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Corruption sanctions
What governments need to know

Anton Moiseienko | May 2026

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Table of contents

Foreword 5

Executive summary 6

Acronyms and abbreviations 8

1 Introduction 9

2 What are corruption sanctions 11

2.1 The authority to impose corruption sanctions 12

2.2 Financial restrictions 13

2.3 Travel restrictions 15

3 Emergence of corruption sanctions and their use 17

3.1 The United States' Presidential Proclamation 7750 (2004) 17

3.2 The United States' section 7031(c) sanctions (2008 – onwards) 18

3.3 The United States' Magnitsky Act 2012 19

3.4 Global Magnitsky Act 2016 21

3.5 Global adoption 23

3.6 The current global status quo 28

4 Objectives and effectiveness 29

4.1 Multiple possible objectives 29

4.2 Corruption sanctions and freezing of assets 31

4.3 Corruption sanctions and criminal justice 33

4.4 The effects of corruption sanctions 34

5 Sanctions design 39

5.1 Thematic vs. country sanctions 39

5.2 Definitions of corruption 39

5.3 Licences and delisting 40

6 Due process protections 43

6.1 Evidentiary standards 43

6.2 Judicial review rules 45

6.3 Preserving sanctions legitimacy 46

6.4 Transparency and reasoned decision-making 47

7 Target selection 49

7.1 Foreign policy sensitivities 49

7.2 Civil society input 50

7.3 High-priority targets 51

7.4 Less traditional targets: professional enablers 52

8 Conclusions and recommendations 54

Foreword

Every state has an obligation to investigate and prosecute corruption within their jurisdiction. Unfortunately, many states around the world are not willing to fulfil this responsibility. As a result, the very individuals within these states tasked with serving the public interest are instead given free rein to commit acts that not only serve themselves but also corrode the fabric of the state. And ordinary citizens have no alternative but to endure the ensuing economic and social damage.

The development of sanctions tools targeting corruption stemmed from the idea that justice should be universal; that no one in any society around the world should be above the law. They are powerful tools, built on powerful principles. States introducing them understand that unchecked corruption will always suffocate a state's ability to provide security, fairness and prosperity to its citizens.

Comparatively though, corruption sanctions are still an underdeveloped concept and are far from perfect. Only a handful of states have introduced them, and those that have are not often using them to their full potential. They also spark valid concerns surrounding due process. These criticisms shouldn't be ignored: they offer an insight on how these tools could be further developed and enhanced to ensure that they are more credibly and consistently applied.

In his paper, Anton Moiseienko provides an excellent and well-researched overview of how corruption sanctions could be designed and employed to better achieve their potential. He explains how these tools have evolved over the last two decades and how they could be further refined to be more effective and achieve a wider range of impact. Critically, his paper is an indispensable resource for those looking to understand exactly how such sanctions can help states deter, disrupt and debilitate the notoriously corrupt that are unreachable through standard criminal justice tools.

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Executive summary

Corruption sanctions allow governments to impose financial and travel restrictions, such as asset freezes and visa bans, on persons (mostly foreigners) suspected of corruption without any finding of guilt in a court of law. Such sanctions have emerged over the past decade primarily to address situations where notoriously corrupt individuals enjoy impunity within their own legal systems. They are also occasionally used to support foreign investigations by enabling authorities to swiftly freeze suspected proceeds of corruption.

Advantages

Corruption sanctions regimes offer two main advantages that make them a useful addition to a government's anti-corruption arsenal: flexibility and versatility.

The flexibility of corruption sanctions stems from the relatively low evidentiary standards required to implement them, which are far less exacting than the civil or criminal standards of proof. It also reflects there being no need for any geographical nexus between the sanctioning state and the alleged corruption, such that sanctions can be wielded against anyone involved in corruption anywhere in the world. These features allow governments to resort to corruption sanctions in circumstances where conventional law enforcement action, such as prosecutions or confiscation proceedings, would be out of reach.

The versatility of such sanctions is a product of the freedom that governments enjoy in their imposition. Corruption sanctions can be, and have been, put to use to achieve a varied set of objectives. Those include disrupting corrupt activity; deterring would-be corruption or corruption facilitation; condemning corruption; punishing the perpetrators; facilitating asset recovery; or signalling support for another country's law enforcement actions.

Limitations

This flexibility and versatility combine to produce a unique and valuable anti-corruption tool. However, all too often it is wielded without a clear post-imposition strategy, namely a coherent and credible approach to what the sanctions are meant to achieve once they are in effect; how long they will be kept in place; and how they interact with other available law enforcement tools. In some cases, the imposition of sanctions may be predicated on the expectation that other measures – such as asset confiscation – will follow. In others, they may be a self-standing response to allegations of serious corruption.

The inherent flexibility in these tools also comes with due process trade-offs. Corruption sanctions regimes grant governments broad powers, including a wide discretion in imposing and lifting corruption sanctions or granting licences for transactions that would otherwise be prohibited under such sanctions. These powers are often subject only to light-touch judicial oversight. This has understandably raised concerns over their vulnerability to errors or, in extreme cases, abuse.

To ensure consistent and credible use of corruption sanctions, policymakers should review applicable evidentiary standards and judicial review rules; publish clear criteria outlining what makes for a high-priority target for corruption sanctions; publish clear criteria for sanctions licences and delisting; and set out processes and expectations for sanctions dossier submissions from civil society organisations. While all of these measures preserve governments' flexibility in the imposition of corruption sanctions, taken together they will go some way towards minimising the risks of politicisation or abuse.

A useful addition to the anti-corruption toolbox

All in all, corruption sanctions have transformed and enriched the anti-corruption enforcement landscape. Their evident advantages suggest that states that have not yet done so should consider whether the introduction of corruption sanctions is right for them, and that those states that already have a mechanism in place should explore how they can use it to the greatest effect. Sometimes, governments are reluctant to make full use of corruption sanctions for fears of foreign policy repercussions. But, as the analysis in this paper suggests, such sensitivities can be managed through careful target selection.

In summary, if designed and implemented transparently and responsibly – not as a low-cost substitute for traditional enforcement tools but as a complement to them when they are not available – these mechanisms can be used to target and challenge otherwise unchecked corruption globally. The analysis in this paper, and the recommendations it contains in its conclusion, aim to support this endeavour.

Acronyms and abbreviations

AML/CTF	anti-money laundering/counter-terrorist financing
CJEU	Court of Justice of the European Union
EU	European Union
FATF	Financial Action Task Force
FCDO	UK Foreign, Commonwealth & Development Office
FIAA	Foreign Illicit Assets Act (Switzerland)
GHRS	Global Human Rights Sanctions Regulations 2020 (UK)
IEEPA	International Emergency Economic Powers Act 1977 (US)
MLA	Mutual legal assistance
NGO	Non-governmental organisation
OAS	Organization of American States
OFAC	Office of Foreign Assets Control (US)
OFSI	Office of Financial Sanctions Implementation (UK)
SAMLA	Sanctions and Anti-Money Laundering Act 2018 (UK)
SDN	specially designated nationals
UK	United Kingdom
US	United States

1 Introduction

Targeted sanctions, such as freezing the assets of, or imposing travel restrictions against, individuals or organisations suspected of corruption are among the newest anti-corruption measures. Despite their novelty, they have enjoyed increased adoption around the world. This is partly testament to the successful advocacy of those urging governments to enact corruption and human rights sanctions, often known as "Magnitsky sanctions", after the archetypal US Magnitsky Act (see 3.3 below).

But it is one thing to enact laws authorising corruption sanctions, and another matter altogether to use them effectively. This requires an understanding of what such sanctions can and cannot do. Often, policymakers lack a clear picture of the effects that corruption sanctions can achieve, or of how they can complement other available tools, such as criminal prosecution or non-conviction-based asset forfeiture.

Some governments are reluctant to use corruption sanctions even if the legislation allows them to do so. This may be due to foreign policy sensitivities, due process concerns or a combination of the two. Other governments tend to copy overseas sanctions designations without fully capitalising on the opportunities that an independent approach would bring. Recent experience also highlights the long-standing risks of arbitrary or politically motivated use of sanctions, including corruption sanctions. Smart approaches to sanctions regime design and target selection can help maximise the value of corruption sanctions while mitigating their unintended consequences. There is also a tension that policymakers need to be aware of between the flexibility of sanctions as a potential response to significant corruption and the availability of rigorous due process safeguards.

In addressing these themes, this paper assesses the global experience of corruption sanctions to provide recommendations for their effective and legitimate use. It is aimed primarily at policymakers, including in foreign ministries, finance ministries and law enforcement agencies, but will also be of interest to anti-corruption activists, private-sector financial crime specialists and academics.

The analysis in this paper is based on the author's experience of studying corruption sanctions since 2014, including writing the first book on the legal aspects of corruption sanctions, *Corruption and Targeted Sanctions*,[1] and many conversations with government, private-sector and civil society experts over the years. It also draws on an extensive analysis of contemporary sanctions literature, both academic and policy-oriented.

1 Anton Moiseienko, *Corruption and Targeted Sanctions: The Law and Policy of Anti-Corruption Entry Bans* (Brill, 2019).

The paper takes a global, non-jurisdiction-specific approach in terms of its recommendations but is drafted primarily with liberal democracies in mind. The research focuses on the experiences of countries with corruption sanctions that are either the most active enforcers or represent the most economically significant jurisdictions (the US, UK, EU, Canada and Australia), noting that more countries are reported to have corruption sanction regimes in place.[2]

The paper is structured as follows:

- Section 2 (What are corruption sanctions?) explains the basics of corruption sanctions, including the sources of the authority to impose corruption sanctions and the nature of the financial and travel restrictions they entail.
- Section 3 (Emergence of corruption sanctions and their use) explores the history and use of corruption sanctions across jurisdictions, so as to help the reader understand their genesis, objectives and limitations.
- Drawing on that historical excursus, section 4 (Objectives and effectiveness) synthesises the multiple objectives of corruption sanctions; how they can be used to facilitate the freezing of suspected proceeds of corruption; their relationship with other criminal justice tools; and the effects that such sanctions tend to have.
- Section 5 (Sanctions design) explores key considerations in setting out the legal framework governing the use of corruption sanctions, including the use of thematic (corruption-oriented) versus country sanctions regimes; applicable definitions of corruption; and sanctions exemptions (licences) and their termination (delisting).
- Section 6 (Due process protections) addresses the tension between flexibility and accountability, discussing in turn the applicable evidentiary standards; judicial review rules; and the broader relationship between due process and sanctions legitimacy.
- The paper's last substantive section (Target selection) discusses how governments determine whom to target via corruption sanctions, with a focus on foreign policy sensitivities; civil society input into sanctions decision-making; and high-priority targets, including professional enablers of financial crime.
- The paper concludes with a summary of the main points and nine recommendations for governments on designing and maintaining an effective and credible corruption sanctions regime.

2 "Multilateral Magnitsky Sanctions at Five Years", *Human Rights First*, November 2022, 4 (noting that "Magnitsky" sanctions regimes are also in place in Estonia, Gibraltar, Jersey, Kosovo, Latvia, Lithuania and Norway).

2 What are corruption sanctions?

“Sanctions” is a term that can have different meanings. For example, it can be synonymous with “penalties” or “punishment”.[3] This is *not* what corruption sanctions are. In this context, “sanctions” refers to targeted restrictive measures that governments impose to address alleged wrongdoing, in this case corruption.

The term “targeted sanctions” is defined in contradistinction to “comprehensive sanctions”, such as economic embargoes or other measures aimed at affecting the economy or security of a whole nation.[4] By their nature, corruption sanctions are a form of targeted sanctions, placed on specific individuals or companies in response to alleged corruption.

Corruption sanctions are a form of “thematic sanctions”, imposed by reference to a particular category of misconduct regardless of where in the world it occurs. Other examples of these types of sanctions regimes target conduct such as human rights violations, terrorism, cybercrime and the proliferation of weapons of mass destruction. This is different from country-specific sanctions programmes, such as current multilateral sanctions against Russia.

Corruption sanctions almost always involve the imposition of both financial and travel restrictions, discussed in detail below. Despite rare exceptions, such as misappropriation sanctions in the EU[5] or “section 7031(c) sanctions” in the US,[6] these two aspects of corruption sanctions generally come as a package. These restrictions only apply in the territory of the sanctioning state: that is, if State A imposes corruption sanctions on Person B, Person B’s assets in State A will be frozen and Person B will not be eligible to enter State A’s territory, but Person B’s position in other countries will remain unaffected. This has important implications for thinking about the effectiveness of sanctions, explored later in this paper (see 4.4 below).

Sanctions *predominantly* target foreigners, although often there is no bar on sanctions against the state’s own citizens. For example, Australian and UK laws allow for sanctions against their own citizens, with the latter having already been upheld by courts.[7] Moreover, US law permits sanctions against US dual citizens, and the US government has used those powers on multiple

3 For example, the Financial Action Task Force (FATF) requires countries to impose “effective, proportionate and dissuasive sanctions” for breaches of anti-money laundering and counter-terrorist financing (AML/CTF) rules. FATF, *International Standards on Combatting Money Laundering and the Financing of Terrorism & Proliferation*, updated October 2025, Recommendation 35.

4 Sue E. Eckert, Thomas J. Biersteker and Marcos Tourinho, “Introduction” in Sue E. Eckert, Thomas J. Biersteker and Marcos Tourinho (eds.), *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge University Press, 2016) 1.

5 Only involving financial restrictions; see 3.5.3 below.

6 Only involving travel restrictions; see 3.2 below.

7 Section 1 of the SAMLA (UK) and section 10 of the Autonomous Sanctions Act 2011 (Australia) (setting out conditions for the use of sanctions and containing no restriction on sanctions against citizens); *Phillips v Foreign Secretary* [2024] EWHC 32 (Admin) (concerning a British citizen sanctioned by the UK under Russia sanctions).

occasions.[8] While these powers do not appear to have been used in the context of corruption sanctions, they further highlight the expansive reach of sanctions laws and the broad authority they confer on governments, which is essential for the understanding of the due process trade-offs involved.

2.1 The authority to impose corruption sanctions

All sanctions can be divided into UN-imposed ones, which are adopted by the UN Security Council and are mandatory for all UN member states to implement, and autonomous (or “unilateral”) sanctions adopted by individual states of their own accord. To date, no corruption sanctions have been imposed by the UN Security Council, meaning that all corruption sanctions have been autonomous.

The authority to impose unilateral corruption sanctions comes either from general sanctions laws that authorise governments to impose sanctions for a wide range of purposes – such as the International Emergency Economic Powers Act 1977 (IEEPA) in the US or the Sanctions and Anti-Money Laundering Act 2018 (SAMLA) in the UK – or from bespoke, corruption-specific sanctions laws, such as the Global Magnitsky Act 2016 in the US.

