



EVALUATING TARGETED SANCTIONS

A Flexible Framework
for Impact Analysis

November 2023





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INTRODUCTION



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A portrait of Sergei Magnitsky, who was killed in a Russian prison in 2009 after exposing corruption by government officials, and after whom Magnitsky sanctions are named.

Targeted thematic and country-based financial sanctions (“targeted sanctions”) have become an increasingly popular tool among jurisdictions seeking accountability for, and to deter, serious human rights violations and corrupt practices. Since the introduction of the United States’ 2016 Global Magnitsky Act, the United Kingdom, European Union, Canada and Australia have all enacted similar legislation.

As the use of such tools continues to proliferate, their impact is an area of increasing interest for governments, the private sector, victims and civil society.

This report sets out a framework which identifies five types of impact which may result from targeted sanctions (“Categories of Impact”). This framework may assist civil society and government stakeholders in developing their own assessments of the impact of targeted sanctions and improving the use of these tools for accountability and behavioural change. Alongside this general framework, seven detailed case assessments have been conducted on various designations by the US, UK, Canada and the EU to demonstrate how this framework may be used in practice.

Measuring impact in purely quantifiable terms – for example, the amount of funds frozen, or a reduction in human rights violations committed – is not only difficult to do practically but also does not provide an accurate overview of the forms of impact targeted sanctions may produce. Therefore, while considering what certain

targeted sanctions may have achieved as a practical matter, this framework also considers less-tangible impacts which have a bearing on sanctions' effectiveness as a tool for interim accountability in cases of serious human rights violations and corruption.

Meaningful impact is not necessarily achieved in all cases of targeted sanctions. Therefore, recommendations on how to better use targeted sanctions to achieve these Categories of Impact are included in the analysis. In addition, where Categories of Impact have been achieved, recommendations are made for how impact can be further enhanced.

This framework has been informed by the UN Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law¹ (the "UN Basic Principles"), which set out the international law on remedies and reparations. The UN Basic Principles recognise the role of the international community in ensuring timely and effective remedies and reparations in cases where a State is otherwise unwilling or unable to provide them.²

Targeted sanctions can result in some level of accountability by imposing travel restrictions and publicly identifying abuses. They can also prevent perpetrators from benefiting from their ill-gotten gains through the freezing of assets. In the selected case assessments, governments have used targeted sanctions to respond to serious human rights violations or corruption in another State, particularly where that State is unwilling or unable to address the violation.

1 United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, (the "UN Basic Principles") 15 December 2005.

2 See for example, Principles 4,15 and 16 of the UN Basic Principles.

THE IMPACT ANALYSIS FRAMEWORK

Targeted sanctions are a unique mechanism in governments' foreign policy toolkit in that they:

1. Identify specific individuals or entities which should be held accountable for specific actions – making it more difficult to ignore involvement in conduct contrary to international law.
2. Can be sought in multiple jurisdictions by civil society organisations that submit recommendations for specific individuals or entities that meet the criteria for targeting with sanctions.
3. Can be reinforced by other governments who have similar targeted sanctions legislation, demonstrating a collective condemnation of the act which the designation seeks to address.
4. Are visible to external stakeholders, therefore increasing public scrutiny of the designee's actions.
5. Increase national and international public attention to the conduct allegedly perpetrated by the designated person.
6. Can provide a measure of accountability by keeping perpetrators and their ill-gotten wealth out of key financial markets.

As with most foreign policy tools, targeted sanctions alone are not necessarily going to be 100% effective at achieving all stated goals. However, when coupled with other tools and collective international action, their impact can be enhanced. Similarly, when compared to other tools at States' and civil society's disposal, the ability of sanctions to produce an impact directly on the perpetrator may compare favourably.

To help assess impact, we have identified five broad Categories of Impact which should be considered. Table 1 below also includes example indicators of each Category of Impact.

1. Public Accountability Impact

The imposition of targeted sanctions is a decision by a government to condemn a certain form of behaviour. Sanctions can also offer acknowledgement for those who have been victim of the proscribed behaviour and increase attention on the designated person's conduct ("Public Accountability Impact").

This Category of Impact is often overlooked in favour of more concrete examples, such as behaviour change. However, its importance should not be understated. Under the UN Basic Principles, an element of satisfaction includes "*official declaration or judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected to the victim*".³ For many survivors of serious human rights violations or members of affected communities, targeted sanctions can result in a form of acknowledgement of the violations and represent a public condemnation.

3 Principles 22(d) of the UN Basic Principles.

Due to their public nature, targeted sanctions have the potential to acknowledge the harms which have taken place against marginalised or oppressed groups. Particularly clear statements of reasons and announcements by sanctioning authorities can contribute to recognition of violations. They can also plug gaps where other accountability processes are failing or support ongoing or future international or domestic processes.

EXAMPLE OF PUBLIC ACCOUNTABILITY IMPACT: CANADIAN SANCTIONS AGAINST TWO SRI LANKAN EX-PRESIDENTS FOR HUMAN RIGHTS VIOLATIONS



In January 2023, Canada imposed sanctions against Mahinda and Gotabaya Rajapaksa, former Presidents of Sri Lanka implicated in “gross and systematic violations of human rights” during the armed conflict from 1983 to 2009.

In its news release, Global Affairs Canada noted that “the Government of Sri Lanka has taken limited meaningful and concrete action to uphold its human rights obligations. This jeopardizes progress on justice for affected populations, and prospects for peace and reconciliation”.

These designations support years of efforts to hold perpetrators accountable under international mechanisms and calls by the UN High Commissioner for Human Rights for targeted sanctions by States since “domestic initiatives for accountability and reconciliation have repeatedly failed to produce results, more deeply entrenching impunity, and exacerbating victims’ distrust in the system”.

The importance of this form of impact in designation decisions is clear. Calls by groups for targeted sanctions against those responsible for human rights violations against human rights defenders and other activists, such as Vladimir Kara-Murza,⁴ aim to single out those responsible and sustain public attention on the case. To maximise this Category of Impact, sanctioning governments need to make clear their reasons for imposing sanctions.

2. Material Impact

The targeted nature of financial sanctions means they can exert a personal or financial cost directly on the perpetrator and their associates (“Material Impact”). Material Impact is increased where the perpetrator has assets located in the sanctioning jurisdiction or significant personal ties (for example, has family residing in or attending prestigious educational institutions, or travels frequently to the jurisdiction) that would be impacted by a visa ban. Striking a fair balance between maximising Material Impact on the designated individual and ensuring the measures remain proportionate is a challenge which sanctioning States will continue to face.

The use of visa bans can also restrict designated persons from travelling to desirable jurisdictions, thus exerting a potential personal cost if they have close ties to the jurisdiction. Freezing assets of those with significant wealth in the jurisdiction also exerts a personal cost, reducing the designated person’s ability to access or deal in that wealth without licenses from the sanctioning authorities.

⁴ See for example, Renew Europe, “Renew Europe calls for targeted sanctions against those responsible for Vladimir Kara-Murza’s sentence of 25 years in prison”, 19 April 2023; Human Rights First, “Sanctioning Vladimir Kara-Murza’s Persecutors: Lessons and Next Steps”.

EXAMPLE OF MATERIAL IMPACT: UK SANCTIONS AGAINST ROMAN ABRAMOVICH



Following the full-scale invasion of Ukraine in February 2022, the UK and other jurisdictions imposed sanctions against Russian elites and oligarchs for their connections to the Putin regime. Given the vast amount of wealth concentrated in London and other jurisdictions which imposed sanctions, the potential for Material Impact of the targeted measures in these cases is clear.

For example, more than £18bn of assets have been frozen in the UK alone as a result of the measures. The sanctions were claimed to be a factor in £121m in losses by Chelsea FC following the designation of its former owner, Roman Abramovich in March 2022. Since the designation, Chelsea FC was sold for £2.5bn with the net proceeds to be used “for the benefit of all victims of the war in Ukraine”.

Proper and consistent enforcement of sanctions is crucial to achieving maximal Material Impact otherwise there is a risk of circumvention or evasion. Accordingly, a coordinated approach among sanctioning jurisdictions on who has been designated and when the designation is announced is important to ensuring that loopholes cannot be exploited.

Similarly, given that sanctions are aimed at tackling a form of proscribed behaviour and evidence is collected in advance of designation which may support conviction or civil penalty, States should be more active in initiating criminal or civil investigations against designated persons where the evidence provides grounds.

3. Personal Behavioural Impact

Traditionally, targeted sanctions have been seen as a tool for behavioural change and the “*main tool of international coercion*” by States.⁵ Undoubtedly, disrupting malign behaviour is the ultimate goal of most accountability mechanisms. However, determining whether behavioural change has occurred is often difficult and the evidence of genuine and sustained behavioural change resulting from targeted sanctions is limited.

Ensuring that changes in behaviour are sustained and are not a short-term response to targeted sanctions requires continual monitoring and can be difficult to prove (“Personal Behavioural Impact”).

Removals from sanctions lists have proven to be a relatively rare occurrence once sanctions have been imposed which would suggest that sustained behavioural change is yet to be achieved in the majority of cases. However, given the relative newness of some of the designations, assessing the impact of targeted sanctions solely on the basis of their immediate Personal Behavioural Impact may be misleading. Other Categories of Impact may be clearer at an earlier stage in the life of the designation.

⁵ Michael G Findley, et al, “Testing the Effectiveness of Targeted Financial Sanctions on Russia: Law or War”, 21 December 2022, Paper presented at the 2023 Anti-Money Laundering Conference, p. 1.

EXAMPLE OF PERSONAL BEHAVIOURAL IMPACT: US SANCTIONS AGAINST NICARAGUAN OFFICIALS



In 2021, the US started imposing sanctions against Nicaraguan officials for “facilitating the Ortega-Murillo regime’s repression, including its human rights abuses”. The UK and Canada also imposed targeted sanctions against certain officials in support of this action.

In February 2022, over 200 Nicaraguan political prisoners were freed, including prominent critics of the Ortega regime and five former presidential hopefuls who sought to challenge the Ortega regime during the 2021 election. Reporting suggested that, as Nicaragua’s top trading partner, US targeted sanctions hit the Ortega family and their inner circle hard, isolating them and prompting them to seek an easing of sanctions in exchange for the release of political prisoners.

Tying specific behaviour change to the imposition of targeted sanctions alone is difficult to do. The impact of targeted sanctions measures should not be considered in isolation to other diplomacy and international efforts to obtain accountability and behaviour change. In this case, targeted sanctions were accompanied by sectoral sanctions. As Nicaragua’s top trading partner, the impact of these sanctions should also be considered. However, targeted sanctions may increase the pressure or compliment existing efforts to obtain behaviour change and accountability of certain regimes. Similarly, other Categories of Impact, such as the Material and Public Accountability Impact which sanctions can affect may also contribute to an impact on a target’s behaviour in the long-term.

4. Private Sector Behavioural Impact

The public nature of targeted sanctions means that external stakeholders are also constrained from engaging with designated persons. This could be coercive, in that businesses located in the sanctioning jurisdiction or citizens of that country can no longer legally conduct financial dealings with the designee.⁶ Or it could be voluntary, as many businesses and individuals may wish to distance themselves from those who have been sanctioned for malign conduct.⁷

There are few clearer examples of this Category of Impact than when looking at the response of business and individuals to the litany of sanctions against supporters of Putin’s regime following Russia’s full-scale invasion of Ukraine in early 2022. Indeed, many businesses located in the US, Canada, UK and EU were forced to divest their holdings in Russian oligarch-owned interests or risk contravening sanctions.⁸ In other cases, businesses voluntarily divested their holdings in anticipation of sanctions, sometimes at great financial loss.⁹

Even outside the Russian context, companies have responded to sanction actions by distancing themselves. For example, 50 international companies with interests in Myanmar signed a statement expressing concern at the coup which had taken place following UK and US sanctions against the military junta’s leadership.¹⁰

6 See for example, The Guardian, “Future Fund forced to divest \$5m from sanctioned Chinese weapons company”, 15 February 2022.

7 Reuters, “Exclusive: Banks in UK assess China risks after being stung by Russian sanctions”, 13 October 2023.

8 See for example, Shell Global, “Shell announces intent to withdraw from Russian oil and gas”, 8 March 2022.

9 See for example, Reuters, “BP quits Russia in up to \$25 billion hit after Ukraine invasion”, 28 February 2022.

10 Nikkei Asia, “Asian companies stay quiet as Western peers condemn Myanmar coup”, 5 March 2021.

EXAMPLE OF PRIVATE SECTOR BEHAVIOURAL IMPACT: US SANCTIONS AGAINST NASDAQ-LISTED CHINESE FIRM OVER ALLEGED FORCED LABOUR HUMAN RIGHTS ABUSES ON FISHING VESSELS



In 2022, the US imposed sanctions against China-based firms over illegal fishing abuses and alleged human rights abuses, including a NASDAQ-listed firm.

Following this designation, US-based investors were given 90 days to unwind financial holdings in the entities and the NASDAQ suspended the entity's stock in response to the designation.

This was the first time the US has imposed “Global Magnitsky” sanctions on a company listed on the NASDAQ which resulted in the company's shares being suspended from trading and eventual de-listing by the stock market in 2023.

However, the extent of Private Sector Behavioural Impact is dependent on the level of enforcement by sanctioning authorities. Recent research suggests that the level of private sector action in response to targeted sanctions for corruption is mixed.¹¹ Increasing the enforcement of sanctions and providing incentives to the private sector to comply with such measures is something which sanctioning authorities must improve in their domestic compliance policies and enforcement.

5. Geopolitical Impact

The inherently political nature of targeted sanctions means that the geopolitical or diplomatic relationship between the sanctioning State and the State with which the designated person is most closely connected (i.e., through nationality, residence, or business affairs) may be impacted as a result of the sanctions. This Category of Impact is one which the sanctioning State is likely to consider very closely.

The impact of one State's sanctions may depend on how much economic, financial and political influence there may be over another State or the perpetrator who is wielding the abusive power. Where there are particularly strong relations between States, the impact of imposing sanctions against malign actors may be more pronounced given the stronger influences a sanctioning State may have over its allies.

In some instances, sanctions have encouraged domestic investigations or inquiries or other action by authorities that had previously turned a blind eye to abusive or corrupt actors. For example, US sanctions that have prompted such action include designations that appeared to spur the suspension of senior Liberian officials for alleged corruption; parliamentary action removing a major port facility from the control of a corrupt Latvian official; and the passage of legislation reforming a corrupt Ukrainian court.¹² However, not all national actions taken in response to sanctions may be genuine. For example, in the case of the killing of Jamal Khashoggi by Saudi agents, it is not clear who has actually been prosecuted in Saudi Arabia, nor if higher-level officials were investigated.¹³

11 See, International Lawyers Project “A Journey of 20: An Empirical Study of the Impact of Magnitsky Sanctions on the Earliest Corruption Designees”, June 2023.

12 Voice of America, “Three Liberian Government Officials Suspended following US Sanctions”, 18 August 2022; US Department of the Treasury, “Treasury Removes Sanctions on Latvia's Ventspils Freeport Authority”, 18 December 2019; POLITICO, “Ukraine takes two steps forward, one step back in anti-corruption fight”, 26 December 2022.

13 See National Public Radio, “5 years after Khashoggi's murder, advocates say the lack of justice is dangerous”, 2 October 2023.

OVERALL CONCLUSIONS AND RECOMMENDATIONS

The impact of targeted sanctions can be wider than just affecting behaviour change by an individual perpetrator. While stopping and deterring sanctionable conduct should be the ultimate goal of targeted human rights or anti-corruption sanctions, governments should consider other, less tangible impacts which can also result from well-timed, precise and effective designations.

The length of time a sanction has been in place will undoubtedly change the analysis of the impact. On the one hand, designations in place for a long period of time without being lifted may indicate that Personal Behavioural Impact has not necessarily been achieved and, therefore, other measures should be used to complement the designation. Another possibility is that the review processes of designations are insufficiently robust and so delistings are less commonplace. However, sanctions which are lifted too soon may also lead to the proscribed conduct recurring or continuing unabated. Similarly, it may be difficult to holistically assess all the potential Categories of Impact of newer designations.

Stakeholders are therefore encouraged to continually monitor the impact of sanctions and ensure measures are taken to enhance impact where possible. For example, targeting additional persons within a network, such as enablers who may have access to material wealth in the jurisdiction, or taking robust action against those who seek to circumvent sanctions to encourage a wider level of compliance from the private sector. Advocates may also be able to leverage the visibility and attention of sanctions to seek accountability actions by national authorities.

In addition to some of the more specific recommendations made in relation to the individual case assessments in this report, decision-makers should consider implementing the following broader recommendations as part of their ongoing sanctions policy:¹⁴

1. Decision-makers should take a broad assessment of the impact of targeted sanctions.

Targeted sanctions are an increasingly utilised tool in international relations to promote accountability and address impunity in cases related to human rights and serious corruption. To ensure a comprehensive approach to assessing when to use targeted sanctions, we recommend conducting a broad assessment of the Categories of Impact they may have and what types of outcomes jurisdictions aim to achieve through their use.

By taking a broader view of impact, jurisdictions can use sanctions to pursue a broader set of objectives. This may include promoting accountability in contexts where other mechanisms may not be effective or imposing a direct personal cost on perpetrators who would otherwise be able to act with impunity.

2. Decision-makers must robustly and consistently enforce existing designations.

Given the number of designations currently in place globally, jurisdictions must commit to investing in strong enforcement mechanisms and equipping law enforcement with capacity to properly monitor, investigate and

¹⁴ The Categories of Impact identified in this report build upon the forms of impact identified by the International Lawyers Project in a recent report assessing the impact of the first 5 years of US anti-corruption global Magnitsky sanctions, see International Lawyers Project, "A Journey of 20: An Empirical Study of the Impact of Magnitsky Corruption Sanctions", 28 June 2023.

penalise violations. Without proper and consistent enforcement of targeted sanctions, there is a higher likelihood of circumvention and evasion, thus reducing their impact.

Proper enforcement includes coordination with international partners to harmonise sanctions decisions and ensure that designated persons and their enablers cannot exploit loopholes by seeking refuge in other jurisdictions.

Initiating criminal investigations into the origins of ill-gotten gains under sanction with the aim of confiscating tainted assets or repurposing monies paid as fines for sanctions evasion for the benefit of victims of the proscribed behaviour is an additional avenue which jurisdictions should be exploring more actively. Such measures would contribute to accountability efforts more generally.

3. Consultation and collaboration with civil society organisations and human rights defenders to identify the highest impact targets.

Building support for targeted sanctions is critical to ensuring they are impactful. Open and active consultation with victims' communities, civil society organisations and activists who have knowledge of the context, network and asset footprint of perpetrators will assist decision-makers in selecting targets and priorities which will have the biggest impact.

Proper consultation and transparency will also build broader support for any measures taken by jurisdictions, therefore enhancing their legitimacy, ensuring they are responsive to the needs of victims of the proscribed conduct and supporting ongoing efforts for accountability.

4. Sanctioning jurisdictions should act in ways to increase the political and media impact of their designations and avoid bundling unrelated designations into single announcements.

The public nature of targeted sanctions means there is high potential for them to be used to highlight particular systemic issues, proscribed behaviour or impunity of individuals. Sanctioning jurisdictions should capitalise on this feature of targeted sanctions by ensuring that designations announcements are clear, connected to each other and fit within a broader policy aimed at tackling the violation, perpetrator's proscribed behaviour or regional context.

