

September 12, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Steven Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretaries Tillerson and Mnuchin,

As organizations dedicated to the promotion of universal human rights and the fight against corruption, we commend you for your commitment to implementing the Global Magnitsky Human Rights Accountability Act (PL 114-328, Subtitle F), which authorizes the President to impose financial sanctions and visa restrictions on foreign persons in response to certain human rights violations and acts of significant corruption. We were pleased to see President Trump pledge in April that his administration will engage in “robust and thorough enforcement” of the Act, and that he intends for his administration to “fulfill our commitment to hold perpetrators of human rights abuses and corruption accountable.”

“Global Magnitsky” is a potentially revolutionary tool. It allows the United States the ability to sanction the world’s worst human rights violators and corrupt actors wherever they may be, putting them on notice that accountability knows no borders. Robust implementation of the Act has the potential to deter would-be kleptocrats and those that would use violence to silence dissent and maintain their grip on power, forcing these actors to think twice before committing their crimes. In short, the law positions the United States to take a leading role in the international community in combating impunity and protecting human rights defenders worldwide.

Global Magnitsky’s promise will only be realized, however, if the U.S. government acts. With this knowledge in mind, we, the undersigned organizations, have come together in a coordinated effort to document cases from around the world that we believe satisfy the Act’s stringent requirements and are deserving of rigorous investigation by the U.S. government. We have been pleased to provide your staff at the Departments of State and Treasury with case files as summarized in the appended annex.

Throughout the process of assembling our case files, our goal has been to gather and organize pertinent evidence in a manner that we believe will assist the U.S. government in making timely, meaningful, fact-based, and apolitical sanctions designations. Evidence in the cases we

have assembled often combines credible reporting from international and local non-governmental organizations with the work of investigative journalists and first-person testimony from victims and their attorneys.

The cases we have elected to highlight come from every region of the world, and involve horrific stories of torture, enforced disappearance, murder, sexual assault, extortion, and bribery. The implicated perpetrators vary in power and influence, and their victims range from full-time human rights activists to members of religious communities to students demonstrating against injustice. In cases dealing with acts of significant corruption, victims often include entire societies.

As evidenced by the President's April 20, 2017 initial report to Congress on Global Magnitsky's implementation, testimony provided by Secretary Tillerson during his January 11, 2017 confirmation hearing, and our formal and informal conversations with representatives of your departments and the Department of Justice, it is our understanding that the Trump administration is committed to implementing the Act robustly. We believe that the materials we have provided will assist the administration in carrying out its stated goal. We look forward to working with you on this worthy endeavor.

Sincerely,

Americans for Democracy & Human Rights
in Bahrain

American Latvian Association

Boat People SOS

Center for Justice and Accountability

China Human Rights Accountability Center

Chinese Human Rights Defenders

Council for Global Equality

Enough Project

Estonian American National Council

Freedom House

The Freedom Initiative

Freedom Now

Human Rights Campaign

Human Rights First

Human Rights Watch

Joint Baltic American National Committee

Lithuanian American Council

PEN

Project on Middle East Democracy

Reporters Without Borders

Relieve

Transparency International

Yemen Peace Project

Cc: LTG H.R. McMaster, National Security Advisor

Sanction Recommendations Summaries
P.L. 114-328, Subtitle F
Global Magnitsky Human Rights Accountability Act
August 30, 2017

1. Azerbaijan – Mirgafar Seyidov, Head of Baku City Police

Case Type: GVHR (torture)

Mirgafar Seyidov is the head of the Baku Police Department, and was until recently the head of the Anti-Organized Crime Unit of the Ministry of the Interior in Azerbaijan. In May 2016, Seyidov was present for and directed the torture of two activists who had painted anti-government slogans on the statue of former President Heydar Aliyev. The activists had vandalized the statue to raise awareness about ongoing injustices in Azerbaijan – posting pictures of the vandalized statues on their social media accounts. The two were arrested for drug trafficking and forced to sign confessions to drug possession after being taken to and beaten in police stations. In separate incidents, Seyidov oversaw other officers beat the victims, personally threatened to rape one victim, and forced the other to clean the police station’s toilets while being filmed. In addition to sworn statements by the victims, the victims’ lawyer personally witnessed them being beaten and humiliated by officers. Furthermore, officials of the UN Working Group on Arbitrary Detention recorded visible injuries that correspond to the victims’ allegations of torture.