The power to sanction (or “designate”) persons[9] under such laws invariably sits with governments, most often foreign ministries (or, occasionally, finance ministries). An interagency process may be in place to ensure law enforcement agencies’ input into sanctions decision-making.

The definition of sanctionable corruption will be contained either in sanctions regulations that governments promulgate under a general sanctions law, or in corruption-specific sanctions laws. However, in either case, a country’s broader sanctions framework shapes the imposition of corruption sanctions in profound ways:

- **Judicial review rules.** While sanctions are imposed by governments, in all countries that have used corruption sanctions to date, courts are empowered to review the lawfulness of the designations. As described later in the paper, the threshold for successful challenges against sanctions tends to be high, including for corruption sanctions designations.
- **Evidentiary standards.** In some countries, like the UK, the same evidentiary standard applies across all sanctions regimes (“reasonable grounds to suspect”). In others, like the US, corruption-specific sanctions laws may provide for a particular evidentiary standard (e.g. “credible evidence” under the Global Magnitsky Act 2016). In practice, however, sanctions decision-makers will have regard not only to the

8 The relevant definition of “foreign persons” is available in International Emergency Economic Powers Act, 50 U.S.C. §§ 1701–1708 (2012); Global Magnitsky Act 2016, § 10102(a). The US Specially Designated Nationals (SDN) List is available at https://www.treasury.gov/ofac/downloads/sdnlist.pdf. It includes multiple entries featuring US citizens, including Anni Ajaka, Anwar Al-Aulaqi, Ahmad Aldolemy, Emraan Ali, Mansour Arbabsiar and others. Most of these designations pertain to suspected terrorism, but they confirm the availability of sanctions against US citizens.

9 Individuals or companies.

evidentiary standard provided for in the legislation, but also to the applicable judicial review rules to ensure that any sanctions designations are likely to survive court scrutiny.

- **Human rights rules.** Human rights laws can affect the interpretation or even validity of sanctions laws, but approaches to human rights differ. Some jurisdictions have domestic human rights laws; others do not. In some countries, international human rights rules – for instance, those in the International Covenant on Civil and Political Rights or the European Convention on Human Rights – directly form part of domestic laws; in others, they do not.

This means that, in countries with existing autonomous sanctions frameworks, the operation of corruption sanctions will inevitably be affected by the broader legal structures in place. Conversely, in countries that do not yet have an autonomous sanctions framework, introducing corruption sanctions would raise more far-reaching questions of what the entire autonomous sanctions framework should look like.

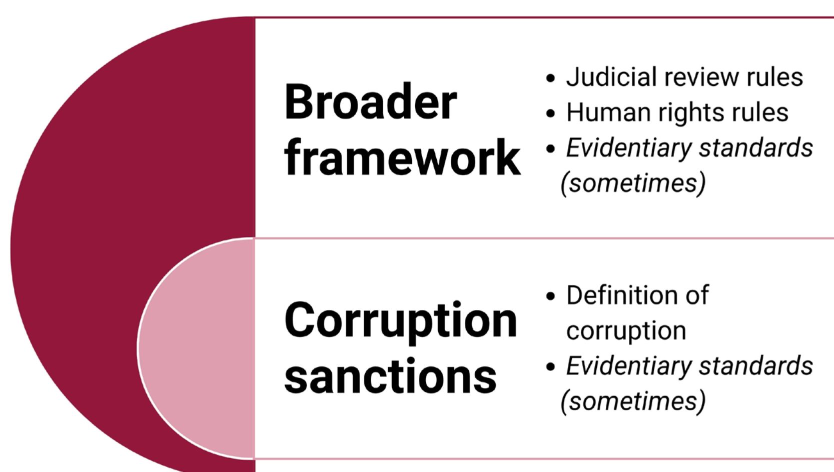

Figure 1: Corruption sanctions in a broader sanctions framework.

2.2 Financial restrictions

Financial restrictions are by far the best-known component of corruption sanctions. The term "asset freeze" is often used to denote these restrictions. More precisely put, there are two main forms of financial restrictions: the prohibition on dealing with a sanctioned person's assets ("asset freeze") and the prohibition on transacting with a sanctioned person ("transaction prohibition").

2.2.1 Asset freeze

The "freezing" involves the prohibition on any use or disposal of frozen assets without formally affecting their ownership. It does not lead to the confiscation of assets by the state. Like corruption sanctions overall, asset freezing in the context of corruption sanctions is often described as a temporary measure, but there is generally no legal or practical limit on the duration of the freeze,

which can last for decades.[10] A key facet of the asset freeze is the obligation upon banks to identify sanctioned persons' accounts and the prohibition on processing any transfers relating to those accounts.

The freeze normally applies to assets owned or controlled, directly or indirectly, by sanctioned persons. Details vary across jurisdictions. In the US, assets of companies that are owned 50 percent or more by sanctioned persons are subject to freezing by automatic operation of the law.[11] This may not capture situations where control over a company or asset is exercised without a 50 percent ownership stake, for example through powers to appoint a company's senior management or informal means of control, e.g. via influencing one's family members.[12] Companies otherwise controlled by sanctioned persons may be separately sanctioned, but unless they are so sanctioned, their assets are not subject to freezing. However, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) may not recognise "sham transactions" that purport to dilute the sanctioned person's ownership stake in an asset without relinquishing de facto control over the asset.[13]

By contrast, the starting point in Australia and the UK is that assets of all companies owned or *controlled* by a sanctioned person are required to be frozen.[14] Since "control" is not legally defined in those countries and is difficult to ascertain in practice, there can be considerable uncertainty over whether particular assets must be frozen.[15]

As already indicated, asset freezes do not involve any confiscation or other transfer of ownership over frozen assets. But nor do they preclude such confiscation on separate grounds later on, e.g. if they become subject to a confiscation order in criminal proceedings.[16] This opens up the possibility of using corruption sanctions as a means of temporarily freezing suspect assets in advance of possible confiscation, as discussed in the context of misappropriation sanctions (see 3.5.3 below).

2.2.2 Transaction prohibition

Besides asset freezes, corruption sanctions involve a prohibition on transactions with the sanctioned person. The precise nature of the prohibition varies. In all jurisdictions, corruption sanctions entail a ban on making assets, whether financial or non-financial, available to a sanctioned person. However,

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10 See the case law of the European Court of Human Rights discussed in *Corruption and Targeted Sanctions*, footnote 1 above, at 199–201.

11 OFAC, "Entities Owned by Blocked Persons (50% Rule)", https://ofac.treasury.gov/faqs/topic/1521.

12 FATF, *Beneficial Ownership of Legal Persons*, March 2023, 18–19.

13 OFAC, "Sanctions Advisory: Guidance on Sham Transactions and Sanctions Evasion", 31 March 2026, https://ofac.treasury.gov/media/935441/download?inline.

14 Section 3(1)(a) of the SAMLA 2018 (UK) and Regulations 3 and 15 of the Autonomous Sanctions Regulations 2011 (Australia).

15 Anton Moiseienko, *Doing Business with Criminals: Between Exclusion and Surveillance* (Cambridge University Press, 2025) 186-188 (discussing UK and Australian case law).

16 Andrew Dornbierer, "From sanctions to confiscation while upholding the rule of law", Working Paper 42, Basel Institute on Governance, 2023, 24–32.

not all jurisdictions prohibit the *receipt* of assets from a sanctioned person: for example, the US does, but the UK and Australia do not.[17]

The reasoning behind this limitation has never been publicly articulated. One could argue that denying targeted persons the ability to *obtain* control of funds is far more essential to undermining their operations than preventing them from *relinquishing* control of their money. This, however, would ignore sanctions evasions concerns arising from situations where a sanctioned individual is permitted to transfer assets to a family member or associate to hold on their behalf.[18] Official guidance from Australia offers one situation where this limitation could be justified, namely where a sanctioned foreign bank makes pension payments to retirees living in Australia.[19]

Another nuanced difference is that, while US sanctions law captures the provision of services to a sanctioned person, UK and Australian law only covers the provision of "assets", which do not include services.[20] However, the provision of some services to clients in particular countries, such as Russia, is banned under applicable UK country sanctions.[21] Furthermore, one could arguably breach sanctions by providing services that indirectly result in making an asset available to a sanctioned person, e.g. providing otherwise lawful advisory services that enable the sanctioned person to make money.[22]

2.2.3 Publicity of financial restrictions

By their nature, financial restrictions need to be publicly announced. For banks to freeze the assets of sanctioned persons or for businesses at large to avoid transacting with sanctioned persons, they need to know who has been sanctioned. This is different from travel restrictions, which can be imposed confidentially, as discussed below.

2.3 Travel restrictions

Travel restrictions involve a prohibition on entering the sanctioning state's territory or, if the sanctioned person is already there, deportation from its territory. If a visa is required for entry or stay, these restrictions may be effectuated by the refusal of a visa or its revocation. Otherwise, they can take the form of refusing entry at the border.

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17 Anton Moiseienko, "The Weird World of Receiving Payments from Sanctioned Persons in Australia", *Economic Crime Law Blog*, 29 March 2025, https://economiccrimelaw.com/2025/03/29/the-weird-world-of-receiving-payments-from-sanctioned-persons-in-australia/.

18 As highlighted in OFAC's Advisory on Sham Transactions: see footnote 13 above.

19 Australian Sanctions Office, "Guidance Note – Financial transactions involving designated persons and entities". Updated 12 September 2025, https://www.dfat.gov.au/international-relations/security/sanctions/guidance/financial-transactions-involving-designated-persons-and-entities.

20 Ibid.

21 See, e.g., Office of Trade Sanctions Implementation, "Complying with professional and business services sanctions related to Russia", 10 October 2024, https://www.gov.uk/government/publications/professional-and-business-services-to-a-person-connected-with-russia/professional-and-business-services-to-a-person-connected-with-russia.

22 For a recent judgment of the High Court of Australia considering this point in connection with the provision of legal services, see *Deripaska v Minister for Foreign Affairs* [2026] HCA 14.

2.3.1 Denial of entry and deportation

These restrictions are only available against foreigners. International law prohibits states from denying entry to their own citizens, and domestic laws typically do as well. Exceptionally, states may resort to “soft bans” of their own citizens. For example, the UK government announced that the UK-sanctioned British citizen Asma Al-Assad, the wife of Syria’s deposed dictator Bashar Al-Assad, would be “not welcome” in the UK despite her right to enter the UK.[23] The ongoing financial restrictions stemming from UK sanctions could make her stay in the UK very difficult as a matter of practicality.

By contrast, states’ freedom to deny entry to foreigners is virtually unconstrained, with very limited human rights exceptions.[24] Foreigners already in the country’s territory may be deported, although this tends to be associated with greater due process protections. In particular, deportation may be more difficult if the foreigner concerned is a permanent resident.

2.3.2 Publicity vs. confidentiality

Unlike financial restrictions, travel restrictions can be either publicly announced or confidential. Someone can be turned away at the border without these measures being broadcast to the public at large. Civil society advocates have decried the limited value of such designations, which are a private affair between the government and the person targeted and therefore defy public scrutiny.[25]

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23 “Asma al-Assad: Syria’s London-born first lady not welcome in UK”, *France 24*, 10 December 2024, https://www.france24.com/en/live-news/20241210-asma-al-assad-syria-s-london-born-first-lady-not-welcome-in-uk.

24 For details, see *Corruption and Targeted Sanctions*, footnote 1 above, in chapter 4.

25 Adam Keith, “Neither Shaming nor Naming: New Data on the Confidential Visa Bans under Section 7031(c)”, *Human Rights First*, 17 September 2025, https://humanrightsfirst.org/library/neither-shaming-nor-naming-new-data-on-the-confidential-visa-bans-under-section-7031c/.

3 Emergence of corruption sanctions and their use

The recent expansion in the use of corruption sanctions globally over the last two decades belies their novelty. While they have emerged primarily as a response to the impunity that corrupt officials all too frequently enjoy, they have also been implemented to fulfil additional objectives (e.g. to prevent the dissipation of suspected misappropriated funds). Notably, their practical application has not always run parallel to their legislative proliferation, and many countries have shown reluctance to use these sanctions despite introducing the powers enabling them to do so.

3.1 The United States' Presidential Proclamation 7750 (2004)

The history of corruption sanctions begins with the promulgation by US President George W. Bush of Presidential Proclamation 7750 (hereinafter "Proclamation 7750" or "the Proclamation"). President Bush issued the proclamation during the Summit of the Americas held by the Organization of American States (OAS) in Monterrey, Mexico in 2004.

This was a time when the US was seeking to reinvigorate and internationalise its anti-corruption efforts, linked in part to the US campaign to target the assets of corrupt elites in Iraq, Libya and Syria.[26] Consistent with that, the OAS's communiqué from the Monterrey summit featured the commitment to "deny safe haven to corrupt officials, to those who corrupt them, and their assets".[27] This is one of the few instances of an international organisation appearing to directly endorse, and call for, the use of corruption sanctions.

The title of Proclamation 7750, "To Suspend Entry as Immigrants or Nonimmigrants of Persons Engaged in or Benefiting from Corruption", encapsulates its purpose. The Proclamation empowers the US Secretary of State to identify foreign public officials engaged in bribery or misappropriation of public funds; those who bribe foreign public officials; and the spouses, children and dependent household members of the previous two categories of persons.[28]

3.1.1 Confidentiality of designations

The effect of the Proclamation is to impose confidential entry bans without any public announcement. The Proclamation was adopted under the powers vested in the President by the Immigration and Nationality Act 1952 and is therefore

26 Juan Zarate, *Treasury's War* (PublicAffairs, 2013) 169–200; 343–348.

27 OAS, *Declaration of Nuevo León*, 2004, 10.

28 Section 1 of Proclamation No 7750 to Suspend Entry as Immigrants or Nonimmigrants of Persons Engaged in or Benefiting from Corruption, 69 FR 2287, 12 January 2004.

implemented consistent with the Act's requirement that immigration decisions remain confidential.

Despite the confidentiality of designations under the Proclamation, in practice a number of targets have been publicly identified. This happened either because of press leaks or because those targeted under the Proclamation publicly complained about their designations. Publicly disclosed targets include at least three former presidents of Central American states, a judge on Panama's Supreme Court, a defence minister and other senior officials in Cameroon, a Nigerian state governor, a Kenyan attorney general and several Hungarian tax officials.[29]

3.1.2 Challenges to designations

The use of sanctions under the Proclamation against a judge from Ecuador prompted a court challenge in 2008. A US District Court dismissed the challenge against the constitutionality of the Proclamation on the basis that it was "intricately interwoven with the Executive Branch's power to declare foreign policy, which the Court may not review".[30] It also held that visa decisions were excluded from judicial review unless the claimant was being deported from the US, which was not the case. The case is illustrative of the broad latitude that many governments can have in imposing corruption-related immigration restrictions, which this paper returns to later.

