



GLOBAL HUMAN RIGHTS SANCTIONS REGULATIONS 2020

Guidance Note on evidence collation for civil society sanctions submissions

May 2023

REDRESS

Ending torture, seeking justice for survivors

Introduction

Under the [Global Human Rights Sanctions \(GHR\) Regulations](#), civil society organisations (CSOs) are able to submit evidence directly to the UK Foreign, Commonwealth and Development Office (FCDO), recommending individuals and entities involved in serious human rights abuses and corruption for sanctions designation.

This document provides some best practice guidance for CSOs on collating evidence for the purpose of preparing such sanctions

submissions. The information below should be used in conjunction with the REDRESS' template for sanctions submissions, which is available on the REDRESS website: www.redress.org.

The general principles relating to evidence collation set out in this guidance note are equally applicable to the UK's other targeted sanctions regimes (e.g., the [Global Anti-Corruption Sanctions Regulations](#) and [Russia \(Sanctions\) \(EU Exit\) \(Amendment\)](#)).

Overarching considerations

When thinking about putting together a sanctions submission, there are three initial elements that submitting organisations should look at:

1. **What** is the activity that justifies the application of sanctions?

2. **Who** is the person/entity to be sanctioned?

3. **How** is the person/entity identified involved in a sanctionable activity?

Each of these elements are addressed in more detail in the sections below.

What is the activity or action that justifies sanctions?

Protected rights: Under the GHR Regulations, the UK government can impose sanctions on individuals/entities who have been involved in activities that amount to serious violations of certain protected human rights (also referred to as **sanctionable activities**) (GHR Reg 4(2)). These rights include:

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

Types of sanctionable activities: In preparing a sanctions submission, CSOs must therefore identify incidents where a person is engaged in an activity that amounts to a violation of one of these three rights. The [UK government](#) generally accepts that the following activities could qualify as sanctionable activities:

- a) **Rape and other forms of sexual violence**, including sexual slavery, forced prostitution, forced pregnancy, forced abortion and enforced sterilisation;
- b) **Enforced disappearances**;
- c) **Extrajudicial killings**;

- d) **Human trafficking**, in so far as it constitutes slavery or practices similar to slavery, servitude or forced and compulsory labour; and
- e) **Killings of or violence against human rights defenders, media workers, journalists**, as well as violence or killings motivated on the grounds of an individual's religion or belief.

Best practice: To the extent possible, submitting organisations should provide detailed examples of specific violations and clearly specify when and where the violation was committed and against whom.

Who is the person to be sanctioned?

Biographical perpetrator information: In order for the UK government to impose sanctions under the GHRs Regulations, it requires at a minimum the full name of a person who has engaged in a sanctionable activity. To the extent possible, submitting organisations should also provide additional identifying information, such as the date of birth, passport numbers, addresses and/or individual aliases/non-Latin script names.

Types of persons: For the purpose of the GHRs Regulations, that 'person' could be an individual, a corporation, organisation or any association or combination of persons. This could include for example, individual officers, army or police units or corporate organisations.

Best practice: Most sanctions submissions put forward between three to ten persons for sanctioning. In selecting these persons, submitting organisations should consider whether they have any connection to the UK (e.g., do they travel to the UK frequently, do they have family or assets in the UK?) and if so, provide evidence demonstrating this.

How is the person identified involved in sanctionable activity?

Involvement: As a final step, submitting organisations need to demonstrate in what ways the person they have identified has been involved in a sanctionable activity. Under the GHRS Regulations, there are several ways for a person to have been involved in a sanctionable activity. For example, a person may have:

- a) been directly responsible for or engaged in a serious violation or abuse of one of the three protected rights (GHRS Reg 6(3)(a));
- b) facilitated, incited, promoted or provided support for such conduct (GHRS Reg 6(3)(b));
- c) concealed evidence of such conduct (GHRS Reg 6(3)(c));
- d) provided financial services, or made available funds, economic resources, goods or technology that could contribute to such conduct (GHRS Reg 6(3)(d) & (e));
- e) profited financially or obtained other benefit from such conduct (GHRS Reg 6(3)(f));
- f) been responsible for the investigation or prosecution of such conduct and failed to fulfil that responsibility (GHRS Reg 6(3)(g)); or
- g) contravened or assisted with contravening the GHRS Regulations otherwise (GHRS Reg 6(3)(h)).

Derivative responsibility: A person may also be deemed responsible for sanctionable activities if they are owned or controlled by a person who has been engaged in the sanctionable conduct, acted on behalf of, or at their direction, or is a member of, or associated with that person (GHRS Reg 6(2)). When considering

whether a person is “owned or controlled”, regard may be had to the UK Government’s guidance on this issue.

Command chain: In addition, persons can also be held responsible based on their rank. This means that there does not need to be evidence that they directly committed the abuse but can be deemed responsible for ‘overseeing’ the abuse based on their position within a unit/organisation or command responsibility (e.g., the chief commander of a military unit).

Time Limits: While the GHRS Regulations do not prescribe any time limits, the more recent the activity, the stronger the argument that sanctions can lead to behaviour change and deter or provide accountability for human rights abuses or corruption.

Best practice: As above, where possible, submitting organisations should focus on specific incidents where a person has been ‘involved’ in a sanctionable activity. This could include reports showing that, for example:

- a) person A was a soldier or police officer involved in an ambush, resulting in loss of life;
- b) person B was a soldier or police officer who engaged in rape or other acts of sexual violence;
- c) person C was the commander of chief of a military unit that committed acts of torture and knew or should have known these violations were being committed;
- d) person D was a politician responsible for authorising, overseeing or inciting the commission of serious human rights violations;

- e) person E was a doctor who refused to provide medical care to victims of serious human rights violations;
- f) person F was a judge or prosecutor who wilfully ignored, failed to prosecute, or concealed evidence of serious human rights violations; or
- g) person G was the owner of a business that financially profited from serious human rights violations by e.g., providing the government with material to be used in conflict.

REDRESS recommends that submitting organisations collate at least **three corroborating sources** that demonstrate a person's involvement in a sanctionable activity. Where submitting organisations seek to demonstrate involvement based on 'command responsibility' (see example 13(c) above) it is helpful to provide a structure chart showing that person's position within the hierarchy of the organisation.

Additional observations

Standard of proof: Each of the three elements outlined above (i.e., the what, who and how) must be sufficiently evidenced in order to demonstrate that there are 'reasonable grounds to suspect' that the person has been involved in a sanctionable activity (GHRM Reg 6(1)(a)). Essentially, this means that CSOs should provide enough information that a reasonable person could suspect that the alleged conduct by the perpetrator has occurred. As noted above, we generally recommend providing at least three sources supporting each allegation to ensure this standard is met.

Types of Information: There is a wide range of information that can be used to support submissions, including both primary sources, such as victim statements or medical reports, and secondary sources, including NGO, government or

international body (UN) reports, or news articles. The FCDO has advised that information provided to it which needs to be treated as confidential must be clearly marked as such. However, there may be circumstances where the FCDO may have to release the information in accordance with UK law, such as under data protection or freedom of information regimes, or in the context of litigation. Accordingly, consideration should be given to any risks if confidential information is disclosed. The FCDO has

Contrary evidence: Where contrary evidence exists that might negate a persons' responsibility for a serious human rights violation, submitting organisations should address these in the submission and explain why they do not believe those arguments to be credible.

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