**SUBMISSION TEMPLATE WITH SAMPLE TEXT FOR GLOBAL HUMAN RIGHTS SANCTIONS RECOMMENDATIONS TO THE UNITED KINGDOM GOVERNMENT**

**Introductory Explanation**

1. REDRESS created this template as a guide for civil society organisations interested in submitting evidence-based sanctions recommendations to the UK Foreign, Commonwealth & Development Office (FCDO) pursuant to the Sanctions and Anti-Money Laundering Act 2018 (SAMLA) and the Global Human Rights Sanctions Regulations 2020 (the GHRS Regulations). For general questions regarding SAMLA / GHRS Regulations, please see REDRESS’s [resources page](https://redress.org/magnitsky-sanctions/) or contact Charlie Loudon and Megan Smith at REDRESS, at [charlie@redress.org](mailto:charlie@redress.org) and [megan@redress.org](mailto:megan@redress.org).
2. The template is structured using a dossier framework that all NGOs are advised to follow. It includes advice regarding best practices (*in italics*) as well as sample language contained within the body of each section. The sample language is intended as a guide for tone and structure and is not applicable to all cases.

**Submitting Cases Through the Coalition**

1. REDRESS provides this template as part of ongoing efforts to aid members of the human rights and anti-corruption sanctions coalition in effectively advocating to governments for sanctions against the world’s worst human rights abusers and corrupt actors. REDRESS coordinates these efforts as focused on the UK FCDO for human rights. For advocacy to the US or other governments please consult Human Rights First’s [resources page](https://www.humanrightsfirst.org/topics/global-magnitsky/resources) or contact Scott Johnston and Amanda Strayer, at [JohnstonS@humanrightsfirst.org](mailto:JohnstonS@humanrightsfirst.org) and [StrayerA@humanrightsfirst.org](mailto:StrayerA@humanrightsfirst.org).
2. To improve civil society products and outcomes, we also provide training, facilitate pro bono legal support, review casefiles, and aid in submitting recommendations to appropriate government offices once they are complete. In an effort to maximise the impact of this information, the coalition has recently begun to share its casefiles with additional agencies and governments. However, recognising the sensitivity of certain cases, we ask that all NGOs submitting through the coalition process **opt in** to sharing their completed casefiles with each of the following:

UK FCDO: standard and required for engaging in the UK Global Human Rights Sanctions process

Relevant UK Law Enforcement and Home Office departments: information collected for potential criminal investigations and immigration enforcement against violators

U.S. Departments of State and Treasury: standard and required for engaging in the Global Magnitsky and 7031(c) processes

Relevant U.S. FBI and DHS offices: information collected for potential federal criminal investigations and immigration enforcement against violators

EU and Canadian sanctions offices: submissions to the agencies in the EU and Canada that administer human rights and anti-corruption sanctions regimes (more governments will likely be added over time)

**RECOMMENDATION FOR SANCTIONS AGAINST [NAME PERPETRATORS IF THREE OR FEWER, DESCRIBE IF MORE]**

**Submitted to the Secretary of State for Foreign, Commonwealth & Development Affairs, pursuant to the Sanctions and Anti-Money Laundering Act 2018 and the Global Human Rights Sanctions Regulations 2020**

**Recommendation Submitted by:** [NGO name]

**Point of Contact for Submission:**

[Name of NGO POC]

[Email of NGO POC]

[Phone number of NGO POC]

**Date of Submission:**[Date]

**INFORMATION ABOUT SUBMITTING ORGANISATION**

*\* Provide a brief description of your organisation that includes an explanation of the relevant link between your organisation and the information in the casefile.*

*\* It is helpful to include reference to markers of credibility and significant interactions that your organisation has had with UK Government departments, e.g., relationship with the UK embassy in country, previous briefings for the UK FCDO, testimony given before UK Parliament, any funding received from the UK Government, etc. If your organisation has not had such interactions with the UK Government but has with key allies of the UK such as the United States, Canada and EU Member States, or with UN bodies, it is helpful to reference those.*

*\* Where applicable, include information regarding partner organisations that contributed to the casefile.*

\*\*\*SAMPLE TEXT\*\*\*

Human Rights for Generica (HRG) is an international human rights organisation established in 2000 and based in Metropolis and Cosmopolis. We document and report on abuses by police and other security forces in Generica (see our reporting here [hyperlink “here” with relevant link]). Representatives from HRG testified before the UK Parliament on 1 January, 2018 on the human rights crisis in Generica. We frequently brief officials from the UK Foreign Commonwealth & Development Office (FCDO), the United States Department of State and the United Nations (UN), and our work has been repeatedly cited by UN experts.

This submission was prepared in partnership with International NGO X.

*\* After completing your draft, do not forget to click on the Table of Contents and select “Update Table > Update page numbers only > OK” to refresh the page numbers shown below to accurately reflect changes to the document.*

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# Section 1. Case Summary

\* *The “Case Summary” is a narrative synopsis of your submission that should fit on a single page. The Case Summary is an important advocacy tool that, with your permission, will be provided to officials in the UK Government’s executive and legislative branches, as well as applicable foreign governments and non-state stakeholders.*

*\* The purpose of the Case Summary is to provide decision makers with a concise presentation of the facts contained in your submission, including information related to the context and facts of the alleged acts of serious human rights abuses. In one page, it should articulate the liability of the listed perpetrator(s) for the identified crimes and provide a brief justification for why the imposition of the recommended sanction is in the UK national interest.*

*\* As shown below, the names of the perpetrators being recommended for sanctioning should be written in* ***bold****. Throughout the document, you should continue to* ***bold*** *the names of these perpetrators to make them easy to distinguish from other persons mentioned in the document.*

\*\*SAMPLE TEXT\*\*

***Country:*** People’s Republic of Generica (Generica)

***Perpetrators (2)***: **Colonel** **John Smith** (a.k.a. Jonathan Smith, a.k.a. Johnny Smith), Director-General of Ministry of Security (July 2016 – Present); **Colonel David Jones**, Director of Criminal Interrogation (January 2015 – Present).