IMPACT ANALYSIS FRAMEWORK AND INDICATORS

No.	Category of Impact	Indicators of Impact	Potential Outcomes
1.	Public Accountability Impact	<ul style="list-style-type: none"> ● Reinforcing norms which the international community have agreed to uphold. ● Highlighting the conduct of the target by causing reputational harm. ● Publicly recognising violations suffered by victims and survivors. ● Empowering local civil society and galvanising support for accountability. ● Documenting violations for historical record and/or future accountability proceedings. 	<ul style="list-style-type: none"> ● Evidence of ceasing the sanctionable conduct (for example, releasing those in arbitrary detention). ● Length of time since the conduct has been repeated. ● Acknowledgement by perpetrators and/or State authorities of the violations which have taken place. ● Assurances from domestic State authorities of the commencement of accountability processes (for example commissions of inquiry or criminal prosecutions). ● Commencement of domestic or international accountability processes. ● Recovery and return of tainted assets or wealth. ● Changes to domestic legislation and policy.
2.	Material Impact	<ul style="list-style-type: none"> ● Restricting access to personal or business assets. ● Preventing personal travel to the sanctioning jurisdiction. ● Causing loss of political, business or personal influence. ● Triggering domestic, regional or international criminal or civil investigations. 	
3.	Personal Behavioural Impact	<ul style="list-style-type: none"> ● Evidence of ceasing (or reducing) engagement in the sanctionable conduct. ● Public statements denouncing a course of conduct, regime or network. ● Challenging designation status or lobbying to be removed from sanctions lists, or other indications the targeted person is inconvenienced by the sanction. 	
4.	Private Sector Behavioural Impact	<ul style="list-style-type: none"> ● Ceasing business with the target and/or associates. ● Public announcement denouncing the target or associates. ● Divesting existing interests associated with the target. ● Strengthening sanctions screenings and compliance processes. 	

No.	Category of Impact	Indicators of Impact	Potential Outcomes
5.	Geopolitical Impact	<ul style="list-style-type: none"> ● Requests for mutual legal assistance or investigative support for domestic authorities (for example through intelligence sharing, freezing of assets or banning travel visas). ● Deterioration or improvement of diplomatic relations or impact on trade deals. ● Public statements welcoming or denouncing the imposition of sanctions. ● Regulatory, legislative or administrative change (including removing perpetrators from powerful positions). ● Commencement of domestic investigations, commissions of inquiry or accountability procedures. ● Public relations campaigns by States to “clean up” their image (for example, by engaging more positively in international relations or attempting to build partnerships with sanctioning states). ● Efforts to leverage the sanctions for further advocacy in other countries or regional or international bodies. 	

CASE ASSESSMENT 1: MULTILATERAL SANCTIONS FOR HUMAN RIGHTS ABUSES IN IRAN



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Protests in Iran following the death of Mahsa Amini in September 2022, after morality police arrested her in Tehran.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by REDRESS in consultation with Human Rights Activists in Iran (HRA).

Designated Individual / Entity:	Individuals and entities linked to human rights abuses in Iran since the death of Mahsa Amini in September 2022 and the resulting protests
Position or Role of the Designated Person at the Time of the Sanction:	Iran’s morality police, law enforcement forces and other senior figures within Iran’s security, judicial, diplomatic and government apparatus
Primary Sanctioning Jurisdiction:	UK, US, EU and Canada

Applicable Regulations:	<p>UK Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019</p> <p>Comprehensive Iran Sanctions, Accountability and Divestment Act (implemented by Executive Order 13553)¹⁵</p> <p>Council Regulation (EU) No 359/2011 of 12 April 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran</p> <p>The Special Economic Measures Act (SEMA) Regulations; Special Economic Measures (Iran) Regulations</p>
Sanctions Type:	Asset Freeze and Travel Ban
Date of Designation:	September 2022 – September 2023
Multilateralised?	Yes¹⁶
Reasons for Sanctioning:	
<p>Designated persons include Iran’s morality police, law enforcement forces and other senior figures including commanders in the Iranian police and the Basij force as well as judicial officials involved in overseeing the violence against protesters, activists, and political prisoners¹⁷ in the wake of Mahsa Amini’s death - many of whom are women.</p> <p>Over 150 individuals and entities have been sanctioned under UK human rights sanctions against Iran.¹⁸ Similarly, both the EU and the US have applied restrictive measures against more than 250 persons responsible for human rights abuses in Iran,¹⁹ while Canada has designated over 115 Iranian persons for their involvement in human rights violations.²⁰</p>	
Categories of Impact Identified	<ol style="list-style-type: none"> 1. Public Accountability Impact 2. Personal Behavioural Impact 3. Geopolitical Impact

15 US targeted sanctions against Iranian officials have also been imposed pursuant to Executive Order (E.O.) 14078, “Bolstering Efforts to Bring Hostages and Wrongfully Detained US Nationals Home,” which expands the tools available to deter and impose tangible consequences on those responsible for, or complicit in, hostage-taking or the wrongful detention of a US national abroad: US Department of the Treasury, “Treasury Designates Former President of Iran”, 18 September 2023.

16 While there has generally been a coordinated response to the protests not all designations have been replicated by all four jurisdictions.

17 UK House of Commons Research Briefing, “Iran protests 2022: Human rights and international response”, 26 May 2023.

18 HM Treasury and Office of Financial Sanctions Implementation, Financial sanctions, Iran (human rights).

19 Council of the EU, “Iran: Five individuals and two entities targeted by EU’s eight package of sanctions for human rights violations”, 22 May 2023; US Department of State, Iran Sanctions.

20 United Against Nuclear Iran, “Iran Human Rights Sanctions Tracker”, August 2023.

Framework Assessment of Impact

Contextual Background to the Designations

Following Mahsa Jina Amini's death in September 2022²¹, and the resulting protests and brutal repression by the Islamic Republic of Iran²², the US, UK, EU and Canada have issued hundreds of targeted sanctions designations against Iranian officials and entities for their involvement in serious human rights violations.

Public Accountability Impact

Witness testimonies by civil society activists and survivors of human rights violations in Iran indicate that targeted sanctions - especially when multilateralised - had a powerful Public Accountability Impact through the identification of the alleged perpetrators and acknowledgment by the international community of abuses committed by the Iranian regime.

For example, one political prisoner interviewed noted that sanctions imposed by the US, EU, UK and Canada have *"provid[ed] symbolic relief that the world acknowledges our suffering [and] offer a glimmer of hope that someone out there is trying to hold these officials accountable"*.²³ Similarly, one former detainee observed that, whilst in detention, they had seen one Baloch prisoner smiling for the first time in three years after hearing that the US had imposed sanctions on several provincial and military officials responsible for killing and abusing Baloch citizens. For that individual, sanctions meant that the international community, especially the US, had recognised the plight of Baloch people and were *"not going to be deceived by the regime's words about Baloch people being violent"*.²⁴

In providing such *"symbolic relief"* targeted sanctions have also helped to strengthen victims' resolve and demonstrate that their cases are not being forgotten by the international community. For example, when reflecting on the impact sanctions have had, a mother of a student that went missing following the outbreak of the nationwide protests in 2022 explained that *"every time such a sanction is imposed, I feel like my child's disappearance isn't forgotten – there is a sense of validation"*.²⁵

Other victims of human rights violations in Iran whose suffering has not yet been explicitly recognised in sanction designations often feel that their cases have been overlooked by the international community. For example, foreign and dual nationals who have been tortured and arbitrarily detained in Iran for diplomatic leverage (i.e. state hostage-taking) have long campaigned for governments to impose sanctions against the perpetrators of their mistreatment, highlighting the importance of such action as a form of acknowledgment of the wrongs they endured in lieu of any form of redress from the Iranian state.²⁶ Victims of Iran's State hostage-taking further warned that the failure to impose sanctions only emboldened Iran to continue its abuses. It also signalled to

21 The Iran Primer, *"Iran's Tactics During Protests"*; VOA News, *"Timeline: Events in Iran since Mahsa Amini's arrest"*, 15 October 2022.

22 See for example, Amnesty International, *"Iran: At least 82 protesters and bystanders killed in bloody crackdown in Baluchistan"* 6 October 2022; Iran Primer, *"Explainer: Iran's university protests"*, 5 January 2023; AP News, *"Shops in Iran, including Grand Bazaar, close over protests"*, 15 November 2022; Al-Jazeera, *"Iran court issues first death sentence in protest-linked cases"*, 14 November 2022.

23 Confidential witness statement 1, August 2023.

24 Confidential witness statement 1, May 2023.

25 Confidential witness statement 4, August 2023.

26 REDRESS, *"The Free Nazanin Campaign and REDRESS Call for Magnitsky Sanctions on Perpetrators of Iran's Hostage-taking"*, 19 September 2021; The Guardian, *"MPs claim Foreign Office 'inaction' on sanctioning Iranian for hostage-taking"*, 21 July 2022; The National News *"Nazanin Zaghari-Ratcliffe campaigners call for sanctions against 10 Iranian officials"*, 19 September 2021.

them that the international community was not taking their suffering seriously, but selectively chooses the types of human rights abuses to engage with, based on political appetite, thereby undermining sanctions as a tool for accountability and change.

According to Richard Ratcliffe, husband of Nazanin Zaghari-Ratcliffe, a British-Iranian citizen who was kept hostage by Iran from 2016 to 2022:

“The refusal to use sanctions to challenge State hostage-taking has emboldened Iran’s use of hostage diplomacy and encouraged the export of the tactic to its proxies in the region. While the sanctions in relation to the suppression of the recent Women Life Freedom protest in Iran are really welcome, I worry that the international community is trying to silo Magnitsky sanctions on Iran, relegating Iranian human rights abuses as a domestic problem, rather than an issue of international security affecting individuals around the world.

International accountability for human rights abuses and crimes against humanity is a tool for global peace and security. Magnitsky sanctions should be used as a tool of accountability, not just a tool of diplomacy to send mood signals. The risk in diplomats’ hands is that Magnitsky sanctions just become another gesture, the inverse of an invitation to the King’s garden party. I still hope we use them as a tool for change.”

Targeted sanctions against perpetrators of human rights violations in Iran have also helped empower Iranian civil society, both in Iran and abroad. For example, one Iranian individual who had been arrested for participating in Iran’s anti-government protests explained that the recent wave of sanctions against human rights perpetrators in Iran, showed to protestors that they had “*supporters around the world*” who are willing to take action. This, the individual added, had given them courage to continue their protests, knowing that they “*are armed with global solidarity that is by our side to support our fight*”.²⁷ At the same time, Iranian diaspora groups have rallied against Iran’s brutal repression throughout European capitals, calling on these governments to support the Iranian struggle against the Ayatollah regime by increasing sanctions.²⁸

In addition, Iranian women’s and LGBTIQ+ rights activists have also stressed the impact sanctions have had in recognising wrongs committed against historically marginalised groups, including women and LGBTIQ+ persons. Specifically, such activists noted that “*it is heartening to know that our voices are being heard and that there are forces beyond our borders that stand with us*”²⁹ and that the “*world acknowledges our struggles*”.³⁰ An Iranian transgender woman interviewed further added that she had found comfort in “*knowing that powerful entities outside Iran stand against these human rights violations*”, describing it as “*a moral victory*”.³¹ Similar sentiments were also voiced by female Iranian university students who added that: “*for [our] generation, this global attention gives us hope – it assures us that our resistance isn’t in vain*”.³²

Targeted sanctions’ contribution to this Category of Impact is reinforced by the fact that several designations imposed since September 2022, or their accompanying press releases, specifically identify women as the targets

27 Confidential witness statement 2, May 2023.

28 Atalayar, “Iranian diaspora in Madrid rallies in front of the Congress of Deputies”, 4 November 2022.

29 Confidential witness statement 2, August 2023.

30 Confidential witness statement 3, August 2023.

31 Confidential witness statement 7, August 2023.

32 Confidential witness statement 6, August 2023.

of the sanctioned abuses and often pay tribute to Mahsa Amini – a single female victim. For example, when announcing the US’ designation of Iran’s morality police, the Secretary of the US Treasury, Janet L. Yellen, noted that *“Mahsa Amini was a courageous woman whose death in morality police custody was yet another act of brutality by the Iranian regime’s security forces (...) we condemn this unconscionable act in the strongest terms and call on the Iranian Government to end its violence against women”*.³³

Similarly, when the EU announced further designations of Iranian perpetrators of serious human rights violations in November 2022, it stressed that any person responsible for the death of Mahsa Amini must be held accountable.³⁴ Such explicit acknowledgement of women’s suffering represents a crucial shift in States’ previous sanctioning practices, that rarely recognised women as victims of the sanctionable conduct.³⁵ It further brings Mahsa Amini’s case as well as the plight of women in Iran more generally to the forefront of international attention.

Personal Behavioural Impact

Nevertheless, evidence from victims and survivors of human rights abuses in Iran also suggests that targeted sanctions have only had a limited Personal Behavioural Impact on perpetrators. For example, when asked about whether sanctions have had any behavioural impact on Iranian officials, one person interviewed described it as *“a double-edge sword; some officers might restrain themselves [from engaging in further abuses] fearing international repercussions but most remain unswayed”*³⁶. Similarly, an Iranian woman who had been arrested for protesting against the government of Iran, mentioned that it was difficult to *“say for sure”* if sanctions had an impact on the behaviour of Iranian officials:

“Some officials may be more careful about how they treat people, for fear of being sanctioned themselves. But others may simply be more brazen, knowing that sanctions are unlikely to have any real consequences for them”.³⁷

There is evidence of positive behaviour change in some cases. For example, a testimony by a person released from prison after Iran’s Supreme Leader ordered an amnesty for ‘tens of thousands’ of people detained amid the protests in February 2023³⁸ noted that:

“whilst I was in prison I witnessed that every time new sanctions were announced the guards behaviour changed (especially those with lower ranks) (...) [T]hey, who seemed scared, told us we are not your enemy, we are just doing our job (...) we took advantage of this situation and put forward demands such as the provision of some equipment that would not normally be agreed to, but affected by the atmosphere, the officials of [redacted] prison seemed to be afraid and agree to our demands”.

33 US Department of Treasury, ‘Treasury Sanctions Iran’s Morality Police and Senior Security Officials for Violence Against Protesters and the Death of Mahsa Amini’, 22 September 2022.

34 Council of Europe, ‘Iran: EU adopts additional sanctions against perpetrators of serious human rights violations’, 14 November 2022.

35 Human Rights First, REDRESS, Raoul Wallenberg Centre for Human Rights, Open Society Foundations, ‘Multilateral Magnitsky Sanctions at Five Years’, November 2022, p.43

36 Confidential witness statement 4, August 2023.

37 Confidential witness statement 8, August 2023.

38 NBC News, ‘Iran’s supreme leader pardons ‘tens of thousands’ of prisoners, state media report’, 5 February 2023.

The individual also suggested that Iran’s decision to pardon a significant number of political prisoners was triggered by sanctions against Iranian officials involved in the regime’s human rights abuses, noting that: *“I even think that our freedom, which took place under the name of amnesty, was also a result of the message of the international community to the Iranian Government with the means of sanctioning and naming human rights violators”*.³⁹

These encouraging reports are, however, mitigated by others’ experiences who noted that *“prison and intelligence officers continue to function as before, seemingly unaffected by the international pressure”*⁴⁰ and that *“while some might be deterred, the majority continue with their oppressive tactics, unfazed by international sanctions”*.⁴¹ Several persons interviewed further explained that the regime’s oppressive tactics had *“not shown any sign of relenting”*⁴² following the imposition of targeted sanctions, and in some cases even increased their brutality either because they *“feel like they have nothing more to lose”*⁴³ or because sanctions are *“unlikely to have any real consequences for them”*.⁴⁴ Others further reported that Revolutionary Court judges who had become subject to US sanctions were visibly angered when the sanctions were handed down and treated them worse during trials as a result, including by denying them access to lawyers.

Finally, the violent assault of a teenage Iranian girl (Armita Geravand) by Iran’s morality police in October 2023 for not wearing a headscarf, leaving her ‘brain dead’⁴⁵ is further evidence that targeted sanctions and other measures taken by the international community to date have had a limited impact in deterring Iranian police from using lethal force to subdue demonstrations.

Geopolitical Impact

Overall, the mixed evidence regarding the impact targeted sanctions have had in Iran is, in part, due to the fact that Iran has been financially isolated for decades because of comprehensive sanctions which have been imposed against it since 1979. As such, many of those targeted will not necessarily feel tangible consequences of being subject to targeted sanctions, because they do not have assets or economic relations with businesses located in the sanctioning jurisdiction.

Nevertheless, public statements denouncing the sanctions by Iranian senior government officials, do suggest that the regime’s leadership is motivated to some extent to avoid the effects of sanctions - including both comprehensive trade sanctions imposed against sectors of Iran’s economy as well as targeted sanctions against senior government members. For example, Iran’s President, Ebrahim Raisi, has explicitly stated that *“sanctions against Iran must be lifted, and we will support any diplomatic plan that achieves this goal.”*⁴⁶ During a recent visit to Latin America, Raisi further encouraged States such as Venezuela, Nicaragua and Cuba to work with Iran to find ways to evade US sanctions.⁴⁷

39 Confidential witness statement 3, May 2023.

40 Confidential witness statement 1, August 2023.

41 Confidential witness statement 6, August 2023.

42 Confidential witness statement 3 and 7, August 2023.

43 Confidential witness statement 8, August 2023.

44 Confidential witness statement 9, August 2023.

45 CNN, *“Iranian teen ‘brain dead’ following alleged assault by morality police”*, 23 October 2023

46 VOA News, *“Iran’s New President Pledges Diplomacy to Lift US Sanctions”*, 5 August 2021; Al Arabiya News, *“Iran supports ‘any diplomatic proposal’ to lift sanctions: President Raisi”*, 5 August 2021.

47 Iran International, *“Iran’s Raisi in Latin America To Find Ways Around US Sanctions”*, 15 August 2023.

The absence of free media and the high level of State censorship in Iran also means that when sanctions packages have been announced, Iranian mainstream media outlets often censor or frame the narrative to support the regime’s anti-West propaganda and skew civil society’s perceptions of these sanctions.⁴⁸ For example, one interviewee noted that they had rarely come across news on sanctions in Iranian channels: “they either suppress it or present it with their own narrative, far from the truth”.⁴⁹ This was corroborated by others who noted that “Mainstream media avoid or twist the narrative [surrounding sanctions] to suit their own agenda” and advance the Iranian Government’s narrative of “us against them”.⁵⁰

Other Factors to Consider when Assessing Impact

Targeted sanctions are not the only tool that has been used by the international community to address serious human rights violations committed by the Iranian regime and as such cannot be considered in isolation. Other factors that have affected their impact include:

- **Other types of sanctions imposed:** Before the 2022 protests, Iran was subject to multiple sanctions by (among others) the US, UK, EU and Canada that target the Islamic Revolutionary Guard Corps (IRGC).⁵¹ International sanctions also target Iran’s nuclear programme and support for armed groups abroad, as well as human rights violations.⁵² They include asset freezes, travel bans, but also arms and wider trade embargos, prohibiting exports of goods and services from the sanctioning jurisdictions if intended for Iran, and blocking Iranian oil exports to raise the costs of the regime’s effort to develop a potential nuclear-weapons capability.⁵³ These sanction programmes therefore have a significant coercive impact on Iran’s economy, effectively isolating Tehran economically at the international level. In the past, these measures have been pivotal in pressuring the regime to take actions to affect the lifting of sanctions (including by entering into negotiations with the US, and others for the Joint Comprehensive Plan of Action in 2015).⁵⁴
- **UN Action:** Following the Iranian Government’s violent crackdown on protesters calling for justice for Mahsa Amini’s death in September 2022, the UN took several historic steps to condemn the regime’s violent repression of women and girls and reinforce demands for accountability. For example, in December 2022, it adopted a resolution to remove Iran from the Commission on the Status of Women for the remainder of its four-year term ending in 2026.⁵⁵ Further, in November 2022, the UN Human Rights Council passed a landmark resolution to establish a fact-finding mission to investigate human rights violations in Iran related to the 2022 protests, especially with respect to women and children.⁵⁶ In addition, the UN Human Rights Committee, the UN Working Group on Discrimination Against Women and Girls, and the UN Special Rapporteurs on ‘the situation of human rights in the Islamic Republic of Iran’, ‘the independence of judges and lawyers’, ‘extrajudicial, summary and arbitrary executions’, ‘the right to education’, ‘the right to freedom of opinion and expression’, ‘cultural rights’ and ‘freedom of religion and belief’ have all issued reports, raising serious concerns about the

48 Confidential witness statements 1, 2,4 ,5 and 7, August 2023.

49 Confidential witness statement 1, August 2023.

50 Confidential witness statement 2, August 2023.

51 UK House of Commons Research Briefing, “Iran protests 2022: Human rights and international response”, 26 May 2023.

52 UK House of Commons Research Briefing, “Iran protests 2022: Human rights and international response”, 26 May 2023.

53 Council on Foreign Relations, “International Sanctions on Iran”, 15 July 2015.

54 Council on Foreign Relations, “What is the Iran Nuclear Deal? ”, 21 June 2023.

55 United Nations, “Iran removed from UN Commission on the Status of Women”, 14 December 2022.

56 Amnesty International, “Iran: Landmark UN fact-finding mission marks long-awaited turning point in tackling systematic impunity”, 24 November 2022; United Nations Human Rights Council, “Independent International Fact-Finding Mission on the Islamic Republic of Iran”, 24 November 2022.

consistently deteriorating human rights situation in Iran, including the regime's escalating wave of executions and gender-based persecution.⁵⁷ These measures, together with the targeted sanctions imposed by multiple jurisdictions, have signalled international condemnation for the regime's violence against women and other marginalised groups.

