SYMPTOM OR CAUSE OF DEATH? MAGNITSKY'S LAW AS A PARAMETER OF THE DUAL CRISIS OF CONTEMPORARY INTERNATIONAL LAW

SINTOMA OU CAUSA MORTIS? LEI MAGNITSKY COMO PARÂMETRO DA DUPLA CRISE DO DIREITO INTERNACIONAL CONTEMPORÂNEO

¿SÍNTOMA O CAUSA DE MUERTE? LA LEY DE MAGNITSKY COMO PARÁMETRO DE LA DOBLE CRISIS DEL DERECHO INTERNACIONAL CONTEMPORÁNEO

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ABSTRACT

The Magnitsky Act, originally established as an instrument to hold individuals accountable for serious human rights violations and corruption in contexts of international impunity, has paradoxically become a parameter for the crisis of contemporary international law, notably in the current rise of autocracies and their instrumentalization by the Trump administration. These acts ultimately highlight the vicissitudes of the very health of international law, with the decline of global coordination and the abandonment of the post-1945 promise of an order based on sovereignty and multilateralism. In this context, this study begins with this panorama by analyzing the recent sanction imposed by the United States, through the Magnitsky Act, on Justice Alexandre de Moraes of the Brazilian Supreme Court, in the full exercise of his jurisdictional functions in a consolidated democracy. The exceptional and biased application of the law highlights the politicization of sanctions enforcement and the structural fragility of 21st-century international law.

Keywords: Liberal International Order. Sovereignty. Autocratic Regimes. Magnitsky Act. Crisis of International Law.

RESUMO

A Lei Magnitsky, originalmente constituída como um instrumento para responsabilizar indivíduos por graves violações de direitos humanos e corrupção em contextos de impunidade internacional, paradoxalmente se tornou um parâmetro da crise do direito internacional contemporâneo, notadamente, no avanço atual das autocracias e sua atual instrumentalização pelo governo Trump, que acabam por evidenciar as vicissitudes da própria saúde do direito internacional, com o declínio da coordenação global e o abandono da promessa do pós-1945 de uma ordem baseada na soberania e no multilateralismo. Nesse contexto, este estudo parte deste panorama analisando a recente sanção imposta, pelos EUA, por meio da Lei Magnitsky ao Ministro do STF do Brasil, Alexandre de Moraes, em pleno exercício de suas funções jurisdicionais em uma democracia consolidada, cuja

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aplicação excepcional e enviesada da lei evidencia a politização na aplicação das sanções e a fragilidade estrutural do direito internacional do Século XXI.

Palavras-chave: Ordem Internacional Liberal. Soberania. Regimes Autocráticos. Lei Magnitsky. Crise do Direito Internacional.

RESUMEN
La Ley Magnitsky, originalmente establecida como un instrumento para responsabilizar a las personas por graves violaciones de derechos humanos y corrupción en contextos de impunidad internacional, se ha convertido paradójicamente en un parámetro para la crisis del derecho internacional contemporáneo, notablemente en el actual auge de las autocracias y su instrumentalización por la administración Trump. Estas leyes, en última instancia, resaltan las vicisitudes de la propia salud del derecho internacional, con el declive de la coordinación global y el abandono de la promesa posterior a 1945 de un orden basado en la soberanía y el multilateralismo. En este contexto, este estudio comienza con este panorama analizando la reciente sanción impuesta por Estados Unidos, a través de la Ley Magnitsky, al juez Alexandre de Moraes del Supremo Tribunal Federal de Brasil, en el pleno ejercicio de sus funciones jurisdiccionales en una democracia consolidada. La aplicación excepcional y sesgada de la ley resalta la politización de la aplicación de las sanciones y la fragilidad estructural del derecho internacional del siglo XXI.

Palabras clave: Orden Internacional Liberal. Soberanía. Regímenes Autocráticos. Ley Magnitsky. Crisis del Derecho Internacional.

1 INTRODUCTION

The complexification of International Relations in the last eight decades has not only resized numerous aspects of transnational life, but has also created or transformed the very pillars of global governance. This is the case of international law, whose centuries of affirmation linked to a sovereigntist paradigm were vigorously challenged from 1945 onwards by the gradual strengthening of a new framework characterized by the centrality of the interest of an emerging international society (and not only of National States) – giving legal repercussion to cosmopolitanism (GINSBURG, 2023). The limits to the factual verification of the promises symbolized by the norms and institutions of the Liberal International Order were extremely useful in strengthening the critical rhetoric of anti-democratic political leaders, currently gathered under the aegis of the "third wave of autocratization" (LÜHRMANN; LINDBERG, 2019). It is possible to note that these autocratic nationalist projects not only exploit and promote the difficulties of implementing a transformed post-war international law, but have pushed it from ineffectiveness to irrelevance. The attack on the usefulness and relevance of international law embodies a second (and perhaps more acute) crisis of the global legal system by advancing on constitutive canons of international law with origins well before the post-World War II period, such as the organizational principle of sovereign equality.

Having as a theoretical starting point the observation that the current "Crisis of Democracy" is a multidimensional phenomenon that cannot be fully understood without the analysis of its legal-institutional arrangements (in our case, in the global dimension) to be also undertaken by the epistemic field of Law itself (GASPARDO; BUCCI; TEIXEIRA; STUCHI; DUARTE NETO; BEÇAK; CARVALHO, 2025), the objective of this article is to analyze how the contemporary advance of autocracies is related to the double crisis of current international law. To this end, a useful and emblematic methodological option is the study of the constitutive process, the application and the contemporary developments of the set of normative devices that are conventionally called the Magnitsky Law. Although linked to the national legal system of the USA, the Magnitisky Act provides a powerful instrument for analyzing the vicissitudes and the very health of international law, being an important marker of the state of the art and the unavoidable challenges of legality beyond the National States. In this sense, it is unavoidable that this article sheds light on the recent instrumentalization of the Magnitisky Act with a view to pressuring the Brazilian State (in particular, the national Judiciary) and the worrying repercussions of the case both for the country's sovereignty and for international law.

Thus, this article is divided into three items, with the purposes of: a) demonstrating the decline of the post-1945 liberal international order, whose effectiveness was weakened by

selectivity in the defense of human rights and instrumentalization of institutions by powers, and in parallel, with the rise of autocracies, which question democracy itself and the rule of law, promoting an internal democratic erosion and a rejection of international law as an idea; b) to reveal how the Magnitsky Act, originally conceived as a tool for individual accountability for serious human rights violations and corruption, reveals itself to be a paradox by acting as a thermometer of the crisis of contemporary international law, in the face of the inability of the multilateral system to guarantee global justice, whose instrumentalization by the current Trump administration, in the face of the application of sanctions to the Minister of the STF, Alexandre de Moraes, highlights a distortion that attacks the very idea of international law as a system of rules that sustains sovereignty and the separation of powers, which reveals the decline in the effectiveness and legitimacy of the post-1945 system and a threat to the very essence of international law; c) to analyze how the application of the Magnitsky Act to Justice Alexandre de Moraes, a judge in full exercise of his function in a consolidated democracy such as Brazil, evidences a distortion that attacks the very essence of international law, by challenging sovereignty, the separation of powers and the principle of equality between States, so that the Magnitsky Act reveals itself as an indicator of the fragility of the post-1945 global system, symbolizing its fragility and the decline of its promise of universal coordination and justice and the current crisis of international law.