***Summary:***

**Colonel John Smith** and **Colonel David Jones** are senior officers within the Generic Security Service (GSS), a component of the Ministry of Security (MoS) of Generica. As senior officers of the GSS, **Colonel Smith** and **Colonel Jones** are responsible for the arbitrary detention and torture of political prisoners.

The GSS is the domestic intelligence agency of the Generican Government and is responsible for the suppression of political and popular dissent in the country. According to reports by credible international human rights organisations, as well as interviews with multiple survivors of GSS abuse, the GSS operates a network of torture facilities throughout Generica. In these facilities, GSS officers and their subordinates subject individuals to various forms of torture, including severe beatings, sleep deprivation, starvation, prolonged detention in stress positions, exposure to extreme cold and heat, sexual violence, and electric shock. GSS detainees are most often tortured for the purpose of extracting coerced confessions that are used in sham judicial proceedings in which torture victims are convicted on trumped up charges such as “participating in protests,” “illegal assembly,” and “terrorist activity.”

Smith and **Jones** have served as senior officers within the GSS for several years and have commanded units that are directly involved in the operation of the GSS torture program. Due to their leadership positions within the GSS and the frequency and pervasiveness of torture at GSS facilities, **Smith** and **Jones** knew, or should have known, that units under their command were involved in the perpetration of gross violations of human rights. Additionally, credible evidence demonstrates that neither **Smith** nor **Jones** took steps to either halt the abuses or to investigate them in a genuine effort to impose punishment on those directly engaged in the torture of detainees. As involved persons responsible for serious violations of the right to freedom from torture, **Smith** and **Jones** should be sanctioned by the UK Government under the Global Human Rights Sanctions Regulations 2020 (GHRS Regulations).

Sanctioning **Smith** and **Jones** will meet the objectives of the UK’s human rights sanctions programme: to deter and provide accountability for serious violations of human rights. It will send a clear message to the Generican Government that egregious human rights violations in the name of national security will not be tolerated by the UK. It will hold to account the individuals that bear ultimate responsibility for the GSS’s widespread and systematic practices of torture. And it will contribute to deterring future torture in Generica through imposing a cost on the individuals with the authority to change the policies and practices of the GSS.

The proposed sanctions are consistent with the factors the UK Government has indicated it will consider when deciding whether to designate. It will advance three of the UK’s human rights priority themes: the prevention of torture, media freedom and the protection of human rights defenders. The practices of torture by the GSS are widespread, systematic, and longstanding. And there is little prospect of other forms of domestic or international accountability. The UK’s leadership in multilateral venues on these abuses and the decision by UK allies to sanction **Smith** and **Jones** further make this situation an appropriate and urgent case for the use of UK sanctions.

The sanctioning of **Smith** and **Jones** will also provide leverage to aid diplomats in incentivising the Generican Government to suspend a policy that is directly undermining UK regional counterterrorism efforts. Debriefs of Generican fighters returning from the Middle East show that roughly 80% of radicalised militants elected to take up arms due to a sense of personal and communal grievance driven by the Generican Government’s repressive policies. Sanctioning members of the GSS who are integral to its torture program would send a powerful signal that the UK Government finds the Generican Government’s actions not only illegal, but also strategically counterproductive.

# Section 2. Biographical Perpetrator Information

*\* Be consistent in names of entities and roles and use formal names to the extent possible, including all known aliases.*

*\* When available, pro bono counsel should run the perpetrators through World-Check or a similar screening database to obtain any additional available identifying information.*

*\* Where the submission alleges responsibility due to an individual’s status as a leader or official of an entity that perpetrated the alleged acts, the NGO should seek to include an organisational chart and as much other background information as is available to illustrate the manner in which officials within various entities or departments have authority over the ultimate perpetrators of the human rights abuses or corruption.*

\*\*\*SAMPLE TEXT\*\*\*

**Full Legal Name of Perpetrator:** Colonel John Smith (a.k.a. Jonathan Smith, a.k.a. Johnny Smith)

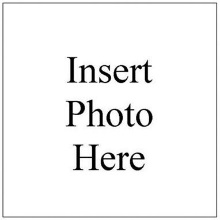
**Country:** Generica

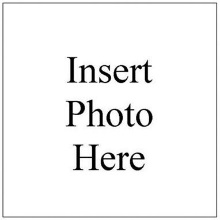
**Title or Position:** Director-General of Ministry of Security (since July 2016); former Director of the Directorate of Criminal Interrogation (2015)

**Date of Birth:** 14 December 1971

**Other Known Personal Identifiers (place of birth, passport number, address, etc):** located inMetropolis, Central Province; Passport 66666666; Generica identification number 3333333

**Past Travel to the UK:** Yes, frequent visits for tourism, including at least November 2016, August 2017, and January 2018





**Full Legal Name of Perpetrator:** Colonel David Jones

**Country:** Generica

**Title or Position:** Director of the Directorate of Criminal Interrogation (since January 2015)

**Date of Birth:** 9 October 1980

**Other Known Personal Identifiers (place of birth, passport number, address, etc):** located inMetropolis, Central Province; Passport 9999999999; Generica identification number 222222222

