



**Hearing: Corruption, Global Magnitsky, and Modern Slavery –
A Review of Human Rights Around the World**

Senate Foreign Relations Committee

Testimony of Sarah Margon
Washington Director, Human Rights Watch

July 16, 2015



Chairman Corker, Ranking Member Cardin, other members of the committee, thank you for inviting me to testify today. As a former Senate staffer – and a liaison to this committee in particular – it is a true honor to sit before you now. I would like to specifically thank Senator Cardin for his longstanding commitment to fighting corruption and addressing global human rights abuses – including but not limited to the introduction of the Global Magnitsky Human Rights Accountability Act. Your support, Mr. Ranking Member, particularly in the face of such global tumult, is greatly appreciated.

Indeed, the world is undergoing incredible turmoil, with grave implications for millions of people. In almost every country where the Arab Spring took root, it has been replaced by conflict and repression. ISIS and other Islamist extremists are committing mass atrocities and threatening civilians not only in the Middle East but also in Asia, Africa, and beyond. Even beyond ISIS, many governments have sought to respond to the very real danger of armed militancy with a myopic security response that ignores the importance of upholding fundamental rights. Legitimate counterterrorism measures are often coupled with an unprecedented crackdown on independent civil society and the media that receives little more than passing criticism from the United States and other democracies. Governments such as Bahrain and Ethiopia have thrown peaceful activists and human rights defenders in jail for being outspoken on human rights under the guise of fighting terrorism. Partnerships with security forces and governments known to be both corrupt and abusive – from Egypt to Afghanistan to Uganda – appear to be receiving less rather than more scrutiny from the US.

Around the world, Human Rights Watch has documented how repressive government tactics often spark or at least exacerbate many of today's most pressing security challenges. And yet, human rights defenders and others who expose and challenge these injustices risk harassment and attack while those who threaten them generally do so with impunity. It is with this framework in mind that today I would like to briefly discuss current human rights trends in three countries where a tool like the Global Magnitsky bill might be particularly valuable.

Iraq

More than 12 years after US-led forces invaded Iraq, it has become quite clear that the country's transition to a functioning and sustainable democracy built on the rule of law lies in tatters. Even

before ISIS' dramatic territorial gains more than a year ago, human rights conditions in the country were deteriorating. The rights of Iraq's most vulnerable citizens, especially women, the Sunni minority, and detainees, have been regularly violated by the government with impunity.

Before ISIS, Iraq grappled with a weak criminal justice system, plagued by corruption and political interference. Courts frequently based convictions on coerced confessions and trial proceedings that fell far short of international standards. Thousands of women, as well as many men, were detained without charge, and subjected to torture and ill-treatment. Even secret detention facilities in the government district came to light.

At that time, the Iraqi government was struggling to maintain security against terrorist bombings, and employed draconian and abusive tactics by heavy-handed security forces, increasingly under the political influence of former prime minister Nouri al-Maliki, who also sponsored militias outside of the regular forces. Suicide attacks, car bombs, and assassinations increased again over the past few years, killing more than 12,000 people outside of combat zones in 2014 alone. The government responded with mass arbitrary arrests, torture of detainees, and convictions after unfair trials based on information provided by secret informers.

ISIS's takeover of massive swathes of Iraqi territory in June 2014 was a testament to the alienation of Sunni communities, as many welcomed ISIS fighters as "liberators" from the sectarian oppression of government authorities. To put it simply, former prime minister Maliki's unchecked anti-Sunni policies created fertile ground for ISIS to escalate the conflict, enlist several Sunni armed groups, and help spawn today's crisis.

Now, as ISIS seeks to expand its brutal control and the government responds with regular forces and abusive militias, civilians have become the targets of unlawful attacks and political repression by both sides. There is virtually no accountability for grave abuses. ISIS is abhorrently proud of its summary executions, systematic rape and subjugation of women. At the same time, the Iraqi criminal justice system has proved incapable of holding members of government forces and allied militias to account for extrajudicial executions, abductions, indiscriminate attacks and widespread and deliberate destruction of civilian property.

A sanctions regime like the one the Global Magnitsky bill would create is certainly no panacea for the many challenges faced by Iraq but it would, as a starting point, send a clear signal that the United States is not open for business to persons responsible for serious human rights abuses or large-scale corruption. It also has the potential to spur greater domestic accountability for such abuses. If Prime Minister Al-Abadi is sincere about his commitment to create a more inclusive

government, he should welcome the establishment of such a sanctions regime as a tool to help reinforce his goals.