3.2 The United States' section 7031(c) sanctions (2008 – onwards)

The next step in the evolution of US corruption sanctions was the adoption of what is commonly known as "section 7031(c) sanctions". They originated in a 2007 bill that would enable financial and travel sanctions against those believed, on credible evidence, to be involved in corruption in the extractives industries in select African countries.

The amended provision was ultimately adopted in 2008. The final text – found in section 7031(c) of the Consolidated Appropriations Act 2008 – enabled only travel sanctions, but without limitation to any specific countries. Since then, it has provided a separate basis for the imposition of corruption-related sanctions in addition to Proclamation 7750.

As the title suggests, the primary purpose of the Consolidated Appropriations Acts is to provide funding for various governmental activities, but they also often contain other provisions included to maximise the chances of their passing. These Acts need to be adopted anew every year.

Since 2008, every iteration of the Consolidated Appropriations Act has included section 7031(c) sanctions. In 2015, the provisions of section 7031(c) were

29 *Corruption and Targeted Sanctions*, footnote 1 above, at 34.

30 *Castellanos et al v Pfizer, Inc et al*, 0:07-CV-60646, No 74 (SD Fla 20 May 2008).

amended to disapply the confidentiality requirements under the Immigration and Nationality Act 1952, thereby enabling public travel sanctions.

3.2.1 Use of section 7031(c)

For a full decade since its adoption, section 7031(c) was not in use. This changed in 2018 with the public designation of Albania's former prosecutor general Adriatik Llalla, his spouse and two children.[31]

Since 2018, section 7031(c) rapidly became a pillar of the US corruption sanctions regime. Dozens of designations have been made under section 7031(c) every year, with targets including – by way of a non-exhaustive list – a former Honduran president and first lady; a Guatemalan Congressperson; Namibian officials; Bulgarian officials; a former president of Albania; a Chinese party official; a Paraguay Congressperson; Iranian officials; a Ukrainian oligarch; a former Slovak prosecutor general; and others. These sanctions continued throughout the Biden era[32] and, at a slower pace, the second Trump administration: as of this writing, one of the latest section 7031(c) designees is the former Argentinian President Cristina de Kirchner.[33]

3.2.2 Relationship with other US corruption sanctions programmes

The relationship between section 7031(c) and other US corruption sanctions programmes, including the Magnitsky sanctions discussed below, has never been entirely clear. As we shall see, there is a substantial overlap in the circumstances in which Proclamation 7750, section 7031(c) and Magnitsky sanctions can be used. One of the primary differences is the decision-making process: whereas immigration sanctions under Proclamation 7750 and section 7031(c) are imposed by the State Secretary, most US sanctions – including Magnitsky sanctions – involve a financial component and are therefore imposed by the Treasury Secretary and administered by OFAC.

3.3 The United States' Magnitsky Act 2012

The Magnitsky Act 2012 and Global Magnitsky Act 2016 (discussed in section 3.4 below) are the premier US corruption sanctions programmes. This is so in terms of both the number of people and companies sanctioned and the subsequent adoption of similar sanctions regimes around the world, known as "Magnitsky" or "Magnitsky-style" sanctions.

31 *Corruption and Targeted Sanctions*, footnote 1 above, at 44.

32 See the list at https://2021-2025.state.gov/subjects/7031c/.

33 "Designation of Former President of Argentina and Former Minister of Planning of Argentina for Involvement in Significant Corruption", US State Department, 21 March 2025.

3.3.1 History of the Act

The history of Magnitsky sanctions begins with the death of Sergei Magnitsky, a Russian lawyer and tax accountant.[34] Magnitsky was working for Hermitage Capital, a Russia-based investment fund founded by the British American billionaire (now Sir) Bill Browder. Hermitage Capital was the victim of an illicit corporate takeover by a group of Russian tax and law enforcement officials, in a phenomenon known in Russia as "corporate raiding".

Magnitsky concluded that these officials had used the takeover to fraudulently receive a repayment of USD 230 million in taxes previously paid by Hermitage Capital. He reported the fraud to Russian authorities but was himself arrested, investigated by the very same officials whose conduct he had complained about, beaten by prison guards and denied medical treatment. He died in 2009 having spent 11 months in a Moscow prison and leaving behind a trail of complaints and documents detailing his mistreatment.

Magnitsky's death prompted his employer, Browder, to launch a campaign seeking to bring those responsible to account. This involved exploring the feasibility of sanctions under Proclamation 7750, which soon evolved into the discussion of whether a new sanctions regime could enable the public designation of Russian officials responsible for Magnitsky's mistreatment and death.

3.3.2 Grounds for designations

One of the points of contention was whether a new sanctions regime would target misconduct specifically by Russian officials or be jurisdiction-agnostic. A Russia-only version was deemed to be easier to pass at the time.[35] This resulted in the adoption of the Magnitsky Act 2012, which allowed for the US imposition of financial and travel restrictions against anyone involved in Magnitsky's torture and death or any other "gross violations of internationally recognized human rights" committed against human rights activists or whistleblowers in Russia.[36]

The Magnitsky Act 2012 did not stipulate corruption as a self-standing ground for the imposition of sanctions. But the genesis of the Act, namely the murder of someone who sought to uncover a large-scale corruption scheme, was in equal measure a human rights and corruption scandal.

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34 See, generally, Bill Browder, *Red Notice* (Simon & Schuster, 2015). In all relevant respects, Browder's account is corroborated by other sources, including Andreas Gross, *Refusing Impunity for the Killers of Sergei Magnitsky* (Parliamentary Assembly of the Council of Europe, Doc 13356 Add, 27 January 2014).

35 *Corruption and Targeted Sanctions*, footnote 1 above, at 53.

36 Sergei Magnitsky Rule of Law Accountability Act of 2012, Public Law 112-208, Title IV, 126 Stat 1502 (2012).

3.4 Global Magnitsky Act 2016

The limitations of the Magnitsky Act 2012, specifically its exclusive focus on Russia and the omission of corruption sanctions, set the stage for discussions of whether the same approach might be expanded. This occurred with the adoption by the US Congress of the Global Magnitsky Act 2016, which was one of the last statutes signed into law by the outgoing President Barack Obama.[37]

3.4.1 Grounds for designations

In addition to a human rights prong, the Global Magnitsky Act 2016 authorises the US issuance of corruption sanctions against:

> "… any foreign person the President determines,
> based on credible evidence —
>
> (…)
>
> (3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or
>
> (4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3)."[38]

As reflected in its title, the Global Magnitsky Act 2016 features no geographic limitation in terms of the persons liable to sanctions.

In most respects, however, the Global Magnitsky Act 2016 follows the same blueprint as the Magnitsky Act 2012. This includes the same low evidentiary threshold ("credible evidence" in the 2016 Act, and "credible information" in the 2012 Act), which is undefined but is understood to be lower than the civil standard of proof. Other features of the 2012 Act replicated in the 2016 one include the president's obligation to consider designation requests submitted, on a bipartisan basis, by any of the several relevant Congressional committees.

3.4.2 Executive Order 13818

Following Donald Trump's first inauguration in 2017, he adopted Executive Order 13818, which largely replicates the provisions of the Global Magnitsky Act 2016 but expands the set of circumstances in which corruption and human rights sanctions can be used.[39] In particular, it drops the requirement that

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37 Global Magnitsky Human Rights Accountability Act, Public Law 114-328, Subtitle F, 130 Stat 2000 (2016).

38 Section 1263(a) of the Global Magnitsky Act 2016.

39 Executive Order 13818: Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption, 82 FR 60839 (20 December 2017).

sanctionable corruption be "significant" and authorises sanctions against persons presiding over organisations involved in corruption or human rights abuse. Technically, all Global Magnitsky sanctions adopted by the US to date have been imposed under Executive Order 13818 rather than the Global Magnitsky Act 2016 itself.

3.4.3 Patterns of use

Compared to other corruption sanctions programmes, whether in the US or worldwide, sanctions under the Global Magnitsky Act 2016 / Executive Order 13818 have been actively utilised. As of April 2026, there are 259 individuals, 326 entities and 157 vessels sanctioned under these instruments.[40] A helpful tracker of Global Magnitsky sanctions with additional information about the basis for the designations is available on the website of Human Rights First.[41]

So far, the use of Global Magnitsky sanctions in the US has tended to involve a pinprick approach, whereby several designations per jurisdiction have been made, with the total targets spread over a large number of countries.[42] This pattern may reflect a policy decision to avoid any disproportionate attention to a particular jurisdiction, in contrast to country-focused sanctions programmes. It may also be a function of the US Department of the Treasury reacting to sanctions dossiers submitted by civil society organisations from around the world, discussed in section 7.2 below.

The patterns of Global Magnitsky designations shift over time. Donald Trump's inauguration in 2017 caused some to worry that, despite the passage of the Global Magnitsky Act 2016 just before then, it would not be put into practice. This concern did not materialise and the Trump administration employed these instruments regularly. This pace of designations continued throughout the first half of Joe Biden's term, with a slowdown towards the end.[43]

More recently, the rate of newly imposed Global Magnitsky sanctions has come to a halt during the first year of Trump's second presidency.[44] The Trump Administration only imposed six Global Magnitsky designations during 2025, all under the human rights prong of the Act. Three designations targeted the Brazilian Supreme Court Justice Alexander de Moraes and his family members (all delisted by now) and the remaining three were aimed at a person accused

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40 See "GLOMAG" sanctions at https://sanctionssearch.ofac.treas.gov/.

41 Available in the section "US Sanctions by the Numbers (Trackers)" at https://humanrightsfirst.org/resources-targeted-human-rights-and-anti-corruption-sanctions/.

42 Anton Moiseienko, "Crime and Sanctions: Beyond Sanctions as a Foreign Policy Tool" (2024) 25 *German Law Journal* 17, 26. The best source of up-to-date information on the trends in the use of Global Magnitsky sanctions is the website of Human Rights First, accessible at https://humanrightsfirst.org/magnitsky-publications-events/.

43 "Slow Progress: U.S. Global Magnitsky Sanctions in their Sixth Year", *Human Rights First*, December 2023, 2–3 (noting "a 30 percent drop in the number of persons sanctioned for their direct involvement in human rights abuse or corruption, compared to the annual average in the first five years"). Cf. "U.S. Global Magnitsky and Related Sanctions. End of Year Update: July 1, 2024 – December 31, 2024", *Human Rights First*, December 2024, 2 (noting that the previous decline had "level[led] out").

44 "U.S. Global Magnitsky and Related Sanctions. Mid-Year Update January 1, 2025 – June 30, 2025", Human Rights First, June 2025, 3 (noting that only one Global Magnitsky designation was made in 2025, by the outgoing Biden administration, and that individual was delisted by Trump – see 5.3.2 below for further discussion).

of running scam compounds in Myanmar and affiliated companies.[45] The US also delisted (i.e. lifted sanctions against) former Paraguayan President Horacio Manuel Cartes Jara, previously sanctioned for corruption.

Despite this paucity of recent action, the US remains the country with by far the most developed corruption sanctions framework, as summarised in Table 1 below.[46]

	Proclamation 7750	Section 7031(c)	Magnitsky Act 2012	Global Magnitsky Act 2016 / EO 13818
Grounds for sanctions	Corruption	Corruption and human rights	Human rights in Russia[47]	Corruption and human rights
Nature of sanctions	Travel	Travel	Financial and travel	Financial and travel
Publicity	No	Yes	Yes	Yes
Family members sanctioned[48]	Yes	Yes	No	No

Table 1: Summary of US corruption sanctions programmes.[49]

3.5 Global adoption

The US experience of using corruption sanctions has prompted multiple other countries to consider following suit. This was in part due to the activities of the Global Magnitsky Justice Campaign, led by Bill Browder.[50] As a result, corruption and human rights sanctions have come to be referred to as "Magnitsky" or "Magnitsky-style" sanctions, although not all governments accept the terminology.[51]

3.5.1 Canadian corruption sanctions

Canada was the first country to follow suit after the US adoption of the Global Magnitsky Act 2016. A year later, Canada enacted the Sergei Magnitsky Law 2017 that in all major respects followed the Global Magnitsky blueprint.

One difference pertains to the Canadian Act's implementation. Far fewer designations are made, but they tend to be more concentrated. For example, shortly after the Magnitsky Law 2017 was adopted, Canada sanctioned

45 Human Rights First, "U.S. Global Magnitsky and Related Sanctions: End of Year Update", March 2026, 5.

46 See 5.3.2 below on delisting.

47 Related to a corruption scandal, as discussed previously.

48 This refers to whether family members can be sanctioned based solely on the primary target's designation, rather than their own involvement in sanctionable conduct.

49 A similar summary, with more details about the definition of sanctionable contact, is available on the website of Human Rights First at https://humanrightsfirst.org/wp-content/uploads/2025/04/2025.04.17-HRF-Comparison-Chart_Scope-of-Global-HR-AC-Sanctions-final.pdf.

50 *Red Notice*, footnote 34 above. For more about the Global Magnitsky Justice Campaign, see https://www.magnitskyawards.com/about/the-global-magnitsky-justice-campaign/.

51 See, e.g., Australian Government, "Australian Government Response to the Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Sub-Committee Report: Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?", 5 August 2021, 6 (stating that "[t]he Government will seek to ensure that the framework is not limited by context-specific terminology").

19 Venezuelan officials for alleged involvement in corruption, alongside 30 Russians allegedly involved in Sergei Magnitsky's mistreatment and three Sudanese officials accused of corruption.[52] This was then followed by sanctions against 17 Saudi officials on human rights grounds due to the murder of journalist Jamal Khashoggi.[53] The latest designations under the Magnitsky Law 2017 are those of three Lebanese officials suspected of corruption in 2023.[54]

3.5.2 UK corruption sanctions

Following the UK's exit from the EU, the UK had to adopt a new legislative framework to govern its newly independent sanctions policy. This was achieved through the enactment of the SAMLA, which set out a non-exhaustive list of high-level objectives that UK sanctions could pursue, including ensuring respect for human rights.[55]

In 2020 and 2021, the UK government adopted regulations under the SAMLA authorising human rights and corruption sanctions respectively.[56] These regulations were accompanied by the promulgation of a set of criteria governing the imposition of such sanctions.[57] They include factors such as the seniority of the person involved, the seriousness of the wrongdoing, the amounts involved and whether the conduct is ongoing. These criteria represent one of the few attempts by governments to state publicly what considerations govern their sanctions decisions.

The first several dozen corruption sanctions imposed by the UK overlapped to a significant degree with prior US Global Magnitsky designations. A substantial proportion targeted high-profile individuals, some of whom had already been prosecuted or convicted for corruption in their home countries, such as Uzbekistan's Gulnara Karimova, The Gambia's Yahya Jammeh or South Africa's Gupta brothers.[58] This transatlantic overlap in sanctions reduced markedly over the years that followed.[59]

As of January 2026, 65 designations have been made under the UK's corruption sanctions programme, including 14 individuals involved in the corruption

52 "Canada imposes sanctions on individuals linked to human rights violations and corruption", *Global Affairs Canada*, 3 November 2017.