**Past Travel to the UK:** Unknown

# Section 3. Known Family, Facilitators, and Assets of Perpetrators

*\* As set out in its policy paper, “*[*Global Human Rights Sanctions: consideration of designations*](https://www.gov.uk/government/publications/global-human-rights-sanctions-factors-in-designating-people-involved-in-human-rights-violations)*”, the FCDO will take into account the “status and connections of the involved person” when determining whether to make a sanctions designation. Information NGOs provide to flesh out the UK Government’s understanding of the players in a perpetrator’s network, including creating network maps or other graphics where applicable, will strengthen the case. Family members are oftentimes a part of these networks, and any available information regarding them should be included as well, particularly if they have links to the UK.*

*\* A significant consideration for the UK Government in determining the impact of an individual sanction action is understanding the extent of financial assets owned or controlled by the alleged perpetrator that can be frozen, blocked, or otherwise disrupted. Such assets can include (but are not limited to): bank accounts; real property; luxury goods (e.g., yachts, sports cars, collector’s items, etc.); and ownership, stock shares, or other valuable interest in businesses.*

\*\*\*SAMPLE TEXT\*\*\*

**Colonel John Smith:**

**List of Known Family Members:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Bio identifiers** | **Relationship** | **Known benefit** |
| Jane Smith | Nationality: Generica, Russia  DOB: 2 January 1980  POB: Moscow, Russia | Wife | Owns four properties purchased by perpetrator.[[1]](#footnote-2) |
| Tom Smith | Nationality: Generica  DOB: 5 April 2002  POB: Metropolis, Generica | Son | Attends university in UK and lives extravagant lifestyle.[[2]](#footnote-3) |

**List of Facilitators:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Bio identifiers** | **Relationship** | **Known benefit** |
| Joe Bloggs | Nationality: Generica  DOB: 19 September 1975  POB: Village, Generica | Front man for three businesses beneficially owned by perpetrator.[[3]](#footnote-4) | N/A |
| Juan Garcia | Nationality: Spain  DOB: 1 February 1970  POB: Madrid, Spain | Agent, buys properties and procures contracts on perpetrator’s behalf.[[4]](#footnote-5) | $3 million known from one transaction.[[5]](#footnote-6) |

**List of Assets:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Description of Asset** | **Nexus to Perpetrator** | **Location of Asset** | **Value of Asset** |
| Bank account at Generica National Bank (GNB) | Owned by perpetrator | GNB is incorporated in Central Province, Generica | Unknown |
| Residential property in London, UK | Property owner listed as wife of perpetrator[[6]](#footnote-7) | 1234 London Street  London, UK SW1 1AA | Appraised in 2016 at £35 million GBP.[[7]](#footnote-8) |
| Luxury yacht | Reportedly owned by perpetrator[[8]](#footnote-9) | Unknown, previously docked in Barcelona, Spain | Reportedly purchased for $60 million USD.[[9]](#footnote-10) |

**Colonel David Jones:**

**List of Family Members:**

No information is known regarding David Jones’s family.

**List of Facilitators:**

David Jones has no known facilitators.

**List of Assets:**

David Jones has no known assets.

# Section 4. Factual/Contextual Background

*\* A brief description that provides necessary contextual information to understand the nature of the crimes and the individual perpetrator’s involvement in committing them. Often this will include a brief history of the current political regime and general background information on a long-standing pattern of abuses.*

*\* This section should NOT go into deep detail regarding the crimes themselves, as this will be explained later in the document. Instead, use this section to set the table upon which the case will be further elaborated in the following sections.*

*\* When ending this section, consider including a brief conclusion that summarises the culpability of the listed perpetrators.*

\*\*\*SAMPLE TEXT\*\*\*

Generica is governed by President George Johnson, who came to power through a coup d’état in 1990. In 1995, following a disputed general election, Johnson established the GSS as a tool of fear and oppression to consolidate his power and eliminate persons perceived as political threats and rivals. The GSS is organised under the Ministry of Security (MoS) of the People’s Republic of Generica, as reflected in the attached MoS Organizational Chart.[[10]](#footnote-11) HRG has compiled the details of individual cases of torture by the GSS, which are attached as **Annex E**.

As demonstrated through these individual cases, the GSS has engaged in a pattern and regular practice of human rights abuses in Generica dating back to 1995, including routinely throughout the past five years.[[11]](#footnote-12) The pattern shows that individuals are arrested and brought to the GSS, where they are tortured for several hours or days, exceeding multiple months in some cases. The torture inflicted by the GSS has regularly included severe beatings, sleep deprivation, threats to family members, withholding food and water, forced standing and other stress positions, exposure to dangerously cold temperatures, sexual abuse, and electric shock.[[12]](#footnote-13) HRG has confirmed that at least one of the tortured individuals died in GSS custody. Detainees are frequently human rights defenders, including activists and lawyers, and journalists. They are most often tortured for the purpose of coercing a confession (which most claim was false and only given to end the torture), which is used in the subsequent trial against them and results in their conviction. Charges generally relate to domestic offenses, including “participating in protests” and “illegal assembly,” as well as charges of “terrorist activity,” the validity of which has been called into question by credible UN experts and human rights organizations.[[13]](#footnote-14) Some of the detainees subjected to these abuses have been as young as 15. Life imprisonment and death sentences are often imposed as a result of these confessions coerced through torture.[[14]](#footnote-15)