Thus, in a conclusive way, this study aims not only to make a useful cartogram for the description of an intricate current reality, but also to consolidate an analysis that contributes to the reflection of how the set of reactions and movements of the actors involved tends, can and even should be, considering the interests at stake and the possible panoramas.

2 INTERNATIONAL LAW BETWEEN THE ADVANCE OF NATIONAL AUTOCRACIES AND THE DECLINE OF THE LIBERAL INTERNATIONAL ORDER

Despite the intense rivalry and disputes in various dimensions and scenarios that characterized the Cold War period for decades (HOBSBAWM, 1995), it is possible to recognize the existence of a minimum standard of structuring elements of the post-1945 international order consensual among the superpowers of the time – as demonstrated by the somewhat unusual and unexpected "triumph of human rights" (MAZOWER, 2004), a cornerstone of the United Nations and of the international system itself after World War II. This set of defining characteristics of post-1945 international governance includes: a) the aforementioned primacy of human rights; b) the defense of multilateralism and international intergovernmental organizations as a deliberative arrangement par excellence; c) the promotion of democracy and the *rule of law* as an anchor for the stability of the international

system; d) the strengthening of international trade as a way for the economic development of nations (IKENBERRY, 2001; IKENBERRY, 2012). Although with a greater rhetorical potential than with effective factual repercussion, this list of elements constitutes what is conventionally called the "Liberal International Order" (IKENBERRY, 2001; KUPCHAN, 2013).

One of the fundamental conditions for the structuring and operationalization of global governance from the mid-1940s onwards in the terms intended by the leaders of the Liberal International Order was a transformed international law (SLAUGHTER, 2004). Established for centuries mainly as a horizontal instrument for aligning the sovereign autonomies of the National States for the purposes of coexistence (OPPENHEIN, 1905), post-World War II international law has altered characteristics and function (LAUTERPACHT, 1950) and has become a catalyst for cooperation at the global level. Thanks to a set of vigorous transformations (such as the expansion of its regulatory potential, the inclusion of new thematic domains, the expansion of the list of subjects of law and the proliferation of control bodies and international courts), international law gradually ceased to be a "Law of the State System" to become a true "Law of the International Society" (SCHWARZENBERGER, 1962; FRIEDMANN, 1964; AMARAL JÚNIOR, 2008; PELLET, 2014), maintaining the inherited organizational principle of sovereign autonomy, but reflecting the intense complexification of International Relations since the twentieth century.

Although the international reality has been greatly altered over the last 80 years, it is noticeable that the transformative promise announced by the renewed post-war international law and the consolidation of the hegemony of the Liberal International Order has not been achieved. Even though the systemic developments of the end of the Cold War initially strengthened the exercise of power and authority (as well as law) beyond the national State – in order to configure a second moment in the affirmation of the Liberal International Order (BÖRZEL; ZÜRN, 2021) – the pretensions of a global democracy and the cosmopolitanism typical of the 1990s (HELD, 1995; HABERMAS, 2001; VILLA; TOSTES, 2006) did not resist the multiple consequences of September 11, 2001 and the return of the security issue to the forefront of the transnational agenda.

The reorganization of the international system in the following years made evident the practical limits of global governance and strengthened criticism of the effectiveness of the pillars of the Liberal International Order, especially with regard to the selectivity in the defense of democracy and human rights by the UN in concrete cases, the role of the international institutional structure as a mere tool for the legitimization of the domination of the main powers over the rest of the community of states, and the the fact that the international trade regime

has not been able to generalize and satisfactorily expand its gains for developing countries (MEARSHEIMER, 1994; MEARSHEIMER, 2019).

This process of disenchantment with the Liberal International Order is simultaneous with the strengthening of national political projects characterized by the questioning not only of democratic practices, but also of democracy itself as an idea[3] (VORMANN; WEINMAN, 2021; MOUNK, 2019; MOYN, 2018; LEVITSKY; ZIBLATT, 2018). The contemporaneity between the current Crisis of Democracy and the dismantling of the Liberal International Order is not a historical coincidence, since "the decay of political-democratic scenes at the national level is directly connected to problems and limitations of global governance, in a dynamic of mutual weakening" (CARVALHO, GASPARDO; 2023, p.49) – something that, as we will see below, Law sometimes catalyzes instead of stagnating.

Although it is possible to identify the historical genesis of what has come to be called the "third wave of autocracies" at the beginning of the present century (LÜHRMANN; LINDBERG, 2019), this phenomenon is more evident in the last 15 years with the rise of far-right groups, parties, and ideas – and seems far from losing traction[4] (NORD; ALTMAN; ANGIOLILLO; FERNANDES; GOOD GOD; LINDBERG, 2025, p. 5). Even if they do not ignore the classic autocratic model of obtaining or maintaining power by political violence or coup d'état, contemporary autocratic regimes and projects have given prestige to actions associated with "democratic erosion" – that is, the use of electoral processes and the democratic normative-institutional framework itself to weaken democracy from within (LÜHRMANN; LINDBERG, 2019). Such a strategy, however, does not distance the current detractors of democracy from some of the historical autocratic banners, such as the contempt for the *rule of law*, the contestation of the separation of powers, the use of nationalist and xenophobic rhetoric, the cult of personality to the detriment of institutional channels, the

[3] It is curious to note that it starts from contemporary texts and theorists that reflect on the challenges of the Liberal International Order (even if with different focuses, affiliation or critical content [IKENBERRY, 2018; MEARSHEIMER, 2019]) – specifically locates China and Russia as the potential disarticulating forces of the liberal primacy of the international level, instead of attributing this role to the generalization or strengthening of autocratization projects regardless of their latitude (as done, for example, by RISSE, 2024) – which is an ironic option, especially considering how China, The Soviet Union and the Western powers cohabited for decades the stages of the Liberal International Order.

[4] According to the *V-Dem 2025 Report*, the global democratic panorama reveals a highly worrying scenario. In historical terms, the current indices of democracy correspond to levels similar to those observed in 1996 (when considering the number of countries classified as full liberal democracies) or 1985 (if the criterion is the population covered). In addition, full democracies today have their lowest economic weight in half a century. For the first time in decades, there are more autocracies (91) than democracies (88), with about three-quarters of the world's population living under authoritarian regimes – a situation that has not been recorded since 1978. Concern is also intensified by the growing number of countries in which fundamental rights such as freedom of expression (44), electoral fairness (25), freedom of association (22) and the rule of law itself (18) are threatened. In this adverse global context, Brazil appears as a unique case: it is currently the most populous country to go through a process of democratic strengthening, in contrast to at least 45 nations that follow the opposite trajectory, towards autocratization (NORD; ALTMAN; ANGIOLILLO; FERNANDES; GOOD GOD; LINDBERG, 2025, p. 6).

delegitimization of scientific knowledge, and the persecution of vulnerable groups. In this requiem of criticisms sponsored mainly by the national far-right political forces of today, an additional element (and especially pertinent to this text) is the frequent contestation of instances of global governance characteristic of the Liberal International Order[5] (RISSE, 2024) – such as multilateralism and international organizations (PECEQUILO; CARVALHO, 2022) – based on a peculiar interpretation of the notion of "sovereignism" (HAZONY, 2025), that is, that of an ambiguous set of propositions that combines extreme nationalism, criticism of globalization, and opposition to international law[6] (EL TAKI, 2022).

