

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:
 - E.g., 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 implemented by Treasury Dept, with State Dept

➤ Primary purpose: behavior modification (focus on abuses within past 5 years)



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

➤ Includes: visa ban only

➤ Mandatory sanctions program implemented by the State Dept

➤ 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, usually involving some form of violence against the physical person of a victim or deprivation of liberty.
 - E.g., human trafficking, sexual violence, etc.
- Typically does NOT include violations of other human rights, e.g., freedom of assembly, religion, expression, etc.

SANCTIONABLE ACTS OF CORRUPTION

Broadly construed, must be improper exchange of a benefit with 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:

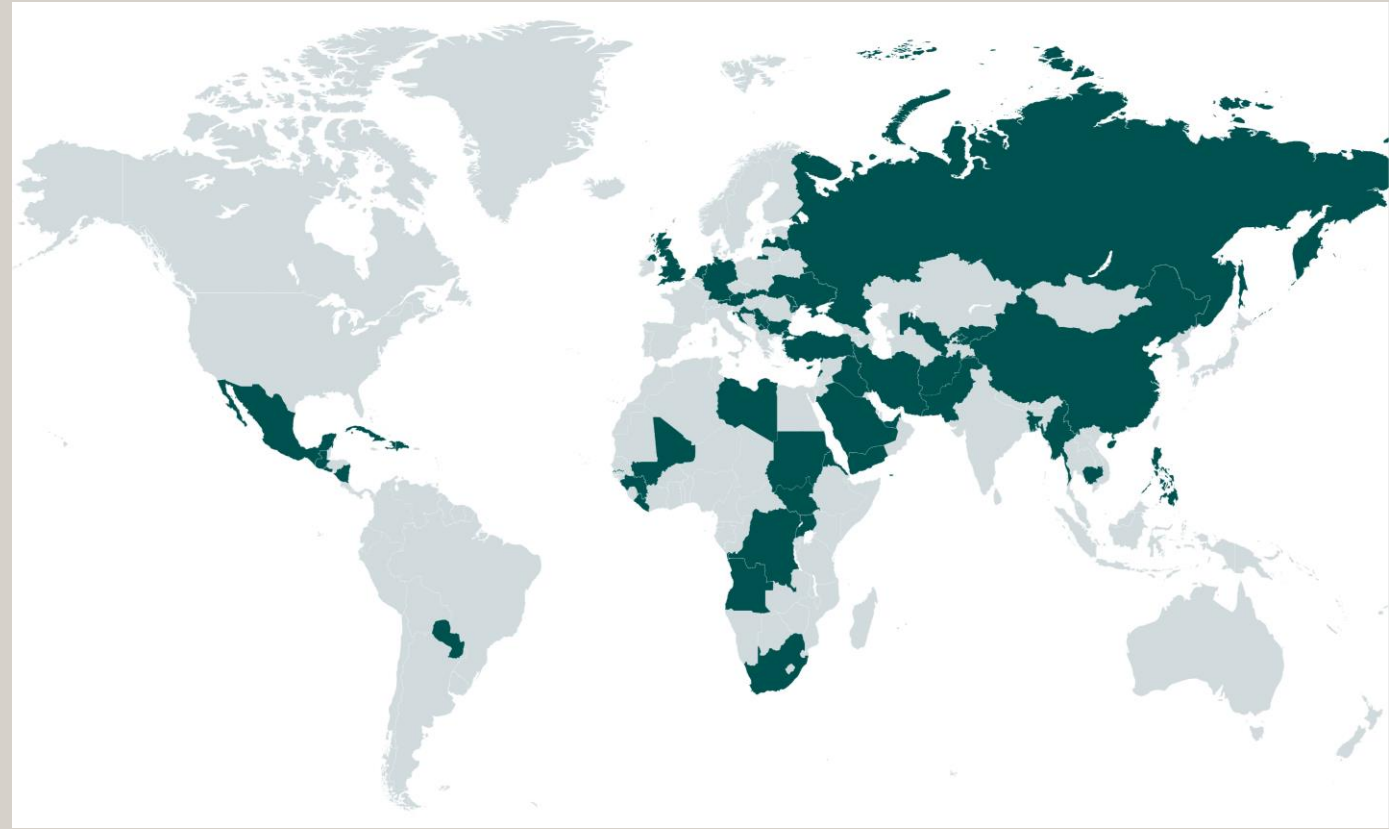
- Money laundering
- Granting non-competitive public contracts
- Quid pro quo
- State capture
- Strategic corruption

Global Magnitsky

- ↗ **547** total
- ↗ **160** human rights abuse
- ↗ **371** corruption
- ↗ **16** both
- ↗ **51** countries

Section 7031(c)

- ↗ **506** total (public)
- ↗ **177** human rights abuse
- ↗ **322** corruption
- ↗ **7** both
- ↗ **60** 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) and Johnson Byabashaija, Uganda (2023)** – only sanctions targeting abuses against LGBTQ+ persons
- **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
- **Judge, prosecutor, and witness in Vladimir Kara-Murza case, Russia (2023)** – First case based on arbitrary detention of one individual, first judge sanctioned for human rights abuse



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
- **Gupta network, South Africa (2019)** – First major state capture case, Gupta brothers arrested in Dubai in 2022, Dubai refused extradition to South Africa and released them in 2023
- **Aivars Lembergs, Latvia (2019)** – First sanctions impacting major port, Lembergs was removed from leadership of port authority, prosecuted for corruption, and sentenced to 5 years and fines
- **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
- **Mir Rahman Rahmani and Ajmal Rahmani, Afghanistan (2023)** – GloMag and 7031(c) designations for USG procurement corruption, involved 44 entities in Germany, Cyprus, the UAE, Austria, the Netherlands, Bulgaria, and Afghanistan.





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



GETTING STARTED

- Initial training with HRF
 - Follow-up consultations with HRF to workshop potential viability of recommendation.
Based on current evidence, early outreach to State and Treasury may be possible.
 - Partner uses HRF resources (e.g., template) to prepare first draft (20 - 40 pages).
 - HRF may edit draft and provide feedback, starting review process (usually several rounds).
 - When finalized, HRF securely submits recommendation and connects partner to State and Treasury investigators.
 - Option to also submit to UK, EU, Canada, and Australia with coalition partners.
-  Confidentiality and data protection are taken seriously by all parties.

ESTIMATED TIMELINE

Partner prepares first draft and signs MOU with HRF	2-6 months
HRF completes first review and provides feedback	3-4 weeks
Partner updates draft based on HRF feedback	2-6 weeks
HRF completes second review	2-3 weeks
Partner updates draft, and HRF reviews and submits final text	2-3 weeks
U.S. government reviews. Public sanctions are not guaranteed, and timelines for action vary greatly.	5 – 24 months +
Estimated total time from start of drafting to possible government action:	9 months – 3 years

Each case timeline will differ. Communicating early and often can help us work together to simplify the process where possible.





KEY RESOURCES

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

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