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## Congress of the United States House of Representatives

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The Honorable Scott Bessent  
Secretary of Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

The Honorable Marco Rubio  
Secretary of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretaries Bessent and Rubio,

As the author of the Sergei Magnitsky Rule of Law Accountability Act of 2012 and the coauthor of the Global Magnitsky Human Rights Accountability Act of 2016,<sup>1</sup> I write with grave concern regarding the Administration's imposition of Global Magnitsky (GloMag) sanctions on Brazilian Supreme Court Justice Alexandre de Moraes. The use of GloMag sanctions in this case contravenes the intent and purpose of the Global Magnitsky Act, thereby undermining its integrity and weakening it as a tool of accountability for human rights abuses.

The Global Magnitsky Act is designed to hold accountable individuals who commit acts of corruption and gross violations of human rights.<sup>2</sup> When President Trump issued Executive Order 13818, which expanded the authorities of the Act, he affirmed the importance of deterring serious human rights abuses and corruption because they "...weaken democratic institutions; [and] degrade the rule of law..."<sup>3</sup> It is therefore disgraceful that the Trump Administration has deployed GloMag sanctions in a manner contrary to their purpose by undermining the Brazilian judiciary's efforts to defend democratic institutions and uphold rule of law.

On October 2, 2022, Luiz Inácio Lula da Silva defeated Jair Bolsonaro in an election in which international election observers found no evidence of widespread fraud or irregularities.<sup>4</sup> Rather than adhere to the core democratic principle that candidates respect the results of elections they do not win, on January 8, 2023, partisans of Bolsonaro resorted to violence to try to overturn the result. Thousands converged on Brasília, stormed the buildings housing Brazil's three branches of government, and demanded that the military remove the duly elected president and reinstate Bolsonaro.<sup>5</sup> The attacks were widely condemned by the United States Government and other democracies, multilateral institutions, and human rights organizations.<sup>6</sup> That the legitimate 2022 election results were ultimately respected is a credit to the fortitude of Brazil's constitutional safeguards, the U.S. Government's diplomacy in support of a democratic transition of power, and, most of all, to the Brazilian people's faith in democracy.<sup>7</sup>

After a two-year investigation, Brazil's Federal Police presented to the Prosecutor General an 884-page report which concluded that Bolsonaro and his accomplices carried out a multi-year plot to overturn the 2022 elections. The plot

<sup>1</sup> [H.R. 4405](#) in the 112<sup>th</sup> Congress, [P.L. 112-208](#); [H.R. 624](#) in the 114<sup>th</sup> Congress, [P.L. 114-328](#).

<sup>2</sup> [22 U.S.C. §10102\(a\)\(1\)\(B\)](#)

<sup>3</sup> E.O. 13818, "[Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption](#)," 82 *Federal Register* 60839, December 20, 2017.

<sup>4</sup> Jeff Cercone and Amy Sherman, "[Tucker Carlson's Unfounded Claim that Brazil's Election Was Rigged](#)," *PolitiFact*, January 12, 2023; Organization of American States, "[OAS Electoral Observation Mission Presents its Preliminary Report](#)," November 1, 2022.

<sup>5</sup> Freedom House, "[Brazil](#)," *Freedom in the World* 2025, February 26, 2025; Diane Jeantet and Carla Bridi, "[Explainer: Bolsonaro knocks Brazil's voting system](#)," *The Associated Press*, September 6, 2022.

<sup>6</sup> Inter-American Commission on Human Rights, "[IACHR Condemns Attacks on Brazil's Democratic Institutions](#)," January 23, 2023; Tamara Taraciuk Broner, "[Attack on Democratic Institutions in Brazil: Statement by Human Rights Watch](#)," January 8, 2023; "[Joint Statement by President Joe Biden, President Andres Manuel Lopez Obrador, and Prime Minister Justin Trudeau on Brazil](#)," January 9, 2023.

<sup>7</sup> Oliver Stuenkel, "[How U.S. Pressure Helped Save Brazil's Democracy](#)," *Foreign Policy*, February 20, 2024.

involved efforts to undermine the legitimacy of the election system and convince military commanders to back a coup during the presidential transition period.<sup>8</sup> Having found the evidence sufficiently compelling, the Prosecutor General issued indictments of 34 officials, including former president Bolsonaro, for crimes including attempted violent abolition of the democratic rule of law and attempted coup d'état.<sup>9</sup> In accordance with the Brazilian constitution and international law, Justice Alexandre de Moraes is responsible for overseeing the prosecution of the indicted individuals and ensuring that their right to a fair trial is respected.<sup>10</sup>

The Administration's claim that the prosecution of individuals who attempted a coup constitutes an "unlawful witch hunt"<sup>11</sup> is not only false, but an affront to the Brazilian electorate and the entire concept of rule of law. Brazil built robust democratic institutions to prevent a return to the horrors of the 1964-1985 military dictatorship, during which approximately 20,000 people were tortured and at least 434 were killed or disappeared.<sup>12</sup> It today provides an example for democracies around the world by demonstrating that the law applies equally to all, including the most powerful. Given the role of the United States in supporting the 1964 coup, it is our government's moral responsibility to reinforce Brazil's democracy—not undermine it. To impose GloMag sanctions on those who defend rule of law demonstrates brazen contempt for the spirit and letter of the Global Magnitsky Act and for democratic norms at large.

The efficacy of Global Magnitsky sanctions depends on preserving their integrity by reserving their use for authentic cases of human rights violations and corruption. Nongovernmental organizations that played a key role in providing the evidentiary basis for previous GloMag designations have condemned their use in this instance.<sup>13</sup> When the Administration wields GloMag sanctions to promote impunity for political allies rather than to promote accountability for human rights violators, it gives credibility to the claims of governments like those in China and Russia<sup>14</sup> that portray GloMag as a mere tool of political warfare.

As the author of the Magnitsky Act and coauthor of the Global Magnitsky Act, I strongly urge you to terminate the GloMag sanctions levied against Justice Alexandre de Moraes. The improper application of the statute insults the memory of Sergei Magnitsky and all other genuine victims of human rights abuses. By cloaking cronyism in the language of human rights, the Administration impairs the credibility of the United States and its ability to promote human rights abroad.

Sincerely,



James P. McGovern  
Member of Congress

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<sup>8</sup> Federal Police, "[Relatório N° 4546344/2024/2023.0050897-CGCINT/DIP/PE](#)," November 21, 2024.

<sup>9</sup> Associated Press, "[Brazil's Bolsonaro Describes Coup Plot Trial as a 'Witch Hunt'](#)," *PBS News*, July 15, 2025.

<sup>10</sup> Brazil's Constitution of 1988, [Article 102](#); International Covenant on Civil and Political Rights, [Article 14](#).

<sup>11</sup> U.S. Department of the Treasury, "[Treasury Sanctions Alexandre de Moraes](#)," Press Release, July 30, 2025.

<sup>12</sup> Human Rights Watch, "[Brazil: Bolsonaro Celebrates Brutal Dictatorship](#)," March 27, 2019.

<sup>13</sup> Human Rights First, "[Human Rights First Deplores Use of GloMag Sanctions to Support Impunity for Political Allies](#)," July 31, 2025.

<sup>14</sup> Ben Brumfield and Elise Labott, "[Russia Lashes Out at U.S. Human Rights Blacklist](#)," CNN, April 13, 2013.