It should be noted that critical questioning of the aforementioned post-World War II transformation of international law is not something recent or exclusive to defenders of extremist projects of the last 15 years. The complexification of the international legal order in the second half of the twentieth century, emblematized by the advent of an alleged scale of imperativeness of international norms and by the flexibilization of sovereign autonomy (imposed in the name of the interest of an indistinct international community), would jeopardize the systemic coherence of international law and would be nothing more than a way of varnishing the operationalization of the national interests of the powers (WEIL, 1983). However, the recent approach of autocratic national governments in relation to international law goes beyond the critical observation that the legal-institutional framework can be hijacked by the interests of the great powers (FALK 2002), which for years has strengthened only reformist pretensions to combat *enforcement* problemsinternational norms and courts, for example, in the international legal regime of human rights (MOYN, 2018) – but also in the international regulation of trade and the environment.

In addition to the findings on the lack of effectiveness of international legal norms and the respective bodies that apply law at the transnational level, characteristic elements of a previous crisis of the normative-institutional system developed from the second half of the twentieth century, today's autocratic leaders question and attack the very pertinence and function of international law (WAJNER, 2023). Thus, in the tensions, disputes, and global dynamics of transformation of today's transactional legal phenomenon, it is possible to

[5] In this scenario, the discourse of contestation of the liberal-international script was gradually strengthened and began to be organized into three major axes: a) the growing feeling on the part of the national populations and political elites that international organizations were increasingly interfering in issues historically of an internal nature without offering a corresponding and sufficient compensatory participation in deliberative bodies beyond the State; b) the deepening of material inequalities at the international level and c) the inability of international governance bodies to effectively address and placate key issues of the global scenario such as the climate crisis, serious human rights violations, and health emergencies (BÖRZEI, ZÜRN, 2021; RISSE, 2024).

[6] Instead of constituting a systemic conceptual framework or a critical theoretical reflection of the notion of sovereignty and its related practices, what has been characterized as "sovereignism" is more like a field of development of mobilization and political action aimed at questioning and destructuring the Liberal International Order (KALLIS, 2018).

identify not only actors who dispute the material content of the norms and persuasively try to alter their text or interpretation in favor of the national interest, but also forces that attack the legal-institutional apparatus itself with a view to a regressive implosion of global governance, configuring the so-called "hostile agents of change" (POLLACK, 2023). It is precisely this defense and encouragement of the broad de-juridification of international relations that embodies a leading issue for the current autocratic leaderships around the globe, including in the case of the USA (LAKE, 2018) – once the great guarantor of the Liberal International Order and the stabilizing role of law in this scenario.

This replacement of the criticism about the ineffectiveness of the transformed international law of the post-World War II period with the abandonment of the relevance of international law as an "institution" (BULL, 2002) is clearly identifiable by several examples of Donald Trump's first term (such as the unfeasibility of the functioning of the Appellate Body of the Dispute Settlement Mechanism of the World Trade Organization, the tariff war with China [POLLACK, 2023] and active non-compliance with several international human rights legal commitments signed by the US [KOH, 2019]) and has been exacerbated since the beginning of the second Trump term (with support for Russia in the unfolding of the Ukraine War, the publicized intention to incorporate Greenland, the claim to the Panama Canal, the formal withdrawal from various international legal regimes, the critical positioning of senior officials of the mandate on the World Bank, the IMF and the UN [COOLEY, NEXON, 2025]). In this sense, and even though it is a normative diploma of national law, the evolutionary analysis of the Magnitsky Act is a powerful and emblematic methodological resource to understand this crumbling of the structure and function of international law itself in contemporary times, empirically demonstrating the existence of its aforementioned double crisis.

3 UNDERSTANDING THE MAGNITSKY ACT AS A PARADIGM AND PRACTICE: THE BRAZILIAN CASE

As seen, the Liberal International Order – built on the rubble of World War II and based on the pillars of institutionalism, multilateralism, and a global *rule of law* – is under increasing and multifaceted attack (IKENBERRY, 2018). The emblematic UN Charter, which enshrined the sovereign equality of States as a basic principle, established a regime of collective security to deal with the challenges of international peace and affirmed the primacy of human rights, has been challenged daily in recent years by a wave of autocratic governments that not only thicken and exploit their contradictions, but who work for their sunset.

As expected, the generalization of autocratization[7] not only interrupts the expansion of the number of democratic experiences on the globe and weakens democratic regimes from within, but also erodes the foundations of the Liberal International Order – attacking several of its constituent elements, including the very essence of international law (both in its original "contractualist" version and in its "regulatory" dimension incorporated with the post-World War II period). In this context, the emergence of national practices and legislation that subsidize unilateralism can garner support in the name of the promise of sanctions for internationally unwanted conduct, while generating a paradox considering the principle of sovereignty (KENNEDY, 2004). As we will see, this is the case of the Magnitsky Act in its genesis, which originally exemplified the dilemma between an alleged effective accountability and the maintenance of sovereign inviolability, but which has recently been instrumentalized in such a way that it constitutes one of the "*dark sides of virtue*" (KENNEDY, 2004).

International sanctions, usually understood as the actions of one or more countries ("senders") against others ("receivers") to punish them, depriving them of something or forcing them to follow norms that the senders consider relevant (GALTUNG, 1967, p. 378), have always been an instrument present in the dynamics of international politics. Such sanctions, used with the objective of modifying behaviors considered undesirable or unacceptable by certain States or specific international actors, have historically been problematized in view of their (sometimes inhumane) effects when applied broadly to the country. Notably emblematic in this field is the episode that occurred in Iraq in the 1990s, in which the consequences for the civilian population of sanctions of this nature (which resulted in significant humanitarian damage, generating strong ethical and political criticism, and their effectiveness in achieving the desired effect is questionable) led to the reflection and subsequent formulation of the so-called "regime of intelligent sanctions" (CARVALHO, 2020), which aims to focus directly on the sanctioned person, encapsulating "accountability" and attempting to minimize the consequences and harm to the civilian population – through measures such as arms embargoes, asset freezes, asset freezes, and travel bans on specific individuals and organizations, so that sanctions should be proportionate, selective, and focused on violators.

In any case, it should be noted that the modern notion of this type of sanctions was consolidated after the First World War with the consequent emergence of the League of Nations, when the then US president, Woodrow Wilson, defended absolute boycotts – in which all citizens of an aggressor country would be unable to negotiate or communicate with the members of the League (FRIEDMAN, 2012). However, this tool showed its weaknesses,

[7] See footnote number 2.

such as the failure of sanctions against Italy, to persuade Benito Mussolini to withdraw his troops from Abyssinia (present-day Ethiopia) in the 1930s (FRIEDMAN, 2012). World War II brought new examples of the use of unilateral sanctions with reckless collateral consequences, such as the escalation of tension with the US trade restrictions on Japan that preceded the attack on Pearl Harbor (FRIEDMAN, 2012).