The individuals recommended for sanction in this submission are both current and former high-ranking officers within the MoS or GSS. Each of the individual perpetrators named in this submission is or has been a leader or official of a governmental entity that has engaged in, and whose members have engaged in, serious human rights abuse. Moreover, the evidence discussed in this submission confirms that there is a pattern and practice of human rights abuse by the GSS that could exist only if condoned by officials at all levels of authority. Due to the widespread and regular nature of these abuses, and the fact that these incidents of torture have been well-known, well-documented, and have occurred repeatedly for a period of many years, HRG submits that each of the individuals recommended for sanction were knowingly complicit in serious human rights abuse and knew, or should have known, that the government entities that they led were consistently engaged in the commission of serious violations of human rights. The listed perpetrators also failed to take steps to halt the abuses or to investigate them in a genuine effort to impose punishment on their subordinates who engaged in serious human rights abuses. As such, HRG recommends these individuals for inclusion on the Global Human Rights Sanctions list.

# Section 5. Summary of Evidence

*\* The UK FCDO looks for credible evidence of acts that constitute a serious violation of one of the three protected rights: (i) the right to life; (ii) the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; or (iii) the right to be free from slavery and forced labour (though highlighting a pattern of abuse helps to support a case). You must make sure that, at a minimum, there is at least one act connected to the named perpetrator(s) that is well-documented by multiple, credible, independent sources.*

*\* Provide a narrative of the facts surrounding the case you are recommending to the UK Government, supplemented by footnoted hyperlinks to supporting documents and/or annexes for documents not in the public domain.*

*\* Include a summary description of the NGO’s sources and methods of obtaining the factual information included in the submission (e.g., first-hand victim accounts, interviews with family members, documents reviewed, etc.).*

*\* Strong cases will include as many unique sources of credible, verifiable information corroborating your claim as possible. The UK 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 represent a weaker case than if the NGO’s reporting can be combined with, e.g., that of a UN investigative committee). Other credible sources include: reliable government reports, primary source investigations from credible news outlets, and first-hand documentary evidence.*

*\* Where multiple perpetrators are submitted, it is helpful to detail the role(s) of each alleged perpetrator with some specificity. If the submission relies on the perpetrator’s role as an official of an entity which engaged in, or whose members engaged in, human rights abuses or corruption, if possible, include the perpetrator’s job description and an organisational chart to establish the line of authority.*

*\* Your documentation should include:*

* *Details on the nature of the abuse(s) and victim(s), establishing the facts that will allow you to demonstrate that the actions in question qualify as a “serious violation” of at least one of the three protected rights referred to in* [*Section 4 of the GHRS Regulations*](https://www.legislation.gov.uk/uksi/2020/680/regulation/4)*: (i) the right to life; (ii) the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; or (iii) the right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour (see notes to Section 6. Application of Legal Standards, below, for more information).* 
  + *The FCDO* [*Information Note for NGOs and Civil Society*](https://www.gov.uk/government/publications/global-human-rights-sanctions-information-note-for-non-government-organisations-and-others-interested-in-human-rights) *gives examples of activities that could constitute serious violations of these rights, including rape and other forms of sexual violence, enforced disappearances, extrajudicial killings and human trafficking.*
* *The relationship between the perpetrator and the documented human rights abuse(s).* 
  + *Establish the facts that will allow you to show that the perpetrator is an “involved person” as defined in* [*Section 6 of the GHRS Regulations*](https://www.legislation.gov.uk/uksi/2020/680/regulation/6)*. This includes being responsible for, engaging in, facilitating, inciting, supporting, failing to investigate or prosecute, or profiting financially from, the abuse. The perpetrator can also be designated if they are owned or controlled by, act on behalf of, or are a member of or associated with, an involved person (see notes to Section 6. Application of Legal Standards, below, for more information).*
* *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.*

\*\*\*SAMPLE TEXT\*\*\*

The GSS has previously been identified by civil society groups as responsible for frequent instances of torture and ill treatment in Generica.[[15]](#footnote-16) HRG has documented individual cases in **Annex E**, with the most recent reported instance of torture taking place earlier this year. Many of the individuals were arrested without a warrant, with multiple individuals reporting that the arresting forces wore civilian clothing or were otherwise unidentifiable. These officers would then transport the individuals to the custody of the GSS for interrogations, during which they would subject the individuals to torture. The methods of torture most frequently employed are beatings, electric shock, sexual assault or threats of rape, forced standing, stress positions, forced nudity, and sleep deprivation.

In addition to HRG’s documentation of individual cases, several other leading human rights organisations have identified the GSS as part of a pattern of human rights abuses. Human Rights International published a report in July 2016, detailing a number of human rights abuses in Generica, including torture by the GSS.[[16]](#footnote-17) Human Rights International noted that “[m]any detainees and former detainees allege they were tortured while under interrogation by the GSS at their facility in Metropolis.”[[17]](#footnote-18) Human Rights International’s report specifically corroborates some of HRG’s individual cases, including those of Jane Taylor (¶2 in **Annex E**)[[18]](#footnote-19) and John Taylor (¶3 in **Annex E**).[[19]](#footnote-20) Additionally, Human Rights Today published a report in 2018 which documented several cases of torture by the GSS in 2016 and 2017.[[20]](#footnote-21) Both the Human Rights International and Human Rights Today reports detail similar instances of torture, including beatings, electric shock, sexual assault, and threats of rape, accompanied by demands from the interrogators to confess to criminal acts. Other instances of individual acts of torture have been reported by the Center for Human Rights,[[21]](#footnote-22) among others.[[22]](#footnote-23)

