

U.S. TARGETED SANCTIONS FOR HUMAN RIGHTS ABUSES AND CORRUPTION





A GUIDE FOR NGOS

About Targeted Sanctions

Overview of Global Magnitsky
and Section 7031(c) Sanctions

Notable Cases

Role of NGOs in Magnitsky
Sanctions

INTRODUCTION TO TARGETED SANCTIONS

Targeted sanctions are issued against individuals and entities, and result in:

- Visa restrictions
- Asset freezes
- Block financial transactions with US banks, companies, and persons

Implemented through thematic and country-specific programs

- Thematic: Global Magnitsky, Section 7031(c)
- ~20 US country programs include human rights / corruption



Multilateral Magnitsky-style sanctions

- Canada, the UK, EU, and Australia have similar Magnitsky-style regimes, and may coordinate their use:
 - March 2021: US, UK, EU, and Canada impose coordinated, same-day sanctions for the first time related to abuses in Xinjiang.
- Japan and New Zealand considering adopting such programs.



US GLOBAL MAGNITSKY AND 7031(C) SANCTIONS



GLOBAL MAGNITSKY SANCTIONS

Covers “serious human rights abuse” and “acts of corruption”

➤ Who can be sanctioned?

- Individuals and entities
- State or non-state actors
- Responsible for, complicit in, or engaged in abuses; materially assisting; status-based

➤ Includes: visa ban, asset freeze, blocking financial transactions with US persons

➤ Discretionary sanctions program

➤ Primary purpose: behavior modification (5-year recency requirement for abuses)



See Executive Order 13818 for legal framework

SECTION 7031(C) VISA RESTRICTIONS

Covers “a gross violation of human rights” and “significant corruption”

➤ Who can be sanctioned?

- Current or former government officials, and their immediate family members (spouse, children)
- Involved, directly or indirectly, in abuses

➤ Includes: visa ban only

➤ Mandatory sanctions program

➤ Designations may be public or private

➤ No recency requirement



See Department of State, Foreign Operations, and Related Programs Appropriations Act



DEFINING SANCTIONABLE ABUSES



SANCTIONABLE HUMAN RIGHTS ABUSES

Section 7031(c): “Gross violation of human rights” codified as:

- Torture and cruel, inhuman, or degrading treatment or punishment
- Prolonged detention without charges and trial
- Disappearance
- Other flagrant denial of the right to life, liberty or security of person
- Also: wrongful detention of US citizens and local staff of US diplomatic missions



Global Magnitsky: “Serious human rights abuse” (not codified)

- Gross violations of human rights; and
- Similar abuses, involving some form of violence against the physical person of a victim or deprivation of liberty.
 - E.g., human trafficking, sexual violence, etc.
- Does NOT include violations of other human rights, e.g., freedom of assembly, religion, expression, etc.

SANCTIONABLE ACTS OF CORRUPTION

Broadly construed, but must have a government nexus

- Misappropriation of state assets
- Expropriation of private assets for personal gain
- Corrupt acts related to government contracts or extraction of natural resources
- Bribery
- Transfer or facilitating the transfer of the proceeds of corruption

Also likely covers:

- Money laundering
- Granting non-competitive public contracts
- Quid pro quo
- State capture