With the creation of the UN, in 1945, sanctions gained institutionality and legal support (see, for example, article 42 of the San Francisco Charter), in the search to isolate nations that put international peace and security at risk, even though they were little used during the Cold War. Thanks to the impasse between the superpowers typical of the Cold War (and the substantiation of this paralysis in the power of veto), the sanctions provided for in the Charter of San Francisco were used only in extreme situations, such as against the segregationist regimes of Rhodesia and South Africa. In the 1960s, concern about the negative humanitarian effects of sweeping sanctions took hold, underscoring their tendency to harm the civilian population rather than the elites in power (FRIEDMAN, 2012). As already mentioned, this perception is reinforced in the 1990s with the sanctions applied by the UN to Iraq for the invasion of Kuwait – which caused a strong humanitarian crisis and, indirectly, led to the emergence of the so-called "smart" or "targeted" sanctions, whose measures aimed to reduce the impact on the civilian population, since the targets were very specific (such as political leaders and companies).

The use of smart sanctions intensified after the September 11, 2001, attacks aimed at financially cracking down on terrorist networks, when the UN Security Council imposed anti-terrorism obligations on its member states, ordering them to freeze assets and restrict the movement of people identified as terrorists and their supporters. It is at this moment that the US Executive Branch, George W. Bush administration, threatened to prohibit the hiring and operation in the US of any foreign banking institution that refused to freeze assets of those who were named as alleged collaborators in terrorism on the lists of the UN Security Council's Anti-Terrorism Committee (FRIEDMAN, 2012). Technology and the globalization of financial systems have facilitated the application of these targeted sanctions, which have become a standard of legitimacy, with a view to the individualization of responsibility.

Thus, the Magnitsky Act, adopted in the US in 2012 and expanded in 2016 to its current version of the *Global Magnitsky Act*, emerged in this matrix of individualized accountability of public officials for serious human rights violations and acts of corruption – transposing to the national level (in this case the US) the logic of smart sanctions and whose application depends on a unilateral political decision by the country. It should be noted that the now widely known *Global Magnitsky Act* is partly based on this aforementioned previous law of

2012, which had Russia as its fulcrum – the *Sergei Magnitsky Rule of Law Accountability Act* (or simply *Magnitsky Act*) – enacted in response to the arrest and death on Russian territory of Sergei Magnitsky.

Sergei Magnitsky was a lawyer and auditor in Russia, who denounced the expropriation of the assets of *Hermitage Capital Management* (HCM) – at the time the largest foreign investment brokerage firm in Russia, founded by the American William Browder – through the rampant corruption of the Russian government. Russian authorities detained Magnitsky in November 2008, allegedly for tax evasion. During his incarceration, Sergei Magnitsky was denied medical care, family visits, and, according to his defense, due process. In addition, he was allegedly tortured while in detention and ended up dying in prison in November 2009 (Weber, 2021, p. 1), "a week before the maximum legal term for being held without trial was reached" (GANHÃO, 2021).

Sergei Magnitsky worked for the HCM investment fund as a representative in Russia. Although the creator of the fund (William Browder) was initially an "ally" of Putin, in 2005 he was expelled from the country by the government, leaving representation in the country in the hands of Magnitsky. Magnitsky and Browder were investigating a corruption scheme involving Russian judges, bankers, police officers, civil servants, and mobsters, in which the company was allegedly required to pay $230 million in taxes it had already collected. The company was accused by the Russian government of the same tax fraud it was then investigating, which is why Magnitsky was arrested. In prison, the lawyer was repeatedly tortured, having died in 2009 as a result of pancreatitis. Even after his death, the Russian government still found Magnitsky guilty, and Browder was also convicted (CASTAÑEDA, 2022, p. 29). An August 2019 ruling by the European Court of Human Rights recognized Magnitsky's appalling conditions of detention and acts of ill-treatment, which constituted multiple violations of the European Convention on Human Rights, including the prohibition of torture and inhuman or degrading treatment or punishment (WEBER, 2021, p. 1), ruling that Russia had violated Magnitsky's right to life, the right to liberty, the right not to be subjected to torture and inhuman or degrading treatment, and the right to a fair trial (JIA, 2024, p. 128).

Faced with this event, Browder, CEO of *Hermitage Capital*, publicized the case and pressured US authorities to pass legislation that would sanction Russians involved in corruption. As part of his campaign, he took the case to U.S. Senators Benjamin Cardin (Democrat) and John McCain (Republican), who drafted and presented a bill to the U.S. Congress on the subject. In June 2012, the U.S. House Foreign Affairs Committee reported to the House a bill called the *Sergei Magnitsky Rule of Law Accountability Act*, whose primary purpose was to punish Russian officials found responsible for Sergei Magnitsky's death (by

banning his entry into the U.S. and use of his banking system). The legislation was brought before the Senate the following week, and on December 6, 2012, the Senate passed the House version of the bill, by a vote of 92 to 4. According to Browder, the great support came from the fact that "there was no pro-torture and murder lobby in Washington to oppose the bill. No one would fail to vote for a senator, whether he was the most liberal Democrat or the most conservative Republican, for prohibiting Russian murderers and torturers from entering the United States" (BROWDER, 2015, p. 229).

The law was signed into law by then-President Barack Obama on December 14, 2012. In April 2013, the Obama administration published a list of 18 individuals to be sanctioned under this law. Later, in response, Russia issued a list of U.S. officials barred from entering its territory (LIMON; CAREY, 2018). The *Magnitsky Act* detailed the use of sanctions through international travel bans and administrative asset freezes to restrict the entry into the U.S. of individuals involved in serious human rights violations and significant corruption or access to any wealth within the U.S. financial system. However, in order for an individual to be eligible for sanctions, he or she had to (i) be a Russian citizen and (ii) meet one of two requirements: (a) be responsible for extrajudicial killings, torture, or other serious human rights violations, or (b) have promoted acts related to corruption, such as misappropriation of property, expropriation of private property for personal purposes, or bribery (PREWITT, 2024, p. 4).

The initial purpose of this "first" Magnitsky Act was to restrict sanctions exclusively on Russia and those involved in the death of Sergei Magnitsky. However, the period between 2012 and 2015 was marked by the *advocacy* efforts of human rights organizations, activists, and legislators who advocated for an expansion of the principles of this law to a global scale, as cases of human rights violations and corruption were not limited to Russia. With increasing international interest in curbing human rights abuses and corruption at the global level, the U.S. proposed a solution through the *Global Magnitsky* Act.

Thus, in 2016, the U.S. Congress enacted the *Global Magnitsky Human Rights Accountability Act*, expanding the scope of the pioneering Magnitsky Act, authorizing the U.S. President to impose sanctions on any individual or entity responsible for committing serious human rights violations or acts of significant corruption anywhere in the world.