Recommendations for Enhancing Impact

- **Sanctioning jurisdictions should continue to explicitly recognise marginalised and vulnerable victim groups in their sanctioning decisions, including women, LGBTIQ+ persons, ethnic minorities, and dual or foreign nationals detained for diplomatic leverage - sending a message about how seriously the international community takes the abuses that they suffer.** Statements of reasons included in the designations should explicitly document the harms suffered by such groups to provide a measure of accountability and acknowledgement.
- **Sanctioning States must consistently target those perpetrators who have the strongest links to their jurisdictions and take decisive action to hold them to account.** Several key functionaries of the Iranian regime are still not included in international sanctions lists or been subjected to arrest warrants, despite evidence that these individuals regularly travel to the US, UK, EU or Canada. For example, in July 2023, it was reported that Hossein-Ali Nayeri, an Iranian judge allegedly involved in the mass execution of political prisoners in Iran in 1988 and a chief adviser to Iran's judiciary was receiving medical treatment in Germany.⁵⁸
- **Sanctioning States should focus on designating lower-level Iranian security officers in parallel with other elements of the regime's repressive apparatus, including judicial officials responsible for prosecuting, sentencing and executing political prisoners.** Targeting perpetrators with varying levels of seniority across different branches of the regime helps to maximise impact through disrupting the activities of all key players perpetrating, overseeing or facilitating Iran's abuses.⁵⁹
- **Sanctioning States should strengthen their relationships with Iranian civil society.** Proper engagement with these groups on sanction targets will help ensure that designations remain legitimate in the eyes of the people of Iran and target those most susceptible to the financial and reputational pressures exerted by sanctions. However, to achieve these objectives, States must engage with civil society holistically, and not selectively choose topics of interest based on political priorities.

57 UN Human Rights Office of the High Commissioner, "UN Human Rights Committee publishes findings on Iran, Kuwait, Korea, Trinidad and Tobago, United States of America and Venezuela", 3 November 2023; UN Human Rights Office of the High Commissioner, "Special Rapporteur on the situation of human rights in the Islamic Republic of Iran"; UN Human Rights Office of the High Commissioners, "UN excerpts urge Iran to stop 'horrific wave' of executions", 19 May 2023; UN Human Rights Office of the High Commissioners, "Repressive enforcement of Iranian hijab laws symbolises gender-based persecution: UN experts", 14 April 2023.

58 Iran International, "Questions abound over German clinic admitting Iranian 'Hangman'", 25 July 2023.

59 The Washington Institute for Near East Policy, "Human Rights Sanctions on Iran Need More Coordination and Creativity", 9 December 2022.

CASE ASSESSMENT 2: UK SANCTIONS FOR CORRUPTION IN EQUATORIAL GUINEA



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Luxury cars seized from Teodorin Nguema Obiang by the Swiss government in 2019, as part of a corruption investigation.

The Swiss government auctioned off 25 luxury cars it had seized from Teodorin as part of a settlement to a corruption investigation.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by REDRESS.

Designated Individual / Entity:	Teodoro Nguema Obiang Mangue
Position or Role of the Designated Person at the Time of the Sanction:	Vice President of Equatorial Guinea

Primary Sanctioning Jurisdiction:	UK
Applicable Regulations:	UK Global Anti-Corruption Sanctions Regulations 2021 ⁶⁰
Sanctions Type:	Asset Freeze and Travel Ban ⁶¹
Date of Designation:	22 July 2021
Multilateralised?	No
Statement of Reasons for Sanctioning:	
<p>The UK provided the following statement of reasons for designation: <i>“Teodoro Nguema Obiang Mangue has been involved in the misappropriation of significant amounts of public assets from Equatorial Guinea as well as bribery, to fund a lavish lifestyle in various countries abroad including the United States and France, where he held assets which were vastly disproportionate in value by comparison to his official salary as an Equatorial Guinean government minister”</i>.⁶²</p>	
Categories of Impact Identified	<ol style="list-style-type: none"> 1. Public Accountability Impact 2. Geopolitical Impact

Framework Assessment of Impact

Contextual Background to the Designations

The impact of the designation to date is mixed. On the one hand, it provoked a very pronounced response from Equatorial Guinea, including denouncements of the designation by the Foreign Minister⁶³ and closure of the Equatorial Guinean embassy in London.⁶⁴

On the other hand, the Public Accountability Impact of the UK imposing sanctions against the designee in its second-ever round of anti-corruption sanctions highlighted the value of tackling this type of corruption and the UK’s support for ongoing forfeiture actions in other jurisdictions. Indeed, reporting at the time highlighted that these types of actions were a *“sign of the risk of potential damage to credibility and access to development funds that some regimes might face”* if they engage in corrupt acts.⁶⁵

60 The Global Anti-Corruption Sanctions Regulations 2021.

61 Office of Financial Sanctions Implementation (HM Treasury), “Financial Sanctions Notice: Global Anti-Corruption”, 22 July 2021.

62 HM Government, “The UK Sanctions List”, last updated 21 August 2023.

63 Africa News “Equatorial Guinea slams ‘unilateral’ sanctions against Vice President”, 25 July 2021.

64 Reuters, “Equatorial Guinea to close embassy in London”, 27 July 2021.

65 BBC News, “Teodoro Nguema Obiang Mangue and his love of Bugattis and Michael Jackson”, 28 July 2021.

Public Accountability Impact

The designation was widely reported in the international press given the high-profile nature of the designee (a sitting Vice President).⁶⁶ However, given the various legal actions which had already been brought against the designee for alleged corrupt activities, the additional press coverage of the designation did not necessarily increase the Public Accountability Impact. Further, at the time of the designation, Equatorial Guinea was ranked 164 out of 180 states (with a score of 44.22) in the Global Press Freedom Index.⁶⁷ Therefore, the impact of the designation in empowering local communities may have also been limited. Stakeholders reported that better engagement with civil society and those working with local communities would have been welcome to ensure that the designation provided a better sense of justice for those affected by the corruption and assisting to change the perspectives of local communities on why targeting these types of perpetrators matters.⁶⁸

While generally welcomed, the action was viewed as coming somewhat out of the blue by some stakeholders, who were not aware that the UK were intending to take action against corruption in Equatorial Guinea.⁶⁹ Any particular impact was seen as being diluted as the announcement of the designation also included sanctions against unconnected individuals from Zimbabwe, Venezuela and Iraq,⁷⁰ thus removing some of the focus from the designee and his particular actions.

The UK's messaging on the reasoning for this specific designation was also described as not being particularly strong in highlighting the specific issues which such alleged corruption causes and the negative consequences it has globally even if individuals engaged do not have assets or particular ties to the sanctioning jurisdiction.⁷¹

While there was a generally unifying theme of tackling corruption in the package of designations (the UK Foreign Secretary at the time described the designees as *"individuals who have lined their own pockets at the expense of their citizens"*), the other individuals designated in the package were unconnected to the Equatorial Guinea context. The absence of any clear foreign policy objectives for the UK in response to corruption in Equatorial Guinea beyond the designation was also highlighted by stakeholders as a key factor in limiting its impact.

This lack of clear messaging compounded the fact that the designee did not have any obvious assets in the UK. The designation came following a number of crackdowns by various States directly targeting the alleged ill-gotten gains for example:

1. Forfeiture of a USD 30 million mansion by US authorities in 2014;⁷²
2. Seizure of 11 luxury cars (sold at auction for around USD 27 million) by Swiss authorities in 2016;⁷³
3. Conviction and fine by a French court for engaging in corruption in 2017;⁷⁴
4. Seizure of millions of dollars of cash by Brazilian authorities in 2018.⁷⁵

66 See for example, Sky news, ["UK sanctions Equatorial Guinea leader's son who bought Michael Jackson's \\$275,000 crystal studded glove"](#), 22 July 2021; CNN, ["UK sanctions Equatorial Guinea leader's son over 'lavish lifestyle' spending"](#), 23 July 2021; Washington Post, ["UK places sanctions on Equatorial Guinea president's son after purchases including Michael Jackson's glove"](#), 24 July 2021.

67 Reporters without Borders, [Global Press Freedom Index: 2021](#).

68 Interview with Civil Society Actor.

69 Interview with Civil Society Actor.

70 Foreign Commonwealth and Development Office Press Release, ["New UK sanctions against individuals involved in corruption around the world"](#), 22 July 2021.

71 Interview with Civil Society Actor.

72 US Department of Justice, ["Second Vice President of Equatorial Guinea Agrees to Relinquish More than \\$30 Million of Assets Purchased with Corruption Proceeds"](#), 10 October 2014; CNBC, ["African nation leader forced to give up assets in DOJ settlement"](#), 10 October 2014.

73 Human Rights Watch, ["France: Equatorial Guinea Vice President's Conviction Upheld"](#), 28 July 2021.

74 The Guardian, ["Son of Equatorial Guinea's president is convicted of corruption in France"](#), 27 October 2017.

75 Africa News, ["Equatorial Guinea VP's seized assets: US, Switzerland now Brazil"](#), 9 May 2019.

Stakeholders felt that the impact of the UK's action could have been enhanced if the action was seen as part of a more coordinated strategy with other international partners seeking to address the designee's alleged corruption.⁷⁶ To date, the UK remains the only jurisdiction to have imposed sanctions against the designee. Given the lack of physical assets in the UK, sanctions by other jurisdictions where assets were known to be located would have better curtailed the designee's ability to benefit from any alleged ill-gotten gains, therefore increasing the Material Impact of the sanctions.⁷⁷

Finally, while the UK sanctions can be seen as an act of solidarity with other actions by the international community, stakeholders have noted that the sanctions in and of themselves have seemingly not limited the power or influence of the designee and most of the assets subject to proceedings are yet to be returned to the people of Equatorial Guinea. Nevertheless, stakeholders did welcome the fact that the UK had taken a stand against the alleged corruption in circumstances where there were less apparent financial ties to the UK compared to other States. In addition, the designation was seen as re-highlighting the designee's alleged corrupt actions and ill-gotten gains.

Other Factors to Consider when Assessing Impact

- **Ongoing Asset Recovery and Repatriation Processes:** The UK's designation was one of the latest measures in a string of other actions taken by States to address the designee's alleged behaviour. As noted above, there are a number of restitution and asset confiscation proceedings against the designee as a result of the alleged conduct. For example, 10 luxury cars were seized by Swiss prosecutors in 2016.⁷⁸ Similarly, in 2021, France's highest court, the *Cour de Cassation*, upheld convictions against the designee ending 10 years of litigation regarding USD150 million of stolen assets.⁷⁹ In the US, USD26.6 million in allegedly illicit proceeds were distributed to the United Nations for the purposes of purchasing and distributing COVID-19 vaccines.⁸⁰
- **Other ongoing legal proceedings:** Equatorial Guinea has responded to these efforts by launching its own legal action, including proceedings before the International Court of Justice to block the sale of confiscated assets including a luxury Parisian mansion.⁸¹ In this context, the UK's designation was perhaps one of the less impactful measures taken by the international community. However, the UK's designation, if properly enforced, still exerts a degree of Material Impact by cutting off access to the UK's financial sector, a key international financial market.
- **Ratification of the UN Convention against Corruption:** In 2018, Equatorial Guinea ratified the UN Convention against Corruption.⁸² However, in its concluding observations during the 2019 Universal Periodic Review of Equatorial Guinea, the Human Rights Committee noted "*reports that corruption remains widespread in the State party, especially at the highest levels of Governments, and that preventive measures are inadequate*".⁸³

76 Interview with Civil Society Actor.

77 Interview with Civil Society Actor.

78 BBC News, [Teodoro Nguema Obiang Mangue and his love of Bugattis and Michael Jackson - BBC News](#)

79 Human Rights Watch, "[France: Equatorial Guinea Vice President's Conviction Upheld](#)", 28 July 2021.

80 US Department of Justice (Press Release), "[USD26.6. Million in Allegedly Illicit Proceeds to be used to fight COVID-19 and address medical needs in Equatorial Guinea](#)", 20 September 2021.

81 BBC News, "[Equatorial Guinea seeks to block sale of confiscated Paris mansion](#)", 1 October 2022.

82 United Nations, "[UNCAC Signature and Ratification Status](#)".

83 UN Human Rights Committee, "[Concluding Observations on Equatorial Guinea in the absence of its initial report](#)", 22 August 2019.

Recommendations for Enhancing Impact

- **As the primary sanctioning jurisdiction, the UK should encourage its partners to take similar measures.** Multilateralisation of designations in this case would likely increase the Material Impact of sanctions given the location of the designee's assets and ties to various other jurisdictions. As the designation was also only limited to one individual, it is questionable whether any broader network enabling the corrupt activity has been effectively disrupted (or deterred) from continuing engaging in such malign activity.
- **Sanctioning jurisdictions should ensure that their designations form part of a larger, coherent foreign policy,** ensuring statements of reasons are clear and that designations are announced to maximum effect. For example, announcing designations which are related by the regional context they are seeking to address, the network of corruption they are trying to combat or pattern of behaviour they are trying to deter. Also ensuring that the announcement of designations is strategically timed to maximise impact and complement other ongoing accountability efforts is crucial to their effectiveness.
- **Ensuring follow-up and enforcement of designations.** For example, targeting other individuals or entities in the network or enabling the alleged corrupt conduct to ensure existing designations continue to have impact. In addition, ensuring that robust action is taken against those who enable the flow of ill-gotten gains or seek to circumvent sanctions already in place.

CASE ASSESSMENT 3: UK SANCTIONS FOR HUMAN RIGHTS ABUSES IN UKRAINE



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Apartment buildings in the Ukrainian town of Borodyanka bombed during the early days of the Russian invasion.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by REDRESS.

Designated Individual / Entity:	Russian General, Azatbek Omurbekov
Position or Role of the Designated Person at the Time of the Sanction:	Military commander
Primary Sanctioning Jurisdiction:	UK

Applicable Regulations:	UK Russia (Sanctions) (EU Exit) Regulations 2019
Sanctions Type:	Asset Freeze and Travel Ban
Date of Designation:	21 April 2022
Multilateralised?	Yes⁸⁴
Statement of Reasons for Sanctioning:	
<p>The UK provided the following statement of reasons for designation: <i>“Lt Col Azatbek Omurbekov is a member of the Armed Forces of the Russian Federation, currently in the position of Commanding Officer of the Russian 64th Separate Motorised Rifle Brigade. Omurbekov is considered to be or have been either in direct command of and to have substantial influence regarding the deployment of troops involved in the killing of civilians in the Kyiv suburb of Bucha during the Russian invasion of Ukraine. There are therefore reasonable grounds to suspect Omurbekov is an involved person by reason of being responsible for, engaging in, providing support for, or promoting policies or actions which destabilise Ukraine or undermine or threaten the territorial integrity, sovereignty or independence of Ukraine”</i>.⁸⁵</p>	
Categories of Impact Identified	<ol style="list-style-type: none"> 1. Public Accountability Impact 2. Geopolitical Relations Impact 3. Material Impact

Framework Assessment of Impact

Contextual Background to the Designations

On 21 April 2022, the UK sanctioned Azatbek Omurbekov, as part of a large sanctions package “targeting Putin’s war leaders.”⁸⁶ In its Statement of Reasons, the UK noted that Omurbekov, in his role as the Commanding Officer of the Russian 64th Separate Motorised Rifle Brigade, had been in direct command of, or had substantial influence regarding the deployment of troops involved in the killing of civilians in the Kyiv suburb of Bucha during the Russian invasion of Ukraine.⁸⁷

The atrocities in Bucha reportedly happened when soldiers of Russia’s 64th Motorised Rifle Brigade arrived in Bucha in March 2022.⁸⁸ In December 2022, the UN Human Rights Monitoring Mission in Ukraine noted that at least 73 civilians had been killed by Russian forces in Bucha and that it was in the process of corroborating an additional 105 alleged killings, many of which took place during summary executions.⁸⁹ Earlier the same year, the

84 The UK sanctioned 26 individuals and entities on 21 April 2022. On 2 June 2022, the EU sanctioned 65 individuals and 18 entities, including the Butcher of Bucha, under *Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine*. On 28 June 2022, the US announced new Russia sanctions, including the designation of “three Russian Federation military units, the 76th Guards Air Assault Division and its subordinate 234th Guards Airborne Assault Regiment, as well as the 64th Separate Motorized Rifle Brigade, pursuant to E.O. 14024 Section 1(a)(i) because these entities operate or have operated in the defense and related material sector of the Russian Federation economy.”

85 [UK Sanctions List](#).

86 UK Foreign, Commonwealth and Development Office, “[New sanctions targeting Putin’s war leaders](#)”, 21 April 2022.

87 [UK Sanctions List](#).

88 New York Times, “[‘Such Bad Guys Will Come’: How One Russian Brigade Terrorized Bucha](#)”, 22 May 2022

89 UN OHCHR, “[UN report details summary executions of civilians by Russian troops in northern Ukraine](#)”, 7 December 2022.

Ukrainian Prosecutor General's Office shared evidence indicating that unarmed civilians had been taken hostage and tortured during Russia's occupation of Bucha.⁹⁰

Public Accountability Impact

The designation was announced as part of a large package targeting 26 other Russian military and non-military figures, unconnected to the violations committed in Bucha. The designation therefore had a limited impact in recognising the severity and scale of suffering inflicted on Ukrainian victims located in Bucha. The EU in particular noted that these crimes amounted to crimes against humanity and war crimes.⁹¹ The US added that the 64th Separate Motorized Rifle Brigade, allegedly commanded by Omurbekov,⁹² was responsible for having *"killed numerous civilians, detained civilians, beating detained civilians, conducted mock executions of civilians, dismembered civilians including removing parts of their scalps and removing their limbs, burned civilians, and seized and damaged civilian homes and property"*.⁹³

The EU's and US' explicit recognition of the commission of potential war crimes and other serious human rights violations against Ukrainian victims, provides crucial recognition of the harms suffered by victims in Ukraine, and supports documentation of the violations for the purpose of future accountability mechanisms. However, the announcement of this designation amongst so many other sanctions designations covering various conduct, individuals and entities has meant that the potential to highlight the atrocities committed in Bucha and provide acknowledgement to victims may have been lost.

Nevertheless, despite the potential for Public Accountability Impact, some Ukrainian civil society stakeholders consulted advocated for swift and comprehensive sanction packages prioritising targeting the financial strength of the Russian Government. The Material Impact which would be produced from targeting those with stronger financial ties to the sanctioning jurisdictions, as opposed to perpetrators where Public Accountability Impact would be the primary effect of the sanction was seen to be a priority in this particular context by those consulted.

Material Impact

There is minimal evidence that the sanctions have had any Material Impact on Omurbekov. Though Omurbekov was subjected to a travel ban and asset freezes, it is unclear whether he has assets or otherwise significant financial or personal ties to the UK or any of the sanctioning jurisdictions which would impose a Material Impact on him.

