

Religious Freedom and Global Magnitsky Reauthorization

To date, **one-third of human rights-based designations under the Global Magnitsky sanctions program have been related to issues of religious freedom.** However, **as few as 7% of the designations related to issues of freedom of religion would have been possible under the Global Magnitsky statute currently in force.**

Nearly every one of these religious freedom designations was only made possible by Executive Order 13818, which implemented and built on the statute – specifically, by the Executive Order’s adoption of the “serious human rights abuse” standard; its expansion beyond the victim-status provisions in the original Act; and its provisions allowing perpetrators to be sanctioned for indirect roles in human rights abuse. Pending legislation would codify these improvements in the reauthorization of the Global Magnitsky Act.

To maintain the program as it is currently being implemented and ensure the U.S. government can continue to respond to serious abuses of the right to religious freedom around the world through targeted sanctions, **Congress should codify the “serious human rights abuse” standard and other improvements from President Trump’s Executive Order 13818 that closed gaps in the law’s narrow framework.**

The following examples of sanctions made under the Global Magnitsky program may not have been possible under the original Act, because:

- The perpetrators were non-state actors;
- There was only a single victim or violation of human rights;
- The victims were not targeted because of their roles as whistleblowers or human rights defenders; or
- The perpetrators were not shown to be “responsible” for the abuse as the Global Magnitsky Act statute requires, but rather to have had one of several more indirect roles that were only made sanctionable under the Executive Order.
 - *Under one common meaning of the term, sanctioning a person based on their “responsibility” for an abuse would require proving the actual perpetrator was their subordinate; that they knew or should have known about the abuse; and that they failed to prevent, halt, or investigate it.*

1. Pastor Andrew Brunson unjustly detained in Turkey

Two ministers in the Turkish government were sanctioned under Executive Order (EO) 13818 in 2018 for the “unfair and unjust detention” of Pastor Andrew Brunson. While it is possible Pastor Brunson was a qualifying victim under the Act, his unjust detention was only **a single violation**. Additionally, the Turkish officials were sanctioned for their **indirect role** as leaders of an entity engaged in human rights abuses under the EO’s standard, not because they were “responsible” under the Act’s standard.

2. Myanmar/Burma military leaders and armed forces units involved in perpetrating atrocities against the Rohingya Muslims and other minorities

Nine Burmese military officials and two infantry units were sanctioned since 2017 for their role in widespread attacks against the Rohingya Muslim communities and other minority communities under EO 13818. The Rohingya Muslims and other minority groups likely would not satisfy the Act’s **victim status**

requirement. Additionally, at least eight of the nine officials were sanctioned for their **indirect role** as leaders of an entity engaged in human rights abuses under the EO's standard, not because they had been shown to be "responsible" under the Act's standard.

3. Chinese Communist Party leaders and entities involved in perpetrating atrocities against the Uyghur Muslims and other minorities in Xinjiang

Ten Chinese officials and two major government entities have been sanctioned for their role in the atrocities against the Uyghur Muslims and other minorities in Xinjiang. Nine of these officials, including [Chen Quanguo](#), were sanctioned for their **indirect role** as leaders of an entity engaged in serious human rights abuses under the EO's standard, and the U.S. government did not have to prove they were "responsible" under the Act's standard. Additionally, the Uyghur Muslims and other minority groups likely would not satisfy the law's **victim status requirement**.

4. Iraqi militia leaders involved in attacks on Christians, Yazidis, and others

Four leaders of Iraqi militias including [Rayan Al-Kildani](#) of the 50th Brigade militia, which targeted Christians, Yazidis, and other religious minorities, were sanctioned under EO 13818 in 2019. These sanctions would not be possible under the Act's standards as they are **nonstate actors**. Additionally, some were sanctioned on the basis of their **indirect role** in the abuses, and their victims may not satisfy the Act's **victim status requirement**.

5. DRC Allied Democratic Forces militia leader and supporters involved in attacks on civilians

Musa Baluku, leader of the [Allied Democratic Forces](#) (ADF), an Islamist armed group, and five people who provided material support to the ADF were sanctioned in 2019 for widespread abuses against civilians. Baluku and his supporters – who were known for targeted attacks on churches – would not have been eligible for sanctions under the Act because they are **nonstate actors**, and because of their **indirect role** in the perpetration of the abuses. Additionally, the widespread attacks on civilians by the ADF likely would not satisfy the Act's **victim status requirement**.

6. Houthis in Yemen who targeted Baha'is and others for arrest and mistreatment in detention

In 2020, several officials of Houthi-controlled security and intelligence agencies were sanctioned for arresting and mistreating members of the Baha'i community in detention, among human rights activists and others. It is unlikely the Houthi officials would be sanctionable, as they would be considered **nonstate actors** by the U.S. government.

7. Chechen leader Ramzan Kadyrov's torture and killing of LGBTI persons

In 2020, Chechen leader Ramzan Kadyrov was sanctioned for his role as the leader of the Kadyrovtsy, which engaged in a campaign of kidnapping, torturing, and killing LGBTI persons in the Chechen Republic. Though these targeted killings were ostensibly on the basis of Kadyrov's religious beliefs, Kadyrov was sanctioned for the violence committed by individuals under his leadership, not for his expression or beliefs. It is unlikely that Kadyrov could have been sanctioned under the statute in force because of his **indirect role** in the abuses, and because his victims would likely not meet the **victim status requirement**. This is the only designation made under the Global Magnitsky sanctions program in response to serious human rights abuses targeting LGBTI persons.