The following year, in December 2017, then-U.S. President Donald Trump issued Executive Order 13818, which declared that the prevalence and severity of human rights abuses and corruption that originate, in whole or in substantial part, outside the U.S. threaten the stability of international political and economic systems and constitute an unusual and extraordinary threat to national security, to U.S. foreign policy and the U.S. economy. The Secretary of the Treasury was thus authorized to impose sanctions against any foreign

person, in consultation with the Secretary of State and the Attorney General, who was: i) responsible, complicit in, or have engaged (directly or indirectly) in serious human rights violations; (ii) a public official, or a person acting for or on behalf of such an official, who is responsible for or complicit in, or who has engaged directly or indirectly in, in cases of corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery, or the transfer or facilitation of the transfer of the proceeds of corruption (LIMON; CAREY, 2018).

As mentioned, the *Global Magnitsky Act* allows the U.S. to unilaterally impose sanctions on individuals and entities in other countries without the consent or cooperation of the target nation. It is not surprising that such a practice is understood as external interference in the internal affairs of a sovereign State, and such a measure is a clear violation of the principle of sovereign equality of States.

In this sense, the imposition of Magnitsky Act sanctions against the Minister of the Federal Supreme Court (STF) of Brazil Alexandre de Moraes, by the US government, in July 2025, illustrates this situation. The Magnitsky Act, although originally created to punish human rights violations, can be understood as mere external interference in internal affairs and an affront to sovereign equality.

On July 30, 2025, the U.S. Department of the Treasury*'s Office of Foreign Assets Control (OFAC*) included the Minister of the Supreme Court of Brazil, Alexandre de Moraes, on the list of those sanctioned by the *Global Magnitsky Act*, based on alleged serious human rights violations, on the grounds that the minister had used his position to authorize preventive arbitrary detentions, suppress freedom of expression, and conduct politically biased prosecutions (including against former President Jair Bolsonaro) and possible abuses in the conduct of judicial proceedings related to the fight against disinformation and anti-democratic acts of January 8, 2023.

According to the U.S. Department of the Treasury, Minister Alexandre de Moraes

> *has investigated, prosecuted, and suppressed those who have engaged in speech that is protected under the U.S. Constitution, repeatedly subjecting victims to long preventive detentions without bringing charges. Through his actions as an STF justice, de Moraes has undermined Brazilians' and Americans' rights to freedom of expression. In one notable instance, de Moraes arbitrarily detained a journalist for over a year in retaliation for exercising freedom of expression.*
> *De Moraes has targeted opposition politicians, including former President Jair Bolsonaro; journalists; newspapers; U.S. social media platforms; and other U.S. and international companies. U.S.-based journalists and U.S. citizens have not been spared from de Moraes' extraterritorial overreach. De Moraes has imposed preventive detention on and issued a series of preventive arrest warrants against journalists and*

social media users, some of whom are based in the United States. He has also directly issued orders to U.S. social media companies to block or remove hundreds of accounts, often those of his critics and other critics of the Brazilian government, including U.S. persons. De Moraes has frozen assets and revoked passports of his critics; banned accounts from social media; and directed Brazil's federal police to raid his critics' homes, seize their belongings, and ensure their preventive detention.
De Moraes is being sanctioned pursuant to E.O. 13818 for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.[8] *(USA, 2025a)*

It can be seen that the grounds for the decision to invoke the Global Magnitsky Act and the application of sanctions to Justice Alexandre de Moraes were based on the classification of the minister as a foreign person who is responsible for or complicit, or has been directly or indirectly involved in serious human rights abuses[9] (USA, 2025a), in order to demonstrate legal legitimacy by invoking classic principles of extraterritorial jurisdiction recognized by international law (such as the principle to protection, reflected in the direct impact on U.S. citizens and businesses through direct orders to U.S. social media companies and preemptive detentions against U.S.-based journalists, so that sanctions would protect fundamental U.S. interests such as the freedom of expression of U.S. citizens, the integrity of U.S. companies, and protection from extraterritorial coercion). Another ground invoked was the direct extraterritorial effects, since the Minister's actions produced direct effects on American territory, through compulsory orders to companies based in the USA, restrictions on American citizens and interference in American commercial activities.

As a result of the sanction imposed, all possible assets and assets of the Minister located in the U.S. or in the possession or control of U.S. persons were frozen or blocked, in addition to being reported to OFAC. In addition, any property, individual or collective, in 50% or more, of the Minister was also blocked. Unless authorized by a license issued by OFAC

[8] [Alexandre de Moraes] "investigated, prosecuted, and prosecuted those who engaged in speech protected by the U.S. Constitution, repeatedly subjecting victims to lengthy pretrial detention without filing charges. Through his actions as a Supreme Court justice, de Moraes undermined the rights of Brazilians and Americans to freedom of expression. In one notable case, de Moraes arbitrarily detained a journalist for more than a year in retaliation for exercising freedom of expression.
De Moraes targets opposition politicians, including former President Jair Bolsonaro; journalists; newspapers; U.S. social media platforms; and other U.S. and international companies. Journalists and American citizens were not spared from Moraes' extraterritorial reach. De Moraes has imposed pretrial detention and issued a series of pretrial detention warrants against journalists and social media users, some of whom are based in the United States. He has also issued orders directly to U.S. social media companies to block or remove hundreds of accounts, often of his critics and other critics of the Brazilian government, including U.S. citizens. De Moraes froze assets and revoked passports of his critics; banned social media accounts; and ordered the Federal Police of Brazil to raid the homes of his critics, seize their belongings and ensure their preventive detention.
De Moraes is being sanctioned under EO 13818 for being a responsible or complicit foreign person, or who has engaged directly or indirectly in serious human rights abuses" (USA, 2025a).

[9] In the original: "*De Moraes is being sanctioned pursuant to E.O. 13818 for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse*". De Moraes is being sanctioned under EO 13818 for being a responsible or complicit foreign person, or who has engaged directly or indirectly in serious human rights abuses" (USA, 2025a).

(USA, 2025a), in addition to the revocation of American visas, the determination provides for the blocking of credit cards and the prohibition of carrying out financial operations with companies linked to the American system.

This case represents an unprecedented precedent in Brazilian and Latin American legal history, as it is the first time that a Supreme Court justice has been sanctioned by the U.S. for alleged human rights violations in the exercise of his judicial function.

In this context, it is worth remembering other cases of application of the Magnitsky Act. In the early years of the law and since the expansion to "Global", military chiefs, commanders of security forces, state officials, oligarchs, and senior officials linked to the repression of human rights were typical recipients of the law, such as, for example, the officials of Saudi Arabia who were sanctioned for the murder of journalist Jamal Khashoggi; the Chinese authorities sanctioned for abuses and repression against the Uyghur minority in Xinjiang; the Myanmar military sanctioned for the repression against the Rohingya population; the Russian oligarchs and politicians sanctioned after the invasion of Ukraine in 2022 (USA, 2025b).

From the analysis of these emblematic cases, it can be seen that normally the subjects targeted by the sanction are executive agents, military personnel, officers of the armed forces, corrupt agents. The application of sanctions to magistrates is not common, but there are some precedents of sanctions against members of the judiciary – such as the case of April 2013, in which three Russian judges (Aleksey Krivoruchko, Sergei Podoprigorov and Yelena Stashina), of the Tverskoy District Court in Moscow, were sanctioned for their participation in the arrest and death of Sergei Magnitsky. Russian Judge Yelena Lenskaya (of the Basmanny District Court) was sanctioned in March 2023 for approving the arrest of activist Vladimir Kara-Murza. And, in August 2020, two Ugandan judges (Moses Mukiibi and Wilson Musalu Musene) were sanctioned for involvement in a scheme to traffic children for adoption in the US (GALÃO, 2025).