The designations may, however, have supported other domestic, regional or international criminal or civil investigations. For example, on 28 April 2022, Ukraine commenced criminal investigations for war crime charges against ten soldiers of the 64th Motorised Rifle Brigade under Omurbekov's command.⁹⁴ The same day that the charges were announced, UN Secretary General António Guterres called for a thorough investigation into the

90 The Guardian, "Ukraine names 10 Russian soldiers in alleged human rights abuses in Bucha", 28 April 2022.

91 European Council, "Russia's aggression against Ukraine: the EU targets additional 65 individuals and 18 entities", 3 June 2022.

92 Newsweek, "Who is Azatbek Omurbekov? Commander Believed to be Behind Bucha Killings", 6 April 2022.

93 US Department of State, "Targeting Russia's War Machine, Sanctions Evaders, Military Units Credibly Implicated in Human Rights Abuses and Russian Federation Officials Involved in Suppression of Dissent", 28 June 2022.

94 Wall Street Journal, "Ukraine Brings First War-Crimes Charges Against Russian Soldiers in Bucha", 28 April 2022.

alleged crimes in Bucha, stating “I fully support the International Criminal Court and I appeal to the Russian Federation to accept to cooperate with the International Criminal Court.”⁹⁵

However, despite the international condemnation of the Russian military’s actions in Bucha, Omurbekov was promoted to colonel and awarded the Hero of Russia medal by Putin for “mass heroism, bravery, fortitude and courage” upon his return from Ukraine.⁹⁶ This response by Russia demonstrates the difficulty for sanctioning jurisdictions to inflict Material Impact on an individual without broader cooperation by those in power in the target jurisdiction. Indeed, in this case, the designation had the opposite impact than intended, likely increasing Omurbekov’s domestic influence to some extent rather than decreasing it.

Geopolitical Relations Impact

The Russian Government responded to the imposition of sanctions and the corresponding allegations of war crimes by issuing public statements denying any involvement in the mass killings, while reiterating claims that the images of civilian bodies were fake.⁹⁷ In doing so, sanctions may have been used by the Russian Government to continue building up a propaganda narrative that strengthened domestic support for the conflict in Ukraine.⁹⁸

Other Factors to Consider when Assessing Impact

- **Other types of sanctions imposed:** Russia has been subject to coordinated sanctions by the EU, US, UK and Canada, amongst others, since the annexation of Crimea in 2014.⁹⁹ Given the sheer magnitude of sanctions that have been issued since the invasion, the deteriorating geopolitical relations between Russia and sanctioning jurisdictions since the full-scale invasion and the number of victims of the conflict, it is near impossible to fully assess the impact of one designation in isolation.
- **Sanctions circumvention:** Despite the volume of sanctions against Russia, they have not caused widespread economic collapse.¹⁰⁰ This is in part due to Russia’s unique resilience to sanctions and export controls. Russia spent years stockpiling Western components and electronics¹⁰¹ and hoarding more than USD 640bn worth of central bank reserves.¹⁰² Recent reports have also shown that prohibited goods, such as advanced electronic chips and integrated circuits produced in the EU, US and other allied countries continue to be shipped to Russia through third countries such as Turkey, the UAE and Kazakhstan.¹⁰³ The use of third-party intermediaries allows Russia to evade sanctions by purchasing goods from countries which did not sanction it, to equip its military and fund its war machine.¹⁰⁴

95 Wall Street Journal, “Ukraine Brings First War-Crimes Charges Against Russian Soldiers in Bucha”, 28 April 2022.

96 Wall Street Journal, “Ukraine Brings First War-Crimes Charges Against Russian Soldiers in Bucha”, 28 April 2022; Daily Star, “Putin’s ‘Butcher of Bucha’ accused of massacres in Ukraine breaks cover at Victory Day”, 10 May 2023.

97 CNN, “‘There are maniacs who enjoy killing’ Russian defector says of his former unit accused of war crimes in Bucha”, 14 December 2022.

98 Politico, “Shoring up domestic propaganda, Putin describes Bucha killings as ‘fake’”, 12 April 2022.

99 UK House of Commons Research Briefing, “Russian sanctions prior to the invasion of Ukraine”, 15 May 2023.

100 Council on Foreign Relations, “One Year of War in Ukraine: Are Sanctions Against Russia Making a Difference”, 21 February 2023.

101 Center for Strategic and International Studies, “Russia Sanctions at One Year: Learning from the Cases of South Africa and Iran”, 23 February 2023.

102 Council on Foreign Relations, “One Year of War in Ukraine: Are Sanctions Against Russia Making a Difference”, 21 February 2023.

103 BBC News, “Ukraine War: Russia still gets key war kit despite sanctions”, 10 August 2022; Le Monde, “War in Ukraine: Hundreds of western electronic components found in Russian weapons”, 17 June 2023; VOA News, “US Warns About Increasing Use of Intermediaries to Evade Russia Sanctions”, 6 March 2023;

104 Stanford International Working Group on Russian Sanctions, “Working Group Paper 9: Measures to Increase the Effectiveness of Sanctions”, 22 November 2023.

- **International and Domestic Criminal Courts Action:** On 28 April 2022, Ukrainian prosecutors commenced criminal investigations against the perpetrators of the atrocities in Bucha. Namely, Ukraine filed war crime charges against ten privates from the 64th Separate Guards Motorised Rifle Brigade under Omurbekov's command.¹⁰⁵ In addition, on 2 March 2022, the Prosecutor of the ICC opened an investigation "*into the Situation in Ukraine from 21 November 2013 onwards*."¹⁰⁶ On 17 March 2023, the ICC issued arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova Belova, Commissioner for Children's Rights in the Office of the President of the Russian Federation, for their alleged responsibility for the war crime of unlawful deportation of children from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children.¹⁰⁷ Though no charges have been brought in relation to the crimes committed in Bucha, following a visit to Bucha, the ICC Prosecutor stated that "*we're here because we have reasonable grounds to believe that crimes within the jurisdiction of the ICC are being committed*."¹⁰⁸
- **UN Action:** On 4 March 2022, the UN Human Rights Council established the Independent International Commission of Inquiry on Ukraine to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by Russia.¹⁰⁹ In October 2022, the Commission announced that its investigation of the events in Kyiv, Chernihiv, Kharkiv, and Sumy regions in late February and March 2022 found that "*war crimes and violations of human rights and international humanitarian law have been committed in Ukraine since 24 February 2022*" and that "*Russian armed forces are responsible for the vast majority of the violations identified*."¹¹⁰ In relation to the atrocities committed in Bucha, the Commission reported that "*[m]any summary executions occurred in Bucha, in Kyiv Province*."¹¹¹ The Commission's mandate was renewed on 4 April 2023 to continue its investigation and documentation of these crimes.¹¹² Further, in July 2022, the Organisation for Security and Co-operation in Europe (OSCE) published a report documenting their findings from a visit to Ukraine in April 2022.¹¹³ In this report, the OSCE noted that it had gathered information confirming war crimes, including targeted killings, enforced disappearance and abduction of civilians, committed by Russian forces in Bucha.¹¹⁴ The work of the Commission and the OSCE, along with that of domestic and international criminal courts, are examples of other measures (including targeted sanctions) which the international community has employed to account for the atrocities committed in Ukraine.

105 Wall Street Journal, "Ukraine Brings First War-Crimes Charges Against Russian Soldiers in Bucha", 28 April 2022.

106 International Criminal Court, "Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 29 State Parties and the Opening of an Investigations", 2 March 2022.

107 International Criminal Court, "Situation in Ukraine".

108 The Independent, "Chief ICC prosecutor declares Ukraine a 'crime scene' after visiting Bucha to investigate Russia's war", 14 April 2022.

109 UN Human Rights Council, "Resolution adopted by the Human Rights Council on 4 March 2022 – Situation of human rights in Ukraine stemming from the Russian aggression", A/HRC/RES/49/1, 7 March 2022.

110 Independent International Commission of Inquiry on Ukraine, "Report of the Independent International Commission of Inquiry on Ukraine", A/77/533, 18 October 2022, p.19.

111 Independent International Commission of Inquiry on Ukraine, "Report of the Independent International Commission of Inquiry on Ukraine", A/77/533, 18 October 2022, p.13.

112 UN Human Rights Council, "Resolution adopted by the Human Rights Council on 4 April 2023 – Situation of human rights in Ukraine stemming from the Russian aggression", A/HRC/RES/52/32, 11 April 2023.

113 OSCE Office for Democratic Institutions and Human Rights, "Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine (1 April – 25 June 2022)", 14 July 2022.

114 OSCE Office for Democratic Institutions and Human Rights, "Report on Violations of International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity Committed in Ukraine (1 April – 25 June 2022)", 14 July 2022, p.38.

Recommendations for Enhancing Impact

- **When designating individuals involved in serious human rights violations, sanctioning jurisdictions should work to ensure that where multiple designations are announced, they are temporally, geographically and thematically connected.** Ensuring the designation of human rights violators in their own specific announcements will maximise the media and public attention to the proscribed actions and maximise the Public Accountability Impact which may result from the sanction. This is particularly crucial in contexts where other Categories of Impact (for example Material Impact or Personal Behavioural Impact) are less likely to be present because of the context affecting the designation.
- **Sanctioning States should explore avenues for confiscating assets frozen under sanctions and repurposing them as reparations for victims.** The UK and allied partners have frozen billions of pounds in Russian assets under sanctions following the invasion of Ukraine. Meanwhile victims of the conflict in Ukraine are in desperate need of reparations to address the harms they have suffered and help them rebuild their lives. Confiscating assets frozen under sanctions linked to human rights abuses could provide an opportunity for sanctioning States to repurpose ill-gotten wealth stored in their jurisdictions and provide compensation to fulfil victims' urgent needs.

CASE ASSESSMENT 4: US SANCTIONS FOR HUMAN RIGHTS ABUSES IN BANGLADESH



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Bangladesh Rapid Action Battalion.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by Human Rights First.

Designated Individual / Entity:

1. **The Rapid Action Battalion**
2. **Chowdhury Abdullah Al-Mamun, then Director General of the RAB**
3. **Benazir Ahmed, former Director General of the RAB**
4. **Khan Mohammad Azad, then Additional Director General (Operations) of the RAB**
5. **Tofayel Mustafa Sorwar, former Additional Director General (Operations) of the RAB**
6. **Mohammad Jahangir Alam, former Additional Director General (Operations) of the RAB**

	<p>7. Mohammad Anwar Latif Khan, former Additional Director General (Operations) of the RAB</p> <p>8. Miftah Uddin Ahmed, Lieutenant Colonel and former commanding officer of RAB Unit 7</p>
Primary Sanctioning Jurisdiction:	US
Applicable Regulations:	Global Magnitsky sanctions (Executive Order 13818)¹¹⁵ and Section 7031(c) visa restrictions¹¹⁶
Sanctions Type:	Asset Freeze; Prohibition on Business with U.S. Persons; Travel Bans
Date of Designation:	10 December 2021
Multilateralised?	No
Statement of Reasons for Sanctioning:	
<p>In imposing Global Magnitsky sanctions, the US Treasury Department noted that the RAB and six of its current and former leaders were sanctioned in response to “[w]idespread allegations of serious human rights abuse in Bangladesh by the Rapid Action Battalion (RAB) – as part of the Bangladesh government’s war on drugs.”¹¹⁷ These actions “threaten US national security interests by undermining the rule of law and respect for human rights and fundamental freedoms, and the economic prosperity of the people of Bangladesh.”¹¹⁸ The Treasury Department noted allegations from NGOs that “RAB and other Bangladeshi law enforcement are responsible for more than 600 disappearances since 2009, nearly 600 extrajudicial killings since 2018, and torture,” and that “some reports suggest these incidents target opposition party members, journalists, and human rights activists.”¹¹⁹</p> <p>Additionally, the State Department imposed Section 7031(c) visa restrictions against Benazir Ahmed and Miftah Uddin Ahmed “for their involvement in a gross violation of human rights, namely the May 2018 extrajudicial killing of Teknaf City Municipal Councilor Ekramul Haque in Teknaf, Cox’s Bazar District, Bangladesh.”¹²⁰</p>	
Categories of Impact Identified	<ol style="list-style-type: none"> 1. Public Accountability Impact 2. Material Impact 3. Personal Behavioural Impact 4. Geopolitical Impact

115 Global Magnitsky sanctions were imposed against the RAB and all the named officials, except for Miftah Uddin Ahmed, who was only subjected to Section 7031(c) visa restrictions, available here: <https://www.govinfo.gov/app/details/DCPD-201700923>.

116 Only Benazir Ahmed and Miftah Uddin Ahmed were subjected to Section 7031(c) visa restrictions, see here: <https://www.congress.gov/116/bills/hr1865/BILLS-116hr1865enr.pdf#page=332>.

117 US Department of the Treasury. “Treasury Sanctions Perpetrators of Serious Human Rights Abuses on International Human Rights Day”, 10 December 2021.

118 US Department of the Treasury. “Treasury Sanctions Perpetrators of Serious Human Rights Abuses on International Human Rights Day”, 10 December 2021.

119 US Department of the Treasury. “Treasury Sanctions Perpetrators of Serious Human Rights Abuses on International Human Rights Day”, 10 December 2021.

120 US Department of State, “The United States Promotes Accountability For Human Rights Violations and Abuses”, 10 December 2021.

Framework Assessment of Impact

Contextual Background to the Designations

Stood up as a paramilitary force in 2004 to enhance law enforcement and counterterrorism efforts in Bangladesh, the Rapid Action Battalion (RAB) established a reputation for a worsening record of serious human rights violations, including widespread extrajudicial killings, enforced disappearances, and torture.¹²¹

Reports of hundreds of extrajudicial killings, including so-called “*crossfire killings*,” a euphemism to describe extrajudicial killings that were often staged with fabricated evidence to appear as though the victim had been killed in a shootout with officers led to the group’s increased notoriety.¹²² Former members of the RAB have on several occasions provided detailed accounts of how the unit carries out these abuses.¹²³ In one 2018 case, the murder of local councillor Ekramul Haque and the subsequent actions of RAB officers to stage the scene to make his death look like a gunfight were caught on an audio recording, which Ekramul’s widow released to the press, sparking widespread condemnation.¹²⁴ Additionally, the RAB was reported to be “*responsible for more enforced disappearances in Bangladesh than any other unit*,”¹²⁵ and engaged regularly in torture of detainees.¹²⁶

The RAB has also played a critical role in recent years in Bangladesh’s democratic backsliding, as it often targeted opposition members, human rights activists and journalists, and its surveillance teams have tracked online criticism of the government leading to arrests, torture and disappearances.¹²⁷

For many years, the US, UK and other Western countries had supported the RAB with various forms of training and assistance, as growing reports of serious abuses by the unit led human rights organisations to label it a “*death squad*.”¹²⁸ Shortly before a spike in extrajudicial killings by the RAB in 2018 as part of Prime Minister Sheikh Hasina’s “*war on drugs*” crackdown ahead of an election that year,¹²⁹ it was reported that the US stopped providing any assistance to the RAB “*due to concerns over human rights violations*.”¹³⁰

Although the US State Department regularly documented these abuses in its annual human rights report, they rarely if ever featured prominently in US foreign policy, which prioritised development, trade, humanitarian support for the Rohingya and security cooperation, among other issues. In October 2020, a bipartisan group of 10 US senators issued a public letter calling for the RAB and its officials to be sanctioned under the Global Magnitsky program and Section 7031(c), making frontpage news in Dhaka.¹³¹

121 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023; *see also*, Netra News, “UN working group: Bangladesh government uses ‘enforced disappearance to target political opponents or other dissidents’”, 23 December 2021; FIDH, “Vanished without a trace: The enforced disappearance of opposition and dissent in Bangladesh”, April 2019; UN Office for the High Commissioner on Human Rights, “General Allegation: 118th Session (13-22 May 2019), Bangladesh”.

122 Pulitzer Center, “Bangladesh’s Crossfire Doctrine”, 5 July 2018.

123 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023; Sverige Radio, “Exclusive: Officer Exposes Brutal Killings by Bangladeshi Elite Police Unit RAB”, 4 April 2017.

124 The Wire, “In Recording, Chilling Proof That Hasina’s War on Drugs Involves Extra-Judicial Killing”, 16 June 2018.

125 Human Rights Watch, “Bangladesh: 86 Victims of Enforced Disappearance Still Missing”, 16 August 2021.

126 UN Committee Against Torture, “Concluding Observations on the initial report of Bangladesh: Committee against Torture”, 26 August 2019.

127 Human Rights Watch, “‘Where No Sun Can Enter’: A Decade of Enforced Disappearances in Bangladesh”, 16 August 2021; Al Jazeera, “Rapid Action Battalion: Bangladesh’s notorious paramilitary force”, 3 February 2021.

128 DW, “Witnessing the horrors of Bangladesh’s ‘death squad’”, 4 May 2023; BBC News, “UK training Bangladesh ‘death squad’”, 22 December 2010; DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023.

129 Amnesty International, “Bangladesh: Alleged extrajudicial killings in the guise of a ‘war on drugs’”, 4 November 2019.

130 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023; US Department of State, Department Press Briefing, 12 October 2022.

131 US Senate Foreign Relations Committee, “Bipartisan Letter Calls for Sanctions on Bangladeshi Battalion for Extrajudicial Killings, Enforced Disappearances, Torture”, 27 October 2020.

Public Accountability Impact

The surprise sanctions on Human Rights Day 2021 against a US partner country reportedly “rattled”¹³² the Bangladeshi Government, whose immediate response was “visceral and sporadic,”¹³³ with senior ministers denying the reports of abuse on which the sanctions were based.¹³⁴ Since then, Bangladeshi officials including Prime Minister Sheikh Hasina have repeatedly denied the RAB’s involvement in killings and disappearances, deflected or responded in defiance when asked about the sanctions, offered far-fetched explanations for why people had disappeared, pressed the US Government to lift the sanctions and floated the possibility of countersanctions.¹³⁵

However, close observers of Bangladesh noted that the sanctions caused the country’s “image on the global stage [to take] a hit” and brought heightened levels of attention to the RAB’s longstanding abuses and the impunity enjoyed by officials.¹³⁶ As the Wilson Center’s Michael Kugelman noted, the Bangladesh sanctions were announced in a statement that included China, North Korea, and Myanmar, explaining, “If you worry about your global image, . . . [y]ou never want to be clubbed with those countries.”¹³⁷ Moreover, the Bangladesh Government’s response to the sanctions – in particular its denials of the problem – has signalled “a complete lack of will to change course,” according to Robert F. Kennedy Human Rights’ Angelita Baeyens, “which is extremely concerning and shouldn’t go unnoticed by the international community.”¹³⁸

The sanctions have been “wildly popular” among ordinary Bangladeshis, and civil society activists and human rights groups welcomed the measures. Activists with whom Human Rights First spoke were highly supportive of the measures and noted that it was the most important condemnation of the regime’s abuses and form of accountability that they had seen in decades.

Public responses have similarly been highly supportive. For example, Sanjida Islam, an organiser with local human rights group, Mayer Daak, whose brother was disappeared by the RAB, said “[i]t is a perfect move by the US,” while noting more officers deserve sanctions.¹³⁹ Human Rights Watch’s Phil Robertson said “RAB deserved to be sanctioned years ago,” and the US was “finally putting their words of condemnation into action.”¹⁴⁰ Mohammad Ashrafuzzaman of the Asia Legal Resource Centre called for further sanctions on actors from the police, military and intelligence who are reported to commit similar crimes.¹⁴¹ Prominent human rights defender Nur Liton Khan noted that, with the widespread use of “crossfire” killings and the lack of accountability, “sanctions are essential to save lives.”¹⁴² Many have expressed hope that other jurisdictions like the EU, UK and Canada would join the US in imposing sanctions.¹⁴³

132 The Economist, “How Sanctions Really Can Improve Respect for Human Rights”, 29 January 2022; The Daily Star, “One Year of US Sanctions: Denial and Defiance”, 10 December 2022.