2. Bahrain – Ali bin Fadhul Al Buainain, Chief of Public Prosecution

Case Type: GVHR via command responsibility (torture leading to confession, execution)

Ali bin Fadhul Al Buainain is the Chief of Public Prosecution in the Kingdom of Bahrain. On January 15, 2017, the government of Bahrain executed three Shia men, including activist Ali al-Singace, following a trial for alleged involvement in terrorism. Mr. al-Singace was initially charged and sentenced in absentia. After his detention, he reported to the Court that he had been tortured under interrogation. Other defendants in the case also claimed to have been tortured into giving confessions. The Office of Public Prosecution (OPP) failed to launch any investigation into Mr. al-Singace's allegations of torture. Nor did the OPP have any medical specialist examine al-Singace or a co-defendant for signs of torture. Under the principle of command responsibility, the failure to investigate links Al Buainain to torture, a gross violation of human rights, and a particularly grievous abdication of responsibility in death penalty cases. The allegations of torture have been corroborated by human rights groups and journalists. As the case was extremely high profile – it marked the first time in over two decades that the Bahraini government has carried out the death sentence against its own citizens, and the trial centered on one of the most well-known bombings in Bahrain – it is impossible that Al Buainain, head of the OPP, would not have known about and authorized the decision to ignore allegations of torture by the defendants. Moreover, the OPP sought and obtained the harshest possible punishment, the death sentence, with full awareness that the defendants claimed their

confessions had been coerced and that the case had been marred from the start by this and other grave violations of due process.

**3. China – Fu Zhenghua, Deputy Minister, Ministry of Public Security
Tao Jing, Deputy Head, Beijing Municipal Public Security Bureau**

Case Type: GVHR via command responsibility (denial of medical care leading to death)

Fu Zhenghua was the Beijing Municipal Public Security Bureau Chief from 2010 to March 2015 and is now the Deputy Minister of Public Security in China. Tao Jing was the Chaoyang District Public Security Sub-Bureau Chief from 2010 to 2014, and is now the Deputy Head of the Beijing Municipal Public Security Bureau. Fu and Tao are each responsible, under the principle of command responsibility, for the torture and March 2014 death of human rights activist Cao Shunli. The victim was arrested at Beijing Capital International Airport on September 14, 2013 on her way to Geneva, Switzerland to attend human rights advocacy training and the 24th session of the UN Human Rights Council (HRC). For years, Cao had advocated that the Chinese government allow civil society to participate in the HRC's Universal Periodic Review process. She was forcibly disappeared and rendered unable to contact a lawyer for five weeks after her arrest. Cao's lawyer applied for, and was denied, medical bail for Cao following their first meeting. Over the course of the next five months in detention, Cao contracted tuberculosis, and her previously manageable liver condition worsened as authorities at the Chaoyang District Detention Center denied her medication and adequate treatment. She lapsed into a coma in February 2014, and passed away on March 14, 2014. On the principle of command responsibility, Fu and Tao were each responsible for the human rights violations that led to Cao's death, and for failure to punish any of the police officers involved in her death. Neither could have been unaware of both her arbitrary detention and her worsening medical condition, as representatives of the UN, foreign governments including the United States, NGOs, and the victim's lawyer and international media raised Cao's treatment and condition with the Chinese government on multiple occasions.

**4. Egypt – Mohamed Ali Hussein, Ismailia Governorate Police Chief
Mohamed Khaleesi, Assistant Minister of Interior for Upper Egypt**

Case Type: GVHR (torture)

Mohamed Ali Hussein is the Ismailia Governorate Police Chief, and was until recently the Deputy Director of General Prison Investigations at Tora Prison. Mohamed Khaleesi is currently the Assistant Minister of Interior for Upper Egypt, and at the time of the violations was the Director of General Prison Investigations at Tora Prison. Ali Hussein and Khaleesi are responsible for the documented physical and psychological torture of multiple individuals, including an American-Egyptian dual citizen who attended a pro-democracy protest in Cairo on August 14, 2013. The victim assisted numerous foreign news organizations, including the New York Times and the BBC, with their English-language coverage of the protests. The victim was arrested on August 25, 2013, charged with spreading false information and being a member of a terrorist organization, and was sentenced to life imprisonment. In prison, the victim was repeatedly, directly tortured by, in the presence of, or under the orders of Mohamed Ali

