridinyl phosphine oxide) (CAS 57-39-6), and BOBBA 8 (bis(2-

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- methyl aziridiny]-2-(2-hydroxypropanoxy) propylamino phosphine oxide); and other MAPO derivatives;
12. Methyl BAPO (bis(2-methyl aziridiny) methylamino phosphine oxide) (CAS 85068-72-0);
 13. N-methyl-p-nitroaniline (CAS 100-15-2);
 14. 3-Nitrazo-1,5-pentane diisocyanate (CAS 7406-61-9);
 15. Organo-metallic coupling agents, as follows:
 - (a) Neopentyl[diallyl]oxy, tri[diethyl]phosphato-titanate (CAS 103850-22-2); also known as titanium IV, 2,2-[bis 2-propenolatomethyl, butanolato, tris (diethyl) phosphato] (CAS 110438-25-0); or LICA 12 (CAS 103850-22-2);
 - (b) Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris[diethyl] pyrophosphate or KR3538;
 - (c) Titanium IV, [(2-propenolato-1)methyl, n-propanolatomethyl] butanolato-1, tris(diethyl)phosphate;
 16. Polycyanodifluoroaminoe-thyleneoxide;
 17. Polyfunctional aziridine amides with isophthalic, trimesic (BITA or butyleneimine trimesamide), isocyanuric or trimethyladipic backbone structures and 2-methyl or 2-ethyl substitutions on the aziridine ring;
 18. Propyleneimine (2-methylaziridine) (CAS 75-55-8);
 19. Superfine iron oxide (Fe₂O₃) with a specific surface area more than 250 m²/g and an average particle size of 3.0 nm or less;
 20. TEPAN (tetraethylenepentaamineacrylonitrile) (CAS 68412-45-3); cyanoethylated polyamines and their salts;

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21. TEPANOL
(tetraethylenepentaamineacrylonitrileglycidol)
(CAS 68412-46-4); cyanoethylated polyamines
adducted with glycidol and their salts;

22. TPB (triphenyl bismuth) (CAS 603-33-8);

(g) Precursors, as follows:

1. BCMO (bischloromethyloxetane) (CAS 142173-26-0);

2. Dinitroazetidine-t-butyl salt (CAS 125735-38-8);

3. HBIW (hexabenzylhexaazaisowurtzitane) (CAS 124782-15-6);

4. TAIW (tetraacetyldibenzylhexaazaisowurtzitane);

5. TAT (1,3,5,7-tetraacetyl-1,3,5,7-tetraaza cyclo-octane) (CAS 41378-98-7);

6. 1,4,5,8-tetraazadecalin (CAS 5409-42-7);

7. 1,3,5-trichlorobenzene (CAS 108-70-3);

8. 1,2,4-trihydroxybutane (1,2,4-butanetriol) (CAS 3068-00-6).

Note: ML8 does not control charges and devices.

N.B.: Charges and devices are controlled in ML4.

ML9 "Vessels", special naval equipment and accessories, as follows, and components therefor, specially designed or modified for military use:

N.B.: Electronic guidance and navigation equipment is controlled in ML11.

(a) Combatant "vessels" and "vessels"(surface or underwater) specially designed or modified for offensive or defensive action, whether or not converted to non-military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour;

(b) Submarine and torpedo nets;

(c) Hull penetrators and connectors specially designed for military use that enable interaction with equipment external to a "vessel".

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ML10 "Aircraft", unmanned airborne vehicles, aero-engines, "aircraft" equipment and related "goods", as follows, and components therefor, specially designed or modified for military use:

N.B.: Electronic guidance and navigation equipment is controlled in ML11.

- (a) Combat "aircraft";
- (b) Other "aircraft"(e.g., military reconnaissance, assault, military training, transporting and airdropping troops or military equipment, logistics support);
- (c) Unmanned airborne vehicles (UAV) (e.g., remotely piloted air vehicles (RPV)), and autonomous programmable vehicles (APV) and their launchers, ground support and related equipment for command and control;
- (d) Aero-engines;
- (e) Airborne equipment (e.g., airborne refuelling equipment), specially designed for "use" with "aircraft" in ML10.a. or ML10.b. or aero-engines in ML10.d.;
- (f) Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and "ground equipment", specially designed or modified for "use" with "aircraft" in ML10.a. or ML10.b., or aero-engines in ML10.d.;

Technical Note:

"Ground equipment" means ground-based equipment for the operation, handling, maintenance, checking, repair, overhaul and refurbishment of "aircraft" or aero-engines.

