

Global Magnitsky Human Rights and Accountability Act Submission Form

Perpetrator Information

Insert
Photo
Here

Full Legal Name of Perpetrator:

Country:

Title or Position:

Date of Birth:

Other Known Personal Identifiers (passport number, address, etc):

Summary of Impact

* Given that use of Global Magnitsky Act (GMA) sanctions authority is elective, the U.S. government must be convinced that it is in the U.S. national interest to sanction a particular individual or entity. Use this section to assess and describe the impact of a sanctions designation. While the rationale for a particular designation should include that the U.S. government should uphold its stated commitment to promoting human rights and fighting corruption (as noted in the preface to [EO 13818](#)), the most compelling arguments are likely to also include why a particular designation will work to advance U.S. interests beyond exhibiting leadership on human rights and/or corruption.

Arguments related to U.S. interest could include: an assessment of financial assets that could be frozen; and/or the way in which sanctioning a particular individual or entity could send a targeted message to a government, government faction or military unit, isolate an individual spoiler, curb illicit finance, limit future human rights abuses within a particular unit, improve a security situation, and/or provide leverage in a diplomatic discussion. The summary of impact should also seek to explain the extent to which the case being put forward would serve as a model that could deter similar action in the future by similarly situated actors.

Case Type

* Specify the type of case you are documenting. EO 13818 allows the U.S. government to sanction any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General:

1. To be responsible for or complicit in, or to have directly or indirectly engaged in, **serious human rights abuse**.
2. To be a current or former government official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or has directly or indirectly engaged in:
 - (1) **corruption**, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery; or
 - (2) the transfer or the facilitation of the transfer of the proceeds of corruption.
3. To be or have been a **leader or official of an entity**, including any government entity, **that has engaged in, or whose members have engaged in, serious human rights abuse, corruption**, or the facilitation of the transfer of the proceeds of corruption relating to the leader's or official's tenure.

4. To have **materially assisted, or to have attempted to have materially assisted**, in human rights abuse or acts of corruption conducted by a foreign person, or to have materially assisted, or to have attempted to have materially assisted, any person previously designated under the EO.

Summary of Evidence

* Provide below a narrative of the facts surrounding the case you are recommending to the U.S. government, supplemented by footnoted links to supporting documents and/or annexes for documents not in the public domain.

* Strong cases will include as many unique sources of credible, verifiable information corroborating your claim as possible. The U.S. government prefers when evidence can be obtained and corroborated from multiple sources (in other words, a single NGO's internal information concerning a human rights violation, combined with that NGO's formal, publicly available report on the same incident(s), is likely to be viewed as a single source, and thus representing a weaker case than if the NGO's reporting can be combined with, e.g., that of a UN investigative committee).

* Cases submitted for crimes alleged to have occurred more than 5 years from the present are unlikely to lead to designations. As the U.S. government needs to show that the activity in question is likely ongoing, the more recent the evidence submitted, the better.

* Do not omit any known contradictory, countervailing, or exculpatory evidence. Please note any such evidence, and reasons why your case still meets the law's "reason to believe based on credible information" standard.

* For human rights abuse cases, or cases in which you are recommending that a leader or official in a particular unit be designated on account of that unit's involvement in human rights abuses, your documentation should include:

- Details on the nature of the abuse(s) and victim(s), including why the actions in question qualify as "serious human rights abuse."
 - Though EO 13818 eliminated the GMA's requirement that a victim of abuse be expressing/defending human rights in order to qualify under the law, you should note if the alleged abuse(s) occurred because the victim(s) were involved with human rights work or otherwise expressing their fundamental freedoms.
 - Note that the GMA's standard of "gross violation of human rights" was understood to be limited to instances extrajudicial killings, torture, and rape. EO 13818 lowered this bar to "serious human rights abuse," a term less well understood, but one that includes the aforementioned crimes, and may also include additional crimes such as imprisonment on political grounds, for the victim's work (such as a working as a journalist), or because of the victim's race, religion, or sexual orientation.
- The relationship between the perpetrator and the documented human rights abuse(s).
 - Note that while EO 13818 eliminated the GMA's requirement that a leader/commander be tied directly to a particular human rights abuse through "command responsibility," stronger cases will show that the higher-level alleged perpetrator directed the abuse, could not possibly have not known about it and declined to stop it, and/or declined to investigate the abuse after it occurred.
- Any evidence demonstrating that actions alleged to have been committed by the perpetrator were not unique to the specific case(s) documented, but are indicative of a wider pattern of abuse.

- The strongest cases against a particular perpetrator will include multiple, independent accounts of the alleged crimes (such as through witness or victim testimonies), coupled with credible reporting of a more general nature on abuses known to have occurred.

* For corruption cases, or cases in which you are recommending that a leader or official in a particular entity be designated on account of that entity's involvement in corruption, your documentation should include:

- Details on the nature of the corrupt acts, including whether they included the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery, or the facilitation of the transfer of the proceeds of any of these acts.
 - Note that EO 13818 lowered the GMA's standard for actions covered under the law from "acts of significant corruption" to simply "corruption." The strongest cases against a particular perpetrator will include both direct and circumstantial evidence demonstrating knowledge and intent to commit a corrupt act. In addition to witness statements, documentation may include banking records or other evidence not in the public domain.
- Information demonstrating that an alleged corrupt actor is a current or former government official, or a person acting on behalf of such an official, or a person who materially assisted, sponsored, or provided support to such an official.