



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

USCIRF HEARING SUMMARY:

December 2021

GLOBAL MAGNITSKY ACT TARGETED SANCTIONS

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USCIRF's Mission

*To advance international
freedom of religion or
belief, by independently
assessing and unflinchingly
confronting threats to this
fundamental right.*

On October 27, 2021, on International Religious Freedom Day, the U.S. Commission on International Religious Freedom (USCIRF) held a hearing on Targeted Sanctions: Implications for International Religious Freedom. This hearing examined how the U.S. government can advance and protect freedom of religion or belief abroad by employing targeted sanctions.



USCIRF Chair [Nadine Maenza](#) led the hearing, convening five witnesses from a variety of perspectives. She opened the hearing by describing the sanctions toolbox available to the U.S. government. These tools include the Global Magnitsky Human Rights Accountability Act, which provides authority to deny U.S. visas to and freeze the U.S.- based assets of any foreigner responsible for “extrajudicial killings, torture, or other gross violations of internationally protected human rights” against someone seeking to expose illegal government activity or to exercise of defending internationally protected rights. Alongside Global Magnitsky, the U.S. government has used Section 7031 (c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act and Executive Order 13818 to impose consequences on violators of religious freedom.



[Sen. Ben Cardin](#) (D-MD), the initial co-sponsor of the Global Magnitsky Human Rights Accountability Reauthorization Act currently pending in the Senate, [S.93](#), shared the origin story and the evolving iterations of Magnitsky sanctions. Sergei Magnitsky, a lawyer in Russia, discovered widespread corruption by government officials and was ultimately arrested, tortured, and killed for reporting it. In 2010, the Senate took up the cause and introduced a bill that would sanction Magnitsky’s abusers in Russia. In 2013, Sen. Cardin introduced the first version of the Global Magnitsky Human Rights Accountability Act, which provided authority to sanction human rights abusers on a global scale. Sen. Cardin stressed that the Global Magnitsky Act’s sanctions authority (commonly referred to as GloMag) has become the gold standard for dealing with human rights abuses, but it expires in 2022 and must be reauthorized and made permanent.



[Sen. Roger Wicker](#) (R-MS), an original co-sponsor of S.93, asserted that religious freedom is a foundational pillar of any free and open society. Yet as of December 2019, of the 198 individuals who have been sanctioned under GloMag, less than 10 percent

were directly related to religious freedom abuses. GloMag sanctions have proven to be a powerful foreign policy tool and should be considered for individual leaders who are responsible for the genocide against Uyghur Muslims in China, the persecution of Christians and Yazidis in Iraq, and the crackdown on Rohingya Muslims in Burma. “We have only begun tapping the potential of Magnitsky sanctions in support of religious freedom,” he stated.



In his opening remarks, [Rep. Jim McGovern](#) (D-MA), a leader on the Global Magnitsky reauthorization in the House, stressed that the violators of human rights must be held accountable. “Executive Order 13818 drew on and broadened the scope of

the Global Magnitsky Human Rights Accountability Act that Congress had passed in 2016. And by authorizing sanctions for serious human rights abuse, the Executive Order made it possible for Treasury and State to name and shame individuals or entities.”



Vice Chair [Nury Turkel](#) discussed the government of China’s recent retaliation for the imposition of human rights sanctions by the U.S. government and its allies. Earlier this year, the government of China imposed sanctions on U.S. and foreign

government officials, including then USCIRF Chair Gayle Manchin and then Vice Chair Tony Perkins. “This attempt to silence international criticism against the Chinese Communist Party’s genocidal policies towards the Uyghurs and other Turkic Muslims demonstrates the effectiveness of this type of sanction and the importance of coordinated pressure,” said Vice Chair Turkel.



[Michael Weber](#), the Foreign Affairs, Defense, and Trade Analyst at the Congressional Research Service, discussed the origins of global targeted human rights sanctions tools such as Global Magnitsky and Section 7031(c) visa restrictions. He noted:

- The Global Magnitsky Act of December 2016 originated from the 2012 Sergei Magnitsky Rule of Law Accountability Act, which focused on human rights violations in Russia.
- Members of Congress introduced legislation in subsequent legislative sessions ultimately culminating in the passage of the Global Magnitsky Act, which provides standing global authority. The law offers the executive branch the flexibility necessary to impose sanctions without requiring the establishment of a country-specific sanctions regime.
- The 2017 Executive Order 13818 broadens the standards of behavior for sanctionable targets from those responsible for certain statutorily defined gross human rights violations to those simply determined to be responsible for or complicit in “serious human rights abuse.”
- The Secretary of State can publicly identify and bar the entry into the United States of foreign officials about whom the Secretary has credible evidence of involvement in gross human rights violations, under a recurring provision in the State Department’s appropriation laws, which in recent years has been found under Section 7031(c). These sanctions can also apply to an official’s close family members.



[Michael Breen](#), President and CEO at Human Rights First, highlighted how the Global Magnitsky program has been used in cases relating to religious freedom and offered insight into the program's effectiveness:

- Two years after being sanctioned for his role in the Rohingya genocide, Burmese general Min Aung Hlaing led the overthrow of Burma's government, demonstrating the need for broader diplomatic efforts.
- Continued abuses against Uyghur Muslims and other ethnic and religious minorities in Xinjiang prompted the European Union (EU), the United Kingdom, Canada, and the United States to impose sanctions on Chinese officials multilaterally. While the use of multilateral sanctions can build pressure on human rights abusers, broader diplomatic efforts will be required to halt religious freedom abuses.
- The U.S. government sanctioned Turkish officials to expedite American pastor Andrew Brunson's release from arbitrary detention. However, focusing on one victim and not including other arbitrarily detained Turkish or American citizens raised questions about the implementation of the sanctions program.

