

Global Magnitsky Sanctions Through a MENA Lens

1. The MENA region has had a complicated history with sanctions. What are targeted sanctions, what is their purpose, and how are they different from the comprehensive and sectoral sanctions previously imposed in the region?

Targeted sanctions are measures that governments can apply to specific individuals and entities to freeze their assets, deny them visas, and restrict them from doing business with banks and other persons in their country. Unlike comprehensive or sectoral sanctions that are applied to an entire country or to an entire sector of the economy, targeted sanctions have a more limited and direct impact on the individuals and entities that are designated for sanctions. As such, they are less likely to cause widespread, negative impacts on an entire country. Targeted sanctions can pressure individuals and entities to change their behavior, provide a measure of accountability for their involvement in abuses, and deter others from similar acts.

2. What is the Global Magnitsky sanctions program and what type of targeted sanctions authority does it create in the United States?

Global Magnitsky is a targeted sanctions program that allows the U.S. government to impose sanctions on individuals and entities for human rights abuses and corruption that occur anywhere in the world. The U.S. government may use the program at its discretion to advance its own national interests in addressing human rights abuses and countering corruption. The program was created in 2017, following passage of [the Global Magnitsky Human Rights Accountability Act](#) and the issuance of [Executive Order \(EO\) 13818](#), which defines the scope of the sanctions program.

3. What types of abuses can be sanctioned under the Global Magnitsky sanctions program?

Two types of conduct are sanctionable under the program: “serious human rights abuse” and “corruption.”

a. What constitutes a “serious human rights abuse”?

The term “serious human rights abuse” is not defined by U.S. law. At a minimum, it includes the following abuses: extrajudicial killing; torture and cruel, inhuman or degrading treatment or punishment; prolonged detention without charges and trial; causing the disappearance of persons by abduction and clandestine detention of those persons; and other flagrant denial of the right to life, liberty, or the security of the person. It also includes acts of physical violence against victims, such as rape and sexual violence, human trafficking, kidnapping, enforced disappearance, and other forms of arbitrary detention.

It would not include other human rights violations where there is no violence committed against victims. For example, if a government forced a media outlet to close, it would be a violation of the right to freedom of expression, but it would not be sanctionable under this program. However, if the government engaged in violence as part of its effort to close the media outlet, the acts of violence would be sanctionable under this program.

b. What constitutes “corruption”?

“Corruption” is broadly defined under the program, but at a minimum it must be a form of financial corruption with a connection to government action. Examples include: misappropriation of state assets; expropriation of private assets for personal gain; corruption related to government contracts or the extraction of natural resources; bribery; money laundering; and transferring the proceeds of corruption.



4. Who can be designated under the Global Magnitsky sanctions program?

Generally, Global Magnitsky sanctions can be imposed on foreign individuals and entities, including current and former government officials and non-state actors. Examples of entities include businesses, militias, law enforcement and security forces units, intelligence agencies, etc.

Those designated must have a sufficient connection to human rights abuses and/or corruption, such as:

- They are responsible for, complicit in, or engaged in serious human rights abuse and/or corruption.
- They lead or are an official of an entity whose members engage in serious human rights abuse and/or corruption.
- They have provided certain types of support for serious human rights abuse and/or corruption.

5. How recent must an abuse be in order to be considered for sanctions?

The U.S. gives strong preference to current and ongoing abuses, or abuses that occurred within the past two years. This is because the U.S. prefers to use sanctions to encourage policy or behavior change, rather than as punishment for past abuses. Abuses that occurred within the past four to five years may still be eligible, but the U.S. may be less likely to use targeted sanctions in those cases.

6. What are the penalties that an individual or entity designated under the Global Magnitsky sanctions faces?

There are three main penalties for a person (i.e. an individual or entity) who is publicly designated:

- The person is unable to obtain a U.S. visa, and any current visa will be revoked.
- Any U.S.-based property and interests in property the person has are frozen, and they are unable to access the property.
- U.S. banks, businesses, and persons are prohibited from engaging in transactions with the person.

7. What role can civil society play in bringing about Global Magnitsky sanctions?

Civil society organizations (CSOs) play an important role in providing recommendation files to the U.S. government about persons who may be eligible for sanctions. To date, approximately one-third of sanctions designations under the U.S. Global Magnitsky program have a basis in recommendations from CSOs.

CSO recommendation files provide detailed, credible information that documents situations of serious human rights abuse and/or corruption, identify persons who are eligible for designation, and make persuasive policy arguments as to why the U.S. government should sanction those persons.

Human Rights First can provide training and assistance to CSOs that are interested in learning how to prepare recommendation files for the U.S. government and in drafting their own recommendation file.

8. What happens after a civil society organization submits a recommendation for consideration under the Global Magnitsky sanctions program?

Recommendation files are reviewed by the U.S. Treasury and State Departments. They assess whether the



recommendation meets the legal requirements for sanctioning and evaluate whether sanctions against the persons named would be in the U.S. national interest. CSOs that submit recommendations can request to meet with investigators at the Treasury and State Departments to discuss the information they provided. In cases where the U.S. government decides to impose sanctions, it can take several months to more than a year to do so.

9. What are some examples of Global Magnitsky sanctions imposed by the United States that are relevant to the MENA region?

The United States has imposed Global Magnitsky sanctions on dozens of persons in or from the MENA region:

- In [2017](#), the U.S. sanctioned Israeli businessman Dan Gertler and his network for corruption in mining and oil deals in Africa, and brought new sanctions against his network in [2018](#) and [2021](#).
- In [2018](#) and [2021](#), the U.S. sanctioned 19 Saudi persons involved in the killing of Jamal Khashoggi.
- In [2019](#) and [2021](#), the U.S. sanctioned former Iraqi government officials for corruption and several militia leaders for attacks on political activists and protesters, extortion, illegal arrests, kidnappings, and rape.
- In [2020](#), the U.S. sanctioned Gibran Bassil for corruption in Lebanon. Bassil is the son-in-law of President Aoun and the leader of the Free Patriotic Movement; he has served in multiple cabinet positions.
- In [2020](#), the U.S. sanctioned members of Houthi security and intelligence agencies in Yemen for arbitrarily detaining and torturing political opponents, humanitarian workers, children, and others.
- In [2020](#), the U.S. sanctioned the Kaniyat militia and its leader for murder, torture, forced disappearance, and displacement of civilians in Libya.
- In [2022](#), the U.S. sanctioned Sudan's Central Reserve Police, a militarized police unit, for excessive force and violence against protesters.

10. Are there other targeted sanctions programs in the United States beyond the Global Magnitsky sanctions program?

Yes, the U.S. government has many other targeted sanctions programs, including thematic and country-specific programs that cover human rights and corruption issues. These include targeted sanctions programs for persons in Iran, Iraq, Libya, Syria, and Yemen. A full list of these programs is available [here](#).

11. Are there targeted sanctions programs in other countries around the world that are similar to Global Magnitsky sanctions in the United States?

Yes, several other jurisdictions have adopted targeted human rights and anti-corruption sanctions programs. Canada, the U.K., and Australia have adopted Magnitsky-style sanctions programs, while the E.U. has adopted a targeted sanctions program for human rights abuses only. Human Rights First works with CSOs in most of these jurisdictions to submit recommendation files under these programs.