

United States Commission on International Religious Freedom

Hearing

on

“Targeted Sanctions: Implications for International Religious Freedom”

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Statement of Michael Breen

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Chair Maenza, Vice Chair Turkel, and distinguished members of the Commission: Thank you for the opportunity to testify today on how targeted human rights sanctions can help address violence against religious minorities.

Human Rights First is an independent, non-profit advocacy organization that challenges the United States to live up to its ideals. For more than four decades, we have urged the United States to take a leading role in promoting and protecting human rights – at home and around the world.

In recent years, our work has increasingly focused on confronting the rising tide of authoritarianism globally and the backsliding of rights-respecting democracies. These trends pose serious threats to human rights, including to the protection of religious freedom.¹ In countries such as China, Myanmar, Vietnam, India, and others, both state and non-state actors have engaged in widespread repression and attacks against religious minorities. In recent weeks, the Islamic State of Khorasan Province has carried out brutal attacks against the Hazara Shia community in Afghanistan.² These acts threaten not only the free exercise of religion but the safety and well-being of entire communities. In some truly extreme cases, the very survival of such communities has been threatened.

How Global Magnitsky Sanctions Can Work

Ensuring that governments protect the right to religious freedom, as enshrined in the Universal Declaration of Human Rights, requires a multi-faceted diplomatic approach that includes a focus on accountability for perpetrators of violence and those who promote and fund them. Targeted sanctions such as the Global Magnitsky program can be a useful tool in applying scrutiny and pressure on those repressing religious freedom, especially in cases involving killings, torture, enforced disappearances, sexual violence, and prolonged arbitrary detention.

Global Magnitsky sanctions enable governments like the United States to take action against foreign individuals and entities involved in serious human rights abuses or corruption. The targeted sanctions impose personal and financial repercussions – namely, an asset freeze, a visa ban, and a restriction for all U.S. persons from doing business with the sanctioned person. As others before this Commission have noted,³ targeted sanctions can send a strong message of solidarity with victims, and provide a measure of public accountability, particularly when judicial mechanisms fail to provide justice. Targeted sanctions can help reinforce international norms and obligations and isolate individual actors who violate those norms. Importantly, targeted sanctions focus the impact of sanctions on the perpetrators of abuse, reducing the risk of harm to innocent people that is inherent in comprehensive sanctions.

To help make these targeted sanctions tools more effective, Human Rights First has built a global network of more than 250 human rights and anticorruption NGOs since 2017. Together, we work to bring information about sanctionable acts to the U.S. government on a wide range of issues

¹ <https://www.pewforum.org/2020/11/10/in-2018-government-restrictions-on-religion-reach-highest-level-globally-in-more-than-a-decade/>

² <https://www.hrw.org/news/2021/10/25/afghanistan-surge-islamic-state-attacks-shia>

³ <https://www.uscirf.gov/sites/default/files/Alim%20Seytoff-%20Radio%20Free%20Asia.pdf>

such as violent religious persecution, attacks on individual journalists and human rights defenders, mass atrocities and genocide, and corruption.

To date, our coalition has made recommendations for the U.S. government that document abuses by more than 450 individuals or entities, including dictators, security forces, militias, gangs, and more. The U.S. government has sanctioned 339 individuals and entities across 37 countries on five continents under the Global Magnitsky program since it was first used in December 2017. Approximately one-third of these designations have had a basis in recommendations from our coalition members.

Use and Effectiveness of the Global Magnitsky Sanctions Program to Address Violations of International Religious Freedom

Today, I want to highlight how we have seen the Global Magnitsky sanctions program be used in cases relating to international religious freedom. Of the Global Magnitsky designations to date focused on human rights abuses, approximately one-third were in response to situations that related to religious freedom or involved the coercive imposition of the perpetrators' religious views.

I want to discuss a handful of cases that illustrate ways in which Global Magnitsky sanctions have been used to respond to violations of international religious freedom, while offering a realistic perspective of their effectiveness.

First, Global Magnitsky sanctions have been used to respond to particularly grave abuses perpetrated against religious minorities, sending a strong message of condemnation for these crimes. For example, in Myanmar, the U.S. government has sanctioned nine senior military officers and two infantry units in response to the genocide against the predominantly Muslim Rohingya community, which faced widespread and systematic killings, forced disappearances, rapes, and the burning of hundreds of villages.⁴ Similarly, in response to the genocidal forced sterilization, mass detention, and other abuses by the People's Republic of China against Uyghur Muslims and other ethnic and religious minorities in Xinjiang, the United States sanctioned eight senior officials and two major government entities.