The UN has also addressed cases of torture by the GSS, through various communications from the Human Rights Council Special Procedures Offices (SPOs) on individual complaints submitted to the SPOs. As early as 2012, the SPOs were sending communications to Generica concerning reports of torture by the GSS – that year, two Special Procedures mandate holders sent an Urgent Appeal concerning the torture of John Taylor by the GSS.[[23]](#footnote-24) Following his torture, Mr. Taylor was charged with “unlawful assembly,”[[24]](#footnote-25) a blatant violation of the right of freedom of expression. In a communication to the Generica Government earlier this year, the SPOs noted reports of the torture and ill treatment of Jane Taylor (¶2 in **Annex E**).[[25]](#footnote-26) In another communication in 2017, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment detailed reports of abuse and torture committed by GSS officers in the case of James Smith (¶5 in **Annex E**).[[26]](#footnote-27)

Finally, investigative reporting undertaken by credible press outlets, including the *New York World* and German news weekly *Heute Zeitung* has independently corroborated instances of torture by the GSS, including in facilities known to have held Jane Taylor and John Taylor.[[27]](#footnote-28)

# Section 6. Application of Legal Standards

*\* The application of relevant legal standards to the particular facts included in the submission may be left to pro bono counsel to complete when working with pro bono counsel.*

*\* Be sure to include discussion of any references to external definitions or sources that may be used to interpret the terms in the GHRS Regulations, and the application of those terms to any particular case.*

*\* If there have been prior similar designations under either sanctions program, those should be discussed here as well.*

*\* The Global Human Rights Sanctions regime allows the UK Foreign Secretary to designate a legal person (individual or entity) for sanctions if:*

* *There are reasonable grounds to suspect that the person is an “involved person” with respect to a serious violation of one of the three protected rights; and*
* *The designation would be “appropriate”, having regard to:*
  + *The purposes of the GHRS Regulations: to deter and provide accountability for serious violations of the three protected rights; and*
  + *The likely significant effects of the designation on that person.*

*\* The three protected rights under the GHRS Regulations are:*

* *The right to life;*
* *The right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; and*
* *The right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour.*

*\* A person is an “involved person” if the person:*

* *Is responsible for or engages in a serious violation of one or more of the protected rights;*
* *Facilitates, incites, promotes or provides support for such conduct;*
* *Conceals evidence of such conduct;*
* *Provides financial services, or makes available funds, economic resources, goods or technology that could contribute to such conduct, or to a person who is responsible for or engages in such conduct;*
* *Profits financially or obtains any other benefit from such conduct;*
* *Is responsible for the investigation or prosecution of such conduct and intentionally or recklessly fails to fulfil that responsibility; or*
* *Contravenes, or assists with the contravention of, the GHRS Regulations.*

*\* A person is also an “involved person” if the person:*

* *Is owned or controlled by a person who has been involved as above;*
* *Acts on behalf of or at the direction of such a person; or*
* *Is a member of, or associated with, such a person.*

*\* The roles of the individual perpetrators recommended for designation should be discussed in detail, along with specific references to their wrongdoing where available. If they are being recommended based on command responsibility, take care to describe, with as much specificity as possible, their role and the extent to which they have (or had) control over and/or involvement in the activities of those who directly participated in abuses.*

*\* That the sanctions will be “appropriate”, having regard to the purposes of the GHRS Regulations (deterrence and accountability) and the likely significant effects on the designated person, should be demonstrated by reference to the arguments made in Section 7.* *Relevant Policy Considerations for Decision to Designate, below. To make a designation the FCDO will need to determine that any impacts of a designation on the person’s rights under the European Convention on Human Rights (e.g., the right to family life or the protection of property) are “proportionate”. In other words, the impacts must not go beyond what is necessary to reach the objectives of deterring and providing accountability for serious violations of human rights.*

\*\*\*SAMPLE TEXT\*\*\*

HRG submits that, pursuant to the GHRS Regulations, there are reasonable grounds to suspect that the perpetrators are involved persons (Regulation 6(1)(a)) responsible for (Regulation 6(3)(a)) serious violations of the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (Regulation 4(2)(b)). HRG further submits that it would be appropriate to designate the perpetrators, having regard to the purposes of deterring and providing accountability for serious violations of human rights (Regulation 6(1)(b)(i)) and the likely significant effects of the designation on those persons (Regulation 6(1)(b)(ii)).

## Serious Violation of the Right Not to Be Subjected to Torture

The right to freedom from torture is one of the three protected rights under Regulation 4(2) of the GHRS Regulations.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” for the purposes of obtaining a confession, punishment, intimidation, coercion or for any reason based on discrimination of any kind.[[28]](#footnote-29) It is clear that the continuous and systematic abuses perpetrated by the GSS meet this standard.

The actions taken by individuals within the GSS (including those individuals listed as perpetrators) have shown a pattern of torture and ill treatment that has continued from at least 2010 until the present. These actions constitute torture under the international definition, as they caused severe physical pain and were intentionally inflicted for the purpose of obtaining confessions, intimidation, coercing the provision of information and punishment.