- (g) Military aircrew protective headgear and masks, pressurised breathing equipment and partial pressure suits for use in "aircraft", anti-g suits, liquid oxygen converters used for "aircraft" or missiles, and catapults and cartridge actuated devices for emergency escape of personnel from "aircraft";
- (h) Parachutes and related equipment used for combat personnel, cargo dropping or "aircraft" deceleration, as follows:
 - 1. Parachutes for:
 - (a) Pin point dropping of military personnel;
 - (b) Dropping of paratroopers;

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2. Cargo parachutes;
 3. Paragliders, drag parachutes, drogue parachutes for stabilisation and attitude control of dropping bodies;
 4. Drogue parachutes for use with ejection seat systems for deployment and inflation sequence regulation of emergency parachutes;
 5. Recovery parachutes for guided missiles, drones or space vehicles;
 6. Approach parachutes and landing deceleration parachutes;
 7. Other military parachutes;
 8. Equipment specially designed for high altitude parachutists;
- (i) Automatic piloting systems for parachuted loads and equipment for controlled opening of parachutes at any pre-determined height.
- ML11 Electronic equipment, not controlled elsewhere in this Part of this Schedule, specially designed or modified for military use and specially designed components therefor.
- Note: ML11 controls all electronic guidance and navigation equipment.*
- ML12 High velocity kinetic energy weapon (KEW) systems and related equipment, as follows, and specially designed components therefor:
- (a) Kinetic energy weapon systems specially designed for destruction or effecting mission abort of a target;
N.B.: For weapon systems using sub-calibre ammunition or employing solely chemical propulsion, and ammunition therefor, see ML1 to ML4.
 - (b) Specially designed test and evaluation facilities and test models (e.g., diagnostic instrumentation and targets), for dynamic testing of kinetic energy projectiles and systems.
- ML13 Armoured or protective "goods" and constructions, as follows, and specially designed components therefor:
- (a) Armoured plate as follows:

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1. Manufactured to comply with a military standard or specification; or
 2. Suitable for military use;
- (b) Constructions of metallic or non-metallic materials or combinations thereof specially designed to provide ballistic protection for military systems;
- (c) Military helmets;

Note: ML13.c. does not control:

- (a) *Conventional steel helmets, neither modified nor designed to accept, nor equipped with any type of accessory device;*
- (b) *Helmets manufactured before 1945.*

N.B. 1: Military aircrew protective headgear is controlled in ML10.g.

N.B. 2: Military high altitude parachutists' protective headgear is controlled in ML10.h.8.

- d. *Body armour and ballistic protective garments manufactured according to military standards or specifications, or equivalent.*

Note: ML13.d. does not control individual suits of body armour or ballistic protective garments for personal protection and accessories therefor when accompanying their users.

N.B.: See also 1A of Annex I to "the Regulation".

ML14 Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the "use" of any firearm or weapon in ML1 or ML2, and specially designed components and accessories therefor.

ML15 Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

- (a) Recorders and image processing equipment;
- (b) Cameras, photographic equipment and film processing equipment;
- (c) Image intensifier equipment;
- (d) Infrared or thermal imaging equipment;

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- (e) Imaging radar sensor equipment;
- (f) Countermeasure or counter-countermeasure equipment for the equipment in ML15.a. to ML15.e.

Note: ML15 does not control "first generation image intensifier tubes" or equipment specially designed so that only "first generation image intensifier tubes" are or can be incorporated in it.

N.B. 1: For weapon sight incorporating "first generation image intensifier tubes" see ML1, ML2 and ML5.

N.B. 2: See also 6A of Annex I to "the Regulation".

ML16 Forgings, castings and other unfinished "goods", the use of which in controlled "goods" is identifiable by material composition, geometry or function, and which are specially designed for any of the "goods" in ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

PL5020 Forgings, castings and semi-finished "goods" specially designed for "goods" in PL5006.

ML17 Miscellaneous "goods", material and "libraries", as follows, and specially designed components therefor:

- (a) Self-contained diving and underwater swimming apparatus, as follows:
 - 1. Closed or semi-closed circuit (rebreathing) apparatus specially designed for military use (i.e., specially designed to be non-magnetic);
 - 2. Specially designed components for use in the conversion of open-circuit apparatus to military use;
 - 3. "Goods" designed exclusively for military use with self-contained diving and underwater swimming apparatus;
- (b) Construction equipment specially designed for military use;
- (c) Fittings, coatings and treatments for signature suppression, specially designed for military use;
- (d) Field engineer equipment specially designed for "use" in a combat zone;

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- (e) "Robots", "robot" controllers and "robot""end-effectors", having any of the following characteristics:
1. Specially designed for military use;
 2. Incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments (e.g., incorporating self-sealing lines) and designed to use hydraulic fluids with flash points higher than 839 K (566°C); or
 3. Specially designed or rated for operating in an electro-magnetic pulse (EMP) environment;
- (f) "Libraries"(parametric technical databases) specially designed for military use with equipment in this Part of this Schedule;

Technical Note:

For the purpose of ML17, the term "libraries"(parametric technical database) means a collection of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.