133 Al Jazeera, “Are Sanctions on RAB a shift in US policy towards Bangladesh?”, 15 December 2021.

134 Netra News, “US Sanctions on RAB: Key facts and analysis”, 13 December 2021; Atlantic Council, “US sanctions on Bangladesh’s RAB: What Happened? What’s Next?”, 16 December 2021.

135 BBC News, “The Interview: Sheikh Hasina”, 16 May 2023; The Daily Star, “One Year of US Sanctions: Denial and Defiance”, 10 December 2022; New Age, “Bangladesh reiterates call for withdrawing sanctions on RAB: Foreign Secy”, 13 July 2023; Dhaka Tribune, “Foreign Minister: Bangladesh to impose counter sanctions, if required”, 6 November 2023.

136 The Daily Star, “One Year of US Sanctions: Denial and Defiance”, 10 December 2022.

137 DW, “Why has the US sanctioned Bangladesh’s paramilitary RAB”, 14 December 2021.

138 The Daily Star, “One Year of US Sanctions: Denial and Defiance”, 10 December 2022.

139 <https://www.dw.com/en/whats-behind-us-sanctions-against-bangladeshs-elite-paramilitary-force/a-60117953>

140 VOA, “Rights Activists Welcome US Sanctions on Bangladesh’s Elite Paramilitary Force”, 16 December 2021.

141 VOA, “Rights Activists Welcome US Sanctions on Bangladesh’s Elite Paramilitary Force”, 16 December 2021.

142 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023.

143 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023.

The sanctions have been widely covered by media in Bangladesh and continue to feature prominently in local media coverage of US-Bangladesh relations and stories about RAB and human rights abuses. In a media environment that has been increasingly constricted by the government's repression on freedom of expression,¹⁴⁴ the sanctions created a rare opening to air criticism of the government more widely.

Material Impact

It is not clear that any of those sanctioned have suffered Material Impacts from the sanctions. While the sanctions included visa restrictions, the former head of the RAB and then Inspector General of Police Benazir Ahmed did travel to New York in 2022 as part of the Bangladesh Government's official delegation to a meeting at the United Nations.¹⁴⁵

None of the sanctioned individuals are known to have been removed from their positions or suffered a loss of influence in Bangladesh due to the sanctions. Two months after the sanctions were imposed, RAB's Director General Chowdhury Abdullah Al-Mamun and his deputy Colonel Khan Mohammad Azad were given police medals by Prime Minister Sheikh Hasina.¹⁴⁶ In June 2022, Inspector General of Police Benazir Ahmed was given the Integrity Award by the government for his service.¹⁴⁷ Al-Mamun was promoted to Inspector General of Police less than a year after the sanctions, replacing Ahmed upon his retirement.¹⁴⁸

While there has been no domestic investigations or accountability for the designated individuals, US officials have been clear that, *"there is no scope for repeal of sanctions against the Rapid Action Battalion without concrete action and accountability."*¹⁴⁹

A few of the sanctioned individuals have publicly commented on the sanctions. Shortly after the sanctions were imposed, Khan Mohammad Azad *"defended the force's operations"* and said, *"[i]f bringing down a criminal under the law is a violation of human rights, then we have no objection to violating this human rights in the interest of the country."*¹⁵⁰ In September 2022, Benazir Ahmed made his first public comments about the sanctions, in which he questioned why he was sanctioned as *"[the US] alleged that 600 people have gone missing under the RAB's watch since 2009. But I joined the force in 2015. So why am I included in the list?"*, and attributed the sanctions to the work of lobbying firms.¹⁵¹

Beyond the sanctioned individuals themselves, reports emerged that the sanctions were unsettling to Bangladeshi elites, many of whom *"send their children to Western universities, funnel ill-gotten cash to Western bank accounts and hope to retire to properties in America, Australia, Britain or Canada."*¹⁵²

144 Foreign Policy, "The US Ups the Ante in Bangladesh", 31 May 2023; Freedom House, "Bangladesh 2023".

145 Under the terms of the U.S.-UN headquarters agreement, the United States cannot deny entry to members of foreign governments' official delegations to the United Nations.

146 Human Rights Watch, "Bangladesh Government Keeps Rewarding Rights Abusers", 5 October 2022.

147 Prothom Alo, "IGP Benazir Receives Integrity Award", 27 June 2022.

148 Human Rights Watch, "Bangladesh Government Keeps Rewarding Rights Abusers", 5 October 2022; Dhaka Tribune, "Outgoing IGP Benazir to receive police protection after retirement", 30 September 2022.

149 Prothom, "Sanctions on RAB won't be lifted without concrete action", 24 April 2022.

150 DW, "Why has the US sanctioned Bangladesh's paramilitary RAB", 14 December 2021.

151 Financial Express, "IGP Benazir Ahmed Speaks out on US Sanctions", 2 September 2022.

152 The Economist, "How Sanctions Really Can Improve Respect for Human Rights", 29 January 2022

Personal Behavioural Impact

Human rights groups noted an abrupt, albeit temporary suspension of so-called “crossfire” killings by the RAB and other law enforcement units following the imposition of sanctions in December 2021 through March 2022.¹⁵³ The number of reported “crossfire” killings by all law enforcement branches declined from 53 reported in 2021 to seven reported in 2022 and four reported in 2023 as of September.¹⁵⁴ Across all forms of extrajudicial killings by law enforcement, there have been similar declines from 107 reported in 2021 to 31 reported in 2022.¹⁵⁵ As activist Mohammad Ashrafuzzaman explained, the data suggests that “sanctions have been instrumental to save many lives.”¹⁵⁶ Despite this, human rights groups have noted that “torture and death in custody” continued.¹⁵⁷

The other abuses cited as grounds for sanctions by the US Government have shown some changes, as well. Reports of enforced disappearances in Bangladesh remained consistent from 2021 to 2022 and have spiked in the second half of 2023.¹⁵⁸ However, there have been reports that these disappearances are often no longer indefinite, but rather the disappeared are “presented to court after a few days or weeks on what activists say are usually trumped-up charges.”¹⁵⁹

Along with the Government denials of the abuses, a retaliatory crackdown on civil society and victims has been swift and unprecedented. Shortly after the sanctions were imposed, the Government resumed a long-stalled criminal case against two leaders of the prominent Bangladeshi human rights organisation, Odhikar. Adilur Rahman Khan and ASM Nasiruddin Elan were convicted in 2023 of spreading misinformation for their reporting on extrajudicial killings in Bangladesh, marking the first time in Bangladesh’s history that human rights defenders were imprisoned for reporting on human rights violations.¹⁶⁰ The Government also de-registered Odhikar months after the sanctions were imposed, after stalling on renewing its registration since 2015. The decision to uphold the de-registration came from the Prime Minister’s Office.¹⁶¹

Less than two months after the sanctions were imposed, local Bangladeshi activists and victims’ families reported that the RAB and other police units were “coercing families of the victims of enforced disappearances to issue statements that they deliberately misled police by hiding information about how their relatives went missing.”¹⁶² The families have reported that “the authorities raided their homes in the middle of the night, threatening them and forcing them to either sign blank sheets of paper or sign prewritten statements” that claimed their family member was not disappeared and that they had made a false claim.¹⁶³ This was widely seen as an attempt to cover up cases of enforced disappearances and silence victims’ families.

153 Odhikar, “Three Month Human Rights Monitoring Report on Bangladesh (April-June 2022)”, 8 July 2022, p.15. In 2021, an average of four to five “crossfire” deaths were reported each month. See also, Odhikar, “Human Rights Report 2021”, 31 January 2022, p.7.

154 Odhikar, “Human Rights Report 2021”, 31 January 2022, p.7; Odhikar, “Human Rights Report 2022”, 30 January 2023, p.4; Odhikar, “Three Month Human Rights Monitoring Report on Bangladesh (July-September 2023)”, 10 October 2023, p.4. At least three of those killed by “crossfire” in 2022 were attributed to the RAB: see Odhikar, “Annual Human Rights Report 2022”, 30 January 2023, p.31.

155 See, Capital Punishment Justice Project, “Human Rights Violations in Bangladesh: 2009-2022 data”.

156 Asian Human Rights Commission and Asian Legal Resource Centre, “Briefing on Human Rights in Bangladesh: An Update”, 15 August 2023.

157 Odhikar, “Annual Human Rights Report 2022”, 30 January 2023, p.31.

158 Odhikar, “Human Rights Report 2021”, 31 January 2022, p.7; Odhikar, “Annual Human Rights Report 2022”, 30 January 2023, p.4; Odhikar, “Three Month Human Rights Monitoring Report on Bangladesh (July-September 2023)”, 10 October 2023, p.4.

159 DW, “‘Death squad’: Inside Bangladesh’s Rapid Action Battalion”, 4 March 2023.

160 Human Rights Watch, “Bangladesh: Quash Conviction and release Rights Defenders”, 14 September 2023; Asian Network for Free Elections, “Odhikar denounces the imprisonment of its secretary and director under the information and communication technology act”, 15 September 2023.

161 Civicus, “Bangladesh: Arbitrary de-registration of prominent human rights group Odhikar another blow to civil society”, 13 June 2022; Civicus, “Bangladesh: Odhikar faces another blow as government upholds de-registration decision”, 6 September 2022;

162 VOA, “Bangladesh Policy Accused of Hounding Families of Victims of Enforced Disappearances”, 29 January 2022.

163 Human Rights Watch, “US stands firm on sanctions on rights abusers in Bangladesh”, 13 April 2022.

UN human rights experts confirmed these reports and expressed concern that the Government appeared to have “launched a campaign of threats, intimidation and harassment against relatives of forcibly disappeared persons, human rights defenders, and civil society actors.”¹⁶⁴ Human rights groups in Bangladesh reported increased surveillance, intimidation, and harassment of staff and family members by government intelligence agencies and members of the RAB following the imposition of sanctions,¹⁶⁵ with authorities “showing up at the[ir] offices” and “pressuring staff to reveal their sources and expose those who reported abuses.”¹⁶⁶ Those who have continued to speak out have faced swift apparent retaliation. For example, a 23-year-old man was arrested days after a 2023 *Deutsche Welle* and *Netra News* documentary aired. In the documentary, he spoke about his torture by the RAB and described the RAB’s secret prisons near the Dhaka airport.¹⁶⁷

Geopolitical Relations Impact

Officials at the US State and Treasury Departments have acknowledged the sanctions against the RAB are among the most impactful designations under the Global Magnitsky sanctions program,¹⁶⁸ in particular given the unprecedented albeit brief halt in extrajudicial killings they spurred and the relative reduction in killings ahead of the elections in early 2024. While the months leading up to the 2018 election were marred by a spike in extrajudicial killings by the RAB as part of the government’s “war on drugs” to date the RAB has not repeated the same abusive tactics in this election cycle, likely due to the increased scrutiny brought by the sanctions.

The US has linked the sanctions against the RAB to its interests in “strengthen[ing] Bangladesh’s fragile democratic institutions” through “reform of the security services” and “democratic reforms ahead of the 2023 national elections.”¹⁶⁹ As such, US officials have regularly expressed the importance of its relationship with Bangladesh and desire to deepen ties,¹⁷⁰ while remaining consistent that sanctions would not be lifted “until we see accountability, until we see sustained reform.”¹⁷¹

In January 2023, US Assistant Secretary of State for South and Central Asian Affairs Donald Lu raised alarm among human rights activists and victims’ families during a visit to Bangladesh in which he praised the “tremendous progress” made by the RAB and suggested that further sanctions were not under consideration.¹⁷² Activists have noted that while extrajudicial killings have declined, there have not been similar improvements in the rate

164 UN OHCHR, “UN experts urge Bangladesh to end reprisals against human rights defenders and relatives of the disappeared”, 14 March 2022.

165 Odhikar, “Three Month Human Rights Monitoring Report on Bangladesh (January-March 2022)”, 20 April 2022, p.28.

166 Human Rights Watch, “US stands firm on sanctions on rights abusers in Bangladesh”, 13 April 2022.

167 VOA, “Bangladesh Police Arrests Man Who Told Media About Alleged Brutality in Custody”, 11 April 2023.

168 This assessment has been shared with Human Rights First by multiple officials at the State and Treasury Departments, and publicly on at least one occasion that was not open to the press.

169 US Department of State, “Integrated Country Strategy: Bangladesh”, 8 April 2022.

170 See for example, US Department of State, “Under Secretary Uzra Zeya’s Press Availability Following Her Meetings with Government of Bangladesh Officials”, 13 July 2023; US Department of State, “Deputy Secretary of State Sherman’s Meeting with State Minister for Foreign Affairs of Bangladesh Alam”, 7 October 2022; US Department of State, “Deputy of State Sherman’s Call with State Minister for Foreign Affairs of Bangladesh Shahrar Alam”, 22 December 2022; US Department of State, “Bangladesh and the United States Relations: Moving Towards Enhanced Cooperation and Partnership”, 24 April 2022.

171 France 24, “US says Bangladesh sanctions to remain until police reform”, 16 February 2023; US Department of State, “Bangladesh and the United States Relations: Moving Towards Enhanced Cooperation and Partnership”, 24 April 2022. Perhaps one indication of the seriousness that U.S. officials place on the need for reform can be found in recent dialogues with the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, where the United States raised extrajudicial killings in Bangladesh alongside abuses by the Taliban, the killing of child protesters by Iranian authorities, and the Saudi government’s attacks on activists, dissidents, and journalists. See United States Mission to the UN, “Remarks at Third Committee Interactive Dialogue with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions”, 25 October 2022.

172 VOA, “Activists, Families of Victims of Serious Rights Violations Want More US Sanctions on Bangladesh”, 19 January 2023; Daily Star, “Tremendous progress in reducing extra-judicial killings by Rab: Donald Lu”, 15 January 2023.

of enforced disappearances.¹⁷³ A senior leader of the opposition cautioned that lifting sanctions would make them a target of RAB killings and disappearances again; a woman whose husband has been disappeared by law enforcement summed up her disappointment in his statement “[w]e will not get justice.”¹⁷⁴

However, four months later and in keeping with its efforts to use sanctions to strengthen democracy in Bangladesh, the US announced a new visa policy that would restrict visas for any Bangladeshi individual involved in “*undermining the democratic election process in Bangladesh*,” such as voter intimidation and the use of violence to prevent peaceful assembly.¹⁷⁵ In September 2023, the US announced it was taking steps to impose visa restrictions on “*members of law enforcement, the ruling party, and the political opposition*” under the new policy.¹⁷⁶ These moves have been seen as a way to simultaneously signal purported shared democratic values of both countries, while tightening the screws on the Bangladeshi Government to ensure the upcoming elections are free and fair.¹⁷⁷ Given that many elites regularly travel to the US, have family there, or have invested heavily in US real estate, the threat of visa restrictions may carry substantial weight.¹⁷⁸

To date, no other jurisdictions have joined the US in sanctioning the RAB, although human rights groups continue to call on foreign governments to do so.¹⁷⁹ In December 2022, it was reported that the UK “*was set to impose sanctions on [the RAB] in 2021 but held back for reasons that remain unexplained.*”¹⁸⁰ The “*last minute*” decision to back out resulted in the RAB being able to send officials to the UK months later “*for a cyber security course and training on the use of mass surveillance equipment,*”¹⁸¹ which advocates warned are used to repress civic space in Bangladesh. Several UK MPs have pressed the government for answers.¹⁸²

One of the RAB officers sanctioned by the US and several others visited EU countries in 2022 to receive foreign intelligence training and obtain police dogs, which follows dozens of trips made by the unit to the EU since 2017.¹⁸³

In Australia, members of Parliament have recently raised human rights abuses in Bangladesh as deserving the Government’s strongest response, including Magnitsky sanctions. In a February 2023 speech about Magnitsky sanctions and human rights concerns, Senator Janet Rice cited reports of extrajudicial killings and enforced disappearances in Bangladesh and urged the government to “*do everything it can to address these atrocities.*”¹⁸⁴ In October 2023, 15 Australian MPs called on Prime Minister Albanese to consider Magnitsky sanctions for those in Bangladesh involved in undermining democratic electoral standards.¹⁸⁵

The US sanctions against the RAB have also been cited by advocates pushing the United Nations to no longer allow members of the RAB to serve in UN peacekeeping forces, due to the longstanding reports of extrajudicial

173 Asian Human Rights Commission and Asian Legal Resource Centre, “[Briefing on Human Rights in Bangladesh: An Update](#)”, 15 August 2023.

174 VOA, “[Activists, Families of Victims of Serious Rights Violations Want More US Sanctions on Bangladesh](#)”, 19 January 2023

175 US Department of State, “[Announcement of Visa Policy to Promote Democratic Elections in Bangladesh](#)”, 24 May 2023.

176 US Department of State, “[Taking Steps to Impose Visa Restrictions on Individuals Involved in Undermining the Democratic Election Process in Bangladesh](#)”, 22 September 2023.

177 Foreign Policy, “[The US ups the Ante in Bangladesh](#)”, 31 May 2023.

178 Foreign Policy, “[The US ups the Ante in Bangladesh](#)”, 31 May 2023; Foreign Policy, “[Washington Can Give Bangladesh’s Democracy the Kiss of Life](#)”, 3 August 2023.

179 Human Rights Watch, “[Bangladesh: Allow UN to Assist ‘Disappearance Inquiries’](#)”, 29 August 2022; DW, “[‘Death squad’: Inside Bangladesh’s Rapid Action Battalion](#)”, 4 March 2023.

180 Al Jazeera, “[UK refusal to sanction Bangladesh ‘death squad’ revealed](#)”, 6 December 2022.

181 Al Jazeera, “[Notorious Bangladesh police unit received spy training in the UK](#)”, 7 December 2022.

182 Al Jazeera, “[MPs seek answers from UK Govt about Rapid Action Battalion trips](#)”, 15 December 2022.

183 Al Jazeera, “[Bangladesh’s RAB received foreign intelligence training in the EU](#)”, 8 December 2022.

184 Australian Greens, “[Senator Janet Rice speaks on foreign affairs matters, including Myanmar and Palestine](#)”, 9 February 2023.

185 The Business Standard, “[15 Australian MPs call for Magnitsky sanctions on anyone trying to hind free, fair elections in Bangladesh](#)”, 5 October 2023.

killings and other abuses by the unit.¹⁸⁶ Bangladesh is currently the leading country in contributing troops for UN peacekeeping missions with 7,279 personnel deployed.¹⁸⁷ This status has often been touted with pride by the country's leadership,¹⁸⁸ and offers a reportedly lucrative opportunity for the country's security forces, and for former RAB officers in particular.¹⁸⁹ In a 2022 visit to Bangladesh, UN High Commissioner for Human Rights Michelle Bachelet cited the abuses of the RAB in calling on the country to *"ensure it has a robust system in place for the careful human rights screening of security personnel"*¹⁹⁰ deployed as peacekeepers. However, the UN does not appear to have increased its own vetting procedures with respect to Bangladesh.

The Bangladesh Government has reportedly hired a lobbying firm to improve its relations with the US Government and a law firm to seek sanctions relief.¹⁹¹

Other Factors to Consider when Assessing Impact

- **Upcoming general elections:** The upcoming elections in Bangladesh, scheduled for January 2024, will provide another opportunity to evaluate the impact of US sanctions and visa restrictions in Bangladesh, and what further progress may be possible.

As noted above, the Government has not repeated the campaign of extrajudicial killings seen before the last election in 2018. However, it has engaged in a remarkably aggressive effort to arrest and detain members of the opposition Bangladesh Nationalist Party (BNP) for months, with often vague charges, flimsy evidence, and lists of *"unknown"* individuals involved in the alleged crime.¹⁹² As the *New York Times* recently reported, *"[a]bout half of the five million members of the main opposition party . . . are embroiled in politically motivated court cases"* with *"[t]he most active leaders and organizers fac[ing] dozens, even hundreds, of cases."*¹⁹³ Human Rights Watch has documented *"mass arrests and police raids of opposition party members' homes,"* and reports of deaths and hundreds of injuries in clashes at protests between police, BNP supporters and ruling party Awami League supporters over the past year.¹⁹⁴

Violent incidents during protests at the end of October 2023 led to 11 deaths. In the span of a few days, the country was rocked by: *"opposition protesters allegedly attack[ing] the residences of the Chief Justice and other judges"*; the assault of 30 journalists by protesters and those believed to be supporters of the ruling party; police attacks on protesters *"with rods, batons, rubber bullets, and sound grenades"*; police *"raid[ing] the homes of opposition activists across the country, indiscriminately arresting and detaining hundreds, including the activists' family members"*; and reports of torture of detainees.¹⁹⁵ The US State Department condemned the political

186 Al Jazeera, *"Rights group want UN to ban Bangladesh's RAB from peacekeeping"*, 20 January 2022; Amnesty International, *"The UN must review admission of Bangladeshi law enforcement officers to peacekeeping forces"*, 23 June 2023; VOA, *"UN Peacekeeping Chief Urged to Raise Rights Concerns in Bangladesh Visit"*, 17 June 2023.