Hussein, who was the third-ranking officer at the prison; and in the presence of or under the orders of Mohamed Khaleesi, who was the second-ranking officer at the prison. The victim was deprived of basic necessities, exposed to extreme heat and cold, repeatedly beaten, and deprived of medical assistance. He was also placed in a cell next to his father, where the two would hear each other being tortured under instruction of the perpetrator. On December 18, 2014, the victim was beaten to the point of unconsciousness by prison guards under the order of Ali Hussein and Khaleesi, and put into isolation until his release on May 30, 2015.

5. Ethiopia – Details Withheld

Case Type: GVHR (torture and sexual violence)

6. Mexico – Felipe Flores Velasquez, former Secretary of Public Security, Iguala

Case Type: GVHR via command responsibility (extra-judicial killing, torture)

Felipe Flores Velázquez is the former Secretary of Public Security of the City of Iguala in the Guerrero State of Mexico. Flores Velázquez was one of the high-level commanders in charge of police officers that tortured and executed six people, and forcibly disappeared 43 other students, beginning on September 26, 2014. The students were killed in apparent retaliation for protesting corruption by local and state officials, and were in route to a memorial commemorating the 1968 Tlatelolco Massacre. They were from a small town called Ayotzinapa, which is considered a social base of political movements. According to the Interdisciplinary Group of Independent Experts (IGIE) appointed by the Inter-American Commission on Human Rights to investigate this massive crime, a direct line of command responsibility existed between Flores Velázquez in his role as Secretary of Public Security, and the team of officers that carried out the torture and execution of the six students. The extent to which Flores Velázquez was complicit in the disappearance of the 43 students that were transferred from his custody at the Iguala Police Headquarters to the custody of the Cocula Police is an open question for investigators. The IGIE also found evidence that all of the security forces involved in the incident, including forces under Flores Velázquez' command, participated in unlawful activities in a manner that suggest a common criminal plan.

7. Saudi Arabia – Judges, Specialized Criminal Court (names withheld)

Case Type: GVHR via failure to investigate (torture, sentencing of a minor to death)

Judges on the Specialized Criminal Court of the Kingdom of Saudi Arabia are responsible for repeatedly relying on confessions allegedly obtained through torture, without investigating victims' allegations as required by the Convention Against Torture. The cases in question relate to religious minorities who were convicted for taking part in pro-democracy protests in 2011. Multiple Specialized Criminal Court judges sentenced several of the defendants to death for conduct allegedly undertaken while they were minors. The death sentences therefore constitute extrajudicial killings in violation of international law, including the Convention on the Rights of the Child, to which Saudi Arabia is a state party.

8. Tajikistan – Saimumin Sattorovich Yatimov, Head, State Committee for National Security

Case Type: GVHR via command responsibility (torture, sentencing of a minor to death)

Saimumin Sattorovich Yatimov has led Tajikistan's State Committee for National Security (GKNB) since September 2010, and holds the rank of lieutenant general. He is responsible, via command responsibility, for the torture of Mahmatali Hayit, the deputy chairman of the Islamic Renaissance Party of Tajikistan (IRPT) and a well-known advocate for human rights and the freedoms of expression, assembly, and religion in Tajikistan. The IRPT stood as Tajikistan's leading opposition party until its national recognition was revoked in August 2015. Beginning on September 16, 2015, government authorities detained dozens of IRPT members, including Mr. Hayit. The IRPT was shortly thereafter designated a terrorist organization, and Mr. Hayit was sentenced to life in prison in a closed trial of 16 other IRPT leaders. While held in pre-trial detention at the GKNB's detention facility in Dushanbe, international human rights organizations report that Mr. Hayit was tortured. In May 2017, a secretly recorded video emerged of Mr. Hayit describing his torture by GKNB officers to his lawyer. Under the principal of command responsibility, Saimumin Yatimov is responsible for the conduct of his officers, as he is in effective control of the GKNB facility where the closed trial of Hayit was held and where the torture occurred.