Mr. Breen offered the following recommendations to the U.S. government:

- Apply GloMag sanctions consistently to sustain pressure on human rights abusers;
- Engage civil society on countries of concern to identify, document, and report on abuses that warrant targeted sanctions;
- Use GloMag sanctions in cases of serious religious freedom abuses, particularly in countries that the State Department has designated as Countries of Particular Concern or Special Watch List countries;
- Support the multilateral expansion of Magnitsky-like sanctions; and
- Support bipartisan reauthorization of the Global Magnitsky Human Rights Accountability Act.



[Justyna Gudowska](#), Director of Illicit Finance Policy at The Sentry, opened her testimony with a personal narrative about growing up in Communist Poland in the 1980s. The murder of Polish priest Jerzy Popieluszko, whom the ruling regime

considered a threat for his association with the anti-Communist labor movement Solidarity, confirmed the realization that the state itself can be the human rights abuser. Ms. Gudowska offered the following recommendations to the U.S. government:

- Impose targeted sanctions on networks surrounding the human rights abuser, including the individual's businesses, proxies, and facilitators;
- Utilize sanctions in concert with other foreign policy tools, such as the Department of Commerce entity list advisories, to increase effectiveness;
- Impose targeted sanctions multilaterally to increase their efficacy and close off additional jurisdictions where perpetrators might try to hide their money, buy real estate, or send their children to boarding school; and
- Engage closely with financial institutions to share information on typologies and red flags linked to violations of religious freedom.



[Annie Boyajian](#), Vice President for Policy and Advocacy at Freedom House, outlined how the Global Magnitsky sanctions regime can be improved:

- Permanently reauthorize GloMag sanctions and levy targeted sanctions against violators of religious freedom with greater frequency;
- Amend the GloMag Act to make it easier to sanction perpetrators of human rights abuses and corruption;
- Retain the provisions requiring the government to make public unclassified information, including the names of sanctioned individuals, and to consider the information submitted by non-governmental organizations;
- Include the ability to sanction family members of perpetrators, an authority that exists in other sanctions programs;
- Provide robust resourcing for sanctions implementation and enforcement. The number of suspected foreign perpetrators to review for potential sanctions continues to outpace the vetting capacity of the relevant U.S. government agencies; and
- Review whether existing targeted sanction programs and criminal laws are adequate for adjusting to threats from non-state actors. Special scrutiny must be given to governments that employ mercenaries to fight in wars that involve horrific abuses against religious minorities.



Tom Andrews, United Nations Special Rapporteur on the situation of human rights in Myanmar, provided background on the targeted sanctions previously placed on Burmese military officials and the current landscape of sanctions against the government

of Burma:

- The U.S. government increased sanctions on trade, finance, and investment during the 1990s and 2000s, in response to the acts of repression and abuse by the military government. These sanctions were followed by a political reform process within Burma. In 2012, the United States and the EU began to ease these sanctions.
- While political reforms progressed through 2012 in Burma, disturbing attacks against ethnic minority Muslims escalated.
- In 2016 and 2017, the military launched devastating attacks against the Rohingya. The United States imposed sanctions on 11 Burmese military individuals and entities.
- After the coup in February 2021, the United States unveiled Executive Order 14014, which provides for the imposition of sanctions specific to Burma. This executive order covers conduct undermining the democratic processes, threatening peace and stability, prohibiting or limiting freedom of expression or assembly, or arbitrarily detaining, torturing, or committing other human rights abuses.
- The current sanctions have not substantially impacted the junta's ability to seize state revenues and the foreign currency that enrich its leaders and fuel its attacks.

Mr. Andrews made the following recommendations to the U.S. government:

- Sanction the Myanmar Oil and Gas Enterprise, which will deprive the junta of its single largest source of revenue;
- Organize a coalition of allied nations who are willing to apply pressure to the military junta; and
- Target the junta's access to money, weapons, and legitimacy while expanding humanitarian aid and support to the people of Burma, including the Rohingya.

USCIRF Chair Maenza closed the hearing by thanking the witnesses for their testimonies, and Sen. Cardin, Sen. Wicker, and Rep. McGovern for their bipartisan and bicameral leadership on GloMag reauthorization.

USCIRF recommends the U.S. government:

- Evaluate the policy tools available for targeted human rights-related sanctions to ensure maximum impact in curtailing abuses, and reauthorize and strengthen the Global Magnitsky sanctions regime by passing legislation like S.93;
- Increase the use of human rights-related financial and visa authorities to impose asset freezes and/or visa bans on individuals and entities for severe religious freedom violations; and
- Coordinate with other countries with similar sanctions programs. When multilateral sanctions are issued, the stigma of sanctions is stronger, and the travel restrictions and asset freezes have a greater impact.



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The Commissioners listed below were present at the hearing.



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Nadine Maenza



Vice Chair
Nury Turkel



Commissioner
Anurima Bhargava



Commissioner
Khizr Khan

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Scott Weiner
Supervisory Policy Analyst

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.