53 "Canada imposes sanctions on individuals linked to murder of Jamal Khashoggi", *Global Affairs Canada*, 29 November 2018.

54 "Canada imposes new sanctions against Lebanese nationals", *Global Affairs Canada*, 10 August 2023.

55 Section 1 of the SAMLA.

56 Global Human Rights Sanctions Regulations 2020 and Global Anti-Corruption Sanctions Regulations 2021.

57 UK Foreign, Commonwealth & Development Office, "Global Anti-Corruption Sanctions: Consideration of Designations", 26 April 2021; UK Foreign, Commonwealth & Development Office, "Global Human Rights Sanctions: Consideration of Designations", 6 July 2020.

58 Anton Moiseienko, Megan Musni and Eva Van Der Merwe, *A Journey of 20: An Empirical Study of the Impact of Magnitsky Sanctions on the Earliest Corruption Designees*, International Lawyers Project, June 2023, 50.

59 "Multilateral Magnitsky Sanctions at Five Years", *Human Rights First*, November 2022, 8 (assessing that only 11 percent of Magnitsky sanctions had been multilateralised).

case uncovered by Sergei Magnitsky.[60] Similar to the US approach, these designations do not tend to be focused on any particular jurisdictions and follow the same scattered pattern (which, of course, is different insofar as country sanctions are concerned).

3.5.3 EU misappropriation sanctions

The EU's experience with corruption sanctions is distinctive. Between 2011 and 2014, in the aftermath of the Arab Spring and the "Revolution of Dignity" in Ukraine, the EU introduced and adopted so-called "misappropriation sanctions" to freeze the assets of former public officials from Egypt, Tunisia and Ukraine suspected of misappropriating public funds.[61] These sanctions were intended to freeze these assets in anticipation of prosecutions and confiscation proceedings in those countries. They therefore only involved financial rather than travel restrictions.

Some commentators criticised such sanctions as an inappropriate attempt to bypass the ordinary mutual legal assistance (MLA) process.[62] Unsurprisingly, since the imposition of misappropriation sanctions, the Court of Justice of the EU (CJEU) has dealt with dozens of challenges to them.

The CJEU's approach to these challenges has developed over time. In the first misappropriation cases, it held that it was permissible for the EU to rely on a third country's assertion that the person involved was being investigated for potential misappropriation of public funds.[63] With time, the CJEU took an increasingly strict stance and ruled that the EU had to satisfy itself that the third countries had observed the targeted person's "rights of the defence and the right to effective judicial protection", which effectively required inquiring into the quality of the underlying foreign criminal proceedings.[64] In multiple subsequent cases, the CJEU struck down misappropriation sanctions on the grounds that the (very limited) information provided to the EU by third countries was insufficient to substantiate the designation.[65]

Still, more than a decade on, some misappropriation sanctions remain in effect. Twenty-seven out of the 48 originally sanctioned Tunisian officials are on the EU's sanctions list.[66] (Far fewer sanctioned Tunisians had challenged

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60 The designations can be accessed using the regime filter "Global Anti-Corruption" in the UK's sanctions database available at https://search-uk-sanctions-list.service.gov.uk/.

61 Council Decision 2011/72/CFSP of 31 January 2011; Council Decision 2011/172/CFSP of 21 March 2011; Council Decision 2014/119/CFSP of 5 March 2014.

62 Scott Crosby, "The Ezz Case: Some Critical Observations: Case T-256/11 and on Appeal Case C-220/14 P" (2015) 6 *New Journal of European Criminal Law* 316. Cf. Paul Garlick, "The Ezz Case – What is All the Fuss About?" (2015) 6 *New Journal of European Criminal Law* 307.

63 Ezz et al v Council, General Court, Judgment of 27 February 2014 in Case T-256/11, [70]–[84]; Al Matri v Council, General Court, Judgment of 30 June 2016 in Case T-545/13, [57]-[69].

64 *Al-Aqsa v Council and Netherlands v Al-Aqsa*, Court of Justice, Judgment of 15 November 2012 in Joined Cases C-539/10 P and C-550/10 P, [68].

65 See Anton Moiseienko, "Due Process and Unilateral Targeted Sanctions" in Charlotte Beaucillon (ed), *Research Handbook on Unilateral and Extraterritorial Sanctions* (Edward Elgar Publishing, 2021).

66 Open Sanctions, "EU Misappropriation of State Funds Of Tunisia (MSF)", https://www.opensanctions.org/programs/EU-TUN/ (the up-to-date list of sanctioned individuals can be accessed via the "People" tab).

the sanctions against them compared to their Egyptian and Ukrainian counterparts.)[67] The Ukrainian misappropriation sanctions continue to target three individuals, including a former internal affairs minister and major oligarch, and were recently extended until March 2027.[68] The Egyptian misappropriation sanctions regime was revoked by the EU in 2021.[69]

The lasting effects of EU misappropriation sanctions have less to do with the numbers of remaining designees and more with the systemic consequences for the EU's future sanctions:

- **The evidentiary standard for EU misappropriation sanctions**. By their very nature, EU misappropriation sanctions are imposed in situations of regime change under extreme time pressure. Their purpose is to secure potentially illicit assets before they are dissipated. Therefore, the CJEU's requirement that the EU satisfy itself of the quality of the underlying foreign proceedings may prove unattainable in similar situations that might arise in the future.[70] However, this depends on how flexibly the CJEU applies its case law should a new misappropriation regime ever come into place.[71]
- **The modest amounts of recovered assets**. The underwhelming vigour and efficacy of domestic law enforcement proceedings in Egypt, Tunisia and Ukraine have resulted not only in lost CJEU cases, but also in less-than-expected amounts of recovered assets. The greatest successes involve several tranches of assets associated with Zine El Abidine Ben Ali, the former president of Tunisia, returned from Belgium, France, Italy and Spain, worth well over USD 100 million in total.[72] While this is a substantial outcome, the reality fell far short of the expectations of many billions being repatriated from the EU under each of the three misappropriation sanctions regimes.

The EU's negative experience with misappropriation sanctions appears to have damaged the credibility of proposals for a self-standing corruption sanctions regime. It is important to highlight that, although misappropriation sanctions (self-evidently) address situations of widespread corruption, they only do so in situations of regime change; are limited to specific countries; and involve designations made at a third country's request. They are therefore not equivalent to, and far more limited than, the US, Canadian and UK corruption sanctions regimes described above.

67 Clara Portela, "Sanctioning Kleptocrats: An Assessment of EU Misappropriation Sanctions", CIFAR, 2019, 21–22.

68 Council Regulation (EU) No 208/2014 of 5 March 2014, last amended by Council Implementing Regulation 2026/489 of 26 February 2026.

69 Council of the EU, "Egypt: EU revokes sanctions framework and delists 9 people", 12 March 2021, https://www.consilium.europa.eu/en/press/press-releases/2021/03/12/egypt-eu-revokes-sanctions-framework-and-delists-9-people/.

70 Celia Challet and Dorin-Ciprian Grumaz, "EU Restrictive Measures and Third Countries' Evidence" (2023) 28(1) *European Foreign Affairs Review* 9.

71 Anton Moiseienko, "Are EU Misappropriation Sanctions Dead?" (Völkerrechtsblog, 8 August 2019), https://voelkerrechtsblog.org/are-eu-misappropriation-sanctions-dead/.

72 "Sanctioning Kleptocrats", footnote 67 above, 21.

In recognition of this, multiple NGOs have called on the EU to also adopt a self-standing corruption sanctions regime.[73] In 2022, the European Commission's President Ursula von der Leyen committed to doing so,[74] and relevant legislation was put forward in 2023.[75] Though the EU adopted parts of the anti-corruption package in December 2025, they did *not* include the establishment of a corruption sanctions regime.[76] There has been no public explanation of this decision but, as indicated previously, the EU's misappropriation sanctions travails can go some way towards accounting for its reticence.

Nonetheless, in keeping with the trends in the US, UK and Canada, in 2020 the EU adopted a separate global human rights sanctions regime.[77] Furthermore, the EU can impose sanctions on the basis of corruption under its standard sanctions-related authorities. For example, one country-targeted sanctions regime that incorporates corruption as a designation criterion is that in relation to Moldova, which enables EU sanctions in response to "serious financial misconduct concerning public funds and the unauthorised export of capital".[78] Later on, this paper returns to the question of whether country-specific sanctions regimes that address corruption can provide a working alternative to a self-standing corruption sanctions regime.

3.5.4 Australian corruption sanctions

In late 2021, a series of amendments were adopted to Australia's Autonomous Sanctions Act 2011, to allow, amongst other things, the use of "thematic" sanctions programmes. Both corruption and human rights abuse were listed as grounds for the imposition of such programmes.[79]

Despite the enactment of these provisions, very few corruption sanctions have been imposed by Australia. All of them target Russian officials involved in the corruption scheme uncovered by Sergei Magnitsky.[80] Some civil society groups and academics, including this author, have called on the Australian government to consider implementing such sanctions against corrupt officials in the Asia-Pacific region, but this has not happened to date.[81]

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73 See, e.g., "Why the European Union Needs Anticorruption Sanctions", *Open Society Foundations*, 2022.

74 "2022 State of the Union Address by President von der Leyen", European Commission, 14 September 2022.

75 "EU legislation on anti-corruption", European Commission, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/democracy-eu-citizenship-anti-corruption/anti-corruption/eu-legislation-anti-corruption_en.

76 "Agreement reached on the first EU-wide criminal law rules against corruption", European Parliament, 2 December 2025, https://www.europarl.europa.eu/news/en/press-room/20251201IPR31697/agreement-reached-on-the-first-eu-wide-criminal-law-rules-against-corruption.

77 "Sanctions against human rights violations", European Council, https://www.consilium.europa.eu/en/policies/sanctions-human-rights-abuses/.

78 Article 2(3)(a)(iii) of Council Regulation (EU) 2023/888 of 28 April 2023.

79 Section 3(3)(d)–(e) of the Autonomous Sanctions Act 2011.

80 "Australia's first Magnitsky-style sanctions", Minister for Foreign Affairs, 29 March 2022.

81 Najma Sambul, "Australia's Magnitsky-style sanctions go unused in Asia-Pacific, critics say", ABC News, 7 March 2025.

3.6 The current global status quo

In spite of uneven approaches to implementation and differences in the legal frameworks, as outlined above, there has been a sustained expansion in the number of "Magnitsky-style" sanctions regimes globally. Most, but not all of them, involve corruption sanctions, as summarised in Table 2 below.

US	Canada	UK	EU	Australia
Global Magnitsky Act 2016 / EO 13818 *Grounds*: Corruption and human rights *Sanctions*: Financial and travel	**Magnitsky Law 2017** *Grounds*: Corruption and human rights *Sanctions*: Financial and travel	**SAMLA 2018** *Grounds*: Corruption and human rights *Sanctions*: Financial and travel	**Misappropriation sanctions** *Grounds*: Corruption in Egypt, Tunisia and Ukraine *Sanctions*: Financial	**Autonomous Sanctions Act 2011** *Grounds*: Corruption and human rights *Sanctions*: Financial and travel
Magnitsky Act 2012 *Grounds*: Human rights in Russia *Sanctions*: Financial and travel			***No* standalone global corruption sanctions regime**	
Section 7031(c) (2008–) *Grounds*: Corruption and human rights *Sanctions*: Travel (public) *Also covers*: Family members				
Proclamation 7750 (2004) *Grounds*: Corruption *Sanctions*: Travel (non-public) *Also covers*: Family members				

Table 2: Summary of global corruption sanctions programmes.

4 Objectives and effectiveness

The questions of what corruption sanctions are meant to achieve, and how effective they are, are important to ask but not easy to answer. As we shall see, corruption sanctions can be used to pursue a multitude of objectives. While there is a dearth of systematic data about their impact, there is emerging evidence that sanctions do produce multiple forms of effects on targeted persons.

4.1 Multiple possible objectives

There is a great deal of debate and analysis on the objectives of sanctions writ large.[82] One influential view is that all sanctions are meant to change the targeted person's behaviour. This approach has the benefit of clarity by postulating a binary criterion by which success or otherwise can be judged. Multiple policy documents in the US, UK and EU subscribe to this view of the objectives of sanctions.[83] In thinking about behaviour change, it is useful to distinguish between:

- behaviour change on the part of the targeted person specifically, e.g. ceasing involvement in corruption; and
- behaviour change on the part of the broader regime, group or network, e.g. ceasing involvement in corruption, and/or starting to credibly investigate and prosecute corrupt conduct, and/or forgoing involvement in corruption for fear of being sanctioned.

Both are worthy objectives for corruption sanctions. However, one should be wary of the behaviour change doctrine as the sole guiding principle for corruption sanctions to the exclusion of all other considerations. In some cases, neither form of behaviour change – that is, neither by the targeted person, nor by the broader regime – may realistically be expected, but this does not mean that corruption sanctions should be deemed a failure or that they should not be imposed.

Indeed, policy documents and officials regularly speak of other sanctions objectives, including disrupting malign activity, deterring would-be perpetrators or condemning the target.[84] For example, the UK's Anti-Corruption Strategy 2025 is worth quoting at length:

> "Sanctions are a crucial foreign policy tool to help tackle corruption. They support a wide range of objectives, including

82 See, e.g., Gary Hufbauer et al, *Economic Sanctions Reconsidered* (Peterson Institute, 3rd Edition, 2009); Francesco Giumelli, "The Purposes of Targeted Sanctions" in Thomas Biersteker, Marcos Tourinho and Sue Eckert (eds), *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action* (Cambridge University Press, 2016) 39.

83 See, e.g., "Frequently asked questions: Restrictive measures (sanctions)", European Commission, 26 February 2022 ("[sanctions] are intended to bring about a change in policy or activity").

84 See, e.g., "Treasury 2021 Sanctions Review", US Treasury Department, 2021, 1 ("sanctions allow U.S. policymakers to impose a material cost on adversaries to deter or disrupt behavior that undermines U.S. national security and signal a clear policy stance").

> disrupting access to assets and services in the UK, deterring professional enablers of corruption, and holding corrupt actors to account. Since the previous strategy, the UK has developed its own sanctions capability, including legislating to set up the thematic Global Anti-Corruption Sanctions regime in 2021. This provides powers to 'designate' individuals and entities involved in serious corruption, applying asset freezes and travel bans.
>
> As well as increasing the scale of our sanctions, we are maximising their impact by identifying corrupt actors with a significant UK nexus and by targeting their wider networks, including those who move and conceal the proceeds of corruption. By exposing the jurisdictions and methods used (such as illicit gold), our sanctions act as a powerful deterrent and galvanise other action, including by exploited sectors. The FCDO is also working in close partnership with countries affected by corruption, particularly those in the Global South, to use sanctions to complement and signal support for their own domestic action against corruption.
>
> This step change was illustrated in last year's announcement of sanctions against a set of notorious 'kleptocrats' who had siphoned wealth from Ukraine, Angola and Latvia for their personal gain, freezing more than an estimated £100 million of London property."[85]

This passage supplies a suitably panoramic and inclusive overview of the multiple objectives that sanctions can pursue. They include both fairly obvious objectives, such as disruption and deterrence,[86] and ones that are often under-appreciated.

