



U.S. Senate Committee on Foreign Relations

“Implementation of the Global Magnitsky Laws”

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Thank you, Chairman Cardin and Ranking Member Risch, for holding this hearing on the implementation of Global Magnitsky sanctions and for the opportunity to testify before the committee.

Human Rights First is an independent, U.S.-based nonprofit organization that, for more than four decades, has pressed the United States to promote, defend, and uphold human rights. We work with and help organize an informal global coalition of civil society organizations that advocate for the use of targeted Magnitsky-style sanctions as a way to promote accountability for human rights abuse and corruption.

Thanks to the work of Senator Cardin, among others, and activists like Mr. Browder, the United States is one of several countries that now have this tool.

As the executive branch implements the Global Magnitsky Act, Congress has directed it to consider, among other things, “credible information obtained by...nongovernmental organizations that monitor violations of human rights.” To that end, we partner with other NGOs to make recommendations to governments regarding specific perpetrators who meet the criteria for sanctions. We also publish resources that analyze and explain how these sanctions work, what the legal standards are, and how they’re being used.

We welcome this first-ever hearing focused on how the U.S. government is implementing Global Magnitsky sanctions. Legislative oversight is important to ensuring this tool is used effectively and credibly. We urge the committee to keep up this oversight in the new Congress, and to prioritize hearing directly from human rights defenders and advocates who are on the front lines of fighting for accountability in their countries – including women and other marginalized groups whose voices are often overlooked.

One key question for oversight is what impact these sanctions have. That always depends on the context and the way in which they’re used – but civil society organizations have remained interested in this tool for eight years because they have seen it have a variety of positive impacts in specific cases, during both the Biden and Trump administrations.

Among other things, U.S. sanctions under Global Magnitsky or a similar visa-ban program have:

- Kept a spotlight on the political prisoner Vladimir Kara-Murza while he was in Russian custody and helped build the diplomatic consensus that led to securing his release.
- Abruptly if temporarily stopped a notorious paramilitary force in Bangladesh from committing extrajudicial killings.
- Forced the removal of a Chinese fishing company involved in forced labor from a major U.S. stock exchange.
- Spurred the investigation and prosecution of a powerful official allegedly engaged in corruption in Latvia.
- Helped anti-corruption champions in Ukraine pass a key legislative reform; and

- Frozen the U.S.-based assets of a former Gambian dictator that were then forfeited in civil proceedings.

Targeted sanctions are never a magic wand, and action under a Magnitsky-style sanctions program isn't by itself a strategy, or a foreign policy that promotes human rights. Other factors matter at least as much, including whether the government is providing security assistance to an abusive partner, or turning a blind eye to corruption because of competing commercial or diplomatic interests. But Magnitsky sanctions can be an element of effective human rights diplomacy.

That's why Human Rights First monitors how the U.S. government is implementing the Global Magnitsky program. The Biden administration has taken some welcome steps, including its use of the program to address certain cases of forced labor and sex trafficking, the arbitrary detention of political prisoners, violent abuses against protesters, and abuses based on gender.

At the same time, though, the number of sanctions imposed under Global Magnitsky fell significantly by some measures in 2022 and 2023. In turn, that has meant fewer instances where a Magnitsky sanction appears to have had a basis in recommendations from civil society.

As it has implemented the program, the Biden administration has also continued a practice of overlooking abuses and corruption by several major U.S. security partners, which makes the United States less credible in the cases where it does speak out.

This administration has also made extensive use of some of the more opaque U.S. visa-ban programs in response to abuse and transnational repression. Because those programs can't be used to name names, though, they are usually less impactful than Magnitsky sanctions, and harder for Congress or the public to monitor.

How sanctions are lifted also matters. In one prominent case that committee members have weighed in on, the administration is said to be considering suspending sanctions on a businessman sanctioned in 2017 for grand corruption in the Democratic Republic of the Congo. This does not appear to be conditioned on any of the steps toward accountability that the Global Magnitsky Act sets out as a requirement for this kind of sanctions relief.

Impunity, graft, and abuse are corrosive not just to human dignity but also to stability and prosperity. Global Magnitsky sanctions can better protect those interests if the United States uses them with greater consistency, in concert with other Magnitsky jurisdictions, and in consultation with civil society and Congress.

Human Rights First welcomes the committee's focus on this topic. The Treasury and State Departments have done good work through these programs since 2017, but legislators have a longer memory and the ability to challenge the executive branch of the day on its strategies and its omissions.

Thank you again for the invitation to testify. I look forward to your questions.