Befitting their seriousness, these crimes have also spurred some of the greatest multilateral coordination on Magnitsky sanctions among U.S. partners. In March of this year, the European Union, the UK, and Canada joined the United States in imposing sanctions on several Chinese officials and a commercial entity involved in the abuses against religious minorities in Xinjiang.

In many ways, sanctions in response to widespread abuses can have positive effects. They send a unified message of condemnation for international crimes and solidarity with victims, as was seen in the response to abuses against the Uyghurs. They can stigmatize and even impact the interests of the targeted government, as China made clear through its retaliatory sanctions issued against individuals and entities in the UK. In turn, seeing their partners impose this kind of sanctions has been a powerful motivator for officials in Australia, New Zealand, Japan, and other

⁴ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>

countries to consider adopting Magnitsky-style sanctions programs as an expression of their commitment to uphold and defend shared values.

Yet, these cases also make clear the limits of targeted sanctions, particularly in response to mass atrocities. While they can be a useful tool to build multilateral consensus and pressure human rights abusers, they should not be expected to end the abuses, or even necessarily to sideline those targeted within their own countries. For example, two years after being sanctioned for his role in the genocide against the Rohingya, Min Aung Hlaing led the overthrow of Myanmar's democratically elected government. In such cases, a broader diplomatic strategy will be required.

Second, Global Magnitsky sanctions have been used in cases where the perpetrators justified the commission of violence on religious grounds, even if the victims were not targeted for their religious affiliation. One example of this was the 2020 designation of Chechen leader Ramzan Kadyrov and his associates for horrifying acts of kidnapping, torturing, and killing LGBTQI persons ostensibly on the basis of his religious views, even though these acts are flagrantly inconsistent with basic human rights. In such cases, Global Magnitsky sanctions can help signal solidarity and support for marginalized groups that may be subjected to religiously motivated persecution. The sanctions can also increase pressure on a sanctioned person's network of associates, who risk being sanctioned in turn for their connections with that person.

Finally, in one instance, Global Magnitsky sanctions have been used to intervene on behalf of a specific individual who may have been targeted for religious reasons. The imposition of sanctions on Turkish officials helped expedite the welcome release of the American pastor Andrew Brunson from arbitrary detention. But focusing on only one victim raised questions about the implementation of the sanctions program, given that thousands of similarly situated people – including Turkish and American citizens – continue to face arbitrary detention as prisoners of conscience and are held under the same overbroad anti-terrorism laws used against Brunson.⁵

Global Magnitsky sanctions are a powerful tool – both in their impact and the messages they send to perpetrators and victims. Applying them consistently will send the strongest message of the United States' commitment to protecting human rights, including religious freedom.

Recommendations for the U.S. Commission on International Religious Freedom

In the few years since the Global Magnitsky sanctions program has been established, it has become a valuable tool to help address human rights abuses and corruption, and it has drawn broad, bipartisan support in Congress. We believe the program's greatest strength, however, comes from the in-depth participation from civil society and other interested groups in helping identify the situations where targeted sanctions could inform and strengthen the U.S. response to emerging human rights crises.

In that respect and others, the Commission can play an important role in promoting the U.S. government's effective use of Global Magnitsky sanctions to address situations involving serious

⁵ <https://www.hrw.org/news/2020/04/17/twenty-four-rights-groups-call-turkey-release-all-those-arbitrarily-detained-now>

abuses of international religious freedom. We offer the following recommendations for your consideration.

1. In USCIRF's Annual Reports, continue to monitor the implementation of the U.S. Global Magnitsky sanctions program in connection with situations where religious freedom is threatened.
2. Consult with civil society to identify, document, and report on situations of serious human rights abuse relating to religious freedom that would merit the imposition of targeted sanctions, focusing particularly on the input and insight from local civil society actors in affected countries.
3. Urge the Executive Branch to use Global Magnitsky sanctions in cases of serious human rights abuse that infringe on religious freedom, particularly in Countries of Particular Concern or Special Watch List countries.
4. Encourage other governments to consider adopting and using Magnitsky-style sanctions programs to address situations of violence impacting international religious freedom.
5. As more governments adopt and begin to use Magnitsky-style sanctions programs, encourage them to actively work together to sanction perpetrators multilaterally, denying abusers and their money access and safe haven around the world.
6. And finally, encourage the bipartisan reauthorization of the Global Magnitsky Act before its statutory sunset in December 2022.

Thank you for your time and commitment to protecting the fundamental human right to religious freedom. I look forward to our discussion.