## Roles of the Individual Perpetrators

The GHRS Regulations provide for the sanction of individuals who are “involved persons” on the basis that they were “responsible for” (Regulation 6(3)(a)) serious violations of human rights. As explained previously, the GSS is organised under the MoS of Generica, as reflected in the attached MoS Organisational Chart. Each of the perpetrators named in this submission held an officer level or otherwise leadership position within the MoS or the GSS specifically during the period in which the severe human rights abuses detailed above and in the accompanying evidence were perpetrated. Moreover, the evidence discussed in this submission confirms that there is a pattern and practice of human rights abuse by the GSS that could exist only if condoned by officials at all levels of authority. Due to the widespread and regular nature of these abuses, and the fact that these incidents of torture have been well known and documented and have occurred repeatedly for a period of more than several years, HRG submits that each of the individuals recommended for sanction were knowingly complicit in, and knows or should know, that the government entities they have led, or their subordinates within those entities, have been engaged in ongoing human rights abuses. Furthermore, the named individuals failed to take necessary measures to halt the abuses or to investigate them in a genuine effort to impose punishment on the perpetrators.

## Appropriateness of Designation

The GHRS Regulations require that the designation be “appropriate”, having regard to the purposes of the Regulations (Regulation 6(1)(b)(i)) and the likely significant effects of the designation on the person designated (Regulation 6(1)(b)(ii)).

Designating the perpetrators would meet both purposes of the GHRS Regulations in deterring and providing accountability for (Regulation 4(1)) serious violations of human rights. As set out in more detail in Section 7 below, the GSS’s practices of torture are extensive and systematic: over a hundred cases have been documented, including a large number within the past five years. Imposing sanctions will send a clear message to the Generican Government that egregious human rights violations in the name of national security will not be tolerated by the UK. Sanctioning **Smith** and **Jones** specifically will hold to account the individuals that bear ultimate responsibility for the GSS’s widespread and systematic practices of torture. And the deterrence of future torture in Generica rests with changing the policies and practices of the GSS, which **Smith** and **Jones** have the power to do if suitably compelled through the use of sanctions.

Sanctioning the perpetrators is consistent with the factors the UK Government has indicated it will consider when deciding whether to designate. It will advance three of the UK’s human rights priority themes: the prevention of torture, media freedom and the protection of human rights defenders. The practices of torture by the GSS are widespread, systematic and longstanding. And there is little prospect of other forms of domestic or international accountability. The UK’s leadership in multilateral venues on these abuses and the decision by UK allies to sanction **Smith** and **Jones** further make this situation an appropriate and urgent case for the use of sanctions.

Designation would also be appropriate with regard to the likely effects on the perpetrators. **Smith**’**s** family and financial links to the UK mean that the sanctions will have a tangible impact on him. This increases the likelihood that the sanctions will compel changes to the GSS’s practices of torture, furthering the GHRS Regulations’ objectives. However, **Smith**’**s** links to the UK are sufficiently limited that any impact on **Smith’s** rights under the European Convention on Human Rights would be proportionate to achieving the objectives of the GHRS Regulations, and would not go beyond what is necessary to achieve those objectives. **Jones** has no known links to the UK.

# Section 7. Relevant Policy Considerations for Decision to Designate

*\* The UK Government must be convinced that it is “appropriate” to designate the particular individual or entity. The FCDO has set out in its policy paper, “*[*Global Human Rights Sanctions: consideration of designations*](https://www.gov.uk/government/publications/global-human-rights-sanctions-factors-in-designating-people-involved-in-human-rights-violations)*” a non-exhaustive list of factors it will take into account when determining whether a designation is appropriate. These are as follows (for more details on each, see the text of the policy paper):*

* *The UK Government’s human rights priorities;*
* *The nature of the victim;*
* *The seriousness of the conduct;*
* *International profile and collective action;*
* *Non-state actors;*
* *The status and connections of the involved person; and*
* *The effectiveness of other measures, including law enforcement.*

*For any of the policy factors that are relevant, you should explain why they apply in the particular case.*

*\* It is also helpful to include any other reasons why it is in the UK national interest to designate a particular individual or entity. Generally, attempt to put yourself in the shoes of a UK Government official and assess how UK sanctions against the targeted perpetrator would advance a comprehensive UK strategy affecting the UK bilateral relationship with the country, the UK strategic position in the region, and the international perception of the UK more broadly.*

*\* While the rationale for a particular designation should include that the UK Government should uphold its stated commitment to deterring and providing accountability for human rights violations (as noted in Regulation 4(1)), the most compelling arguments will also include why a particular designation will work to advance UK interests and international peace, security, and norms more broadly. Such arguments could include the ways 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. Any assets and/or facilitators listed in Section 2 that could be affected by placing the perpetrator on the UK sanctions list should also be addressed. As applicable, the summary of relevant policy considerations should also seek to explain how sanctioning the perpetrator(s) in question could deter similarly situated actors from engaging in human rights abuses and/or corruption.*

\*\*\*SAMPLE TEXT\*\*\*

It is in the UK Government’s interest to ensure that torture and other prohibited forms of ill treatment will not go unnoticed or unpunished. The GSS’s abuses are well-known and well-documented. The designation of one or more high-ranking individuals within the GSS would demonstrate the commitment and leadership of the UK to promoting accountability among human rights violators and ensuring that criminal convictions against individuals are aligned with international standards of fair trial rights.