- (g) Nuclear power generating equipment or propulsion equipment (e.g., "nuclear reactors"), specially designed for military use and components therefor, specially designed or modified for military use;
- (h) "Goods" and material, coated, treated or prepared to provide signature suppression, specially designed for military use, other than those controlled elsewhere in this Part of this Schedule;
- (i) Simulators specially designed for military "nuclear reactors";
- (j) Mobile repair shops specially designed or modified to service military equipment;
- (k) Field generators specially designed or modified for military use;
- (l) Containers specially designed or modified for military use;

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(m) Ferries, other than those controlled elsewhere in this Part of this Schedule, rafts, bridges and pontoons, specially designed for military use;

(n) Test models specially designed for the "development" of "goods" or "technology" in ML4, ML6, ML9 or ML10.

ML18 Equipment for the "production" of "goods" as follows:

(a) Specially designed or modified production equipment for the "production" of "goods" in this Part of this Schedule, and specially designed components therefor;

(b) Specially designed environmental test facilities and specially designed equipment therefor, for the certification, qualification or testing of "goods" in this Part of this Schedule.

PL5017 Equipment and test models other than those in ML11, ML12.b., ML17.n. or ML19.e. specially designed or modified for the "development" or "use" of military "goods" in this Part of this Schedule.

ML19 Directed energy weapon (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components therefor:

(a) "Laser" systems specially designed for destruction or effecting mission-abort of a target;

(b) Particle beam systems capable of destruction or effecting mission-abort of a target;

(c) High power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;

(d) Equipment specially designed for the detection or identification of, or defence against, systems in ML19.a. to ML19.c.;

(e) Physical test models and related test results for the systems, equipment and components in ML19;

(f) Continuous wave or pulsed "laser" systems specially designed to cause permanent blindness to un-enhanced vision (i.e., to the naked eye or to the eye with corrective eyesight devices).

ML20 Cryogenic and "superconductive" equipment, as follows, and specially designed components and accessories therefor:

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- (a) Equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (-170°C);
- (b) "Superconductive" electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion.

Note: ML20 does not control direct-current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.

ML21 "Software" as follows:

- (a) "Software" specially designed or modified for the "development", "production" or "use" of equipment or materiel in this Part of this Schedule;
- (b) Specific "software", as follows:
 - 1. "Software" specially designed for:
 - (a) Modelling, simulation or evaluation of military weapon systems;
 - (b) "Development", monitoring, maintenance or up-dating of "software" embedded in military weapon systems;
 - (c) Modelling or simulating military operation scenarios, other than those controlled in ML14;
 - (d) Command, Communications, Control and Intelligence (C3I) applications or Command, Communications, Control, Computer and Intelligence (C4I) applications;
 - 2. "Software" for determining the effects of conventional, nuclear, chemical or biological warfare weapons;
 - 3. "Software" not controlled in ML21.a., ML21.b.1. or ML21.b.2., specially designed or modified to

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enable equipment not in this Part of this Schedule to perform military functions of equipment in ML5, ML7.f., ML9, ML10.e., ML11, ML14, ML15, ML17.i. or ML18;

- (c) Other "software" specially designed or modified for military use.

N.B.: Source code for "software" is controlled in ML22.

PL5001 Other security and para-military police "goods", as follows:

- (a) Acoustic devices represented by the manufacturers or suppliers thereof as suitable for riot control purposes, and specially designed components therefor;
- (b) Anti-riot and ballistic shields and specially designed components therefor;
- (c) Restraints specially designed for restraining human beings, as follows:
1. Leg-irons;
 2. Gangchains;
 3. Electric-shock belts;
 4. Individual cuffs having an internal perimeter dimension:
 - a. less than 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;
 - b. exceeding 200 mm when the ratchet is engaged at the first notch entering the locking mechanism;
 5. Shackles (i.e., cuffs and connecting link) assembled or constructed with cuffs in PL5001.c.4.;
 6. Shackles (i.e., cuffs and connecting link) having a maximum length exceeding 240 mm when the ratchets are engaged in the locking mechanism, other than those controlled in PL5001.c.5.;
- (d) Portable anti-riot devices for administering an incapacitating substance, and specially designed components therefor;

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- (e) Water cannon and specially designed components therefor;
- (f) Riot control vehicles which have been specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose;
- (g) Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (e.g., electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns (tasers)) and components therefor specially designed or modified for such a purpose.

