

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	VIOLATION: 50 U.S.C. § 1705
	:	(Conspiracy to Violate IEEPA)
	:	
	:	31 C.F.R. Part 560 (Iranian
	:	Transactions and Sanctions
	:	Regulations)
	:	
EMPIRE NAVIGATION INC.	:	
SUEZ RAJAN LIMITED	:	
	:	FORFEITURE:
Defendants.	:	18 U.S.C. § 981(a)(1)(G) and
	:	21 U.S.C. § 853(p)

INFORMATION

The United States charges that:

COUNT ONE
CONSPIRACY TO VIOLATE IEEPA
(50 U.S.C. § 1705)

INTRODUCTION

1. From in or around January 2022 to in or around February 2022, in the District of Columbia and elsewhere, Defendants, Empire Navigation Inc. (“Empire”), Suez Rajan Limited, and others known and unknown to the United States facilitated the sale of oil from Iran, ultimately for the benefit of the Islamic Revolutionary Guard Corps (“IRGC”) and the Islamic Revolutionary Guard Corps Qods Force (“IRGC-QF”), in part through financing in the United States.

2. The Islamic Republic of Iran was designated a state sponsor of terrorism by the U.S. Department of State in 1984. The IRGC is part of the Iranian Armed Forces. On October 25, 2007, the U.S. Department of State designated the IRGC as a proliferation

concern under Executive Order No. 13382. The IRGC was also sanctioned under United Nations Security Council Resolution 1747 for its procurement of components for the Iranian nuclear program. On April 8, 2019, the State Department designated the IRGC as a Foreign Terrorist Organization pursuant to Executive Order No. 13224. The designation noted that the IRGC actively finances and promotes terrorism and noted that “the IRGC—most prominently through its Qods Force—has the greatest role among Iran’s actors in directing and carrying out a global terrorist campaign.”

3. In furtherance of their scheme, the defendants, Empire and Suez Rajan Limited, and their co-conspirators caused a U.S. financial institution to process multiple U.S. dollar transactions for the benefit of the IRGC and IRGC-QF. A license from the U.S. Treasury Office of Foreign Assets Control (“OFAC”), located in the District of Columbia, was required for these transactions, but the defendants, Empire and Suez Rajan Limited, failed to seek or obtain a license or other permission from OFAC for these transactions.

BACKGROUND

International Emergency Economic Powers Act

4. This action relates to violations of regulations and executive orders issued pursuant to the International Emergency Economic Powers Act (“IEEPA”) (50 U.S.C. § 1701 *et seq.*). Section 1705 provides, in part, that “[i]t shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this chapter.” 50 U.S.C. § 1705(a).

5. Beginning with Executive Order No. 12170, issued on November 14, 1979, the President found that “the situation in Iran constitutes an unusual and extraordinary

threat to the national security, foreign policy and economy of the United States,” and “declare[d] a national emergency to deal with that threat.”

6. Pursuant to his authority under IEEPA, on March 15, 1995 and May 6, 1995, the President issued Executive Orders Nos. 12957 and 12959, prohibiting, among other things, the exportation, re-exportation, sale, or supply, directly or indirectly, to Iran of any goods, technology, or services from the United States or by a United States person, and on August 19, 1997, issued Executive Order No. 13059 clarifying the previous orders (collectively, the “Executive Orders”). The Executive Orders authorized the U.S. Secretary of the Treasury to promulgate rules and regulations necessary to carry out the Executive Orders. Pursuant to this authority, the Secretary of the Treasury promulgated the Iranian Transactions Regulations (renamed in 2012, the Iranian Transactions and Sanctions Regulations, the “ITSR”), implementing the sanctions imposed by the Executive Orders.

- a. The ITSR, Title 31, Code of Federal Regulations, Sections 560.204 – 560.205, prohibit, among other things, the exportation, re-exportation, sale, or supply, directly or indirectly, from the United States, or by a United States Person, of goods, technology, or services to Iran or the Government of Iran (with certain limited exceptions), including the exportation, re-exportation, sale, or supply of goods, technology, or services to a third country knowing that such goods, technology, or services are intended for Iran or the Government of Iran, without a license from OFAC, which is located in the District of Columbia.
- b. The ITSR prohibits the supply of services where the benefit of such services is otherwise received in Iran if such services are performed in the United

States or provided outside the United States by a U.S. person. *See* 31 C.F.R. § 560.410.

- c. The ITSR provides that the transfer of funds, directly or indirectly, from the United States or by a U.S. person to Iran or the Government of Iran is a prohibited export, re-export, sale, or supply of services to Iran or the Government of Iran. *See* 31 C.F.R. § 560.427(a).
- d. The ITSR further prohibits transactions that evade or avoid, have the purpose of evading or avoiding, cause a violation of, or attempt to violate the ITSR. *See* 31 C.F.R. § 560.203.

7. On October 25, 2007, the Department of the Treasury designated the IRGC-QF pursuant to Executive Order No. 13224 for providing lethal support to multiple terrorist organizations. That same day, the Department of the Treasury also designated the IRGC pursuant to Executive Order No. 13382 for its support of Iran's ballistic missile and nuclear programs. On October 13, 2017, the Department of the Treasury designated the IRGC pursuant to Executive Order No. 13224 for providing material support to the IRGC-QF, including by providing training, personnel, and military equipment. According to the Department of the Treasury's statements related to IRGC designations, the IRGC and its major holdings are a dominant presence in Iran's commercial and financial sectors, controlling multi-billion-dollar businesses and maintaining extensive economic interests in the oil industry.