187 United Nations Peacekeeping, *"Troop and Police Contributors"*.

188 New Age, *"Bangladeshis hailed for UN peacekeeping"*, 29 May 2022.

189 Netra News, *"Executioners speak: How to carry out an execution"*, 3 April 2023; NDTV, *"Bangladesh peacekeepers send home \$1 billion in three years"*, 26 April 2012; The Economist, *"How Sanctions really can improve respect for human rights"*, 29 January 2022.

190 UN OHCHR, *"UN High Commissioner for Human Rights Michelle Bachelet concludes her official visit to Bangladesh"*, 17 August 2022.

191 The Daily Star, *"Sanctions on Rab 'worked like a tonic'"*, 10 December 2022.

192 France 24, *"Bangladesh arrests 8,000 opposition activists: report"*, 5 November 2023; VOA, *"Report: Bangladesh Arrests 8,000 Opposition Activists"*, 5 November 2023.

193 New York Times, *"Quietly Crushing a Democracy, Millions on Trial in Bangladesh"*, 2 September 2023.

194 Human Rights Watch, *"Bangladesh: Crackdown on Political Opposition"*, 10 October 2022.

195 UN OHCHR, *"Bangladesh Political Protests"*, 31 October 2023; Human Rights Watch, *"Bangladesh: Violence Erupt Amid Demands for Fair Election"*, 1 November 2023.

violence,¹⁹⁶ and human rights groups warned the cycle of repression, arrests, and killings “has deeply chilling implications on human rights in the country before, during and after the elections.”¹⁹⁷

The outcome of the election, including whether it is ultimately considered free and fair and whether it results in a transfer of power, could present new decision points for the Bangladesh Government to evaluate how it will respond to the sanctions and whether it will pursue meaningful reform and accountability of the RAB and address the harms done to victims, their families and civil society actors. However, even if a new Government takes steps toward reform and accountability, the US must ensure the credibility and legitimacy of those measures before considering any possible delisting, given the RAB’s reputation for abuse and repression predates Sheikh Hasina’s regime.

Recommendations for Enhancing Impact

- **The US should consider imposing further sanctions against other law enforcement and intelligence units reportedly involved in similar patterns of abuse as the RAB.** Given the significant impact yet lack of acknowledgment by the Bangladesh Government of the abuses perpetrated by the RAB and the absence of any meaningful domestic reform and accountability to date, the US and its partners should consider continuing to build on existing designations to maintain the pressure it has created.
- **The UK, EU, Canada and Australia should join the US in imposing sanctions against the RAB and its current and former officers for serious human rights abuses.** Coordinated future efforts to convey the urgent need for Bangladesh to begin instituting serious reforms to the RAB and hold perpetrators of extrajudicial killings, enforced disappearances and torture accountable will increase the pressure begun by US sanctions. Furthermore, these jurisdictions should also consider adopting similar visa restriction policies or similar measures in response to those undermining democratic institutions and elections or committing serious human rights abuses in Bangladesh.
- **The US and its partners should call on the United Nations to ban RAB officers from being eligible to participate in peacekeeping missions and to enhance its human rights screening measures to ensure those involved in the violent repression of protests in Bangladesh and other abuses are not deployed.**

196 US Department of State, “Department Press Briefing”, 30 October 2023.

197 Amnesty International, “Bangladesh: Repeated Cycles of deaths, arrests and repression during protests must end”, 30 October 2023.

CASE ASSESSMENT 5: US SANCTIONS FOR CORRUPTION IN PARAGUAY



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The Former President of Paraguay Horacio Manuel Cartes Jara.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by Human Rights First and the Pan American Development Foundation.

Designated Individual / Entity:

Former President of Paraguay, Horacio Manuel Cartes Jara (“Cartes”)
Vice President of Paraguay, Hugo Velázquez (“Velázquez”)
Tabacos USA Inc.
Bebidas USA Inc.
Dominicana Acquisition S.A.
Frigorífico Chajha S.A.E.
Tabacalera del Este S.A.

Position or Role of the Designated Person at the Time of the Sanction:	Former President, Vice President, and five entities owned by the former President
Primary Sanctioning Jurisdiction:	US
Applicable Regulations:	Global Magnitsky / E.O. 13818, Section 7031(c)
Sanctions Type:	Asset Freeze; Prohibition on Business with US Persons; Travel Bans
Date of Designation:	<p>22 July 2022: Cartes and his family were sanctioned under Section 7031(c)</p> <p>12 August 2022: Velázquez and his family were sanctioned under Section 7031(c)</p> <p>26 January 2023: Cartes, Velázquez, and four entities owned or controlled by Cartes were sanctioned under Global Magnitsky</p> <p>31 March 2023: A fifth entity owned by Cartes was sanctioned under Global Magnitsky</p>
Multilateralised?	No
Statement of Reasons for Sanctioning:	
<p>Under Section 7031(c), both Cartes and Velázquez were sanctioned for their involvement in significant corruption.¹⁹⁸ Their immediate family members were also designated. In its press release, the US State Department provided that Cartes, <i>“obstructed a major international investigation into transnational crime in order to protect himself and his criminal associate from potential prosecution and political damage.”</i> The US later sanctioned Velázquez alongside Juan Carlos “Charly” Duarte, providing that <i>“Duarte, a close personal and professional associate of Vice President Velazquez, offered a bribe to a Paraguayan public official in order to obstruct an investigation that threatened the Vice President and his financial interests.”</i></p> <p>Under the Global Magnitsky program, both Cartes and Velázquez were sanctioned for <i>“their involvement in the rampant corruption that undermines democratic institutions in Paraguay.”</i> Tabacos USA Inc., Bebidas USA Inc., Dominicana Acquisition S.A., and Frigorifico Chajha S.A.E., were also sanctioned <i>“for being owned or controlled by Cartes.”</i> The Treasury Department stated that, <i>“Cartes engaged in corruption before, during, and after his term as President of Paraguay,”</i> and that <i>“Cartes’ political career was founded on and continues to rely on corrupt means for success.”</i> The press release detailed his corrupt schemes <i>“before, during, and after his term as President of Paraguay,”</i> including paying party members, officials, and legislators for their loyalty and support.</p>	

¹⁹⁸ US Department of State, “Designation of Former Paraguayan President Horacio Manuel Cartes Jara for Involvement in Serious Corruption”, 22 July 2022; US Department of State, “Designation of Paraguayan Vice President Hugo Velazquez and Yacyreta Bi-National Entity Legal Counsel Juan Carlos Duarte for Involvement in Significant Corruption”, 12 August 2022.

Treasury further stated that Velázquez, “engaged in corrupt practices to interfere with legal processes and protect himself and criminal associates from criminal investigations, including by bribing and threatening those who could expose his criminal activity.” The press release additionally highlighted that both Cartes and Velázquez have ties to Hizballah, which has been designated as a Foreign Terrorist Organization and sanctioned multiple times. Treasury alleged that “Hizballah has regularly held private events in Paraguay where politicians make agreements for favors, sell state contracts, and discuss law enforcement efforts in exchange for bribes,” and that “representatives of both Cartes and Velazquez have collected bribes at these meetings.” Tabacalera del Este S.A. was later designated for being owned “50 percent or more by Cartes.”¹⁹⁹

Categories of Impact

1. Public Accountability Impact
2. Material Impact
3. Private Sector Behavioural Impact

Framework Assessment of Impact

Contextual Background to the Designations

In Paraguay, systemic corruption is engrained in wide-ranging practices such as bribes, peddling, extortion, conflict of interest, and patronage. The current anti-corruption legal framework of Paraguay criminalises certain offenses, but implementation of this framework is nearly non-existent.²⁰⁰ Government officials commonly engage in corruption with high levels of impunity.²⁰¹ Organised crime and institutionalised corruption are persistent challenges, with the country ranking 128th out of 180 countries on Transparency International’s Corruption Perceptions Index.²⁰²

The Colorado Party is Paraguay’s dominant political force, which has ruled for all but five of the last 75 years. The party is fraught with corruption, which intensifies every five years during election season.²⁰³ In mid-2022, the Colorado party was divided into factions, with the Vice President of Paraguay, Hugo Velázquez, representing one wing and the Cartes-appointed candidate and now President, Santiago Peña, representing another. At this time, the two men were competing for the Colorado Party presidential nomination. This election was highly contested, as the Colorado Party was more divided than it had been in decades.

Prior to this election, Cartes’ opponents had accused him of corruption for several years. More concretely, in 2022, Paraguay’s Interior Minister released evidence linking Cartes to smuggling and connections to organised crime.²⁰⁴ Despite these allegations, Cartes is frequently cited as one of the wealthiest and most influential people in Paraguay in addition to being the leader of the most powerful political party.²⁰⁵

199 US Office of Foreign Assets Control, “Global Magnitsky Sanctions”.

200 Gan Integrity, “Paraguay Risk Report”, Updated on 5 November 2020.

201 US Department of State, “2021 Country Reports on Human Rights Practices: Paraguay”.

202 Americas Quarterly, “In Paraguay, Politicians Await the US’s Next Move”, 30 March 2023; Transparency International, “Corruption Perceptions Index: Paraguay”, 2021.

203 Democratic Erosion, “Paraguay’s December Primary: Corruption, Assassinations and Treaty Renegotiation”, 14 October 2022; Freedom House, “Paraguay”, 2023.

204 Bloomberg, “Can Paraguay Escape Decades of Despotism, Ineptitude, and Corruption”, 22 March 2016; Insight Crime, “Comision Bicameral De Investigacion de Hechos Pubibles de Lavado de Deineroy y Otros Delitos Conexos”, 18 October 2022.

205 BBC News, “Millionaire President-Elect ‘to put Paraguay first’”, 23 April 2013.

It is in this context that the US government issued four rounds of sanctions against top officials on both sides of the Colorado Party factional divide, including Cartes, Velázquez, and five businesses owned or operated by Cartes.

Summary of Impact of Sanctions to Date

Overarching Impact

The first round of sanctions under Section 7031(c) dealt a reputational and political blow to these individuals. Shortly after the sanctions were imposed, Velázquez announced he would bow out of the presidential race and claiming that he would resign as Vice President.²⁰⁶ While he did not follow through with the resignation, he did remove himself as a potential presidential candidate.

The second round of sanctions under Global Magnitsky produced further tangible impact. Collectively these sanctions appear to have prompted domestic investigations into the corruption allegations and a significant hit to Cartes' businesses and overall position in the private sector.²⁰⁷

After winning the election, Peña said that Cartes "*will continue to be a decisive figure in Paraguayan politics*" but would have "*zero interference in the justice system.*"²⁰⁸ The sanctions have clearly weakened the influence of both Cartes and Velázquez to some degree, with Velázquez dropping out of the presidential election and Cartes seeing many of his business relationships damaged.

Paraguay's opposition applauded the sanctions, claiming that corruption in Paraguay had become so widespread and destructive that it was called out by the international community.²⁰⁹ However, critics of the sanctions accused the US Government of election meddling.²¹⁰ Though, by designating both Cartes and Velázquez, the sanctions ultimately did not favor one faction of the party over the other.

Cartes' candidate, Peña, continued campaigning and rejected the sanctions, stating that there was nothing to corroborate the claims.²¹¹ In May 2023, Peña secured an overwhelming win in Paraguay's presidential election. The win "*raised questions about the future role of his political mentor,*" Cartes.²¹² Analysts note that Cartes will likely impact Peña's leadership in office: "*He won't be able to govern without Cartes,*" said historian and analyst Milda Rivarola from the Paraguayan Academy of History.²¹³

Nevertheless, the sanctions do raise the possibility that the US may take additional steps such as seeking the extradition of Cartes.²¹⁴ While no extradition request has been made yet, such an action could further weaken his influence and power in Paraguayan politics.

206 France 24, "Paraguay vice president resigns after US sanctions", 12 August 2022.

207 Allen & Overly, "US Sanctions create risks and challenges for Paraguay's business community", 17 March 2023; Bloomberg, "US sanctions two of Paraguay's political elite ahead of vote", 26 January 2023.

208 AP News, "Paraguay: Ex-President's Influence in Question After Victory", 30 April 2023.

209 AP News, "Paraguay: Ex-President's Influence in Question After Victory", 30 April 2023; ABC, "Efraín Alegre: 'Si persiste modelo de cartes estaremos en un Paraguay aislado'", 13 March 2023; Twitter: Efraín Alegre, 26 January 2023; El Nacional, "Efraín Alegre: 'Cartes is the face of money laundering, bribery and the entry of terrorism into Paraguay'", 26 January 2023.

210 France 24, "US Corruption Indictment Breaks into Paraguay's Election Campaign", 13 April 2023.

211 UltimaHora, "Santiago Peña sticks to Cartes: 'We Don't share the US decision'", 22 July 2022.

212 AP News, "Paraguay: Ex-President's Influence in Question After Victory", 30 April 2023.

213 AP News, "Paraguay: Ex-President's Influence in Question After Victory", 30 April 2023.

214 AP News, "Paraguay: Ex-President's Influence in Question After Victory", 30 April 2023.

On November 24, Paraguay will reportedly be launching a new anti-corruption strategy to tackle the endemic problem in the country.²¹⁵ Peña has acknowledged the challenges of tackling corruption and expressed the importance of addressing the issue, and said he would implement, “a clear, forceful, unwavering pro-transparency policy.”²¹⁶ It remains to be seen how Peña will execute on these initiatives while still closely connected to Cartes.

Since the US Government imposed the sanctions, the US and Paraguay have publicly demonstrated that their relationship remains strong. The US State Department congratulated Peña on his electoral victory, and both governments have affirmed their commitment to collaborating to advance democratic ideals and combat corruption.²¹⁷

Public Accountability Impact

Efraín Alegre, the presidential candidate of the National Concertation—the coalition of opposition parties and movements— said that the US sanctions confirmed what they had been “denouncing for quite some time.”²¹⁸ Political analyst, Sebastián Acha, also stated that the sanctions confirmed what many Paraguayans had long-suspected, but that the news had also shaken the country’s trust in democratic institutions.²¹⁹

Given the US government’s demonstrated willingness to target mid- and high-level corrupt officials despite the bilateral US-Paraguay relationship, the sanctions also put other Paraguayan public officials on notice that they could be subject to US sanctions for engaging in corruption.

Conversely, the US actions have prompted criticism about foreign intervention during elections, especially from those who back Cartes.²²⁰

Material Impact

Shortly after the Section 7031(c) sanctions were imposed, Velázquez suspended his candidacy in the presidential election and said he would resign as Vice President.²²¹ He said he did so to clear his name, but later reversed this decision and remained in his role as Vice President.²²² Velázquez told reporters he had initially offered to resign under the assumption that there was a domestic investigation underway. Reportedly, he withdrew his offer to resign when he received notice from the Paraguay prosecutor’s office that there was no case against him. However, Velázquez did indeed remove himself as a presidential candidate, dropping out of the race entirely and adopting a low profile. The traditionalist wing of the Colorado Party put in a replacement candidate, Arnoldo Wiens, to run against Cartes-backed Peña. This move virtually ended the political career of Velázquez.

215 Woodrow Wilson Center, “A New Chapter for Paraguay: A Conversation with President Santiago Peña”, 23 October 2023.

216 Barrons, “New Paraguay President Vows Breaks With Era of Corruption”, 15 August 2023.

217 Barrons, “New Paraguay President Vows Breaks With Era of Corruption”, 15 August 2023; US Department of State, “Secretary Blinken’s Meeting with Paraguayan Foreign Minister Arriola”, 28 March 2023.

218 SwissInfo, “Opposition calls for Paraguayan vice president’s resignation and investigation of Cartes”, 26 January 2023.

219 Washington Post, “Paraguay vice president blacklisted by US for corruption to resign”, 12 August 2022.

220 Americas Quarterly, “In Paraguay, Politicians Await the US’s Next Move”, 30 March 2023. <https://www.americasquarterly.org/article/in-paraguay-politicians-await-the-u-s-s-next-move/>

221 Washington Post, “Paraguay vice president blacklisted by US for corruption to resign”, 12 August 2022; Americas Quarterly, “Meet the Candidates: Paraguay”, 18 January 2018.

222 Americas Quarterly, “In Paraguay, Politicians Await the US’s Next Move”, 30 March 2023. <https://www.americasquarterly.org/article/in-paraguay-politicians-await-the-u-s-s-next-move/>

While the corruption allegations against Cartes and Velázquez dominated the headlines for some weeks, neither Velázquez's replacement candidate nor Peña's approval numbers declined significantly.

Nearly two weeks after the Section 7031(c) sanctions against Velázquez, Paraguay's Attorney General's office said it opened a criminal investigation into Velázquez.²²³ The Public Ministry said on Facebook that Attorney General Sandra Quinonez ordered the opening of a criminal case to investigate Velázquez. Later, after the Global Magnitsky sanctions were imposed, Attorney General Emiliano Rolón Fernández said a team would look into the allegations that Cartes and Velázquez engaged "*in systemic corruption that has undermined democratic institutions in Paraguay.*"²²⁴

Shortly after the Global Magnitsky sanctions were imposed, opposition lawmakers demanded the launch of investigations into Cartes, Velázquez, and all lawmakers who may have received bribes.²²⁵ However, many question whether these domestic authorities will thoroughly investigate the US allegations.²²⁶ The Paraguayan Prosecutor General's office has reportedly initiated investigations into the sanctioned individuals, but it is unclear whether it will follow through on these investigations given that the Colorado Party remains in power.²²⁷

Cartes rejected the corruption allegations in a Twitter post and dismissed them as "*unfounded and unjust.*"²²⁸ Velázquez also rejected the claims, saying he did not have ties to Hizballah or any terrorist group, and requested that the US Government provide more information about the claims.²²⁹ As discussed further below, the sanctions reportedly disrupted a number of Cartes' business relationships and revenue sources.

Private Sector Behavioural Impact

After several companies partially owned by Cartes were sanctioned by the US Government, other companies became unwilling to collaborate with Cartes. Various highly publicised divestments took place after the sanctions, with Cartes' associates ending their partnerships, selling off their shares in co-owned companies, or negotiating Cartes' exit from joint ventures.²³⁰ The sanctions ultimately even prompted Cartes to step down from his own holding company, Grupo Cartes.²³¹ The reasoning provided for this decision was to preserve the integrity of the Group and "*to achieve the normalisation of its operations.*"²³² The Grupo Cartes statement explained that Cartes would, "*completely withdraw from any shareholding, direct or indirect, and will also cease to be the final beneficiary of the companies of the group and all its affiliates and subsidiaries.*" Cartes said the "*adverse effects*" of the sanctions "*expand and affect all companies*" in which Cartes has a shareholding, ultimately "*making it difficult for them to access the financial system and their commercial relationships at an international level, affecting their competitiveness.*"²³³

223 Reuters, "[Paraguayan prosecutor opens probe of vice president accused by US of corruption](#)", 23 August 2022.

224 Al Jazeera, "[US accuses top Paraguay politicians of corruption spurring probe](#)", 24 March 2023.

225 El Pais, "[US Sanctions Paraguay VP, Former President for Corruption](#)", 26 January 2023.

226 Americas Quarterly, "[In Paraguay, Politicians Await the US's Next Move](#)", 30 March 2023.

227 CNN, "[Paraguay's Attorney General's Office opens an investigation against former President Horacio Cartes and current Vice President Hugo Velazquez for alleged corruption](#)", 23 March 2023.

