

Global Magnitsky Sanctions

Part 2 in HRF's Guide to US Targeted Sanctions for Combatting Human Rights Abuses and Corruption

The United States government (USG) maintains several tools to impact human rights abusers and corrupt officials across the globe using targeted sanctions, **the most well-known of which is the Global Magnitsky sanctions program.**

This series explains every US program relevant to NGOs pursuing targeted human rights and/or anti-corruption sanctions as a form of accountability and deterrence. This **entry endeavors to explain the Global Magnitsky sanctions program (GMSP), and to provide insights into the designations imposed to date by the USG, based on information provided by the Departments of State and Treasury.**

Note: In some instances, the USG has created country-specific targeted sanctions regimes that include penalties for human rights abuses, rule of law violations, and/or acts of corruption. Where such country-specific programs exist, the USG generally defaults to using those tools over the GMSP and other global programs. For more information on country-specific regimes, see Parts 4-20 of this series).

Introduction to GMA Sanctions and the GMSP

- Passed in December 2016, the [Global Magnitsky Human Rights Accountability Act](#) (GMA) is the most comprehensive targeted human rights and anti-corruption sanctions law in US history. In December 2017, the USG issued [EO 13818](#), which simultaneously [implemented the GMA and expanded its scope](#), creating the GMSP.

- EO 13818 gives discretionary authority to the Secretaries of Treasury and State to **block or revoke US visas** and to **block (freeze) all US-based property and interests in property of foreign persons** (both individuals and entities) who have engaged in:
 - a) **“serious human rights abuse”** (SHRA)
 - b) **“acts of corruption,”** including the transfer or the facilitation of the transfer of the proceeds of corruption.
- EO 13818 also provides for sanctions against **leaders and officials of entities** that have engaged in, or whose members have engaged in, these activities, as well as for **attempting** to engage in such activities.
- **The USG is required by law to involve NGOs in GMSP implementation.** In determining whether to impose sanctions, the President must consider “credible information obtained by... nongovernmental organizations that monitor violations of human rights.”
 - Since 2017, the network coordinated by HRF has submitted 200+ recommendations to the USG, impacting roughly 25% of all Global Magnitsky designations.
- To date, **215** individuals and entities, from **28 countries**, have been designated under the GMSP program.¹ 128 persons have been designated for corruption only, 72 for human rights abuses only, and 15 on both grounds.
- **Reporting Requirements and Sunset:** The GMA requires the President to submit annual reports to Congress detailing new sanctions, terminated sanctions, the rationale for both, and efforts to expand multilateral implementation.²

¹ All figures provided are current as of November 18, 2020. <https://www.humanrightsfirst.org/sites/default/files/USG%20Global%20Magnitsky%20Designations.xlsx>

² See <https://www.govinfo.gov/content/pkg/FR-2018-12-28/pdf/2018-28311.pdf> and

The GMA sunsets on December 23, 2022 and must be renewed to stay in effect, although sanctions previously imposed under the GMA will remain in effect post-sunset.

- **Sanctions by type:** GMSP sanctions are either primary and derivative. Primary sanctions target the main perpetrator of human rights abuses or corrupt acts. Derivative sanctions target legal persons (e.g., entities) owned or controlled by, that act for or on behalf of, or that provide assistance to, a primarily designated person. The USG has imposed primary sanctions against 87 individuals and 3 entities. 19 individuals who acted for the designated persons and 102 entities owned or controlled by these persons have been subject to derivative sanctions.
- **Sanctions over time:** The USG imposed 52 GMSP designations in 2017, 49 in 2018, 97 in 2019, and 17 thus far in 2020. Typically, roughly three quarters of GMSP announcements are made near the end of the year, generally on or around International Anti-Corruption Day and Human Rights Day, which are observed on December 9 and 10.

Human Rights Abuse Examples

EO 13818 provides for sanctions against individuals and entities “responsible for or complicit in, or [that] have directly or indirectly engaged in SHRA.” Most sanctions were imposed for crimes of extrajudicial killing, torture, or enforced disappearance. **To date, 86 individuals and entities have been designated for human rights abuses, from 16 countries.** See four illustrative examples below, and see Human Rights First’s webpage for the full list of GMSP sanctions with links to OFAC press releases.³

- **Gambia:** In December 2017, the USG designated 14 persons for human rights abuses in Gambia. [Yahya Jammeh](#), the former president, was designated for killing and torturing political opponents and journalists. 12 Gambian entities he owns or controls were subject to derivative sanctions. [Yankuba Badjie](#), the Director General of the National Intelligence

Agency, was also designated for his involvement in the detention and murder of Solo Sandeng, a member of the political opposition, as well as for abuses and mistreatment of detainees.