9. Uzbekistan – Rustam Rasulovich Inoyatov, Commander, Uzbek National Security Service

Case Type: GVHR via command responsibility (torture)

Rustam Rasulovich Inoyatov is the head of Uzbekistan's National Security Service (SNB). The perpetrator is responsible for the arbitrary detention and torture of the chairperson of an Uzbek human rights organization who exposed fraud and corruption in his region of Uzbekistan and championed the social and economic rights of poor people and people with disabilities. The victim was arrested by the SNB on April 29, 2006 on fabricated charges of extortion as part of the Uzbek government's campaign to silence perceived government critics following the May 13, 2005 Andijan massacre, when government forces shot and killed hundreds of largely unarmed protestors in the eastern Uzbek city of Andijan following mass public protests. Throughout his imprisonment, which continues to the present day, the victim has been repeatedly tortured, including by being beaten across his body, suffering simulated suffocation, and by being exposed to extreme cold for weeks at a time. The victim was originally sentenced to nine years in prison, but two weeks prior to his planned release had his sentence arbitrarily increased by five years. The victim has not received adequate medical care in prison despite developing multiple ailments. The perpetrator, as head of the SNB, is directly responsible for the conditions of prisoners held under the control of the SNB, and has presided over a policy and practice of torture which the Committee against Torture said in 2013 was "systematic, widespread, and encouraged."

10. Vietnam – Colonel Vu Van Lau, Director of the Public Security Department of Gia Lai Province

Case Type: GVHR via command responsibility (torture, torture to death)

Colonel Vu Van Lau is the Director of the Public Security Department of Gia Lai Province in Vietnam. He is responsible, through command responsibility, for the torture, and, in at least one instance, death of human rights activists focused on freedom of religion, including in a case directly related to engagement with U.S. Government officials. In 2016, Colonel Vu Van Lau's police force was responsible for repeatedly arresting and torturing Ms. Tran Thi Hong, a well-known women's rights and religious freedom activist and wife of a pastor who was serving an 11-year prison sentence for practicing his faith. Following a meeting with the U.S. Ambassador-at-Large for International Religious Freedom, Tran Thi Hong endured repeated arrests, interrogations, and instances of torture over nearly two months in a case documented by the UN Special Rapporteurs on Freedom of Religion or Belief and on Torture. In a separate documented incident under Colonel Vu Van Lau's purview, in December 2015 a pastor at the nationally unrecognized Dega church was detained by officers of the Gia Lai Public Security Department and beaten, while his captors demanded that he recant his faith. When the pastor refused, he was beaten to the point of unconsciousness. Due to his injuries, the pastor died on January 14, 2016. As Director of the Public Security Department for Gia Lai Province, Colonel Vu Van Lau maintains a direct line of responsibility over the public security officers responsible for detaining, interrogating, and torturing the victims in what amounts to a pattern of abuse.

11. DRC – Francis Selemani Mtwale, Man. Dir., Banque Gabonaise et Francaise Internationale

Case Type: Corruption

Francis Selemani Mtwale (known as Selemani), is the Managing Director of Banque Gabonaise et Francaise Internationale (BGFI) in the Democratic Republic of the Congo (DRC). He is also the adopted brother of DRC President Joseph Kabila. Selemani is responsible for diverting significant amounts of public funds via multiple transactions from the DRC for the private gain of himself and President Kabila and his family. For example, according to media and other reporting, under Selemani, the Central Bank of the Congo, the DRC's national bank, was instructed to "loan" \$43 million to a company partly owned by Selemani, which was then deposited into an account at BGFI. When an external auditor hired by BGFI's Gabonese parent company questioned Selemani about that transaction, Selemani showed the employee a pistol, and made threatening remarks. Additional evidence exists demonstrating other questionable and suspicious transactions being routed through BGFI accounts by DRC government officials and members of President Kabila's family.