One such under-appreciated objective is to *support* the targeted person's home country. Not all corruption sanctions are adversarial; some are *cooperative* and adopted in line with, rather than against, the wishes of the other jurisdiction. This typically involves sanctions against officials who fell out of power, such as Uzbekistan's former first daughter Gulnara Karimova, The Gambia's former President Yahya Jammeh or South Africa's Gupta brothers, all subject to Global Magnitsky sanctions in the US and the UK. Such sanctions may either be expected to have practical effects, such as by facilitating the freezing of assets, similar to EU misappropriation sanctions, or simply be used to lend a vote of confidence to the home country's law enforcement actions.

Another relevant objective, especially evident in US congressional rhetoric in the run-up to the adoption of the two Magnitsky Acts, is removing or minimising the benefits of corruption by depriving those targeted of the ability to enjoy the

85 UK Government, "UK Anti-Corruption Strategy 2025", December 2025, 31.

86 "Professional enablers are deterred either directly, by making it illegal for professional enablers to support corrupt individuals who have been designated; by designating the enablers themselves; or, more broadly, by showing that professional enablers will be held accountable, thereby disincentivising such behaviour from other enablers": Ibid.

proceeds of corruption abroad.[87] Removing the benefits of wrongdoing has also been identified as a key argument in favour of Magnitsky laws by some of their major proponents.[88]

An additional (and especially controversial) objective of sanctions is the punishment of those allegedly involved in corruption.[89] On the one hand, sanctions case law across jurisdictions is largely predicated on the notion that sanctions are not punitive and therefore do not attract the due process protections that would otherwise apply. On the other hand, arguments for the imposition of corruption sanctions voiced in parliaments and governments are replete with references to the impunity enjoyed by corrupt officials at home – and, conversely, the need for accountability.[90]

The difference between "accountability" and "punishment" is elusive and, one might argue, semantic. Still, accepting the punitive overtones of corruption sanctions does not mean that they should be treated on a par with (generally much more severe) *criminal* punishment. As observed by Browder, accountability through sanctions is often "hardly commensurate" with the seriousness of the wrongdoing they address.[91]

4.2 Corruption sanctions and freezing of assets

Since financial sanctions involve the freezing of targeted persons' assets, governments may be tempted to use corruption sanctions for temporary preservation of assets in advance of possible law enforcement proceedings, either in the sanctioning countries or overseas. Such freezing can take place either at the sanctioning country's own initiative or to facilitate a third country's request, as was the case with EU misappropriation sanctions. As discussed previously, this use of sanctions has proven to be controversial.

In order to understand and evaluate the potential role of corruption sanctions in this context, it is useful to survey the principal means of freezing suspected proceeds of corruption in anticipation of potential confiscation:

- **A traditional MLA process**, which follows established law enforcement cooperation processes and requirements but is time-consuming and requires significant work on the part of the requesting state.

87 Ben Cardin, 158 CR S7437 (5 December 2012); James McGovern, 162 CR H7071 & H7073 (1 December 2016); Ben Cardin, 162 CR S6867- S6868 (8 December 2016). For discussion, see Anton Moiseienko, "The Sins of the Fathers: Targeted Sanctions Against Family Members of Primary Targets" (2024) 87(4) *Modern Law Review* 926, 957.

88 See, e.g., Geoffrey Robertson, *Bad People – And How to Be Rid of Them: A Plan B for Human Rights* (Biteback Publishing, 2021) 184.

89 "Crime and Sanctions", footnote 42 above, 25–27.

90 Hence concept of "accountability sanctions" introduced in Mark Ferullo, "The Evolution and Ethics of Accountability Sanctions" (2023) 30 *Brown Journal of World Affairs* 247. See also Tomas Hamilton, Natalie Lucas, Alex Prezanti, Megan Smith and Amanda Strayer, "Targeted Sanctions as a Pathway to Accountability: An Active Role for Civil Society?" (2024) 22(2) *Journal of International Criminal Justice* 345.

91 *Red Notice*, footnote 34 above, chapter 47.

- **A bespoke administrative freezing process**, which enables the state holding the suspect assets to enact freezing measures either without prior request or using a simplified procedure.
- **Corruption sanctions**, adopted either ad hoc, in response to regime change in a particular foreign jurisdiction – like EU misappropriation sanctions – or drawing on a standing corruption sanctions regime, like those available in the US, UK or Canada.

Each of these three options provides the state enacting the freezing measures with ever greater discretion, as summarised in Figure 2 below.

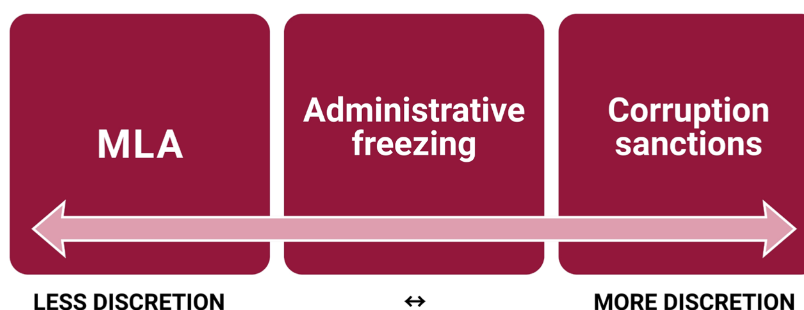

Figure 2: Avenues to freeze suspected proceeds of corruption.

One prominent example of a law enabling the administrative freezing of suspected proceeds of corruption is the Swiss Foreign Illicit Assets Act (FIAA). The FIAA enables the Swiss government to freeze foreign assets belonging to foreign politically exposed persons of its own accord in anticipation of corruption-related MLA requests.[92] The FIAA sets out conditions for the administrative freezing of assets and caps the duration of the freeze at four years, extendable to a maximum of 10 years.[93] This time limit contrasts with corruption sanctions regimes, which generally allow for indefinite freezing, although it may have to be extended on a regular basis.

Further provisions of the FIAA outline a judicial procedure under which frozen assets can then be confiscated. This, too, is a point of distinction from corruption sanctions regimes. They facilitate potential confiscation by restraining the assets but do not, in and of themselves, provide any legal route to ultimate confiscation. The sole major exception is the Canadian law adopted in 2022 that permits the confiscation of assets frozen under Canadian corruption or human rights sanctions.[94]

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92 Federal Act on the Freezing and the Restitution of Illicit Assets held by Foreign Politically Exposed Persons, https://www.fedlex.admin.ch/eli/cc/2016/322/en.

93 Articles 4 and 6 of the FIAA.

94 *Budget Implementation Act, 2022*, §§446-449, amending the provisions of *Justice for Victims of Corrupt Foreign Officials Act* (Sergei Magnitsky Law) (SC 2017, c 21) (Canada), §5.

4.3 Corruption sanctions and criminal justice

The fairest conclusion therefore is that there is a multiplicity of objectives that corruption sanctions may pursue, depending on the circumstances. They commonly include behaviour change, disruption, deterrence, condemnation, punishment, facilitation of asset recovery and support of another country's actions, as summarised in Table 3 below.

	Intended effect	Limitations
Behaviour change	Inducing a corrupt person/network to cease their activities.	Does not apply to past conduct; may not apply to situations where behaviour change is highly unlikely.
Disruption	Rendering the investment of proceeds of corruption and/or the targeted person's travel more difficult.	Most effective if the targeted person relies on the sanctioning country for investment or travel.
Deterrence	Demonstrating to would-be perpetrators that they risk violating sanctions by supporting other corrupt actors, or being sanctioned themselves by engaging in corruption.	The consequences of sanctions may be less severe than those of other deterrent actions, such as criminal prosecutions.
Condemnation	Publicising alleged corruption.	Condemnation in and of itself has no other tangible consequences.
Punishment	Imposing hardship on the targeted person as a way of ensuring accountability.	The legitimacy of using sanctions as punishment is often disputed.
Facilitating asset recovery	Freezing assets pending the completion of confiscation proceedings in another country.	This may involve relying on a third country's representations as to property constituting potential proceeds of crime.
Supporting another country's action	Signalling support for another country's determination that the targeted person is responsible for corruption; and imposing financial and travel restrictions in aid of that determination.	Such designations address those whose activities have already been addressed by another government rather than instances of true impunity.

Table 3: Objectives of corruption sanctions.

While this range of objectives speaks to the versatility of corruption sanctions, it is useful to bear in mind that all of these objectives can also be pursued through other, more traditional criminal justice measures. They include criminal investigations and prosecutions; criminal or civil (non-conviction based) confiscation;[95] and MLA processes. This raises the question of when corruption sanctions are the best tool to achieve a particular objective, as opposed to other possible measures.

There is no single universal answer, and examples exist of various countries taking different approaches to substantively similar situations. One case in point is the situation of Teodoro "Teodorin" Obiang, the vice-president of Equatorial Guinea who is also the son of the country's long-serving president.

95 Confiscation of alleged proceeds of crime in civil proceedings brought by the government; or confiscation in cases where criminal proceedings have been initiated but cannot be completed, e.g. due to death, flight or illness of the suspect. See Rita Simões, "Non-conviction based confiscation", Quick Guide 42, Basel Institute on Governance, 2025.

Following allegations of large-scale corruption, Obiang had USD 30 million worth of property surrendered in settling non-conviction based confiscation proceedings in the US;[96] became subject to corruption sanctions in the UK;[97] and was convicted of corruption-related money laundering in a criminal trial in France.[98] This demonstrates three different kinds of responses to the same set of underlying allegations.

Despite this overlap, there are several points of distinction.[99] No territorial link is required between the sanctioning state and alleged corruption for the imposition of corruption sanctions. By contrast, criminal prosecutions for corruption-related offences generally require some jurisdictional connection between the alleged offence and the prosecuting state. Likewise, assets whose forfeiture is sought must be located within the territory of the state ordering the confiscation. So, governments that seek to address corruption beyond their borders, even when no assets are available within their own jurisdiction, may find corruption sanctions to be the most appropriate tool to utilise.

Still, in some cases, all three options may be available. There is some risk of governments being tempted to resort to corruption sanctions not for any principled considerations, but simply because of the low evidentiary standards required. Given the potentially significant interference with the targeted person's human rights, one might argue that other options should be prioritised if they are available (e.g. criminal prosecutions, or criminal or civil confiscation). However, if those options are forestalled because of the difficulty of collecting sufficient evidence as a result of obstruction on the part of the targeted person's home country, corruption sanctions are likely to be the appropriate response.[100]

4.4 The effects of corruption sanctions

The multiplicity of objectives that corruption sanctions can pursue raises the question of how effective they are at achieving those objectives. There is no comprehensive, empirically rigorous answer available to this question, in part because of the elusive nature of some of the objectives (for instance, it is close to impossible to prove whether deterrence has been successfully achieved) and partly because of the difficulty of collecting data about the activities of those sanctioned.

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96 *US v One Michael Jackson Signed Thriller Jacket et al*, Case No 2:11-cv-03582-GW-SS (CD Cal 10 October 2014), Stipulation and Settlement Agreement.

97 "New UK sanctions against individuals involved in corruption around the world", Foreign, Commonwealth & Development Office, 22 July 2021.

98 Sidney Pouget and Ken Hurwitz, "French Court Convicts Equatorial Guinean Vice President Teodorin Obiang for Laundering Grand Corruption Proceeds", *Global Anticorruption Blog*, 30 October 2017.

99 For detailed analysis, see "Crime and Sanctions", footnote 42 above.

100 This is one of the considerations identified in UK Foreign, Commonwealth & Development Office, "Global Anti-Corruption Sanctions: Consideration of Designations", 26 April 2021.

Nonetheless, as detailed below, some qualitative evidence suggests that sanctions can have significant impact and points to future lines of inquiry to further evaluate effectiveness and inform the design of sanctions regimes.

4.4.1 Categories of effects

The first systematic attempt to evaluate the effects of corruption sanctions was undertaken by this author in collaboration with the International Lawyers Project and published in 2023.[101] It involved, in the first instance, ascertaining the various categories of effects that sanctions produce, including through semi-structured expert interviews. Such effects are far more diverse than simply the freezing of the assets of those targeted, although that too is important.

Specifically, corruption sanctions can have the following effects, summarised in Figure 3 below:

- **Direct effects** in the form of (a) targeted persons' assets being frozen and the sanctioning country's residents ceasing to do business with them; (b) their travel options being limited.
- **Private-sector and CSO action** in the form of (a) banks ceasing to do business with targeted persons even when not legally obliged to do so;[102] (b) other companies ceasing to do business with targeted persons when not legally obliged to do so; and (c) increased scrutiny of targeted persons by journalists, news outlets or civil society organisations attendant upon a corruption sanctions designation.
- **Home jurisdiction developments** in the form of (a) criminal investigations and prosecutions; (b) job loss; and (b) loss of political influence.
- **Behaviour change** (a) by the targeted person; and (b) by a broader regime or network.

101 *A Journey of 20*, footnote 58 above.

102 As opposed to when required to do so as a result of financial sanctions.

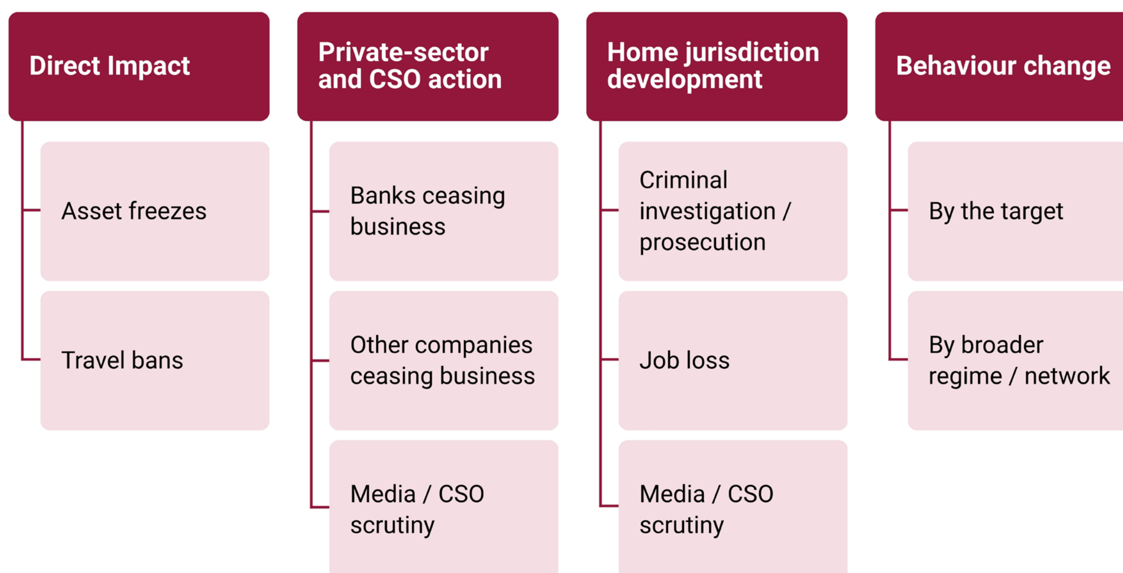

Figure 3: Effects of corruption sanctions

4.4.2 Assessment of effects

Establishing which of these potential effects materialised following a corruption sanctions designation is laborious and time-consuming. At a minimum, it involves analysing publicly available materials in relevant languages. Ideally, this data should be enriched with expert interviews or other forms of information gathering.