228 Reuters, "[US accuses ex-president of Paraguay of graft and obstruction](#)", 22 July 2022.

229 The Hill, "[US sanctions Paraguay VP, former president for corruption](#)", 26 January 2023; Reuters, "[US slaps sanctions on Paraguay's VP and former president, citing corruption](#)", 26 January 2023.

230 Quinenco S.A., "[CCU and ENEX initiate processes to terminate their partnerships with Cartes Group in Paraguay](#)", 26 January 2023; La Tercera, "[Luksic Group ends alliance with Horacio Cartes: takes control of companies in Paraguay and sets a price of more than US\\$ 70 millions](#)", 1 March 2023.

231 Que Pasa, "[Cartes withdraws from his business group in Paraguay after the US sanction](#)", 6 February 2023.

232 Que Pasa, "[Cartes withdraws from his business group in Paraguay after the US sanction](#)", 6 February 2023.

233 Que Pasa, "[Cartes withdraws from his business group in Paraguay after the US sanction](#)", 6 February 2023.

Further, the Cartes Group announced that it had dissolved itself as a collective entity after completing a restructuring process that resulted from the Global Magnitsky sanctions.²³⁴ The reorganisation of the business group has also resulted “*in the definitive termination of all corporate ties between the siblings Horacio and Sarah Cartes Jara*”.²³⁵

The sanctions also resulted in the dissolution and liquidation of the companies sanctioned under Global Magnitsky: Tabacos USA Inc., Bebidas USA Inc., Dominicana Acquisition S.A., and Frigorifico Chajha S.A.E.²³⁶

Other Factors to Consider when Assessing Impact of Magnitsky-Style Sanctions

- The Public Accountability Impact in this case might be somewhat limited, as Paraguayans are aware of corruption in this context and the sanctioned actors seem unlikely to change their behaviour without domestic or more coercive measures of accountability. This is due to the fact that the Colorado Party remains in power and Cartes is still its most influential actor, with his chosen candidate leading the country. However, the sanctions show that the US Government may be willing to scrutinise corruption and promote accountability for it even in countries that are relatively small and distant.
- It is possible the sanctions provided an opportunity for opposition leaders and civil society to demand extradition, which might further weaken the designees’ political and business reputation. One political commentator stated, “*Cartes is terrified of the possibility of extradition.*”²³⁷
- The US Government imposed further sanctions against Paraguayan officials in March, targeting the former Director of the Paraguayan Civil Aviation Authority, Edgar Melgarejo, a member of the Panel for the Discipline of Judges and Prosecutors, Jorge Bogarin, and the sitting Court Clerk, Vicente Ferreira, for corruption under Section 7031(c).²³⁸ These sanctions addressed the actions of lesser-known individuals, therefore putting low and mid-ranking corrupt officials in Paraguay on notice and highlighting the systemic nature of corruption within Paraguayan politics. Before the sanctions were imposed, the Prosecutor’s Office had already investigated and charged Melgarejo for “*breach of trust*,” which involved the diversion of public funds, but the case was delayed several times and appeared to have died in December 2022.²³⁹ However, after the US sanctions were imposed in March 2023, the Deputy Prosecutor for Economic Crimes and Anti-Corruption rejected the request for procedural dismissal and requested an oral and public trial.²⁴⁰ As of October 2023, the preliminary hearing has yet to be held as the defense continues to stall the case’s progression.²⁴¹ Since the sanctions were imposed, Bogarin has also resigned from his position, but has claimed that he is innocent and that he will request information from the US Government clarifying the basis of his designation.²⁴²

234 Quinenco S.A., “CCU and ENEX initiate processes to terminate their partnerships with Cartes Group in Paraguay”, 26 January 2023; Swiss Info, “Former President Cartes’ Group Ceases to Operate as a Brand after US Sanctions”, 25 March 2023.

235 Swiss Info, “Former President Cartes’ Group Ceases to Operate as a Brand after US Sanctions”, 25 March 2023.

236 Swiss Info, “Former President Cartes’ Group Ceases to Operate as a Brand after US Sanctions”, 25 March 2023.

237 Americas Quarterly, “Paraguay: Santiago Pena to Run a Still-Divided Country”, 1 May 2023.

238 US Embassy in Paraguay, “Designation of Paraguayan Officials Edgar Melgarejo, Jorge Bogarin and Vicente Ferreira for Involvement in Significant Corruption”, 12 March 2023.

239 ABC, “Prosecutor’s Office accuses for breach of trust and asks for oral trial in ‘golden mask’ case”, 28 April 2023; ABC, “Golden Masks’: 8th Suspension of Preliminary Hearing for Defendants”, 23 December 2022.

240 ABC, “Prosecutor’s Office accuses for breach of trust and asks for oral trial in ‘golden mask’ case”, 28 April 2023

241 ABC, “Golden Masks’: 8th Suspension of Preliminary Hearing for Defendants”, 23 December 2022.

242 Ultima Hora, “Jorge Bogarin clings to the Council and questions US sanctions”, 27 March 2023; AP News, “Paraguay launches corruption probe of former president”, 23 March 2023; Ultima Hora, “Jorge Bogarin says he will seek to clarify his designation as corrupt”, 23 March 2023; Mas Encarnacion, “Council of the Magistracy elects Enrique Kronawetter as representative to the JEM”, 28 March 2023.

- While the US Government has not accused President Peña himself of corrupt behavior, the sanctions on his political mentor will keep pressure and scrutiny on his government regarding corruption matters. Given that Cartes is still understood to control votes within the Paraguayan legislature, Peña's survivability as president depends on him maintaining a strong alliance with Cartes or he runs the serious risk of impeachment. It remains to be seen whether Peña can continue to protect Cartes while still maintaining Paraguay's historically friendly ties with the US. To date, he has waved off the sanctions as a political maneuver, while still delicately and publicly expressing appreciation for the US partnership on other fronts.
- In its action, the US government demonstrated that is willing to highlight the connection between terrorist networks and corrupt officials. The sanctions imposed consequences for engaging in business with terrorist organizations, even for officials in US partner countries like Paraguay.

Recommendations for Enhancing Impact

- **The UK, EU, Canada, and Australia should join the US in imposing sanctions.** Sanctions by other Magnitsky jurisdictions against the same or similar targets would likely increase the impact.
- **The US should consider imposing further sanctions against mid to low level Paraguayan officials engaged in corruption.** While the US has since sanctioned some lower-level Paraguayan officials engaged in corruption, it might be impactful to continue leveraging sanctions on similar actors, especially where they have financial or business connections within the United States. It would also shed light on the systemic nature of corruption within the Paraguayan political system.
- **The US Government should endeavor to provide an explanation of the evidence contributing to their corruption finding.** This information would help to counter Paraguayan officials' claim that these sanctions were merely a political gesture.

CASE ASSESSMENT 6: EU SANCTIONS FOR HUMAN RIGHTS ABUSES IN BELARUS



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A protest outside the UK Parliament on behalf of Belarusian political prisoners.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by Open Society Foundations.

Designated Individual / Entity:	170 persons and 3 entities (defence corporations)
Position or Role of the Designated Person at the time of the Sanction:	President of Belarus, Chair of the Central Election Commission (CEC), and various ministers, high-level officials, judges, chairman of KGB (security services) and OMON, among others
Primary Sanctioning Jurisdiction:	EU

Applicable Regulations:	COUNCIL DECISION 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus
Sanctions Type:	Autonomous EU Country Sanctions Regime, Targeted and Individual Sanctions
Date of Designation:	31 January 2011
Multilateralised?	Yes, US imposed similar (but not identical) sanctions in 2011²⁴³
Statement of Reasons for Sanctioning:	
<p>EU Decision Article 2(b): the violations of international electoral standards in the presidential elections in Belarus on 19 December 2010, and the crackdown on civil society and democratic opposition.</p> <p>EU Council Conclusions 31 Jan 2011:</p> <ol style="list-style-type: none"> 1. The Council reiterates its demands for the immediate release of those detained on political grounds following the elections on 19 December, and their rehabilitation. 2. The Council urges Belarus to respect the rights of detainees and their families, paying particular attention to detainees' children, and the right to legal representation. Furthermore, it underlines the need to ensure the access of family members to the detainees. 3. The Council calls on the Belarusian authorities to end the persecution of democratic forces, independent media and representatives of civil society, and students, and to end any penalisation or discrimination against those exercising their right to freedom of expression and freedom of assembly, including the leaders of the opposition parties. 	
Categories of Impact	<ol style="list-style-type: none"> 1. Public Accountability Impact 2. Material Impact 3. Personal Behavioural Impact 4. Private Sector Behavioural Impact 5. Geopolitical Relations Impact

243 US Department of State, "New Sanctions Against Belarus", 11 August 2011.

Framework Assessment of Impact

Contextual Background to the Designations

The EU has imposed several rounds and different types of sanctions against Belarus over the last two decades. Most of these restrictive measures have been targeted in nature (i.e., against specific individuals and entities). Since 2021, Belarus has been subject to far-reaching economic sanctions by the EU. However, this case assessment focuses on sanctions imposed between 2011 and 2016, on the basis that the passage of time makes assessment of their impact most useful.

The EU imposed sanctions against individuals and entities from Belarus following the 19 March 2006 presidential elections for violations of international electoral standards and crackdown on civil society and democratic opposition.²⁴⁴ These measures were suspended on 13 October 2008 “*in order to encourage progress.*” The initial listings only included a handful of individuals. These listings were further extended following fraudulent elections in 2010.²⁴⁵

Following the 19 December 2010 presidential elections, again marred with allegations of violations of international electoral standards and continued crackdown on civil society and democratic opposition, the EU imposed further restrictive measures on 117 individuals. These included measures against President of Belarus, Aleksandr Lukashenko, and a number of ministers and presidential administration officials.²⁴⁶ The outcome of the 2010 elections caused public outcry and protests led by opposition candidates. The protests were met with police brutality and mass arrests.²⁴⁷ Belarussian police arrested more than 600 people on a single day, including all five presidential candidates running against Lukashenko.²⁴⁸

In the January 2011 EU Council Conclusions, the EU condemned the mass arrests and police violence by the Belarusian Government. The EU clearly articulated the allegedly fraudulent Presidential elections of 19 December 2010 and the subsequent violent crackdown on democratic opposition, civil society and representatives of independent mass media as the basis for the action. In its Conclusions, the Council outlined three essential requirements to be met if it were to lift the restrictive measures. These were: (1) release and rehabilitation of political prisoners, (2) electoral reforms (including to the electoral code), and (3) reforms in legislation relating to freedom of expression, media, freedom of assembly and association.²⁴⁹

In the following months, the EU issued a number of statements deploring the further deteriorating situation in the country. The EU Council Conclusions of June 2011 included the names of 5 political prisoners sentenced by the Belarusian Government in politically motivated trials, reiterated its call for their immediate release and rehabilitation, and expressed concern regarding widespread reports of torture and other forms of ill-treatment in Belarusian prisons. As part of these sanctions, the European Bank for Reconstruction and Development (EBRD), in its recalibrated strategy vis-à-vis Belarus, redirected its assistance from the Central Authorities to non-State actors.²⁵⁰ In totality, the EU sanctioned 170 persons through various sanctions rounds.

244 Council Regulation (EC) No 765/2006 (OJ L 134, 20.5.2006).

245 Council Decision 2010/639/CFSP (OJ L 280, 26.10.2010).

246 Council Decision 2011/69/CFSP of 31 January 2011 amending Council Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus.

247 Organization for Security and Co-Operation in Europe Parliamentary Assembly, “Belarus defends election protest arrests; OSCE criticizes vote count”, 20 December 2010

248 The Guardian, “Belarus Protests: More than 600 charged and opposition leaders in jail”, 21 December 2010.

249 Council of the European Union, 3065th Council Meeting, “Council Conclusions on Belarus”, 31 January 2011.

250 Council of the European Union, “Council Conclusions on Belarus 3101st Foreign Affairs Council Meeting”, 20 June 2011.

In March 2012, the EU added more individuals to its sanctions lists.²⁵¹ In its Council Conclusions of October 2012, the EU recalled that while one political prisoner was released on the condition of presidential pardon, the rest remained in prison, with continued mistreatment of political prisoners being reported.²⁵² Meanwhile, repression against civil society continued and no reforms had taken place. Accordingly, the EU prolonged the restrictive measures.²⁵³

In all its Council Conclusions, the EU has underlined its commitment to remain engaged with the Belarusian people and civil society, including its readiness to start negotiations on visa facilitation agreements.

In October 2015, the EU suspended sanctions against 170 individuals, including President Lukashenko, and three entities (defence companies) in response to the release of all political prisoners in the previous month and *“in the context of improving EU-Belarus relations.”*²⁵⁴ These measures were eventually formalised, with the EU de-listing the 170 individuals and three entities in February 2016.²⁵⁵

Public Accountability Impact

The 2011 sanctions imposed by the EU against State officials in Belarus produced some Public Accountability Impact. Some of the interviewees underscored that sanctioning representatives of OMON, the law enforcement force within the Ministry of Internal Affairs, or judges who delivered politically motivated judgments, resonated the most with civil society and individuals who suffered directly from human rights violations.

The sanctions encouraged civil society that their efforts could bring results in some form. For example, one interviewee noted, *“definitely, the EU sanctions in response to the 2010 fraudulent elections and ensuing repressions have empowered [civil society] in Belarus as they realised that results were attainable through sanctions.”*

On the other hand, there may have been an unintended negative impact on civil society organisations which relied on EU funding. Another interviewee noted, *“[the sanctions] alienated the country further, with no engagement with the EU, it made it much harder for the CSOs to get foreign [or EU] funding.”* One interviewee raised the important question of whether Belarusian civil society may have become an unintended victim of these sanctions with the government taking *“revenge”*. Indeed, repression, arrests, ill-treatment and persecution, particularly in the aftermath of the 2020 Presidential Elections, has been well-documented.²⁵⁶ This concern suggests that, in some contexts, targeted sanctions in authoritarian States can have unintended negative impacts on civil society.

Overall, it is thought that Belarusian society understood relatively well why sanctions were imposed, and that such levels of State sponsored repression should not be permitted to occur. Civil society organisations, both in Belarus and abroad, did not agree with the termination of EU sanctions while the conditions it had imposed had only been partially fulfilled.²⁵⁷

251 Council of the European Union, *“Council Conclusions on Belarus 3157th Foreign Affairs Council Meeting”*, 22 and 23 March 2012.

252 Council of the European Union, *“Council Conclusions on Belarus 3191st Foreign Affairs Council Meeting”*, 15 October 2012; see also, Human Rights Watch, *“World Report 2012: Belarus”*.

253 Council of the European Union, *“Council Conclusions on Belarus 3191st Foreign Affairs Council Meeting”*, 15 October 2012.

254 Council of the European Union, *“Belarus: EU suspends restrictive measures against most persons and all entities currently targeted”*, 29 October 2015.

255 Council of the European Union, *“Belarus: EU suspends restrictive measures against most persons and all entities currently targeted”*, 29 October 2015.

256 See for example, Article 19, *“Belarus: Courage, resilience, and defiance two years on from sham election”*, 9 August 2022; Human Rights Watch, *“Belarus: Civil Society ‘Purge’”*, 13 January 2022.

257 Human Rights Watch, *World Report 2017, Belarus Events 2016*; Interview with civil society representative October 2023.

Material Impact

The EU sanctioned a total of 170 individuals and three entities between 2011 and 2015. These sanctions openly and in the strongest possible terms condemned violations of human rights occurring in Belarus. Judging by the number of cases lodged at the Court of Justice of the EU (CJEU), it may be that these sanctions were a source of discomfort for designees and interfered with the financial and economic operations of those individuals who held assets and conducted business with Europe or globally.

Alleged cases of possible change of ownership of assets or company compositions have been reported for years.²⁵⁸ One of the cases at the CJEU used the argument that the designated person was disproportionately affected by the targeted sanctions imposed by the EU.²⁵⁹ According to the German Marshal Fund 2022 publication, “*fourteen judgments have been delivered so far on sanctions adopted in response to the 2010 presidential election. Most touched upon the listing of Belarusian businesspersons close to Lukashenka and considered to benefit from or to support the regime and companies controlled by them as well as one state-television journalist and one official of the Central Electoral Commission.*”²⁶⁰

The designation of businessman Yury Chizh in 2012, owner of Belarusian firm Triple, who had reportedly been a close adviser to Belarusian President Alexander Lukashenko since the 1990s,²⁶¹ is the only case reported in any detail by the international media. However, identifying Material Impact, if any, is difficult because of the limited coverage. Nevertheless, in 2016, he was detained by the Belarusian State for alleged criminal charges of tax-evasion and fraud.²⁶² Media reports suggested that his businesses faced substantial losses in the previous years and he had fallen out of the Government’s favour.²⁶³ Even though these developments resulted in the loss of both political and economic influence for him, it is difficult to directly attribute this impact to the EU’s sanctions. In 2015 the CJEU de-listed Yury Chizh.²⁶⁴

Personal Behavioural Impact

There is one clear Personal Behavioural Impact that can be attributed to the targeted sanctions by the EU. That is the release of all five political prisoners identified as one of the set conditions by the EU in accompanying Council Conclusions imposing the sanctions.

However, the sanctions did not lead to a long-term improvement in human rights protection in Belarus. The release of the political prisoners and lifting of the EU’s sanctions coincided with a tectonic geopolitical development in the region. In 2014, Russia illegally annexed Crimea in Ukraine and Russian-backed separatists began an armed conflict in the Donbas region.²⁶⁵ Belarus refused to recognise Russia’s annexation of Crimea in 2014 and hosted the Minsk 1 and Minsk 2 negotiations.²⁶⁶

258 OCCRP, “Days before EU Sanctions, Belarusian Oligarch’s Family Sells its Firm and Bank”, 6 July 2021.

259 Judgement of the General Court of the European Union in Peftiev v Council of EU, (Case T-441/11), 9 December 2014.

260 GMF, “Designing Sanctions: Lessons from EU Restrictive Measures against Belarus”, 16 June 2022; Peftiev v Council (Case T-441/11); BelTechExport ZAO v Council (Case T-438/11); Sport-pari ZAO v Council Case (T-439/11); FC Dynamo-Minsk v Council (Case T-275/12); BT Telecommunications PUE v Council (Case T-440/11); BelTechExport v Council (Case T-765/15); Chyzh and Others v Council (Case T-276/12); Ternavsky v Council (Case T-163/12); Peftiev v Council (Case C-314/13).

261 Reuters, “Belarus detains prominent businessman formerly close to president”, 13 March 2016.

262 Reuters, “Belarus detains prominent businessman formerly close to president”, 13 March 2016.

263 Reuters, “Belarus detains prominent businessman formerly close to president”, 13 March 2016.

264 Chyzh and Others v Council (Case T-276/12).

265 International Crisis Group, “Conflict in Ukraine’s Donbas: visual explainer”

266 Chatham House, “The Minsk Conundrum: Western Policy and Russia’s War in Ukraine”, 22 May 2020

This period also coincided with political rapprochement between the EU and Belarus. In 2015 the EU launched the annual EU-Belarus human rights dialogue. Six rounds of this annual dialogue were held with the last one occurring in June 2019.²⁶⁷ Further, the EU reintegrated Belarus into the regional initiatives of the Eastern Partnership, and initiation of the negotiations on the Visa Facilitation Agreement, which entered into force in 2020.²⁶⁸ A slight improvement in human rights protection can be noted during this period, with comparatively peaceful 2015 elections.²⁶⁹ However this has not been reflected in the longer-term. In 2017, for example, Belarus was marked as Not Free, scoring only 20 out of 100 in the World Freedom scores.²⁷⁰

Private Sector Behavioural Impact

The targeted sanctions by the EU from 2011 to 2015 led European banks to re-assess the risks associated with doing business in Belarus and led to a withdrawal of economic partnerships. For instance, the European Investment Bank (EIB) denied a loan to Belarus over concerns of human rights violations.²⁷¹

The EBRD developed a constructive but calibrated engagement, using political and economic benchmarks with Belarus in this period. This supplied investments and loans to the private sector and in support of citizens in the country but did not extend to loans or engagements with the Government.²⁷² The EBRD revised its policy in 2016 and started to support state projects.²⁷³ The period from 2011 also coincided with downward economic growth in Belarus. However, this downward trend could have been triggered by a combination of factors.²⁷⁴

Geopolitical Relations Impact

Belarus has long been isolated from regional EU initiatives vis-à-vis the Eastern Neighbourhood region. It is the only country in Europe which is not a member of the Council of Europe and it is the only country in the region with which the EU has not concluded a bilateral Partnership and Cooperation Agreement.