THE DEFENDANTS

8. Empire is a Marshall Islands company with a branch that operates in Greece and that, *inter alia*, manages and operates oil tankers. At all relevant times, Empire

operated the M/T Suez Rajan (International Maritime Organization No. (“IMO”) 9524475) (“Suez Rajan”) pursuant to a management agreement with Suez Rajan Limited.

9. Suez Rajan Limited is a Marshall Islands company. At all relevant times, Suez Rajan Limited was the bareboat charterer of the Suez Rajan.

THE CONSPIRACY

10. From in or around January 2022 to in or around February 2022, in the District of Columbia and elsewhere, the Defendants, Empire and Suez Rajan Limited, and others known and unknown to the United States, knowingly and willfully did combine, conspire, and agree together and with each other to violate licenses, orders, regulations, and prohibitions in and issued under IEEPA.

Goals

11. The goals of the conspiracy, among others, were:
- a. for Empire, Suez Rajan Limited, and others, both known and unknown to the United States, to profit financially by engaging in a conspiracy and a scheme to violate IEEPA, and the executive orders, regulations, and embargoes issued thereunder;
 - b. for Empire, Suez Rajan Limited, and others both known and unknown to the United States, to violate executive orders and regulations prohibiting the exportation, directly and indirectly, of financial services from the United States for the benefit of the IRGC and IRGC-QF, which are entities sanctioned and designated as SDNs by OFAC, which is located in the District of Columbia;

- c. for Empire to knowingly receive payments sent on behalf or for the benefit of the IRGC and IRGC-QF; and
- d. for Empire and Suez Rajan Limited to provide operations and technical management for the transportation of Sanctioned Cargo for the ultimate benefit of the IRGC and IRGC-QF providing both Empire and Suez Rajan Limited a source of influence over the IRGC and IRGC-QF.

Manner and Means

12. Among the manner and means by which Empire, Suez Rajan Limited, and their co-conspirators carried out the conspiracy were the following:

- a. Empire, Suez Rajan Limited, and their co-conspirators agreed to facilitate the transfer of illicit oil of Iranian origin;
- b. Empire, Suez Rajan Limited, and their co-conspirators concealed that the IRGC and IRGC-QF would benefit from this transaction, and in so doing deceived financial institutions in the United States to process payments; and,
- c. Empire, Suez Rajan Limited, and their co-conspirators entered false information on both the logbook and oil record book to surreptitiously shield the quantity of cargo the Suez Rajan received in an attempt to hide the Iranian origin of the cargo.

Overt Acts

13. In furtherance of the conspiracy and to achieve the objects and purposes thereof, Empire, Suez Rajan Limited, and their co-conspirators, both known and unknown

to the United States, committed and caused to be committed, in the District of Columbia and elsewhere, the following overt acts, among others:

- a. On or about February 11, 2022 and February 16, 2022, Empire, Suez Rajan Limited, and their co-conspirators caused a U.S. financial institution located in New York, New York (“U.S. Bank 1”) to process U.S. dollar transactions of \$712,500 on February 11, 2022, and \$516,233.95 on February 16, 2022, to facilitate the transportation of Iranian-origin petroleum for the benefit of the IRGC and IRGC-QF by concealing from U.S. Bank 1 that the beneficiaries of this transaction would be the IRGC and IRGC-QF providing Empire, Suez Rajan Limited, and their co-conspirators a source of influence over the IRGC and IRGC-QF.
- b. Empire and Suez Rajan Limited failed to seek or obtain a license or other permission from OFAC for this transaction.
- c. In or around January or February 2022, co-conspirator operators and bareboat charterers of the Suez Rajan, after conducting a ship-to-ship transfer with the CS Brilliance and taking on less than approximately 4,000 barrels of oil, falsely reported its draft depth indicating that the vessel was fully laden with oil.
- d. In or around January or February 2022, co-conspirator operators and bareboat charterers of the Suez Rajan falsely reported in the vessel logbook that it had received approximately 979,934 barrels of oil from the CS Brilliance when in fact it had only received less than approximately 4,000 barrels of oil.

(Conspiracy to Violate IEEPA, in violation of Title 50, United States Code, Section 1705)

FORFEITURE ALLEGATION

1. Upon conviction of the offense alleged in Count One, the defendants shall forfeit to the United States all property, foreign or domestic, affording any person a source of influence over the IRGC and the IRGC-QF, both designated as foreign terrorist organizations, which have engaged in planning and perpetrating federal crimes of terrorism as defined in 18 U.S.C. § 2332B(g)(5) against the United States. 18 U.S.C. § 981(a)(1)(G)(i). The United States may seek entry of a forfeiture money judgment equal to the value of all property, real or personal, which constituted or was derived from proceeds traceable to this offense.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

the defendant shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to 21 U.S.C. § 853(p).

(Criminal Forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(i) and Title 21, United States Code, Section 853(p))

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March 16, 2023

DATE

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