The research by this author and the International Lawyers Project involved a multidisciplinary, multilingual research team and focused on 20 of the first corruption sanctions designees under the Global Magnitsky Act 2016. It established that, in two thirds of the cases analysed, at least some effects were observable from corruption sanctions; and, conversely, none could be gleaned in the remaining third. Remarkably, behaviour change by the targeted person was only observed once in the sample analysed, as discussed below.

Despite the difficulties of obtaining reliable information on the effects of sanctions in individual cases, sometimes these effects are either obvious or described by the targeted individuals themselves. One example is the account by the Dominican Republic's Senator Felix Ramon Bautista Rosario of the impact of the section 7031(c) and Global Magnitsky sanctions on his and his family's life, which he put forward before a US court in an (unsuccessful) attempt to challenge the sanctions:

> "As the owner of an architect and interior design firm, [his wife] is required to attend various international trade shows as a part of her client services to enable her to remain competitive in the market. Further, Ms. Rojas-Pena's banking relations are essential to her business. The 7031 and OFAC Designations of her husband have fatally interfered with the conduct of her business, a detriment that she does not deserve. Proper management of her Florida

> property, including the payment of taxes and other charges and costs, is impossible without access to United States banking."[103]

In another example concerning a Latin American country, the then-President of Nicaragua's Supreme Electoral Council, Roberto José Rivas Reyes, resigned from his position five months after the imposition of Global Magnitsky sanctions.[104] This is an unusual instance of direct behaviour change brought about by the Global Magnitsky sanctions.

In other cases, the nature and extent of the effect of sanctions can be subject to interpretation. For example, in the case of The Gambia's exiled ex-President Yahya Jammeh, some argue that his exclusion from the US financial system as a result of the Global Magnitsky sanctions made it more difficult for him to channel funds to his supporters in The Gambia to maintain his political clout. Others, by contrast, argue that this effect of sanctions is attenuated because political allegiances in The Gambia are often based on ethnic ties rather than financially motivated.[105] Despite this lack of consensus on the effect of sanctions, examples such as this speak to the breadth and variety of plausible forms of impact and the difficulty of assessing that impact.

These results might be seen as broadly positive but could be skewed by the high profile of many of the first Global Magnitsky designees, as mentioned previously. The research also identified various factors correlated with greater effects (e.g. designating broader networks of affiliates and facilitators in addition to primary targets) or lesser effects (e.g. geopolitical confrontation between the targeting state and the target's home country).

This has important implications for sanctions design, such as the benefits of identifying and designating not only the primary target, but also an array of associated individuals and companies who would likely engage in sanctions evasion unless they, too, are sanctioned. This finding reaffirms the need to understand the structure and operation of corrupt networks, as identified by other analysts and researchers:

> "If corruption behaves like a complex adaptive system, anti-corruption efforts need to reflect that reality. One emerging approach is to place greater emphasis on understanding systems rather than focusing narrowly on individual interventions. This involves mapping relationships, incentives and behavioural patterns in much greater depth, and remaining alert to how these evolve over time."[106]

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103 *A Journey of 20*, footnote 58 above, 27.

104 Ibid., 25.

105 Ibid., 24.

106 "Corruption is a complex, adaptive network. What does this mean for anti-corruption policy and practice?", Basel Institute on Governance, 25 March 2026, https://baselgovernance.org/blog/corruption-complex-adaptive-network.

A similar analysis of the effect of sanctions building on this work, with a slightly different breakdown per category, was undertaken in 2023 by a group of civil society organisations led by REDRESS and Human Rights First.[107] It found that a wide range of different forms of impact could be observed and studied, including the impact of sanctions on ensuring public accountability; targeted persons' access to resources; targeted persons' behaviour; other parties' behaviour; and geopolitics.[108]

107 "Evaluating Targeted Sanctions: A Flexible Framework for Impact Analysis", REDRESS, November 2023.

108 Ibid., at 13–14.

5 Sanctions design

As we have seen so far, there are significant commonalities in the design of corruption sanctions. Most fundamentally, they involve financial and/or travel restrictions predicated on alleged involvement in corruption. There are, however, multiple considerations that need to be considered in the design of such sanctions: that is, in developing a set of rules that determine under what conditions sanctions can be imposed, enforced and lifted.

5.1 Thematic vs. country sanctions

The first question for a government or parliament contemplating the introduction of corruption sanctions is to decide whether a self-standing (thematic) corruption sanctions regime is required. The alternative is for corruption sanctions to be imposed via corruption-specific sanctions criteria in country-oriented regimes. For example, this could mean making provisions for those involved in the misappropriation of State A's assets, within a broader sanctions regime focused on malign activities by State A's government.

The most obvious and important difference is that a thematic regime enables the designation of targeted persons anywhere in the world. This has practical benefits in terms of the flexibility involved, namely there being no need to set up a dedicated sanctions regime for every country whose citizen might be sanctioned. There are also symbolic advantages to having a sanctions regime that does not overtly single out a particular jurisdiction. The latter consideration proved especially influential in the development of the Global Magnitsky Act 2016 as a jurisdiction-neutral addition to the Magnitsky Act 2012 in the US.

However, neither approach presents a guarantee that corruption sanctions will be actively used. While the adoption of a thematic regime arguably generates some political momentum and an expectation that corruption sanctions will in fact be imposed, in either case sanctions remain a discretionary tool that governments are free to use or not.

5.2 Definitions of corruption

Sanctioning countries take subtly different approaches to defining corruption for the purposes of corruption sanctions. There is no set definition of "corruption", neither in international law nor in many domestic legal systems. For example, the UN Convention against Corruption, the only global anti-corruption treaty, lists a range of behaviours that must or can be criminalised without defining corruption as a single concept.

The UK and Australia define corruption for sanctions purposes as involving misappropriation of public property and bribery.[109] Treating these behaviours as forms of corruption is uncontroversial. One might encounter debates as to whether other behaviours are corrupt or unethical (e.g. some forms of lobbying), but both misappropriation of public property and bribery are within the undisputable core of corruption.

The EU's definition relating to its misappropriation sanctions is narrower still in that it only covers misappropriation of public funds. It remains to be seen what the EU's new corruption sanctions regime will entail if and when adopted.

In the US, as already seen, the Global Magnitsky Act 2016 refers to "significant corruption", listing a non-exhaustive set of examples, including "expropriation of private or public assets", "corruption related to government contracts or the extraction of natural resources", "bribery", or the laundering of the proceeds of corruption. Executive Order 13818 restates substantially the same list but omits the qualifier "significant", thereby vesting greater discretion in the US Treasury as to what conduct may be considered corrupt.

5.3 Licences and delisting

Two important and often under-appreciated aspects of designing and administering corruption sanctions pertain to:

a. granting licences (permits), which authorise financial transactions that would otherwise be in violation of sanctions (i.e. sanctions exemptions); and

b. delisting targeted persons, i.e. lifting sanctions, in the absence of a court judgment.

Both these areas are characterised by considerable opacity. Rather than unfolding in court, they involve direct interactions between the targeted person and the sanctions agency, such as OFAC or the UK's Office of Financial Sanctions Implementation (OFSI).

5.3.1 Licences

Licences are meant to enable targeted persons to cover their and their families' ordinary and reasonable expenses. What those are, and to what extent they should reflect the targeted person's usual lifestyle, can be contentious. Beyond the context of corruption sanctions specifically, press reporting indicated that the OFSI had licensed the lifestyle expenditure of tens of thousands of pounds per month by sanctioned Russian oligarchs.[110] This speaks to the opacity of how licensing regimes operate and the wide discretion that sanctions agencies wield in deciding on licensing.

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109 Regulation 4(2)–(3) of the Global Anti-Corruption Sanctions Regulations 2021 (UK); Regulation 3 of the Autonomous Sanctions Regulations 2011 (Australia).

110 Rob Davies, "Oligarchs fret about their assets as UK fights to keep tabs on their spending", *The Guardian*, 6 August 2023.

In some situations, the practical implications of granting a licence can be similar to those of lifting sanctions. The Israeli businessman Dan Gertler, one of the first designees under the Global Magnitsky Act, is a case in point. The US sanctioned him on the grounds of alleged corruption in the acquisition of mining rights in the Democratic Republic of the Congo.[111] Gertler hired lawyers and lobbyists and managed to secure an OFAC licence, which would have enabled him to move his assets outside the US without being delisted.[112] While the licence granted to Gertler was later revoked,[113] it is not known whether he removed any assets from the US while the licence was valid between January and March 2021.[114] If he did so, then the practical effects of a licence would in some respects approach those of delisting.[115]

5.3.2 Delisting

Those subject to any targeted sanctions, including corruption sanctions, can seek delisting form the relevant sanction agency in the first instance. Successful delisting requests are rare.

A recent Global Magnitsky example involves Antal Rogán, a close associate of the Hungarian then-Prime Minister Viktor Orban. In January 2025, the Biden administration sanctioned Rogán on the following grounds:

> "Currently the Minister in Charge of Orban's Cabinet Office, Rogan controls many government entities, including the National Communications Office, the Digital Government Agency, and the Hungarian Tourism Agency. Rogan has used his role to enrich himself and those loyal to his party. (…)
>
> Throughout his tenure as a government official, Rogan has orchestrated Hungary's system for distributing public contracts and resources to cronies loyal to himself and the Fidesz political party. Rogan orchestrated schemes designed to control several strategic sectors of the Hungarian economy and to divert proceeds from those sectors to himself and to reward loyalists from his political party."[116]

Only several months later, in April 2025, the Trump administration delisted Rogán on the basis that "continued designation was inconsistent with US foreign policy interests".[117] This is one of the starkest illustrations of how foreign policy

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111 "Treasury Targets Corruption Linked to Dan Gertler in the Democratic Republic of Congo", US Treasury Department, 6 December 2021.

112 "In Secret Action, Trump Administration Granted License to Sanctioned Mining Billionaire Dan Gertler", The Sentry, 24 January 2021.

113 "Revocation of License Granted for Dan Gertler", US State Department, 8 March 2021.

114 Interestingly, a coalition of global NGOs wrote an open letter to US financial institutions in February 2021 urging them not to unblock any of Gertler's assets despite the OFAC licence: Transparency International, "Open Letter to Financial Institutions Concerning Dan Gertler's OFAC Licence", 22 February 2021, https://us.transparency.org/resource/dan-gertlers-ofac-license/.

115 Like most other individuals subject to corruption sanctions, Gertler has not been convicted of any wrongdoing and must be presumed innocent.

116 "Treasury Sanctions Corrupt Hungarian Official", US Treasury Department, 7 January 2025.

117 "Secretary Rubio's Call with Hungarian Foreign Minister Szijjarto", US State Department, 15 April 2025.

sensitivities affect the administration of corruption sanctions, including delisting. Notably, this action was not predicated on any change in Rogán's behaviour.

Another recent delisting example is the previously mentioned delisting by the Trump administration of former Paraguayan President Horacio Manuel Cartes Jara and affiliated companies, originally designated in January 2023. Like in Rogán's case, OFAC's announcement of delisting does not provide any additional context or justification.[118] Some commentary on the case suggests that "the removal appears to follow an extensive petition process supported by counsel and engagement through diplomatic channels".[119]

Some experts call for the imposition of sanctions, including corruption sanctions, to be accompanied by a clear indication of what the targeted person would have to do (or stop doing) to get delisted.[120] This, the argument goes, would help sanctions achieve maximum effects. There is force in this suggestion if a particular designation is meant to put an end to ongoing corruption. But, as discussed previously, corruption sanctions could also aim at disrupting corruption (in circumstances where it is impossible to induce those responsible to cease their activities), minimising its benefits, signalling condemnation, punishing the alleged perpetrator or supporting another country's actions. Therefore, it is only in a subset of corruption designations that postulating a clear delisting pathway would be feasible or desirable.

118 OFAC, "Counter Terrorism and Counter Narcotics Designations and Designation Update; Global Magnitsky Designations Removals", 6 October 2025, https://ofac.treasury.gov/recent-actions/20251006.

119 "OFAC Delists Former Paraguayan President Horacio Cartes", 15 October 2025, https://www.lbkmlaw.com/news-events-ofac-delists-former-paraguayan-president-horacio-cartes.html.

120 Lewis Baach Kaufmann Middlemiss LLP, "Episode 2: The Other Side of Sanctions", *Suspicious Transaction Report*, RUSI, 29 June 2020 (Michael O'Kane calling for "more clarity and transparency around what needs to be done by a particular individual to come off the list").

6 Due process protections

The due process aspects of sanctions are an area of perennial controversy. The very features that make targeted sanctions attractive as a policy tool – the versatility of their objectives and the flexibility of their application – make them inherently vulnerable to politicised or even arbitrary use.

Recognising this duality presents policymakers and civil society advocates with a dilemma. On the one hand, they must acknowledge and address the risks of abuse. On the other hand, they must also have regard to the legitimacy of the project that corruption sanctions pursue; the overwhelmingly though not uniformly responsible way in which governments have used corruption sanctions so far; and the deliberate and consistent campaign by states that disregard good governance and human rights to delegitimise autonomous sanctions by exaggerating their due process deficits.[121]

6.1 Evidentiary standards

For an informed discussion of this complicated set of issues, it is useful to begin with a brief overview of the evidentiary standards involved. An essential aspect of corruption sanctions is their ability to be imposed based on relatively low evidentiary standards. In other words, the targeted person's alleged involvement in corruption need not be proven to any high standard.