The sanctions imposed by the EU had a further impact on this relationship. Belarus's participation in the EU's regional Eastern Partnership (EaP) also suffered a relative downgrade when the European Parliament decided to launch the EaP's parliamentary dimension in February 2011 but did not invite representatives of the Belarusian legislature, claiming the body was illegitimate.²⁷⁵

While the imposition of sanctions was perceived as a clear deterioration of Belarus's relations with the EU, it can also be argued that the sanctions served as leverage in the hands of the EU. For example, the clearly articulated set of conditions by the EU in relation to the release of political prisoners was fundamental to achieving their release. At the same time, authors of this assessment realise that the release of political prisoners may also have formed part of a calculated strategy within the context of regional developments following Russia's illegal

267 European External Action, 6th round of EU-Belarus Human Rights Dialogue takes place in Brussels, 18 June 2019.

268 European Commission, Migration and Home Affairs, "Visa Facilitation and Readmission: the agreements between the European Union and Belarus enter into force", 1 July 2020.

269 European Parliament Research Service, "EU-Belarus Relations: State of play, human rights situation and Rayair Flight Diversion", July 2021.

270 Freedom House, "Belarus: 2017".

271 Charter 97, "EU Denies Loans to Belarus", 25 February 2010.

272 EBRD, "EBRD Adopts New Three Year Strategy for Belarus", 13 March 2013.

273 EBRD, "EBRD Adopts New Three Year Strategy for Belarus", 7 September 2016

274 Bruggel, "Belarus at a Crossroads", 21 January 2016.

275 The Jamestown Foundation, "Belarus and the EU: Where Could Another Rapprochement Lead?" 27 January 2020.

annexation of Crimea and Belarus's deteriorating economic situation. Such developments may have led the Belarussian leadership to seek improved financial cooperation with the EU.²⁷⁶ Release of political prisoners, a key condition set by the EU, may have helped facilitate this re-engagement to a degree.

In October 2015, Belarus released all political prisoners who were sentenced to imprisonment in politically motivated trials following the elections of December 2010. However, rehabilitation and reintegration of political prisoners has not happened. No other concrete outcome was achieved on the other two demands made by the EU regarding electoral reforms and discrimination against those exercising their right to freedom of expression and freedom of assembly.

Other Factors to Consider when Assessing Impact

- **The growing bilateral relationship between Belarus and Russia:** The development of EU-Belarus relations must be seen within the context of the bilateral relationship between Belarus and Russia. Under Lukashenko's regime, Belarus has become linked with Russia through a multitude of bilateral treaties and agreements covering virtually all areas of inter-State action. However, as highlighted above, this relationship has shifted for several reasons, including Russia's annexation of territory in Crimea in 2014.
- **Immediately after the sanctions were imposed, Belarus denounced these measures.** The Belarussian President Lukashenko critiqued the EU for its double standards and expressed his dissatisfaction with the EU position to make co-operation with the Belarussian regime dependent on respect for human rights.²⁷⁷ However, following Russia's illegal annexation of Ukrainian territory in Crimea and proxy war in eastern Ukraine in 2014, Belarus changed its policy towards the EU. It can be argued that the EU used the targeted sanctions as leverage to get Belarus to meet at least one of its conditions for resuming cooperation.
- **At the same time, it must be highlighted that lifting sanctions by the EU was criticised by civil society,** largely because sanctions were lifted without any promise of political reform. Such a critique highlights that the sanctions were expected to have a more long-term political impact on the protection of human rights by Belarus.²⁷⁸
- **EU Set Conditions:** As noted above, in 2011 the EU had set three clear conditions to Belarus, which would form basis for the EU suspending or lifting the sanctions. One of the conditions set – release of political prisoners - was clearly met, and this is essentially what formed the basis for the lifting of sanctions in 2015. At the same time, the two other conditions related to electoral reforms and reforms to media freedom and freedom of assembly and association were reiterated in the 2015 and 2016 Council Conclusions, when the EU announced suspension and eventual lifting of sanctions, respectively. In the same conclusions, the EU kept its doors open to positive re-engagement with Belarus, including opening regional cooperation under the Eastern Partnership framework, human rights dialogues and starting on a Visa Facilitation Agreement.²⁷⁹ The EU's lifting of sanctions in 2016 prompted criticism among Belarussian civil society organisations and international observers due to the partial implementation of conditions set by the EU.²⁸⁰

276 LSE Blogs, "Between Presidential and Parliamentary Elections: Which way in the EU-Belarus Relations?", 11 February 2016 February 2016.

277 Interview with civil society representative, October 2023.

278 European Parliament, Directorate-General for External Policies of the Union, Hadfield, A., Simon, L., Mattelaer, A., Impact of targeted sanctions on Belarus, Publications Office of the European Union, 2012.

279 Council of the European Union, "Belarus: EU suspends restrictive measures against most persons and all entities currently targeted", 29 October 2015.

280 The Guardian, "EU lifts most sanctions against Belarus despite human rights concerns", 15 February 2016.

Recommendations for Enhancing Impact

- **Sanctioning jurisdictions should consider setting clearly defined objectives and conditions for delisting.** These set conditions should be concrete and attainable by the designees. This will assist in measuring the Personal Behavioural Impact of designations and assessing whether or not sanctions should be lifted in appropriate cases where those conditions have been met. At the same time, if conditions articulated by the sanctioning jurisdiction are not acceptable for the regime (electoral reform or freedoms guaranteed for expression, association and assembly) because the government in place sees these reforms as direct threat to their survival and security, it is more unlikely to be met. Where such conditions are set, sanctioning jurisdictions should also not undermine their designations by lifting them too early.
- **Civil society should become and remain the key partner of sanctioning jurisdictions when sanctions are imposed for serious human rights violations.** First, civil society organisations are at the forefront of documenting violations and, as such, are best placed to identify appropriate and impactful designees. Second, sanctioning jurisdictions should be mindful to calibrate sanctions in a way that they do not negatively affect civil society in a given context, for example by isolating civil society by preventing the flow of funding or by targeting sectors which might disproportionately affect civil society and pose risks to their security.
- **The impact of sanctions should be viewed in the medium to long term.** As seen in this case assessment, a temporary rapprochement between the EU and Belarus was not based on solid democratic reforms or strong state institutions, and it crumbled as soon as conditions and expectations which the EU had with Belarus for the 2020 presidential elections were not met. This led to further deterioration when geopolitical configuration changed in the region.

CASE ASSESSMENT 6: CANADIAN SANCTIONS FOR CORRUPTION IN TUNISIA



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A portrait of Zine el-Abidine Ben Ali, president of Tunisia from 1987 to 2010.

This case assessment was prepared using open source resources and confidential interviews with relevant stakeholders. These testimonies are not necessarily the views held by all affected groups and individuals and opinions may differ.

This case assessment was prepared by the Raoul Wallenberg Centre for Human Rights.

Designated Individual / Entity:	Zohra Jilani, Sofia Bent Belhassen, Zine Bent Belhassen, Asma Bent Belhassen, and Mohamed Fares Ben Belhassen
Position or Role of the Designated Person at the time of the Sanction:	Family members of Mr. Zine El Abidine Ben Ali, the deposed Tunisian President
Primary Sanctioning Jurisdiction:	Canada

Applicable Regulations:	Freezing Assets of Corrupt Foreign Officials Act ²⁸¹
Sanctions Type:	Assets freeze
Date of Designation:	10 February 2017
Multilateralised?	Yes, by the EU ²⁸²
Statement of Reasons for Sanctioning:	
Zohra Djilani and husband Belhassen Trabelsi are sanctioned pursuant to Freezing Assets of Corrupt Foreign Officials Act for being <i>“Suspected of having misappropriated state funds or obtained property inappropriately as a result of their office or family, business or personal connections.”</i>	
Categories of Impact	<ol style="list-style-type: none"> 1. Geopolitical Impact 2. Material Impact

Framework Assessment of Impact

Contextual Background to the Designations

Zohra Jilani and her four children are citizens of Tunisia. Her husband, Belhassen Trabelsi, is the brother-in-law of the deposed President of Tunisia, Zine El Abidine Ben Ali. In the wake of the fall of Ben Ali’s regime in 2011, the family arrived in Canada and sought asylum. In 2011, upon the request of the new Tunisian Government, the Canadian Government sanctioned the family.²⁸³ Despite the sanctions, the family’s applications for asylum were still approved.²⁸⁴

Geopolitical Impact

The sanctioning of Zohra Jilani and her husband, Belhassen Trabelsi, has been particularly impactful for two reasons: (1) it is the first time senior Tunisian officials have been sanctioned for significant corruption, and (2) the sanctions occurred following a request by the Tunisian Government, which made enforcement easier.

Somewhat unusually, sanctions were imposed upon the request of the Tunisian Government. Compliance with this request meant that diplomatic relationships between Canada and Tunisia were, to an extent reinforced. This example demonstrates where targeted sanctions can be used to in strengthening diplomatic relations when they are deployed appropriately to support domestic policy.

²⁸¹ Government of Canada, [Freezing Assets of Corrupt Foreign Officials’ Act](#).

²⁸² European Commission, [Consolidated list of persons, groups and entities subject to EU financial sanctions](#).

²⁸³ [Freezing Assets of Corrupt Foreign Officials \(Tunisia\) Regulations SOR/2011-78](#).

²⁸⁴ [Djilani v Canada \(Foreign Affairs\)](#), 2017 CF 1178, p 6, para 17.

Material Impact

Sanctions against Zohra Jilani and her family had a degree of Material Impact. In an unsuccessful judicial review of their designation, the designees claimed that sanctions violated their fundamental rights and were unreasonable.²⁸⁵ In making their case, the designees asserted that (1) they are prevented from opening a bank account in their names, (2) they are required to channel any payment (rent, tuition fees, groceries, etc.) through a third party's trust account, (3) they have difficulty finding employment, (4) they suffer an invasion of their privacy due to media coverage of their immigration file, (5) they experience extreme suffering caused by stress and psychological distress, and (6) they suffer the humiliation of being called corrupt.²⁸⁶

On two separate occasions, the family requested the Canadian Government to exempt the amounts of \$178,040 and \$109,680 from the application of the regulations to pay for living expenses and their attorney's fees.²⁸⁷ The Government rejected their applications. The court also dismissed their application for a judicial review and rejected all their arguments.

Due to the high-profile nature of the targets, the designations have been widely covered by both domestic and international media.²⁸⁸ It is worth noting that a Tunisian court sentenced the deposed President and his wife, Leila Trabelsi, to 35 years in prison and a USD66 million fine after a trial in absentia for embezzlement and corruption.²⁸⁹ This has placed particular media attention on designees and a reason why the family claimed invasion of privacy by the media.²⁹⁰

Zohra Jilani's husband, Belhassan Trabelsi, a Tunisian billionaire, arrived in Canada with his family as his brother-in-law was deposed in 2011. He became a Canadian permanent resident until his permanent residency was revoked.²⁹¹ His request for refugee status was rejected.²⁹² Mr. Trabelsi disappeared from Canada as he was set to be deported to Tunisia to face justice.²⁹³ According to court filings, this has significantly impacted the family mentally and financially.²⁹⁴

In its 2014 report, the World Bank indicated that deposed President Ben Ali's family controlled more than 21% of the net private sector profits in Tunisia.²⁹⁵ Local actors and civil society groups viewed sanctions as crucial tools to dismantle the economic empire built by the late Tunisian President.²⁹⁶ For other stakeholders, it was insignificant whether the embezzled assets had been recovered or not. Rather the inability of the families of kleptocrats to use the ill-gotten funds in their new homes in exile was key.²⁹⁷ Another stakeholder indicated that the only way to prohibit the family from *"using the stolen money to build a comfortable life in the west is through assets freeze."*²⁹⁸

285 *Djilani v Canada (Foreign Affairs)*, 2017 CF 1178, p 6, para 17.

286 *Djilani v Canada (Foreign Affairs)*, 2017 CF 1178, p 11, para 33.

287 *Djilani v Canada (Foreign Affairs)*, 2017 CF 1178, p 11, paras 13-14.

288 Aljazeera News, "Members of the Ben Ali Family fled with the wealth of Tunisia, these are their fates", 12 January 2021; Sputnik Arabic, "How did Zine El Abidine Ben Ali's family collapse after his departure", 14 January 2021; BBC News Arabic, "About: Zine El Abidine Ben Ali", 14 January 2011.

289 The New York Times, "Zine el-Abidine Ben Ali, 83, Tunisia Autocrat Ousted in Arab Spring, Dies" 19 September 2019.

290 *Djilani v Canada (Foreign Affairs)*, 2017 CF 1178, p 11, para 33.

291 CBC News, "Tunisian billionaire who fled Canada ahead of 2016 deportation arrested in France" 19 March 2019.

292 CBC News, "Tunisian billionaire who fled Canada ahead of 2016 deportation arrested in France" 19 March 2019.

293 CBC News, "Tunisian billionaire who fled Canada ahead of 2016 deportation arrested in France" 19 March 2019.

294 *Djilani v Canada (Foreign Affairs)*, 2017 CF 1178, p 11, para 33.

295 Al Jazeera, "Revealing Tunisian Corruption Under Ben Ali", 27 March 2014.

296 An interview with human rights defender.

297 An interview with human rights defender.

298 An interview with a civil society representative.

Other Factors to Consider when Assessing Impact

- **Establishment of truth commissions:** The sanctions imposed by Canada and the EU against the former senior Tunisian State officials and their families are only one tool which the international community has used to express disapproval of the corrupt behaviour, show solidarity with Tunisians and support their struggle for a vibrant and democratic society. In June 2014, following the successful Tunisian revolution, the Truth and Dignity Commission (**TDC**) was established and tasked with investigating and holding to account officials responsible for human rights violations committed between 1955 and 2013. The TDC held televised hearings and allowed victims to tell their stories for the entire nation to hear.²⁹⁹
- The TDC conducted detailed investigations and documented all forms of abuses, including enforced disappearances, extrajudicial executions, torture, death under torture, killings and excessive use of force against peaceful protesters during the 2010-2011 uprising. The commission further revealed the widespread corruption of Ben Ali's regime. More than 62,000 complaints were brought before the TDC.³⁰⁰
- In 2020, the TDC filed its final report concluding five years of investigations and public hearings. Many Tunisians celebrated the occasion and deemed it a victory for their revolution.³⁰¹ Many experts considered the report and its publication by the Tunisian Government as an acknowledgment of the abuses and that the Government will be pressured to take necessary measures to address the issues raised in the report.³⁰² In assessing the impact of the targeted sanctions, it is also critical to consider the impact of mechanisms such as the TDC, with it being seen as a form of transitional justice.³⁰³ One actor stated that it was because of the TDC that Belhassan Trabelsi disappeared from Canada to avoid his deportation to Tunisia, hence evading justice at home.³⁰⁴

Recommendations for Enhancing Impact

- **Sanctioning jurisdictions should strive to multilateralise existing designations where possible.** Targeted sanctions have the ability to directly respond to situations in countries in turmoil and to support domestic accountability processes in States in transition when there is domestic support for the action. It is vital for an effective application of sanctions and to avoid sanctions evasion that these sanctions be multilateralised where possible. This is important to ensure that designated persons cannot access other key financial markets, travel easily to other jurisdictions and to signal a unified condemnation of the proscribed behaviour.
- **Sanctioning jurisdictions should consider avenues for repurposing of tainted assets and proceeds.** It is crucial that sanctioning jurisdictions explore mechanisms to repurpose frozen assets to remedy victims and their families where they are the proceeds of proscribed activity. Many victims experienced irreparable injuries as a result of the behaviour which targeted sanctions aim to tackle. Therefore, exploring means to ensure that

299 ICTJ, "Revolutionary Truth: Tunisian Victims Make History on First Night of Public Hearings for TDC", 17 November 2016.

300 ICTJ, "Revolutionary Truth: Tunisian Victims Make History on First Night of Public Hearings for TDC", 17 November 2016.

301 Aljazeera, "Publication of the Report of the Truth and Dignity Commission: Why is it a victory for transitional justice in Tunisia?", 25 June 2020.

302 Aljazeera, "Publication of the Report of the Truth and Dignity Commission: Why is it a victory for transitional justice in Tunisia?", 25 June 2020.

303 Aljazeera, "Publication of the Report of the Truth and Dignity Commission: Why is it a victory for transitional justice in Tunisia?", 25 June 2020.

304 An interview with a stakeholder.

proper reparations are delivered is key to targeted sanctions for human rights abuses and corruption meeting one of their overall goals: to deter future similar behaviour and hold perpetrators to account.

- **Sanctioning jurisdictions should ensure that their designations form part of a coherent policy tackling the proscribed behaviour or holding the perpetrator to account.** In particular, States should be cognisant of the risks of harbouring corrupt foreign officials, their families and associates if they are trying to escape accountability for their acts. However, this must be carefully balanced with legitimate claims for asylum and other human rights considerations which may apply to the designated person.

About the coalition

The authors of this report coordinate and work with a coalition of more than 330 civil society organisations around the world that advocates for the use of targeted human rights and anti-corruption sanctions as a tool to promote accountability. The coalition provides training, resources, and assistance to civil society groups to help them prepare well-documented recommendations to the US, Canada, UK, and EU identifying perpetrators eligible for human rights and/or corruption sanctions. Since 2017, the coalition has provided more than 150 sanctions recommendations to these jurisdictions, in addition to other forms of engagement and advocacy on sanctions targets. The coalition co-chairs are: REDRESS (UK), Human Rights First (US), Open Society Foundations (EU), and Raoul Wallenberg Centre (Canada). The coalition's regional sub-chair for Latin America is the Pan American Development Foundation.

About REDRESS

REDRESS is an international human rights organisation that delivers justice and reparation for survivors of torture, challenges impunity for perpetrators, and advocates for legal and policy reforms to combat torture. As part of this work, REDRESS uses sanctions to prevent human rights abuses and corruption, through imposing a financial cost on the perpetrators. It does this by investigating abuses and submitting evidence to sanctions authorities; by using data-driven analysis to shape public policy; and by supporting NGOs across the world on using sanctions. For more about REDRESS: www.redress.org

About Human Rights First

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. For 40 years the organisation has worked to press the US government and private companies to respect human rights and the rule of law. When they fail, Human Rights First steps in to demand reform, accountability, and justice. Human Rights First is based in New York, Washington D.C., and Los Angeles. For more about Human Rights First: www.humanrightsfirst.org

About the Open Society Foundations

The Open Society Foundations, founded by George Soros, are the world's largest private funder of independent groups working for justice, democratic governance, and human rights. For more about the Open Society Foundations: www.opensocietyfoundations.org

About the Raoul Wallenberg Centre for Human Rights

The Raoul Wallenberg Centre for Human Rights is a unique international consortium of parliamentarians, scholars, jurists, human rights defenders, NGOs, and students united in the pursuit of justice, inspired by and anchored in Raoul Wallenberg's humanitarian legacy. For more about the Centre please visit: www.raoulwallenbergcentre.org

Pan American Development Foundation

The Pan American Development Foundation (PADF) is a 501(c)(3) nonprofit organization established by the Organization of American States (OAS) in 1962. For over 60 years, PADF has worked across Latin America and the Caribbean to promote more peaceful, just, inclusive, resilient, and sustainable societies. For more information about PADF please visit: www.padf.org



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