These designations are aligned with the purposes of deterring and providing accountability for serious violations of human rights set out in the GHRS Regulations. The Secretary of State, in explaining the GHRS Regulations, has stated:

“[…] human rights are the universal concern of all States. Human rights form an integral part of the rules-based international system, which the UK seeks to promote and defend by encouraging fulfilment by States of their international human rights obligations, increasing pressure on repressive and authoritarian States, and holding States to account for human rights violations. Protection and promotion of human rights is in the UK national interest […]. Successfully deterring human rights violations and abuses can help create fairer and more just societies, which support the long-term global conditions most conducive to security, economic growth and the safety of all.”[[29]](#footnote-30)

While torture for any purpose is a threat to the “rules-based international system”, torture for the purpose of coercing confessions is an even greater danger as it degrades confidence in the rule of law. Notwithstanding Generica’s cooperation with the UK on regional security initiatives, the GSS is clearly engaged in systemic and widespread human rights abuses, which are undoubtedly the type of activity the UK intended to target under the GHRS Regulations. GSS designations would send a strong message that the UK does not employ sanctions as a method of impugning its adversaries but will hold even close allies to account.

As set out in its policy paper, “Global Human Rights Sanctions: Consideration of Designations” (the Policy Paper), in deciding whether a person should be considered for designation, the UK Government has committed to taking into account all “relevant considerations.”[[30]](#footnote-31) A number of the specific factors identified in the Policy Paper are present in this situation, as set out below.

## UK Government’s Human Rights Priorities

The recommended sanctions designations would fit squarely within at least three of the human rights priorities identified in the Policy Paper. The systems of torture used by the GSS clearly undermine progress towards the **prevention of torture**. The use of the torture to intimidate and imprison journalists, activists and lawyers that have sought to oppose human rights violations in Generica also implicates the priority themes of **media freedom** and the **protection of human rights defenders**.

## Nature of the Victims

The degree of repression in Generica is such that formal human rights advocacy places individuals and entities at significant risk of torture and incarceration under false charges. The activists, lawyers and journalists that make up many of the victims of the GSS torture program clearly fall within the illustrative categories offered in the Policy Paper as “individuals…seek[ing] to defend or promote human rights”.

The international Generican diaspora is extensive, and it includes a presence in the UK that has been deeply affected by the campaign of repression in Generica. Genericans living in London have made clear to journalists that the risk of official Generican reprisals against relatives still living in Generica has caused them to change their own behaviour in the UK, including by refraining from attending Generican cultural events, sending their children to a Generican-language school, or speaking out against Generica’s abuses.[[31]](#footnote-32)

## Seriousness of the Conduct

As confirmed by the various witness testimonies, NGO reports, press reporting and UN SPO communications referred to in Section 5, the GSS’s practices of torture are widespread and systematic. The combined sources list over one hundred cases of torture by the GSS, occurring in a range of locations across Generica.

The practices of torture are also longstanding, dating back to 1995, including routinely throughout the past five years. As there have been no meaningful changes in government leadership in Generica or at the GSS specifically in the few months since the last reported abuse, the abuse is considered to be part of a continuous and systematic pattern of behaviour that remains ongoing.

## International Profile and Collective Action

A decision by the UK to impose the recommended sanctions would be consistent with its leadership in multilateral venues on the abuses in Generica. For example, the UK recently delivered a statement at the UN Human Rights Council condemning the ongoing abuses in the country.[[32]](#footnote-33) Sanctions designations by the UK would substantially reinforce the impact of actions taken by the UK’s closest partners, including the United States, which recently imposed sanctions for the same abuses.

## Status and Connections of the Involved Persons

The number of individuals involved in the human rights violations that this submission describes is necessarily large, but the individuals recommended for sanctions represent those whose designation – in the terms of the Policy Paper – “would have most impact in providing accountability for the violation or abuse in question.”

As Director General and Director of Criminal Interrogation at the GSS, **Smith** and **Jones** carry ultimate responsibility for the systematic practices of detention and torture carried out by the security agents under their command. They are, therefore, the appropriate individuals to be held to account for those violations and human rights. They also have the authority to change the GSS policies and practices necessary to prevent future torture, if compelled to do so through the use of sanctions.

**Smith** has known links to the UK: his son Tom Smith studies in the UK and is reported to live an extravagant lifestyle.[[33]](#footnote-34) His wife owns a property at 1234 London Street

London, UK SW1 1AA, valued in 2016 at £35 million GBP.[[34]](#footnote-35) HRG does not have evidence of any links between **Jones** and the UK.

## Effectiveness of Other Measures

Domestic accountability for these abuses is highly unlikely. The sanctionable activities appear to form part of a broader policy approach that is set at the highest levels of the Generican Government. Those responsible for these acts, including the individuals recommended for sanctions in this submission, have earned promotion from higher authorities and public praise from state media.

Other pathways to accountability may also be barred for the foreseeable future. Generica is party to a number of international treaties that could be relevant to the abuses, such as UNCAT. But it has made reservations that prevent other states and actors from using most of the complaint or dispute-resolution mechanisms contained in those treaties. Activists have presented a brief calling for the International Criminal Court’s (ICC) prosecutor to open an investigation into the situation, but the court does not have jurisdiction over the alleged crimes, given that Generica has not ratified the Rome Statute of the International Criminal Court, and Generica’s allies on the UN Security Council are likely to block the referral of the situation to the ICC.

## Other factors

In addition to the factors set out in the Policy Paper, the UK’s strategic interests support a sanctions designation. As described in multiple analyses conducted by credible analysts, Generica’s domestic counter-terrorism policies, including instances of torture perpetrated by members of the GSS, are having the effect of alienating, and in some cases radicalising, members of Generica’s minority population.[[35]](#footnote-36) Debriefs of Generican fighters returning from the Middle East have shown that roughly 80% of radicalised militants elected to take up arms due to a sense of personal and communal grievance driven by the Government of Generica’s repressive policies.[[36]](#footnote-37) Sanctioning members of the GSS shown to have engaged in or directed torture would send a powerful signal that the UK Government finds the Government of Generica’s actions not only illegal, but also strategically counterproductive. Given Generica’s key role in the fight against regional violent extremism and security partnership with the UK, the UK Government could consider combining sanctions designations with diplomatic outreach and security sector assistance aimed at strengthening elements of Generica’s security services known not to have engaged in torture.