ML22 "Technology" as follows:

- (a) "Technology" according to the General Technology Note for the "development", "production" or "use" of "goods" or "software" in this Part of this Schedule, other than "technology" specified in ML7 or ML19.e.;
- (b) "Technology" specific to the design of, the assembly of components into, and the operation, maintenance and repair of complete production installations for "goods" in this Part of this Schedule, even if the components of such production installations are not controlled.

SECOND SCHEDULE

(regulation 14)

EVIDENCE AND INFORMATION

1 (1) The Minister may request any person in or resident in Bermuda to furnish to him any information in his possession or control, or to produce to him any document in his possession or control, which he may require for the purpose of securing compliance with or detecting evasion of these Regulations; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in sub-paragraph (1) shall be taken to require any person who has acted as counsel or solicitor for any person to furnish or produce any privileged information or document in his possession in that capacity.

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(3) Where a person is convicted of failing to furnish information or to produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

(5) The furnishing of any information or the production of any document under this paragraph shall not be treated as a breach of any restriction imposed by statute or otherwise.

2 (1) If any justice of the peace is satisfied by information on oath given by any police officer, constable or person authorised by the Minister to act for the purposes of this paragraph either generally or in a particular case —

(a) that there is reasonable ground for suspecting that an offence under these Regulations or, with respect to any of the matters regulated by these Regulations, an offence relating to customs has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, ship or aircraft so specified; or

(b) that any documents which ought to have been produced under sub-paragraph 1 and have not been produced are to be found on any such premises or in any such vehicle, ship or aircraft,

he may grant a search warrant authorising any police officer or constable, together with any other persons named in the warrant and any other police officers or constables, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, ship or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, ship or aircraft.

(2) Any authorised person who has entered any premises or any vehicle, ship or aircraft in accordance with sub-paragraph (1) may do any or all of the following things —

(a) inspect and search those premises or the vehicle, ship or aircraft for any material which he has reasonable

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grounds to believe may be evidence in relation to an offence referred to in this paragraph;

- (b) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds for believing is evidence in relation to an offence referred to in this paragraph;
- (c) seize anything on the premises or on the vehicle, ship or aircraft which he has reasonable grounds to believe are required to be produced in accordance with paragraph 1; or
- (d) seize anything that is necessary to be seized in order to prevent it being concealed, lost, damaged, altered or destroyed.

(3) Any information required in accordance with sub-paragraph (2) which is contained in a computer and is accessible from the premises or from any vehicle, ship or aircraft must be produced in a form in which it can be taken away and in which it is visible and legible.

(4) A police officer or constable lawfully on the premises or on the vehicle, ship or aircraft by virtue of a warrant issued under sub-paragraph (1) may —

- (a) search any person whom he has reasonable grounds to believe may be in the act of committing an offence referred to in this paragraph; and
- (b) seize anything he finds in a search referred to in sub-paragraph (4)(a) if he has reasonable grounds for believing that it is evidence of an offence referred to in this paragraph,

Provided that no person shall be searched in pursuance of this sub-paragraph except by a person of the same sex.

(5) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, ship or aircraft he may use such force as is reasonably necessary for that purpose.

(6) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

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3 A person authorised by the Minister to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4 No information furnished or document produced (including any copy of an extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) shall be disclosed except —

- (a) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as a servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right;

- (b) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of —

- (i) the Crown in respect of the Government of the United Kingdom; or
(ii) the Government of Bermuda;

- (c) on the authority of the Minister, to any person in the service of the Government of any other country for the purpose of assisting that Government in securing compliance with or detecting evasion of measures in relation to Sudan decided upon by the Council of the European Union; or

- (d) with a view to the institution of, or otherwise for the purposes of, any proceedings —

- (i) in Bermuda, for an offence under these Regulations or, with respect to any of the matters regulated by these Regulations, for an offence relating to customs; or
(ii) for any offence under the law making provision with respect to such matters that is in force in the United Kingdom.

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5 Any person who —

- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it;
- (b) furnishes any information or produces any document which to his knowledge is false in a material particular, or recklessly furnishes any document or information which is false in a material particular, to such a person in response to such a request;
- (c) otherwise wilfully obstructs any person in the exercise of his powers under this Schedule; or
- (d) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

commits an offence under these Regulations.

Made this 19th day of July, 2004

Minister of Legislative Affairs