As seen, Magnitsky's sanctions are generally applied against perpetrators of serious crimes (human rights violations and corruption) and, even when applied to members of the Judiciary, they were penalized for using their positions and power in very unique factual situations – and not for exercising their usual jurisdictional function in a democratic system with appeals. In view of these cases, it is clear that the exceptionality of the case of Alexandre de Moraes does not lie in the fact that it is a sanction applied to a judge, even if of the Supreme Court, but in the Brazilian political-legal context and in the specific interpretation that the US gave to the Minister's actions regarding the accusation of abuse of authority of human rights violations – imposing the American view that the Brazilian Minister would have exceeded the

legitimate exercise of his jurisdictional function, in order to fit it into the categories of abuse of power and human rights violations that the Magnitsky Act would aim to combat.

By contrasting these cases already sanctioned by the Magnitsky Act with the case against Justice Alexandre de Moraes, it is clear that the accusations against this Minister do not involve torture or corruption, but rather ordinary jurisdictional acts – they refer to decisions rendered in judicial proceedings, based on his interpretation of the Brazilian Federal Constitution and criminal legislation to contain threats to the Democratic Rule of Law. In addition, the Minister's decisions are made within the highest court of one of the largest democratic regimes in the world (and his decisions are, as a rule, submitted to the review of the Plenary of the STF, where they can be maintained or modified, by mechanisms of appeal and control of the Brazilian legal system itself).

Although international law admits certain forms of extraterritorial jurisdiction, the application of economic and personal sanctions by one State on a public servant of another State for internal acts raises international political questions. The U.S., by applying the sanctions of the Magnitsky Act to a justice of the Supreme Court of Brazil, extends its jurisdiction beyond its borders, claiming an authority to judge and punish conduct that, for the impacted State, is a matter of its exclusive jurisdictional competence.

So much so that the measure revealed tensions and provoked a diplomatic crisis between Brazil and the US, with the Brazilian government and the Supreme Court itself contesting the automatic application of foreign laws in national territory, reflecting an illegitimate interference in Brazil's domestic jurisdiction, sovereignty and judicial independence. In this context, the decision rendered by Justice Flávio Dino in the Allegation of Non-Compliance with a Fundamental Precept (ADPF) 1,178 represented one of the main pronouncements of the STF on national sovereignty throughout its history. Although the immediate object of the action was the legality of "Brazilian municipalities litigating directly before foreign jurisdictions, to the detriment of Brazilian jurisdiction, on facts that occurred in Brazil and governed by Brazilian law", its scope and reasoning dialogued directly with a broader context of pressures and attempts at external interference, such as in the application of sanctions by the Magnitsky Act to Minister Alexandre de Moraes. Thus, although factually distinct, ADPF 1.178/DF served as a systemic response to try to reinforce the shielding of the Brazilian State against the extraterritoriality of foreign unilateral acts.

It is worth remembering that ADPF 1.178/DF was proposed by the Brazilian Mining Institute (IBRAM) against the practice of Brazilian municipalities filing lawsuits in foreign courts to seek reparations for environmental damage that occurred in Brazil (in this case, the Mariana and Brumadinho disasters). However, the neuralgic point that motivated the

forcefulness of Justice Dino's decision was the news that the English Court had granted a precautionary measure that ordered IBRAM (defendant in the English lawsuit) to withdraw a request made within the STF itself, in ADPF 1.178. This act was interpreted by the Minister as a direct interference by a foreign jurisdiction in the ongoing judicial process in the Brazilian court.

However, although Justice Dino did not expressly mention the Magnitsky Act in his decision or the case of the application of American sanctions to Justice Alexandre de Moraes, Dino left no doubt that his decision transcends the specific case of ADPF 1.178/DF, directly affecting, and not by mere causality, the Alexandre de Moraes case and the Magnitsky Act and other external pressures. when he said

> However, in this period of just over a year, the empirical support of this controversy has changed significantly, especially **with the strengthening of waves of force imposition by some nations on others. As a result, in practice, essential postulates of International Law have been attacked**. (...) In this context, Brazil has been the target of several sanctions and threats, which aim to impose thoughts to be only "ratified" by the bodies that exercise national sovereignty. (STF, 2025, p. 13) (Emphasis in original)

Another crucial point linking this decision with the Magnitsky case is inserted in items 27-III and IV, 28 and 29, when the decision concludes that

> 27. Thus, it is urgent to clarify that:
> (...)
> III) foreign laws, administrative acts, executive orders and similar diplomas do not produce effects in relation to: a) natural persons by acts in Brazilian territory; b) legal relationships entered into herein; c) assets located here, deposited, stored, and d) companies that operate here. A different understanding depends on an express provision in rules that are part of the Domestic Law of Brazil and/or on a decision of the competent Brazilian judicial authority;
> IV) any violation of items II and III constitutes an offense to sovereignty public order and good customs, therefore it is presumed that the ineffectiveness of such laws, acts and sentences emanating from a foreign country. Such presumption can only be rebutted, from now on, by deliberation expressed by the STF, in the context of a Constitutional Complaint, offered by any injured party, or other appropriate legal action, except for competence provided for in article 105, I, "i", of the FC; e
> (...)
> **28. Such grounds and commands, with *erga omnes* and binding effect, focus on the controversy portrayed in these records and on all others in which a foreign jurisdiction - or another foreign State body - intends to impose, in the national territory, unilateral acts over the authority of the sovereign bodies of Brazil. This clarification aims to remove serious and current threats to legal certainty in the national territory.**

> 29. Thus, impositions, restrictions of rights or instruments of coercion executed by legal entities incorporated under Brazilian laws and that have their headquarters and administration in the country, as well as those that have a branch or any professional, commercial or intermediation activity in the Brazilian market, resulting from determinations contained in foreign unilateral acts, are prohibited. (STF, 2025, p. 17-19) (Emphasis in original)

In these excerpts, it is possible to observe that the decision prohibits legal entities in Brazil from executing "impositions, restrictions of rights or instruments of coercion" arising from "foreign unilateral acts", a situation that fits perfectly with the case of the application of sanctions by the Global Magnitsky Act, by the USA, to Minister Alexandre de Moraes, so that banks and companies in the national territory would be, by virtue of this decision of the STF, prohibited from complying with such sanctions, as it would be an execution of a unilateral foreign act that would offend national sovereignty.

It can be seen, therefore, that in this decision Justice Dino recognizes a pattern of international behavior and positions his decision as a defense of the Brazilian State against the tendency of extraterritorial application of a foreign legal order in Brazilian territory, in defiance of the basic principle of national sovereignty, serving as a *leading case* on the defense of Brazilian sovereignty.

4 THE MAGNITSKY ACT AS A PARAMETER OF THE DOUBLE CRISIS OF INTERNATIONAL LAW IN THE TWENTY-FIRST CENTURY

The Magnitsky Act emerged driven by the death of Russian Sergei Magnitsky and initially aimed to punish those responsible for his death, however, in 2016, it was expanded globally with the passage of the Global Magnitsky Act, allowing the US to sanction foreign individuals involved in serious human rights violations or corruption anywhere in the world.