- This remains the only example of the USG using the GMSP to sanction a sitting or former head of state.
- **Myanmar (Burma):** 11 persons affiliated with Burmese military forces ([9 military leaders](#), including [Maung Maung Soe](#), chief of the Burmese Army’s Western Command, and [2 Units of the Burmese Security Forces](#)) were designated for their involvement in the Rohingya Genocide, specifically ethnic cleansing in Rakhine State and other widespread human rights abuses in Kachin and Shan States, including extrajudicial killings, enforced disappearances, arbitrary arrests, sexual violence and torture against civilians.
- **Saudi Arabia:** In November 2018, the USG designated [17 Saudi government officials](#) for their involvement in the killing of Saudi dissident and *Washington Post* columnist Jamal Khashoggi, following Khashoggi’s premeditated October 2, 2018 murder in the Saudi consulate in Istanbul. Designated individuals included a senior official and members of the “kill team,” but did not include members of the royal family widely assessed to have ordered the killing.
 - On October 10, 2018, the Chairman and Ranking Member of the Senate Foreign Relations Committee (SFRC) [invoked](#) the GMA’s Section 1263(d) in the Khashoggi case, which compels the President, upon receipt of such a request, to present findings on potentially-sanctionable activity and to make a determination as to whether or not sanctions will be issued. The Trump administration declined to respond to this legal requirement in a move widely understood to serve as protecting Saudi Crown Prince Mohammed bin Salman.
 - The Khashoggi designations highlight the USG’s use of the GMSP to sanction persons that assassinate journalists (see

<https://www.govinfo.gov/content/pkg/FR-2019-12-31/pdf/2019-28231.pdf>

³ Downloadable spreadsheet available at: <https://www.humanrightsfirst.org/sites/default/files/USG%20Global%20Magnitsky%20Designations.xlsx>

also the [Julio Antonio Juarez Ramirez](#) and [Marian Kocner](#) sanctions).

- **China:** In July 2020, in two [separate actions](#), the USG sanctioned six high-ranking Chinese Communist Party (CCP) officials, including Politburo member Chen Quanguo, as well as the the Xinjiang Public Security Bureau (XPSB) and the Xinjiang Production and Construction Corps (XPCC), a sprawling, government-backed administrative and paramilitary organization, for their involvement in human rights abuses committed against Uyghers and other minorities in Xinjiang Province.

Corruption Examples

EO 13818 also provides for sanctions against current or former government officials, or persons acting for or on behalf of such officials, who are “responsible for or complicit in, or have 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; (2) the transfer or the facilitation of the transfer of the proceeds of corruption.” **To date, 139 individuals and entities have been designated for corruption from 14 countries.** This number appears higher than the number of human rights sanctions due to the fact that corrupt actors tend to generate more derivative sanctions than human rights abusers.

- **Cambodia:** The USG designated [Try Pheap](#), a Cambodian businessman, for building a large-scale illegal logging consortium reliant on the collusion of Cambodian officials. 11 entities owned or controlled by Try Pheap were subject to derivative sanctions. [Kun Kim](#), a senior General in the Royal Cambodian Armed Forces (RCAF), was designated for reaping significant financial benefit by using RCAF soldiers to intimidate, demolish, and clear-out land sought by a Chinese state-owned entity. 3 family members who acted for Kim and 5 entities controlled by these individuals were subject to derivative sanctions.
- **DRC:** In December 2017, the USG designated [Dan Gertler](#), an Israeli national, for engaging in corrupt mining and oil deals with the Congolese state, including then-President Joseph Kabila.

[34 entities](#) owned or controlled by Gertler were subject to derivative sanctions.

- **Latvia:** The USG designated [Aivars Lembergs](#), a Latvian politician and oligarch, in December 2019 for engaging in money laundering, expropriation of private assets for personal gain, bribery, and abuse of office. 4 entities owned or controlled by Lembergs were subject to derivative sanctions (sanctions have since been [removed](#) from the Ventspils Port, after the government of Latvia took steps to remove Lembergs from control of the entity).
- **South Africa:** The USG sanctioned [4 members of the Gupta family](#) in October 2019 for leveraging political connections to engage in widespread corruption and bribery, capture government contracts, and misappropriate state assets.