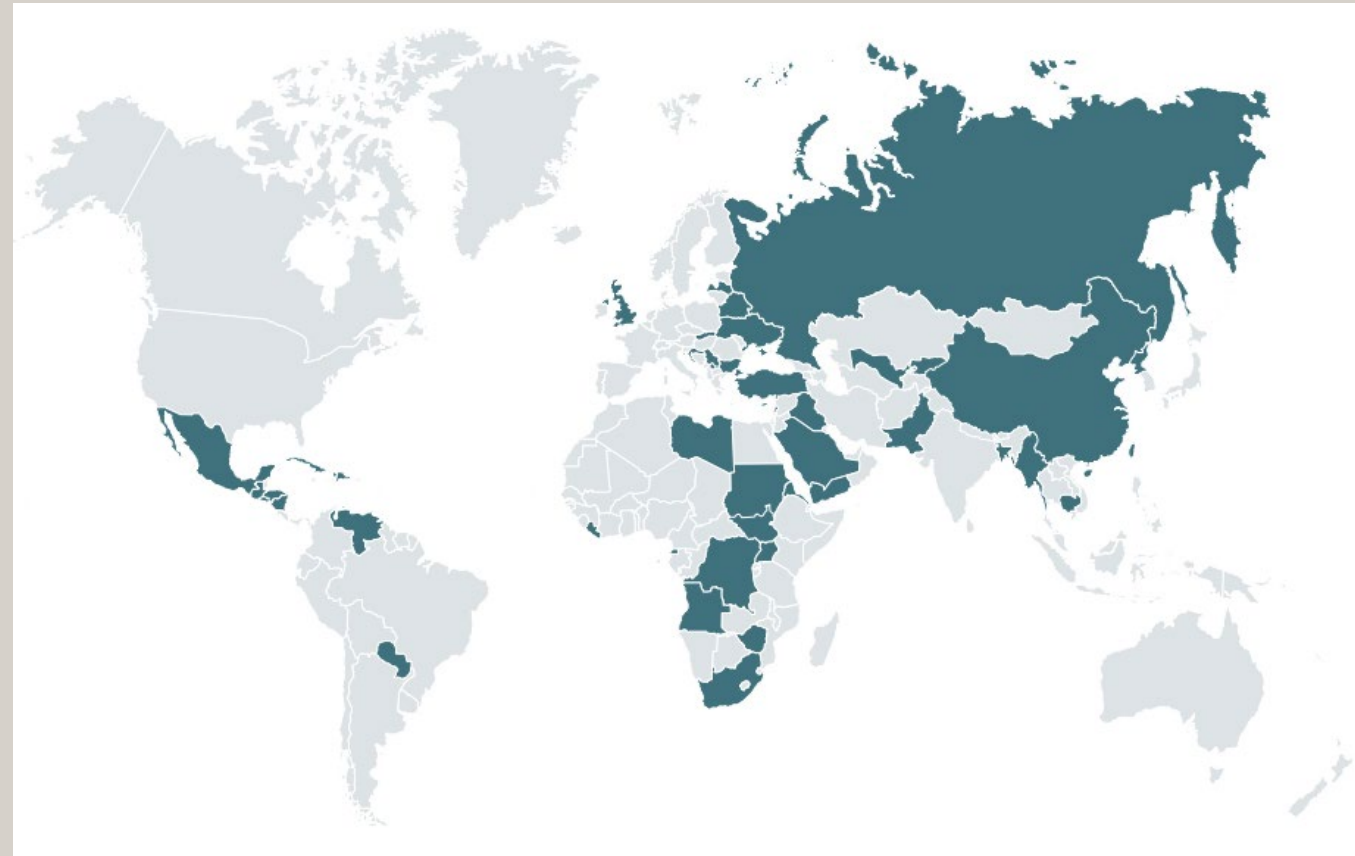


Global Magnitsky

- ↗ **473** total
- ↗ **145** human rights abuse
- ↗ **314** corruption
- ↗ **14** both
- ↗ **45** countries

Section 7031(c)

- ↗ **419** total (public)
- ↗ **157** human rights abuse
- ↗ **255** corruption
- ↗ **7** both
- ↗ **56** countries



About 1/3 of US Global Magnitsky sanctions have a basis in civil society recommendations.



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HUMAN RIGHTS CASES



Notable Human Rights Cases

- **Yahya Jammeh, The Gambia (2017)** – former head of state, first known “freeze then seize”
- **19 Saudi govt agents who killed Jamal Khashoggi (2018, 2021)** – Quickest sanctions to date (<2 months), targeting actions of significant US partner
- **Ramzan Kadyrov, Chechnya (2020)** – only sanctions targeting abuses against LGBTQ+ persons
- **China (Xinjiang) (2020, 2021)** – First 4-jurisdiction multilateral sanctions, most significant entity sanctions targeting XPSB and XPCC, targeted Politburo member Chen Quanguo and others
- **Rapid Action Battalion, Bangladesh (2021)** – Abrupt, temporary halt in extrajudicial killings
- **Illegal fishing on PRC-registered vessels (2022)** – first major forced labor case, first NASDAQ-registered company, largest action to date with 157 vessels



CORRUPTION CASES



Notable Corruption Cases

- **Dan Gertler, DRC (2017, 2018, 2021)** – First case related to resource extraction, corruption led to \$1.36 billion lost revenue for DRC, multiple rounds of sanctions targeting network
- **Try Pheap, Cambodia (2019)** – Bribery case related to largescale illegal logging, no longer “kingpin” of illegal logging in the region
- **Gupta network, South Africa (2019)** – First major state capture case, Gupta brothers arrested in Dubai in 2022 and fighting extradition
- **Aivars Lembergs, Latvia (2019)** – First sanctions impacting a major port, Lembergs was removed from leadership of port authority and sanctions against port authority lifted
- **Nascimento and Dias Junior, Angola (2021)** – major embezzlement case amounting to billions of dollars, sanctions under GloMag and 7031(c), Isabel dos Santos also sanctioned under 7031(c)
- **Horacio Manuel Cartes Jara and Hugo Adalberto Velazquez Moreno, Paraguay (2022)** – former President and current VP of country, included U.S. companies, followed 7031(c) designation





CIVIL SOCIETY'S ROLE IN SANCTIONS



PREPARING SANCTIONS RECOMMENDATIONS

Sanctions recommendation provides information documenting abuse(s) and perpetrator(s) involved, citing credible sources:

- USG and aligned country reports
- International body reports (UN Special Rapporteur, OAS IACHR, ACHPR, etc.)
- Reports from credible NGOs (local or international)
- Primary investigation news reporting
- Primary source documentation (medical reports, contracts, victim/witness statements, etc.)
- In-country police or judicial investigations related to the abuse (when applicable and if credible)

Evidentiary standard: “Reason to believe based on credible information” means two independent, credible sources per claim for GloMag.