It is precisely because of this bias that, at the time of its advent, the Magnitsky Act was welcomed by organized civil society (especially in the area of human rights) as a powerful tool of hope to hold corrupt agents and/or serious human rights violators accountable, especially in contexts where national governments were unable or negligent to do so. Moreover, Magnitsky would overcome the paralysis of international law (notably the international law of the Liberal International Order), especially the slowness and political blockages in the UN Security Council, not to mention the selectivity of international criminal jurisdiction. Thus, the appeal of the Magnitsky Act emerged from its symbolic effectiveness in terms of the promise of concrete punishment where national and international law failed.

The ability of the Magnitsky Act to impose sanctions, whether through economic measures, such as the freezing of assets and assets or the prohibition of entry into the

sanctioning country, offers a mechanism to combat transnational impunity, something that international law has often failed to achieve. That is why the Magnitsky Act has become one of the most accurate thermometers capable of measuring the health of contemporary international law, since its trajectory reveals from the outset a deep crisis in the multilateral system (in addition to a second crisis, which would soon be revealed).

In this context, the law was seen as a chance to effectively sanction those responsible for serious violations, occupying a vacuum left by international law, becoming a symptom of the crisis of effectiveness of the multilateral system, exposing the insufficiency of international law in responding to and addressing serious human rights violations. Thus, it can be seen that the birth and diffusion of the Magnitsky Act is not a product of the strength of international law, but rather a symptom of its weakness in terms of *enforcement* and, at the same time, a practical criticism of this failure.

If the origin of the law pointed to the failure to *enforce* international law, its instrumentalization, especially in the current Trump administration, began to signal the collapse of the promise of coordination that founded the post-1945 international order. The central idea of multilateralism was that international law would serve as a platform to build bridges, coordinate regimes, and generate mutual trust, which reality proved to be difficult to verify. More than that, the current instrumentalization of the Magnitsky Act reflects the opposite trend: the use of legal tools as weapons of foreign policy, with selective and politicized handling of the law – and not as instruments of universal justice, aimed at defending universal principles of human rights. Thus, this bias in the application of the law discredits multilateral instruments and the principles of international law, transforming them into tools of geopolitical intervention and potentially fatally wounding the international order itself

This strategic use of the Magnitsky Act reveals the vulnerability of international law as an idea, since, if initially the law was presented as a palliative to international incapacity, now its instrumentalization demonstrates that international law has not only lost its ability to fulfill the foundational promise of the post-World War II period, focused on coordination between international regimes and the construction of normative bridges between states, but that the impact is more severe.

The application of the Magnitsky Act by the U.S. government against Justice Alexandre de Moraes illustrates a new context, since this use of sanctions not only threatens the material content of international law, but international law as an organizational normative structure, because it directly affects one of its founding principles, that is, state sovereignty as a constitutive element of the international order. in force since the Peace of Westphalia (1648).

By sanctioning a Supreme Court magistrate of a democratic state in full exercise of his internal constitutional functions, the law becomes an instrument of attack on the very architecture of international law, questioning the balance between sovereignty, legitimacy and international cooperation.

By placing itself in the position of monitoring and punishing the jurisdictional acts of the judiciary of another country (Brazil), the U.S. Executive Branch frontally attacks the principle of sovereign equality of States, a pillar of the international order, demonstrating the denial of the principle "Par in parem non habet imperium", the basis of the entire framework of international law since its beginnings.

Furthermore, such application of the law deliberately ignores the existence of a functioning rule of law in Brazil, because as mentioned, the decisions of Justice Alexandre de Moraes are subject to appeals, to the scrutiny of the plenary of the STF and to the control mechanisms of the Brazilian justice system. To request and engender an external sanction is, in practice, to declare that the separation of powers in Brazil does not exist and that its judiciary is not legitimate. It is an attempt to override the constitutional order of a sovereign country through an act of foreign policy force. From this perspective, the uniqueness of the Magnitsky Act lies in being both a product of the bankruptcy of the Liberal International Order and a test of the resilience of international law as an idea

5 CONCLUSION

The analysis of the trajectory of creation, expansion and current use of the Magnitsky Act reveals a reality of double crisis of contemporary international law. Originally created as a tool to combat the systemic impunity of individuals responsible for serious human rights violations, the Law symbolized the inability of the multilateral system and contemporary international institutions to respond effectively to these violations. Its initial reception by civil society and human rights organizations demonstrated a hope that, even in the face of a fragile international structure, it would be possible to establish timely and effective justice mechanisms. However, it is undeniable that, in practice, such a beneficial expectation regarding the Magnitsky Act was nothing more than a reflection of the ineffectiveness of international law in ensuring the accountability of individuals, exposing its inability to fulfill the promise of a global order based on cooperation, justice and the protection of human rights.

The application of the Magnitsky Act to Minister Alexandre de Moraes transcends the mere instrumentalization of this tool and evidences its transformation into a foreign policy battering ram that, instead of reinforcing the objective of holding accountable the individual

who violates human rights or is corrupt, reinforces the fragility of the international coordination system and, thus, of international law itself as an ideal.

In this context, the application of the law against a judge of one of the largest democracies in the world represents a radical break with its original purpose because, as analyzed in this article, this law is not commonly used against an individual in the free exercise of his functional activity as a judge in a consolidated democracy. In its trajectory, the Magnitsky Act has been applied, as a rule, against the military, security agents, executive authorities and oligarchs involved in human rights violators**,** political repression or structural corruption. That is why the Brazilian case, by focusing on a magistrate in full and legal performance of his judicial functions, exposes a biased and selective use of the law, which seems to aim at the projection of political influence rather than the impartial defense of human rights.

This politicized use converts the Magnitsky Act into an instrument of geopolitical pressure, even more so when understood in the broader context of the erosion of the post-1945 liberal international order, in which the ideal of multilateral coordination is under attack by the growing rise of autocracies in the world, which relativize international commitments and weaken multilateral institutions, threatening the very organizational foundations of the international order. based on state sovereignty and the functional autonomy of its constitutive powers.

REFERENCES

Amaral Junior, A. (2008). Introdução ao direito internacional público. São Paulo: Atlas.

Börzel, T. A., & Zürn, M. (2021). Contestations of the liberal international order: from liberal multilateralism to postnational liberalism. International Organization, 75(2), 282–305.

Brasil. Supremo Tribunal Federal. (2025, agosto 18). Arguição de descumprimento de preceito fundamental (n. 1.178). Disponível em: https://portal.stf.jus.br/processos/detalhe.asp?incidente=6952622

Browder, B. (2015). Alerta vermelho: como me tornei o inimigo número um de Putin (M. Levy, Trad.). Rio de Janeiro: Intrínseca.

Bull, H. (2002). A sociedade anárquica. Brasília: Universidade de Brasília.

Carvalho, D. C. de, & Gaspardo, M. (2023). Crise da democracia e suas dimensões explicativas globais. In E. A. J. Prudente, M. P. D. Bucci, N. B. S. Ranieri, & S. B. de B. Tojal (Orgs.), Teoria do Estado contemporânea (pp. 45–76). São Paulo: Quartier Latin.

