



Global Magnitsky Human Rights Accountability Act: A Crucial Tool for U.S. Foreign Policy

Written Testimony by Daniel Calingaert
Executive Vice President, Freedom House

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Introduction

Congressman Smith, Ranking Member Bass, and distinguished members of the committee, thank you for inviting me to speak today about the *Global Magnitsky Human Rights Accountability Act*. I ask that my full statement be submitted for the record, and I will summarize that statement today. I commend Congressman Chris Smith and Congressman Jim McGovern for introducing the *Global Magnitsky Act* in the U.S. House of Representatives.

This bill would target corrupt officials and perpetrators of human rights abuses and begin to hold them to account. All too often, they act with impunity. The bill thus would bolster U.S. efforts to advance human rights at a time when fundamental freedoms are under assault around the world.

Resurgence of Repression

Freedom has declined globally for nine straight years, as Freedom House has documented in its annual ratings of political and civil rights. This decline is driven in large part by a resurgence of authoritarian regimes. In the past year, the decline has accelerated, as authoritarian regimes used more brazen tactics to crack down on their critics and showed open disdain for democratic standards. In Egypt, for example,

1,400 political activists were sentenced to death in mass trials that lacked the most basic elements of due process.

Respect for established human rights norms is deteriorating. Until recently, most authoritarian regimes claimed to respect international agreements, such as the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. Now authoritarian regimes openly flout these agreements. Basic human rights principles, which were broadly accepted, are now being re-opened for debate.

The universal values of human rights reflect core American beliefs in democracy and individual freedom. By standing up for these values, we not only stay true to our beliefs; we also advance U.S. interests abroad.

Our greatest adversaries are authoritarian regimes, which start regional conflicts, perpetrate mass atrocities, increase the risks of nuclear proliferation, or launch cyber-attacks on American institutions.

Threats to U.S. interests tend to emerge from undemocratic environments and often grow directly out of repressive rule. Russia invaded Ukraine and annexed Crimea to undermine a movement toward democracy, which may have prompted Russians to wonder, if democracy could succeed in neighboring Ukraine, why couldn't it take root in their country? China's government extends its territorial claims in the South China Seas to shore up its legitimacy as the country's citizens express growing frustration with the abuses of Communist Party rule and economic growth shows signs of slowing down. Syrian President Bashar al-Assad drove his country into civil war rather than negotiate in good faith with the political opposition in 2011, and he has slaughtered his people with the support of Iran's clerical regime, which holds onto power by jailing its critics, suppressing minorities, and treating women as second-class citizens.

Many governments, including Russia, Iran, Egypt, and Venezuela, adopt an anti-American posture to deflect attention from their mismanagement and corruption. They blame the United States for their country's ills and try to discredit the idea of democracy, while discontented citizens seek to hold them to account.

A vigorous defense of human rights won't solve right away the problems we face abroad, but it is integral to any long-term solution. Governments that respect the rights of their citizens don't need to grab territory from their neighbors, acquire nuclear weapons, or gun down peaceful protesters.

Authoritarian rule usually undermines stability in the long run, as citizens' frustrations and demands for reform get pent-up. And at times, authoritarian rule fuels instability in the short term. For example,

Egypt has experienced a surge in terrorist attacks since then general, now president Abdel Fattah al-Sisi seized power in July 2013.

The world has become more dangerous and more hostile to U.S. interests because political change is increasingly driven by undemocratic forces, particularly by authoritarian regimes. To make the world more stable and more receptive to U.S. interests, we need to take the initiative away from authoritarian regimes; we need to defend our values and pursue our interests more vigorously, including on human rights.

Accountability for Abuses

The United States can best seize the initiative on human rights by targeting the weak spots of authoritarian rulers—their impunity and corruption.

There are several clear benefits to holding individual officials accountable for human rights abuses. First, accountability is grounded in the basic premise that human rights abuses are unacceptable, no matter how powerful or politically connected the perpetrator. We can defend fundamental rights—to free expression, belief, association, etc.—while still conducting business with foreign governments on a range of issues. In almost every case, we are just pressing the foreign government to live up to its own constitution and international agreements.

Second, individual accountability is likely to do more than criticism of abuses alone to deter future human rights violations. If a penalty hangs over a perpetrator’s head, he (or she) may think twice about committing the crime.

Third, and perhaps most important, calls for individual accountability force authoritarian rulers to make a difficult choice: either they protect the most repugnant officials in their regimes, and thereby attract further scrutiny to the worst aspects of their rule; or they cut loose the very officials who do their dirty work and keep them in power.