In common law legal systems, the two main standards of proof are that used in criminal trials (beyond reasonable doubt) and civil disputes (balance of probabilities, or preponderance of the evidence). Lower standards of proof may be used for some investigatory actions, such as obtaining a search warrant or arresting a suspect. In civil law systems, the difference between the criminal and the civil standard may either not exist at all or be attenuated.[122]

Whatever the legal system, an inherent aspect of the appeal of targeted sanctions broadly, and corruption sanctions specifically, is their availability in cases where conventional criminal justice responses are out of reach. Essential to this is the low standard of proof used, such as "credible information" and "credible evidence" under the Magnitsky Act 2012 and Global Magnitsky Act 2016 respectively.

In the UK, the standard is that of there being "reasonable grounds to suspect" that the person concerned is involved in corruption.[123] In a recent judgment, the High Court decided that this formulation referred not to a standard of proof properly understood, but rather to the decision-maker's state of mind. That is, the questions are whether the Foreign Secretary suspected that the targeted

121 Exemplified by the establishment by the UN Human Rights Council of the mandate of the Special Rapporteur on Unilateral Coercive Measures: Human Rights Council, "Human rights and unilateral coercive measures", UN doc. A/HRC/27/L.2, 18 September 2014.

122 Kevin Clermont and Emily Sherwin, "A Comparative View of Standards of Proof" (2002) 50 *American Journal of Comparative Law* 243, 245–251.

123 Sections 11(2) and 12(5)(a) of the SAMLA 2018.

person was sanctionable; and whether that (subjective) suspicion rested on (objectively) reasonable grounds.[124]

Such evidentiary standards vest governments with broad latitude in deciding whether someone can be properly sanctioned, as summarised in Figure 4 below. This discretion means flexibility in responding to situations of concern that cannot be addressed otherwise, such as the impunity of foreign officials involved in large-scale corruption. However, it also allows governments to impose sanctions, with all the potentially far-reaching effects they entail, based on a determination that would not have held up in a civil, let alone criminal trial.

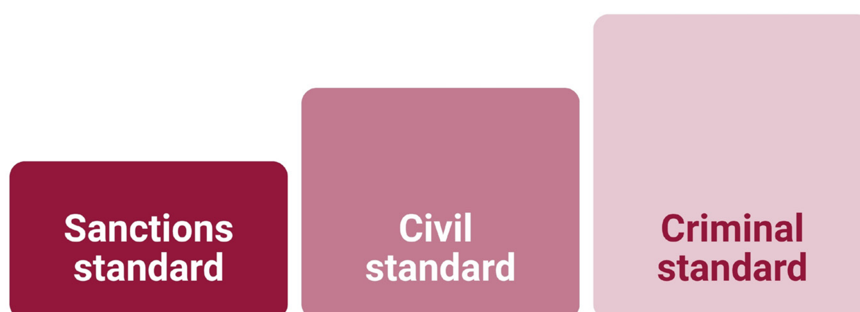

Figure 4: Evidentiary standards for corruption sanctions.

Some may be tempted to suggest that the evidentiary standard for corruption sanctions should therefore be higher, but this would be a premature conclusion. For such sanctions to be able to address foreign corruption, despite the lack of cooperation and indeed obstruction by the territorial government, a degree of flexibility is indispensable. In the author's experience, conversations with sanctions officials and NGOs alike indicate that, even with a relatively low evidentiary standard, gathering the requisite evidence is viewed as a formidable exercise, with far from every potential designation making it through. However, this is a matter of prudence and established practice, rather than a legal constraint. So, an irresponsible government could choose to misuse the flexibility that sanctions afford.

In principle, one could argue that the impact of corruption sanctions, while significant, is likely to be less than that of a civil or criminal judgment. Therefore, the argument goes, lesser due process guarantees should apply. This is true in many cases, especially where corruption sanctions target individuals or companies with no tangible connections to the sanctioning state. In other instances, such sanctions can lead to an essentially open-ended freezing of the targeted person's assets, which might be seen to militate in favour of more substantial due process protections. The diversity of the effects of sanctions, depending in large part on an individual target's circumstances, is therefore a factor that renders the discussion of due process and corruption sanctions all the more complicated.

124 *LLC Synesis v Foreign Secretary* [2023] EWHC 541 (Admin) at [71]–[73]; [84].

6.2 Judicial review rules

In addition to low evidentiary standards, the (high) threshold for successful judicial review is the other major factor contributing to the flexibility of governments' decision-making.

In common law countries, such as the US, UK, Australia and Canada, sanctions are notoriously difficult to challenge.[125] This is due to a combination of two features. First, decisions to set up a particular sanctions programme are unreviewable because they involve the exercise of governmental foreign policy prerogatives. Second, the standard of judicial review – that is, the burden that the targeted person needs to discharge to have sanctions struck down – tends to be high. Consistent with principles of judicial review, courts will not second-guess governments' decision-making but will only intervene if it is vitiated by serious failings such as arbitrariness or excess of jurisdiction.[126]

This means that successful challenges to sanctions in common law jurisdictions are exceptionally rare. All challenges against UK[127] or Australian[128] autonomous sanctions to date have failed. In the US, successful ones have tended to involve mistaken identity or procedural errors that can be remedied by subsequent redesignation of the same target.

The EU's approach is different. The CJEU engages in a de novo review of designations. This means that the CJEU reviews whether they are based on a "sufficiently solid factual basis", with a significant proportion of successful challenges. However, if the EU wishes to keep a person under sanctions – even after they have successfully challenged an initial justification to sanction them – it often redesignates that person with a differently expressed set of reasons.[129] In sum, like in common law jurisdictions, in practice the EU retains the opportunity to ensure that anyone it wishes to sanction will remain on the sanctions list.

One may plausibly argue that the judicial review rules in common law jurisdictions are far too deferential to governments and that the EU's relisting practice runs contrary to targeted persons' right to an effective remedy. But, here too, there are some countervailing considerations:

- Judicial review rules apply more broadly than just to corruption sanctions. As detailed at the start of this paper, they form part and parcel of the country's broader legal framework governing the lawfulness of administrative action. Therefore, any changes to judicial review rules

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125 See "Due Process and Targeted Sanctions", footnote 65 above.

126 Section 706(2) of the Administrative Procedure Act 1946 (US); *LLC Synesis v Foreign Secretary*, footnote 124 above, [81]–[82] (enunciating the approach to judicial review in sanctions cases in the UK).

127 *LLC Synesis v Foreign Secretary*, footnote 124 above; *Dalston Projects Ltd et al v Transport Secretary* [2023] EWHC 1885 (Admin); *Shvidler v Foreign Secretary* [2023] EWHC 2121 (affirmed in *Shvidler v Foreign Secretary* [2025] UKSC 30); *Phillips v Foreign Secretary* [2024] EWHC 32 (Admin).

128 *Aye v Minister for Immigration and Citizenship* [2010] FCAFC 69; *Abramov v Minister for Foreign Affairs* (No 2) [2023] FCA 1099; *Deripaska v Minister for Foreign Affairs* [2025] FCAFC 36 (currently on appeal before the High Court of Australia, Australia's apex court).

129 Anton Moiseienko, "The Strange Game of Oligarchs Challenging Sanctions", *RUSI Commentary*, 22 May 2024.

would likely have knock-on effects on other forms of sanctions – such as those against terrorist financiers or nuclear proliferators – or indeed the country's legal system more broadly.

- In the EU, space might have to be preserved for good-faith changes of the reasons for listing as and when new information comes to light, especially if the original sanctions are imposed in haste in response to an unfolding crisis. This is different from relisting someone solely or predominantly for the purpose of negating the outcome of a judicial process.

6.3 Preserving sanctions legitimacy

In technical terms, therefore, the applicable evidentiary standard and judicial review rules are the two key factors affecting the ease with which governments can resort to corruption sanctions. There are others, too, which cannot be addressed here in detail: for example, rules around the admissibility of secret evidence.

These important but technical issues aside, it is also useful to reflect more generally on the relationship between due process and the legitimacy of sanctions. This aspect of sanctions has been contested for decades and will remain so for the foreseeable future.

There are multiple instances of sanctions being used in ways that rightly drew scrutiny, across all sanctions contexts. Yassin Kadi, the Saudi financier who initiated the landmark *Kadi* litigation in the CJEU, was ultimately delisted by the UN in 2012 and OFAC in 2014.[130] The case prompted the establishment within the UN of the Office of the Ombudsperson, who has since reversed dozens of terrorism designations. This demonstrates that even the collective decision-making within UN sanctions committees can result in apparently faulty determinations.

In the context of autonomous sanctions, several recent cases are widely cited as raising concerns. In July 2025, the US government imposed Global Magnitsky *and* section 7031(c) sanctions against Alexandre de Moraes, a justice of the Supreme Court of Brazil. Part of the reasoning behind the designation was de Moraes' alleged violation of Brazilian and US citizens' right to free speech and his involvement in the trial of Brazil's former President Jair Bolsonaro.[131] Some commentators have argued that this represents a new degree of politicisation of Global Magnitsky sanctions, previously used to address behaviour that far more obviously merited the label of corruption or human rights abuse.[132] The

130 Reuters, "Saudi man dropped from U.N. al Qaeda sanctions list", 6 October 2012, https://www.reuters.com/article/world/saudi-man-dropped-from-un-al-qaeda-sanctions-list-idUSBRE89501L/; OFAC, "Unblocking of a Specially Designated Global Terrorist Pursuant to Executive Order 13224", 5 December 2014, https://www.govinfo.gov/content/pkg/FR-2014-12-05/pdf/2014-28598.pdf.

131 "Treasury Sanctions Alexandre de Moraes", US Treasury Department, 30 July 2025.

132 "Human Rights First Deplores Use of Global Magnitsky Sanctions to Support Impunity for Political Allies", *Human Rights First*, 31 July 2025.

US government delisted de Moraes and his wife in December 2025, with no explanation of its decision.[133] This accentuates the question of whether his designation was based on principled grounds to begin with.

Separately, the US government has sanctioned the Prosecutor and several Judges of the International Criminal Court under the authority vested in the US president under the IEEPA.[134] While these designations as such have nothing to do with corruption sanctions, they too speak to the risks that wide-ranging sanctions powers entail.

Such use of these powers understandably causes disquiet. It also departs from the self-restraint ordinarily exercised by major sanctioning states, who have by and large used corruption sanctions in a credible and responsible fashion. Up until now, in the vast majority of cases, designations made under the Global Magnitsky Act 2016 in the US and other corruption sanctions programmes elsewhere are unlikely to raise eyebrows.

Lesser governmental self-restraint, or a rise in eccentric sanctions designations – including those made under other, non-corruption-related sanctions regimes – can undermine the public confidence that governments can be trusted to wield these powerful tools responsibly, and therefore ultimately lead to the tightening of the applicable legal standards. Such a tightening may well prove detrimental to global anti-corruption accountability efforts.

Any diminution in the credibility of corruption sanctions could also erode their potency. Part of the reason why businesses worldwide "over-comply" with sanctions is the perception that the allegations associated with sanctions designations carry weight and are therefore a good indicator of the reputational and broader regulatory risks attendant on dealing with targeted persons. If sanctions were viewed as arbitrary and unprincipled, it is probable that sanctions would lose this powerful signalling function. This, again, speaks to the importance – and, indeed, indispensability – of judicious, credible use of corruption sanctions.

6.4 Transparency and reasoned decision-making

As foreshadowed elsewhere in the paper, one essential aspect of the credibility and maturity of corruption sanctions is the transparency of their use and reasoned decision-making. There are two facets to this:

- Individual-level transparency and reasoned decision-making in the imposition of corruption sanctions, their lifting and the granting of licences; and
- Regime-level transparency and reasoned decision-making in the identification of criteria guiding the imposition of corruption sanctions

133 "Global Magnitsky Designations Removals", US Office of Foreign Assets Control, 12 December 2025, https://ofac.treasury.gov/recent-actions/20251212.

134 Executive Order 14203, Imposing Sanctions on the International Criminal Court, 6 February 2025.

and prioritisation of particular targets; and of the criteria and processes governing the consideration of sanctions dossiers submitted by civil society organisations.

Individual-level transparency already exists insofar as the imposition of sanctions is concerned. The reasons for the imposition of sanctions – in essence, the allegation of involvement in corruption – are publicised and, within the constraints identified previously, able to be challenged by the sanctioned person. By contrast, as also identified previously, the lifting of sanctions and granting of licences is less likely to take place in a transparent, reasoned manner.

Regime-level transparency is rare to see but is also essential to the credibility of corruption sanctions. With a potentially unlimited pool of corruption suspects, accusations of double standards and the politically motivated imposition of corruption sanctions are inevitable. To counter them effectively, governments should clearly and publicly articulate their approach to target selection, as explored below.

7 Target selection

Whereas the design of sanctions pertains to the rules setting out how sanctions can be imposed, enforced and lifted, important considerations also arise in relation to the practicalities of target selection. Careful target selection, ideally according to pre-determined criteria and in consultation with knowledgeable actors such as civil society:

- adds to the overall integrity of the process and reduces the perception that such sanctions are politically motivated;
- helps states navigate complex competing priorities, including any tensions between anti-corruption commitments and foreign policy objectives; and
- helps states avoid criticisms of unfair geographical bias.

7.1 Foreign policy sensitivities

As seen in the Rogán example, foreign policy sensitivities can play a vital role in deciding who gets sanctioned, licensed or delisted. They can also affect whether a corruption sanctions regime is set up to begin with. For instance, it was reported that the Australian government had been hesitant to legislate corruption and human rights sanctions for fear that their principled implementation might require Australia to sanction Chinese officials.[135]

Some foreign policy sensitivities may be expected to arise in many instances of corruption sanctions use. Corruption by definition involves a public official, and corruption sanctions will therefore inevitably target foreign public officials or those who corrupt them. If wielded against high-profile targets, such a foreign government minister, concerns about broader effects on relations with the relevant country may surface. There are several ways in which sanctioning countries handle such sensitivities:

- First, it is very uncommon to impose corruption sanctions on serving heads of states or heads of governments. Such sanctions are sometimes imposed under country sanctions regimes, especially those aimed at placing “maximum pressure” on the target government, but not under “thematic” programmes. Corruption sanctions commonly target persons who are senior but not so senior that sanctioning them would necessarily impede bilateral relations. Examples include members of parliaments,[136] mid-level judges[137] and governors.[138]

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135 Stephen Dziedzic, “The federal government is being urged to punish foreign human rights abusers”, ABC News, 4 August 2021.

136 See, e.g., “Treasury Sanctions Current and Former Guatemalan Officials for Engaging in Corrupt Activities”, US Treasury Department, 21 April 2021.

137 See, e.g., “Treasury Works with Government of Mexico Against Perpetrators of Corruption and their Networks”, US Treasury Department, 17 May 2019.

138 See, e.g., “Treasury Sanctions Persons Associated with Serious Human Rights Abuse and Corrupt Actors in Iraq”, US Treasury Department, 18 July 2019.

