

OFAC DESIGNATES BRAZILIAN SUPREME COURT JUSTICE ALEXANDRE DE MORAES AS A SPECIALLY DESIGNATED NATIONAL (SDN)

On 30 July 2025, the US Treasury Department's Office of Foreign Assets Control ("**OFAC**") designated Brazilian Supreme Court Justice Alexandre de Moraes as a Specially Designated National ("**SDN**") under Executive Order ("**EO**") 13818, which President Trump issued in 2017. EO 13818 authorizes the blocking of persons determined by the US Treasury and State Departments to have participated in "*Serious Human Rights Abuse or Corruption*".¹

The US Treasury and State Departments issued press releases on the same day explaining their justification for the designation, noting among other things that "*Moraes abused his authority by engaging in a targeted and politically motivated effort designed to silence political critics through the issuance of secret orders compelling online platforms, including U.S. social media companies, to ban the accounts of individuals for posting protected speech. Moraes further abused his position to authorize unjust pre-trial detentions and undermine freedom of expression.*"²

As a result of the designation, effective immediately, Justice de Moraes and any entities owned 50% or more by him (collectively, the "**Blocked Persons**") are subject to blocking sanctions that require the blocking of any funds, assets or other property interests of the Blocked Persons if in the possession or control of a US financial institution or other US Person.³ OFAC also prohibits non-US persons from involving US Persons, US territory or the US financial system ("**US Elements**") in any transactions or dealings with or on behalf of a Blocked Person or involving their blocked property, including any provision of funds, goods or services "*by, to, or for the benefit of*" a Blocked Person, unless an OFAC license or exemption applies.

¹ EO 13818 is available online at <https://www.presidency.ucsb.edu/documents/executive-order-13818-blocking-the-property-persons-involved-serious-human-rights-abuse-or>.

² See the Treasury Department press release at <https://home.treasury.gov/news/press-releases/sb0211> and the State Department press release at <https://www.state.gov/releases/office-of-the-spokesperson/2025/07/sanctioning-brazilian-supreme-court-justice-alexandre-de-moraes-for-serious-human-rights-abuse/>

³ US Persons are defined by OFAC to include all US citizens and green card holders globally, all persons located in the United States, and all entities domiciled in the United States including their non-US branches.

Brazilian financial institutions and other Brazilian persons and entities that engage in transactions or other dealings with Justice de Moraes therefore will need immediately to exclude US Elements from those dealings to comply with the blocking sanctions.

In addition, EO 13818 authorizes the US Treasury and State Departments to designate as an SDN any non-US person that they determine to have provided *material assistance or support* to Justice de Moraes. The EO does not require any such designations. Instead, the existence of the designation authority provides the Trump Administration with a source of leverage available for use at their discretion to achieve their diplomatic and political objectives. Brazilian banks and other Brazilian companies with significant exposure to the US market therefore may feel compelled to terminate or minimize their business dealings with or on behalf of Justice de Moraes to mitigate the risk that the Trump Administration may threaten them with designation under EO 13818.

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