The benefits of targeting corrupt officials are equally compelling. High-level corruption is the Achilles’ heel of authoritarian regimes. They have grown adept at deflecting criticism of their human rights violations by vilifying domestic activists as tools of foreign interests. For example, they talk up the supposed threat of a Western “gay agenda” to portray human rights as alien values imposed from outside, rather than universal norms. But corruption is different. Ordinary people readily understand—and detest—the injustice of rulers enriching themselves at citizens’ expense, particularly when those citizens are struggling to make ends meet.

High-level corruption often contributes to, or even drives, human rights abuses. Corrupt leaders stand to lose their ill-gotten gains if they leave office. They will go to ever greater lengths to hold onto power. Former President of Ukraine Viktor Yanukovich was a prime example. As he and his family accumulated massive wealth, restrictions on media intensified, opposition figures were selectively prosecuted, and elections became increasingly manipulated. Efforts to curb high-level corruption thus serve in many cases to target the source of repression as well.

Go Global

The *Sergei Magnitsky Rule of Law Accountability Act of 2012* provided a sound policy instrument to address human rights abuses in Russia. In addition to condemning those abuses and trying to provide some support for Russian human rights defenders, the U.S. government introduced a small measure of accountability for the perpetrators of abuses.

The law carefully targeted sanctions on individuals who, based on credible information, are responsible for gross human rights violations. It in no way harmed ordinary Russians.

The angry reaction of the Russian government was telling. The *Magnitsky Act* hit the Russian government where it hurts. The Russian government responded by banning adoptions of Russian babies by U.S. parents. It couldn't credibly defend the officials who became subject to U.S. visa bans and asset freezes. Instead, it took out its anger on Russian orphans, showing how depraved its leaders are.

The *Global Magnitsky Act* would direct the President to extend the same consequences to perpetrators of human rights abuses and corrupt officials anywhere in the world. No matter where the abuses are committed, the perpetrator could be denied entry to the United States and prevented from using our financial institutions.

The global scope of this bill is a key strength. No country would be singled out. And it would apply to countries like China and Saudi Arabia that tend to escape criticism for their human rights abuses because of U.S. economic or security interests.

Bill Browder has told the story of Sergei Magnitsky in compelling detail. He was instrumental in drawing attention to Magnitsky's tragic fate and identifying the Russian officials responsible.

There are a great many others around the world who, like Sergei Magnitsky, were targeted for abuse because they dared to call for justice or freedom. To cite just a few recent examples:

- Gao Yu was sentenced to seven years in prison in China, for doing her job as a forthright and principled journalist;
- Raif Badawi was sentenced in Saudi Arabia to ten years in prison and 1,000 lashes, and has already suffered 50 lashes, because his website hosted criticism of senior religious figures;
- Zone Nine bloggers in Ethiopia have remained in detention for over a year, as their trail on terrorism charges drags on, because they documented human rights abuses and reported on political prisoners;
- Rasul Jafarov, chairman of the Human Rights Club in Azerbaijan, was sentenced to 6½ years in prison for exposing the Azerbaijani government's poor human rights record while that government seeks to burnish its international credentials by hosting the European Games in June;
- Khadija Ismayilova is also imprisoned in Azerbaijan, because she investigated and published news articles on corruption by the family of President Ilham Aliyev.

This list could go on and on.

The perpetrators of these abuses avoid justice and, in many cases, get little attention. They expect the full protection of their government and probably doubt that they will ever have to answer for their crimes. And they have little reason to worry about U.S. pressure, because the U.S. government has soft-pedaled its criticism of human rights violations in China, Saudi Arabia, Ethiopia, and Azerbaijan.

The U.S. government often mutes its criticism of human rights violations in countries where security or economic interests are at stake. And, it rarely denies the benefits of entry to the United States or access to our financial system to individuals responsible for abuses. The *Global Magnitsky* bill would change that.

If passed, the *Global Magnitsky Human Rights Accountability Act* may elicit angry responses from some governments or complicate U.S. relations with certain countries. But these governments cannot offer an honest response, because they cannot openly admit that they harbor individuals responsible for human rights abuses and corruption.

When the United States defends human rights, it usually faces resistance. That's par for the course. But we press ahead, because we know that we are doing what is right, and we refuse to let authoritarian rulers dictate the terms of our relationship with them. We cannot accept that the price of security or economic cooperation is to look away from human rights violations. We should be strong and confident enough to both continue cooperation and hold human rights abusers and corrupt officials to account.

Thank you.