- Second, as mentioned previously, some governments target officials from many countries around the world in an apparently uniform fashion. This avoids the perception of any particular jurisdiction being unfairly targeted and therefore diffuses diplomatic sensitivities. As discussed below, this is partly a product of enabling civil society input into the making of sanctions designations.

7.2 Civil society input

The use of corruption sanctions, especially by US and UK governments, allows for civil society input into sanctions decision-making. Governments retain complete power and discretion over sanctions designations. While some have advocated the establishment of formal advisory bodies to make sanctions recommendations to governments,[139] no country has embraced such a proposal to date. However, civil society's ability to present sanctions dossiers for governmental consideration has the potential to shape the use of corruption sanctions.

From a government's perspective, this "crowdsourcing" of information about potential targets lessens the evidence-gathering burden otherwise involved. It can also organically result in a wide array of targeted persons without limitation to any particular geography.

To bear fruit, this civil society input needs to be of sufficiently high quality. This may require specialised expertise. For example, a small diaspora NGO may be in possession of valuable information about sanctionable corruption but be unfamiliar with how best to present its material or be unaware of corruption sanctions as an option altogether.

In the US and the UK, the emergence of several NGOs that assist others in making sanctions submissions has been essential to remedying this knowledge gap. These include Human Rights First in the US and REDRESS and the International Lawyers Project in the UK. As REDRESS highlighted in testimony submitted to the UK Parliament, only a minority of NGO-submitted dossiers results in sanctions designations:

> "While there is no publicly available information on this point, based on our estimates, since the inception of the UK's Global Human Rights Sanctions Regulations (GHRS) in 2020, the UK Foreign, Commonwealth & Development Office (FCDO) has received, on average, around two to three dossiers of evidence per month from civil society organisations (CSOs), often identifying between three to 15 individuals or entities alleged to be implicated in serious human rights violations. This means that, since July 2020, the FCDO has likely received evidence on anywhere between 360 to 3000 alleged

139 For example, the Australian Centre for International Justice recommended the establishment of such a body in advance of the introduction of corruption-related sanctions provisions in Australia: "Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement? An inquiry into targeted sanctions to address human rights abuses", Australian House of Representatives, Joint Standing Committee on Foreign Affairs, Defence and Trade, December 2020, 61.

> perpetrators. In stark contrast, only 135 individuals and entities have been sanctioned under the GHRS to date. Furthermore, only a handful of these sanctions have been imposed on perpetrators from countries considered strategic allies of the UK."[140]

Still, although NGOs such as REDRESS do not publicly disclose their sanctions submission successes, it is widely understood that a proportion of designations in the US and the UK results from civil society filings.

Other countries, like Australia, would benefit from a similar model to step up the quality of civil society interaction with the government. This involves both the emergence of a "sanctions champion" among NGOs that cultivates the requisite expertise in-house and, crucially, the government considering NGO sanctions submissions as a matter of course.

7.3 High-priority targets

One of the questions encountered by states with corruption sanctions programmes is whom to prioritise. In the absence of any geographical nexus, there is a potentially unlimited pool of corruption suspects from around the world who could be sanctioned.

As mentioned previously, the UK has promulgated a set of criteria that guide its use of corruption sanctions, including:

- the UK government's priorities, such as whether the corruption in question exacerbates national or international security threats;
- the scale, nature and impact of corruption, including by reference to the amounts involved or the systematic nature of the conduct;
- the status, connections and activities of the involved person, including any relevant UK links;
- the potential for multilateral designations;
- concurrent law enforcement action, noting that cases "falling within the UK's jurisdiction would normally be addressed through UK law enforcement measures" unless "a foreign Government does not provide necessary cooperation".[141]

Australia's Autonomous Sanctions Regulations 2011 contain a substantially similar but less extensive list of relevant factors, applicable specifically to corruption sanctions:

(a) the status or position of the person or entity;

(b) the nature, extent and impact of the conduct of the person or entity;

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140 "Written evidence submitted by REDRESS to the UK Foreign Affairs Committee inquiry into the UK's sanctions strategy (UKS0014)", 18 March 2025, para. 5, https://committees.parliament.uk/writtenevidence/139356/pdf/.

141 UK Foreign, Commonwealth & Development Office, "Global Anti-Corruption Sanctions: Consideration of Designations", 26 April 2021.

(c) the circumstances in which that conduct occurred;

(d) any other matters the Minister considers relevant.[142]

No such criteria have been published in the US. Since they all essentially concern the seriousness of the conduct targeted, it is difficult to imagine any substantive differences in terms of the factors considered. Furthermore, these criteria are sufficiently open-ended that they hardly constrain the government's discretion.

What high-priority targets look like must therefore be gleaned from sanctions designations themselves. With hundreds of designations made globally by now, it is not easy to discern any consistent themes. As mentioned previously, they span the gamut from high-profile figures, such as presidents, to mid-level officials. Which of these approaches to target selection are associated with the greatest effect of corruption sanctions, especially as regards broader systemic changes in the attitudes and behaviours of the targeted state's elites, could be a fruitful area for future study.

7.4 Less traditional targets: professional enablers

One noteworthy trend pertains to sanctions targeting not single individuals but entire networks, including advisors, proxies and nominees acting on the primary target's behalf.[143] Research suggests that such "network" designations are especially likely to lead to the identification and freezing of sanctioned assets. This reflects the emerging tendency across sanctions regimes to resort to second-order, "ancillary" sanctions against various kinds of enablers or associates.[144] The practice is not uniform and there are divergences across states and sanctions programmes, for example as relates to whether primary targets' family members can be sanctioned.[145]

An area of emerging focus is sanctions against professional enablers of corruption, such as financial professionals, lawyers, accountants, trust and company service providers and other advisors who enable the investment or concealment of corruption proceeds. So far, governments have indicated a willingness to explore such sanctions but have not put the idea into practice.

For example, in his Foreword to the UK's Anti-Corruption Strategy 2025, Deputy Prime Minister David Lammy stated that the UK had "sanctioned kleptocrats and their enablers".[146] This is correct in the limited sense that some designations target those who have facilitated corruption or the laundering of its proceeds by others. For example, the joint UK, US and Canadian sanctions against the former

142 Regulation 6A(6) of the Autonomous Sanctions Regulations 2011.

143 See, e.g., Dan Gertler's designation: "Treasury Targets Corruption Linked to Dan Gertler in the Democratic Republic of Congo", US Treasury Department, 6 December 2021 (listing a number of alleged proxies and affiliates).

144 Jeff Nielsen, Gonzalo Saiz and Jan Dunin-Wasowicz, "Beyond the Secondary Sanctions Debate: The Rise of Ancillary Listings in EU Sanctions" (2025) 221 *EU Law Live* 1.

145 "The Sins of the Fathers", footnote 87 above; Francesca Finelli, "Countering circumvention of restrictive measures: The EU response" (2023) 60(3) *Common Market Law Review* 733.

146 UK Government, "UK Anti-Corruption Strategy 2025", December 2025, 4.

governor of the Central Bank of Lebanon also designate his personal assistant, brother and partner.[147] However, "enablers" in this limited sense are quite distinct from professional service providers who facilitate the movement of corruption-related financial flows and are often based in Western financial centres.

In tacit recognition of this gap, the UK's Anti-Corruption Strategy 2025 makes a commitment to "[e]xpand the use of sanctions, alongside existing law enforcement tools, to target professional enabler networks."[148] Doing so would be consistent with the objectives of corruption sanctions, as identified in the Anti-Corruption Strategy 2025 and discussed previously, including the disruption of corrupt schemes and the deterrence of would-be professional enablers.

Such sanctions are arguably overdue given the rapidly accumulating body of research, from governments, academics and civil society alike, on the indispensable role that Western lawyers, accountants and financiers play in facilitating cross-border corrupt financial flows.[149] Notwithstanding this recognition, including the world-first dedicated strategy for tackling professional enablers published by the UK's National Crime Agency,[150] it is yet to translate into sanctions action. One of the challenges – but also, arguably, opportunities – that such sanctions would entail is the prospect of sanctions against enablers located in "onshore" jurisdictions, including the UK, US, Canada, Australia and elsewhere.[151]

147 "UK, US and Canada sanction Lebanon's former Central Bank Governor Riad Salameh and close associate", UK Foreign, Commonwealth and Development Office, 10 August 2023.

148 UK Government, "UK Anti-Corruption Strategy 2025", December 2025, 40.

149 See, e.g., John Heathershaw, Tena Prelec and Tom Mayne, *Indulging Kleptocracy: British Service Providers, Postcommunist Elites, and the Enabling of Corruption* (Oxford University Press, 2025).

150 "Cross-System Professional Enablers Strategy 2024-2026", National Crime Agency, 2024.

151 For example, the US Senate's investigation into the activities of Teodorin "Teodoro" Obiang, subsequently subject to various law enforcement and sanctions actions as described in 4.3 above, contained damning observations on the conduct of a Californian lawyers who facilitated Obiang's activities: Permanent Subcommittee on Investigations, *Keeping Foreign Corruption out of the United States: Four Case Histories* (US Senate 2010) 46.

8 Conclusions and recommendations

As ever more states introduce or contemplate corruption sanctions regimes, this paper reflects on the place of such sanctions among anti-corruption enforcement tools. Their main advantages are *flexibility*, namely the ability to target corrupt actors anywhere in the world based on relatively low evidentiary thresholds, and *versatility*, or the wide variety of objectives that such sanctions can usefully pursue.

These advantages explain the emergence of corruption sanctions as a means of tackling impunity and otherwise disrupting, deterring and undermining corrupt conduct – and, in some cases, supporting foreign countries' law enforcement action. Starting with the adoption of the Magnitsky Act 2012 and Global Magnitsky Act 2016 in the US, an increasing number of states have chosen to integrate sanctions in their anti-corruption enforcement toolkit.

Governments and parliaments that have not yet considered whether the introduction of corruption sanctions is right for them should do so. Corruption sanctions can help pursue a multitude of objectives, including disrupting corrupt activity; deterring would-be corruption or corruption facilitation; condemning corruption; punishing the perpetrators; facilitating asset recovery; or signalling support for another country's law enforcement actions. Their particular appeal lies in the ability to target conduct with few or even no links to the sanctioning state, which enables addressing corruption that would otherwise be beyond the sanctioning state's jurisdiction.

In weighing the introduction of corruption sanctions provisions, policymakers should have regard to the following factors:

- The existence of a broader legal framework for the imposition of autonomous (unilateral) sanctions, within which corruption sanctions can constitute one thematic regime. If such a framework is absent, any consideration of corruption sanctions will form but one part of a far more all-encompassing design of a country's sanctions regime.
- The existence of alternative legal means to accomplish some of the objectives that corruption sanctions can pursue, such as bespoke laws for expedited administrative freezing of suspected proceeds of corruption (e.g. the Swiss FIAA).

If a decision is reached to introduce corruption sanctions, this can be done either via a corruption-specific, thematic regime or via the inclusion of corruption-related designation criteria in country sanctions regimes. Both are legitimate options, but only the former provides for a jurisdiction-neutral tool that can be used to respond to corruption regardless of where it occurs in the world. Policymakers should consider which approach accords more closely with the objectives they envisage their corruption sanctions attaining.

Closely related to the question of objectives is the need for a post-imposition strategy, namely a coherent and credible approach to what the sanctions are meant to achieve once they are in effect; how long they will be kept in place; and how they interact with other available law enforcement tools. In some cases, the imposition of sanctions may be predicated on the expectation that other measures – such as asset confiscation – will follow. In others, they may be a self-standing response to allegations of serious corruption.

The flexibility of corruption sanctions entails inevitable due process trade-offs, but states can choose how much freedom they wish their governments to have in the imposition of such sanctions. The two determinative legal parameters are the evidentiary standard required for the use of corruption sanctions and the rules governing judicial review of designations. These parameters are likely to apply across a given country's sanctions regimes. However, if corruption sanctions are introduced, it is important to revisit them to ensure that the appropriate balance is struck between flexibility and accountability.

Finally, a mere introduction of corruption sanctions provisions is no guarantee of their vigorous, credible and consistent use. To make the most of their corruption sanctions, policymakers should explore the optimal arrangements for drawing on external expertise, such as by creating clear procedures and expectations for civil society organisations to make sanctions submissions. Governments should also explore more formal mechanisms for civil society participation, such as establishing advisory bodies empowered to make non-binding recommendations for the use of corruption sanctions.

To facilitate this interaction, governments should clearly and publicly articulate what makes for a high-priority corruption sanctions target. In doing so, governments should continue to refine their approaches to targeting to produce maximum impact. In particular, the recognition of the crucial role that professional enablers play in corrupt networks is only beginning to filter through into sanctions decision-making. Sanctions against professional enablers, including those located in "onshore" jurisdictions such as major Western financial centres, could form the next frontier of corruption sanctions.

In light of this analysis, the following recommendations are proposed:

Recommendation 1: Those governments and parliaments that have not yet done so should consider whether their country should use corruption sanctions to disrupt corrupt activity; deter would-be corruption or corruption facilitation; condemn corruption; punish the perpetrators; facilitate asset recovery; or signal support for another country's law enforcement actions.

Recommendation 2: Policymakers' consideration of the potential introduction of corruption sanctions should be informed by the availability of a legal framework for autonomous (non-UN-mandated) sanctions and the availability of alternative legal means of achieving the objectives that corruption sanctions could pursue.

Recommendation 3: If a decision is reached to introduce corruption sanctions, policymakers should consider whether their objectives are best served by a thematic corruption sanctions regime or the inclusion of corruption designation criteria in country sanctions regimes.

Recommendation 4: If a decision is reached to introduce corruption sanctions, policymakers should ensure that the applicable evidentiary standards and judicial review rules strike an appropriate balance between flexibility and accountability.

Recommendation 5: Governments should use corruption sanctions with the benefit of a post-imposition strategy, namely a coherent and credible approach to what the sanctions are meant to achieve once they are in effect; how long they will be kept in place; and how they interact with other available law enforcement tools.

Recommendation 6: To enhance the consistency and credibility of their application and to mitigate due process concerns, governments should publish clear criteria for the imposition of corruption sanctions and the granting of corruption sanctions licences, and they should publish the rationale for any such decisions. They should also publicly explain, in appropriate level of detail, any corruption sanctions delistings.

Recommendation 7: To enhance the consistency and credibility of corruption sanctions use, and to inform civil society organisations' sanctions dossier submissions, governments should publish clear criteria outlining what makes for a high-priority target for corruption sanctions.

Recommendation 8: Governments should publicly set out processes and expectations for sanctions dossier submissions from civil society organisations. Governments should also consider more formalised channels for civil society involvement, such as establishing advisory bodies that will issue non-binding recommendations for the use of corruption sanctions, either at a policy level or in specific cases.

Recommendation 9: Governments should continue to refine their approaches to targeting to produce maximum impact. In particular, they should consider sanctions against networks of professional enablers, including those located in "onshore" jurisdictions such as major Western financial centres.

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