# Section 8. Discussion of Contrary Evidence/Arguments

*\* 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 “reasonable grounds to suspect” standard.*

*\* Assume that any arguments and/or evidence that are public or available to the Government of the designees’ country will be shared with the FCDO officials charged with reviewing these designations. As such, it is advantageous to address such arguments directly in these submissions as it is unlikely that you will receive another opportunity for rebuttal.*

*\* In particular, discuss why any contrary statements by the Government regarding their human rights record or efforts to address human rights complaints domestically should not be credited and provide citations to evidence, where available.*

\*\*\*SAMPLE TEXT\*\*\*

HRG is not aware of any credible contradictory, countervailing, or exculpatory evidence concerning the alleged responsibility of **Smith** and **Jones** for acts of torture committed by GSS members under their command. While the Government of Generica has routinely denied that members of the GSS commit torture, HRG finds these claims lack credibility given the extensive documentation of such acts by credible bodies, as referenced throughout this submission.

HRG is aware that the Generica-based and government-organized NGO Generica for Genericans (GG) has released a report that attempts to refute claims of torture in Generican prisons and offers an alternative narrative suggesting exemplary conditions for inmates.[[37]](#footnote-38) Both the accuracy and the objectivity of this report have been questioned by multiple credible sources,[[38]](#footnote-39) and GG has a well-known history of publishing misleading and false information in attempts to whitewash Generica’s human rights record.[[39]](#footnote-40) In light of the abundance of evidence from multiple respected NGOs, the UN, and various credible news outlets, the sole countervailing narrative presented by GG does not hold up to scrutiny and should be disregarded.

1. See Annex A, pg. 1-2. [↑](#footnote-ref-2)
2. See Annex A, pg. 3-5. [↑](#footnote-ref-3)
3. See Annex B. [↑](#footnote-ref-4)
4. See Annex C. [↑](#footnote-ref-5)
5. See Annex C, pg. 9-11. [↑](#footnote-ref-6)
6. See News Report A. [↑](#footnote-ref-7)
7. Id. [↑](#footnote-ref-8)
8. See News Report B. [↑](#footnote-ref-9)
9. Id. [↑](#footnote-ref-10)
10. See Annex D. [↑](#footnote-ref-11)
11. *Citation with link to online availability, if possible.* Sample text: For a general overview of the GSS’s pattern of torture and other forms of human rights abuses, see NGO Report A, NGO Report B, UN Report C, and UN Report D. [↑](#footnote-ref-12)
12. For details, see NGO Report B, p. 4. [↑](#footnote-ref-13)
13. UN and NGO reporting here. [↑](#footnote-ref-14)
14. See NGO Report D, pp. 15-16. [↑](#footnote-ref-15)
15. See NGO Reports A, B, C, and D. [↑](#footnote-ref-16)
16. Citation with link to online availability, if possible. [↑](#footnote-ref-17)
17. *Cite.* [↑](#footnote-ref-18)
18. *Cite.* [↑](#footnote-ref-19)
19. *Cite.* [↑](#footnote-ref-20)
20. *Cite.* [↑](#footnote-ref-21)
21. *Cite.* [↑](#footnote-ref-22)
22. See, e.g., Credible Local News Outlet Article, [hyperlink]. [↑](#footnote-ref-23)
23. *Cite.* [↑](#footnote-ref-24)
24. *Cite.* [↑](#footnote-ref-25)
25. *Cite.* [↑](#footnote-ref-26)
26. *Cite.* [↑](#footnote-ref-27)
27. *Cite.* [↑](#footnote-ref-28)
28. UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. Doc. 39/46 (10 Dec. 1984), Art. 1. The UNCAT definition of torture also requires that the actions be carried out with the involvement of a public official or a person acting in an official capacity. However, the GHRS Regulations allow for the designation of non-State actors if the acts would have amounted to a serious violation of the relevant protected right, had they been carried out by a State: see Regulation 4(2). [↑](#footnote-ref-29)
29. Report under Section 2(4) of the Sanctions and Anti-Money Laundering Act 2018, para. 5 <<http://www.legislation.gov.uk/uksi/2020/680/pdfs/uksiod_20200680_en.pdf>>. [↑](#footnote-ref-30)
30. ‘Policy Paper - Global Human Rights Sanctions: consideration of designations,’ (Foreign, Commonwealth &

    Development Office, 6 July 2020) <<https://www.gov.uk/government/publications/global-human-rights-sanctions-factors-in-designating-people-involved-in-human-rights-violations/global-human-rights-sanctions-consideration-of-targets>>. [↑](#footnote-ref-31)
31. See NGO Report E. [↑](#footnote-ref-32)
32. *Cite*. [↑](#footnote-ref-33)
33. See Annex A, pg. 3-5. [↑](#footnote-ref-34)
34. See News Report A. [↑](#footnote-ref-35)
35. See, for example, Think Tank Report A. [↑](#footnote-ref-36)
36. See Think Tank Report B, pp 6-7. [↑](#footnote-ref-37)
37. *Cite*. [↑](#footnote-ref-38)
38. *Cite*. [↑](#footnote-ref-39)
39. *Cite*. [↑](#footnote-ref-40)