Carvalho, D. C. de. (2020). Nada vs. Suíça (12 de setembro de 2012). In J. H. R. Roriz & A. do Amaral Junior (Orgs.), O direito internacional em movimento: jurisprudência internacional comentada (Vol. 1, pp. 298–311). Brasília: IBDC.

Cooley, A., & Nexon, D. (2025). Trump's antiliberal order: how America First undercuts America's advantage. Foreign Affairs.

Castañeda, C. F. (2022). Medidas restrictivas en la Unión Europea: el nuevo régimen de sanciones contra las violaciones y abusos graves de los derechos humanos en el contexto internacional. Documento de Trabajo - Serie Unión Europea y Relaciones Internacionales, 119. Madrid: CEU Ediciones.

El Taki, K. (2025). The fall and rise of sovereignty. The British Journal of Politics and International Relations, 27(2), 628–642.

Estados Unidos. Department of the Treasury. (2025). Treasury sanctions Alexandre de Moraes. Disponível em: https://home.treasury.gov/news/press-releases/sb0211

Estados Unidos. (2025). Global Magnitsky sanctions: how they work and why they matter. Disponível em: http://sanctions.io/blog/global-magnitsky-sanctions

Friedmann, W. (1964). The changing structure of international law. New York: Columbia University Press.

Friedman, U. (2012). Smart sanctions: a short history. Foreign Policy. Disponível em: https://foreignpolicy.com/2012/04/23/smart-sanctions-a-short-history/

Galão, F. (2025). Juízes da Rússia e de Uganda foram alvos da Lei Magnitsky antes de Moraes. Gazeta do Povo. Disponível em: https://www.gazetadopovo.com.br/mundo/juizes-da-russia-e-de-uganda-foram-alvos-da-lei-magnitsky-antes-de-moraes/

Galtung, J. (1967). On the effects of international economic sanctions: with examples from the case of Rhodesia. World Politics, 19(3).

Ganhão, M. (2021). O caso Magnitsky: uma história de corrupção, denúncia, espancamentos de uma hora, morte e uma lei. Expresso Internacional. Disponível em: https://expresso.pt/internacional/2021-11-18-O-caso-Magnitsky-uma-historia-de-corrupcao-denuncia-espancamentos-de-uma-hora-morte-e-uma-lei-94d09cb0

Gaspardo, M., Bucci, M. P. D., Teixeira, V. C. G., Stuchi, C. G., Neto, J. D., Beçak, R., & Carvalho, D. C. de. (2025). Crise da democracia brasileira e arranjos jurídico-institucionais. Estudos Avançados, 39.

Ginsburg, T. (2021). Democracies and international law. Cambridge: Cambridge University Press.

Jia, Y. (2024). Global human rights sanctions: how can they contribute to addressing mass atrocities? Genocide Studies and Prevention, 18(2), 128–146. Disponível em: https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1977&context=gsp

Habermas, J. (2001). A constelação pós-nacional (pp. 75–142). São Paulo: Littera Mundi.

Hazony, Y. (2025). The Iran strikes and the Trump doctrine. Disponível em: https://www.thefp.com/p/the-iran-strikes-and-the-trump-doctrine

Held, D. (1995). Democracy and the global order: from the modern state to cosmopolitan governance. Stanford: Stanford University Press.

Hobsbawm, E. (1995). A era dos extremos: o breve século XX. São Paulo: Companhia das Letras.

Ikenberry, G. J. (2012). Liberal Leviathan: the origins, crisis, and transformation of the American world order. Princeton: Princeton University Press.

Ikenberry, G. J. (2001). After victory: institutions, strategic restraint, and the rebuilding of order after major wars. Princeton: Princeton University Press.

Ikenberry, G. J. (2018). Why the liberal world order will survive. Ethics & International Affairs, 32, 17–29.

Kennedy, D. (2004). The dark sides of virtue: reassessing international humanitarianism (pp. 235–266). Princeton: Princeton University Press.

Koh, H. H. (2019). The Trump administration and international law. Oxford: Oxford University Press.

Kupchan, C. (2013). No one's world: the West, the rising rest, and the coming global turn. Oxford: Oxford University Press.

Lake, D. (2018). International legitimacy lost? Rule and resistance when America is first. Perspectives on Politics, 16(1), 6–21.

Levitsky, S., & Ziblatt, D. (2018). Como as democracias morrem. São Paulo: Zahar.

Limon, M., & Carey, M. G. (2018). Time for a 'universal Magnitsky Act'? Universal Rights Group. Disponível em: https://www.universal-rights.org/time-for-a-universal-magnitsky-act/

Lührmann, A., & Lindberg, S. (2019). A third wave of autocratization is here: what is new about it? Democratization, 26(7), 1095–1113.

Mazower, M. (2004). The strange triumph of human rights (1933–1950). The Historical Journal, 47(2), 379–398.

Mearsheimer, J. J. (1994–1995). The false promise of international institutions. International Security, 19(3), 5–49.

Mearsheimer, J. J. (2019). Bound to fail: the rise and fall of the liberal international order. International Security, 43(4), 7–50.

Moyn, S. (2018). Not enough: human rights in an unequal world. Cambridge: The Belknap Press of Harvard University Press.

Nord, M., Altman, D., Angiolillo, F., Fernandes, T., Good, A., & Lindberg, S. I. (2025). Relatório da democracia 2025: 25 anos de autocratização – foi a democracia derrotada? Universidade de Gotemburgo. Disponível em: https://www.v-dem.net/documents/63/V-DemDemocracyReport_portuguese_2025_lowres.pdf

Pecequilo, C. S., & Carvalho, D. C. de. (2022). O populismo, o multilateralismo e a quebra de paradigmas: os Estados Unidos e o Brasil (2017/2021). In F. L. Corsi, A. dos Santos, & M. G. de Mendonça (Orgs.), América Latina e os impactos multidimensionais da pandemia. Marília: Praxis.

Pellet, A. (2014). Le droit international entre souveraineté et communauté. Paris: Pedone.

Pollack, M. A. (2023). Trump as a change agent in international law: ends, means, and legacies. In N. Krisch & E. M. Yildiz (Orgs.), Paths of change in international law (pp. 35–69). Oxford: Oxford University Press.

Risse, T. (2024). Deep contestations and the resilience of the liberal international order. SCRIPTS Working Paper, 45.

Schwarzenberger, G. (1962). The frontiers of international law. London: Stevens.

Slaughter, A.-M. (2004). A new world order. Princeton: Princeton University Press.

Villa, R. D., & Tostes, A. P. (2006). Democracia cosmopolita versus política internacional. Lua Nova, 66, 69–107.

Vormann, B., & Weinman, M. D. (2021). The emergence of illiberalism. New York: Routledge.

Wajner, D. F. (2023). Delegitimizing international institutions: how global populism challenges the liberal international order. SCRIPTS Working Paper, 30.

Weber, M. A. (2021). The global Magnitsky human rights accountability act. Congressional Research Service. Disponível em: https://www.state.gov/global-magnitsky-act/

Weil, P. (1983). Towards relative normativity in international law? The American Journal of International Law, 77(3), 413–442.