12. Liberia – Varney Gbotonambi Sherman, Chair of the Liberian Senate Judiciary Committee

Case Type: Corruption

Varney Gbotonambi Sherman is a sitting Liberian senator, Chairman of the Liberian Senate Judiciary Committee, and Chairman of the ruling Unity Party. Prior to assuming office he was a well-connected lawyer, and there is evidence showing that, beginning in 2010, he materially assisted acts of significant corruption while working as an attorney for the UK-based company Sable Mining Africa. The evidence shows that Sherman facilitated the transfer of over \$700,000 from Sable Mining to Liberian government officials, paving the way for friendly legislative

changes would have allowed Sable Mining to obtain no-bid mining contracts. Among other bribes and questionable payments for which there is evidence, Sherman paid \$75,000 to the speaker of Liberia's House of Representatives, \$50,000 to the president's cabinet minister, who was her representative on concession negotiations, \$50,000 to the head of the National Investment Commission, and \$10,000 to the chairman of the Public Procurement and Concessions Commission. Records also document that Sherman used money from Sable Mining to advance his own political career. On April 22, 2010, in advance of the UP conference where he was elected chairman, records show that Sherman paid out \$200,000 in order to persuade his would-be opponents not to contest his run; and on June 24, 2010, he used \$25,000 from Sable Mining's account with his law firm to persuade another opponent to step down as UP Secretary General. Sherman has denied paying bribes on behalf of Sable.

13. Panama – Ricardo Alberto Martinelli Berrocal, Former President

Case Type: Corruption

Ricardo Alberto Martinelli Berrocal is the former President of Panama and the leader of the Panamanian political party Democratic Change. In his term as president, the perpetrator and his close associates allegedly embezzled up to \$100 million from government social projects aimed to help Panama's citizens. There are currently over 200 investigations open into allegedly corrupt deals that occurred during his tenure, with the former president himself the subject of nine Supreme Court investigations, including bribery, misappropriation of public funds, and abuse of power, amongst others. Among the bribery cases being investigated is one in which the perpetrator and his associates allegedly received a \$20 million bribe from an Italian arms producer in exchange for securing a \$200 million contract. A March 7th, 2015 ruling in an Italian court found that Martinelli participated and cooperated in an attempt to extort and intimidate the Italian firm Impregilo into financing the construction of a hospital. A U.S. federal judge identified Martinelli as one of several alleged co-conspirators in a bribery scheme that helped a subsidiary of the German software producer SAP sell software to Panama in exchange for bribes. According to press reports, Martinelli was arrested in Miami, Florida on June 13, 2017, pursuant to a provisional warrant issued by the Justice Department in response to an extradition request from Panama related to allegations that he used public funds for purposes of political espionage.

14. Russia – Artyem Yurevich Chaika, son of Russian General Prosecutor Yuri Chaika

Case Type: Corruption

Artyem Yurevich Chaika is the son of Russia's General Prosecutor Yuri Chaika. Artyem Chaika used connections with prosecutors and government officials in Russia, developed with the help of his father, to facilitate numerous corrupt schemes to benefit himself at the expense of the Russian people. In a characteristic episode, in December 2013, the Russian government opened up a bidding process to sell a salt mine near Moscow. The government only accepted two bids, one from a company owned by one of Chaika's shell companies, and the other from a company created only a few months prior by Chaika's family. The government denied bids to all other interested companies, including large Russian salt companies, in order to benefit Chaika. The

bid went to Chaika's shell company, thereby providing him with a lucrative salt mine, denying legitimate competition to other Russian companies, and defrauding the Russian public of significant sums of money.

15. Ukraine – Dmytro Firtash, Chairman of the Board of Directors, Group DF

Case Type: Corruption

Dmytro (also spelled Dmitry) Firtash is a Ukrainian oligarch and the former head of energy company RosUkrEnergo, and is the current head of Group DF, a conglomerate with holdings ranging from energy infrastructure and chemicals to real estate. Through 2014, Firtash engaged in corrupt practices surrounding the brokering of gas deals between Ukraine and Russia that netted billions of dollars in illicit profits. Firtash used his close ties to Russian President Vladimir Putin to purchase more than 20 billion cubic meters of gas from Gazprom at rates far below market value, and used his close ties to the former President of Ukraine Viktor Yanukovich to resell this gas to Ukraine, reportedly resulting in a loss of at least \$2 billion to the people of Russia. Firtash was indicted by a U.S. court in June 2013 for alleged bribery, creation of a criminal group, and attempts to bribe Indian authorities in exchange for preferential titanium extraction contracts. Firtash allegedly also bribed German officials in order to illegally obtain documents on the status of a corruption investigation into his dealings. In February 2017, an Austrian appeals court approved an extradition request from the United States concerning Firtash. In May 2017, Firtash's lawyers filed a motion to dismiss this case, arguing that Firtash has no connection to the United States. The case is currently pending in federal court.