KEY ELEMENTS OF RECOMMENDATION

HRF template outlines what to include in recommendation:

- List of perpetrator(s)
 - Legal name and date of birth required; any U.S. ties helpful
- Perpetrator's assets / facilitators (if available)
- Summary of evidence
 - Clearly tells story of what abuses were perpetrated by whom, when, and where
 - Cites credible sources
- Legal argument
- Policy argument identifying reasons to impose sanctions and anticipated impact

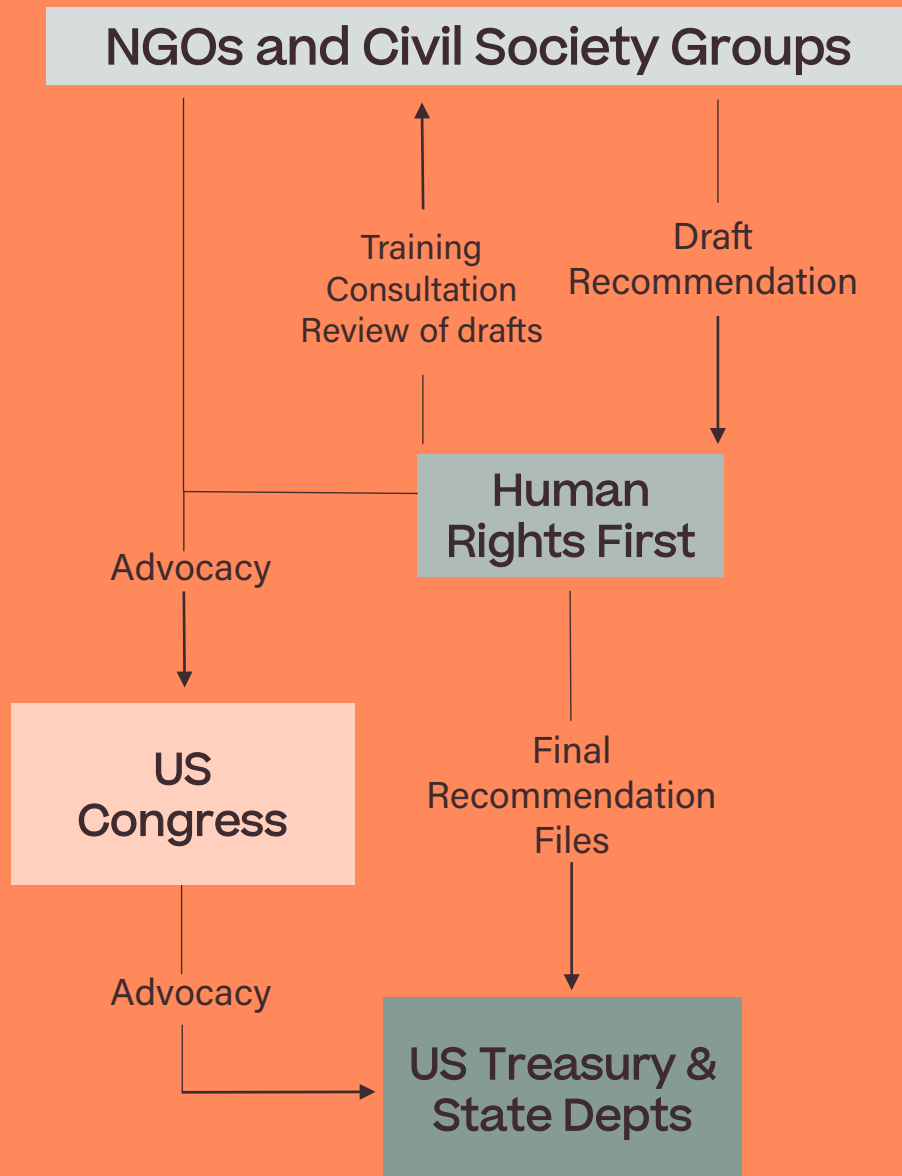


SUPPORT HRF MAY PROVIDE

- Initial training
- Follow-up consultations to workshop potential viability of recommendation
- Partner uses HRF resources (e.g., template) to prepare first draft (20- 40 pages)
- HRF may edit draft and provide feedback, starting iterative review process
- When ready, HRF securely submits recommendation and connects partner to State and Treasury investigators

Confidentiality and data protection are taken seriously by all parties.





Civil society targeted sanctions coalition

- 330+ NGOs
- ~50 countries
- 4 co-chairs in US, UK, EU, and Canada
- Regional co-chair in Latin America





KEY RESOURCES

<https://humanrightsfirst.org/resources-targeted-human-rights-and-anti-corruption-sanctions/>

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