Uzbekistan

Uzbekistan's human rights record is nothing short of atrocious. Thousands of people are imprisoned on politically motivated charges, torture is endemic, and the authorities regularly go after civil society activists, opposition members, and journalists. Muslims and Christians who practice their religion outside strict state controls are persecuted and, despite some changes in 2013 due to outside pressure, the government still forces an estimated two million adults to harvest cotton every fall under draconian conditions.

Now, Washington already has some of the tools it needs to encourage reform, but they have not been used in quite some time, despite a much-reduced need to rely on Tashkent for the transit of US troop supplies out of Afghanistan. There is little factual evidence to support concerns that stronger criticism by the US over rights will lead Uzbekistan to forge a stronger alliance with Russia. Some even argue that President Islam Karimov needs (and craves) Western support and legitimacy a great deal more than the West needs him.

When it comes to Uzbekistan, the Obama administration needs a fresh approach that leans more in the direction of "strategic pressure" instead of "strategic patience" – mainly because there is no evidence that officials who oversee or engage in torture, forced labor, or the persecution of activists will change their behavior absent the prospect of serious political or economic consequences. Indeed, since 2009 – when the administration increased contacts and military cooperation with Tashkent – human rights concerns have gone from bad to worse.

So the possibility of Uzbekistan officials facing a fair US-based sanctions regime based on responsibility for human rights abuses and/or major graft presents an excellent, targeted opportunity to leverage change. With a new tool in the hands of US diplomats and a greater potential for individual scrutiny, we might see the power of deterrence in action by stirring inaugural signs of change: just knowing that they could be banned from coming to the United States or from using its banking system could be enough to force an abusive official to think twice before acting.

Bahrain

Over the last year, Bahrain's main opposition party has refused to participate in the national dialogue process to protest authorities prosecuting some of its senior members for exercising their rights to free speech. In November the party also boycotted the elections to protest a manifestly unfair electoral system. This, along with the continued detention of 13 high-profile

opposition leaders jailed solely on account of their exercise of their rights to freedom of peaceful assembly, association, and expression has led to stalemate on the long-awaited national dialogue, which the authorities appear determined to undermine at every turn. More generally, Bahrain's courts convict and imprison peaceful dissenters – the trials we have been able monitor were without exception grossly unfair – and have yet to hold any senior officials accountable for torture and other serious rights violations. The high rate of conviction on vague terrorism charges and imposition of long prison sentences for peaceful criticism reflect the weakness of the justice system and its lack of independence.

While the majority of Bahrainis are Shiite, the country is ruled by a Sunni-dominated, autocratic monarchy that has shown no real intention to reform, despite a number of cosmetic initiatives. In 2011, the authorities used lethal force to suppress a largely peaceful pro-democracy movement, which proved to be a turning point. While King Hamad appointed an independent commission to look into human rights violations and dutifully accepted all of its recommendations, little has been done to implement those recommendations. Efforts to restart a national dialogue between the government and opposition have failed, in large part because the key opposition leaders remain imprisoned.

Notably, the last few weeks have seen a rather convulsive back and forth as the Bahraini authorities arrested, released, and then re-arrested some of these prominent detainees. At the same time, the Obama administration announced it was lifting arms restrictions to the Bahraini Defense Force – a change Bahraini authorities had long been pushing for – not only because of their participation in the anti-ISIS coalition but because they had ostensibly also taken “meaningful” steps at reform.

There is little evidence to suggest that the Bahrain government is committed to engaging in real reform, and the administration's decision to restart military aid may well provide a disincentive and in fact encourage the government of Bahrain to pursue the path of repression rather than that of accommodation.

Once again, a global sanctioning regime like the one the Global Magnitsky bill intends to authorize could help add general pressure for a more rights-respecting political environment as it would provide the administration with the tools needed to show the opposition that the United States has embraced their concerns as well – beyond just the release of the occasional prisoner. Specifically, by denying visas and access to the US banking system to members of the security forces and judicial system credibly linked to serious crimes such as torture, the United States would be reasserting its commitment to accountability and the rule of law in Bahrain – a key but very absent component of any meaningful path forward.

Conclusion

As what feels like cataclysmic upheaval in nearly all corners of the world persists, it often seems like those who seek to uphold basic international norms and support fundamental freedoms are consistently at risk while autocratic governments get a free pass. Even as positive change seems increasingly hard to come by, such efforts are still worth pursuing. And that's why passing the Global Magnitsky bill is so important. This bill does not sanction governments wholesale, cut off security assistance, or restrict economic cooperation. It is not designed to interrupt bilateral, government-to-government engagement – it is designed to take a tailored approach that creates a long overdue tool for the US to easily go after abusive individuals.

Honing in on corrupt and abusive officials makes it harder for authoritarian rulers, dictators, and kleptocrats to recruit and maintain a coterie of supporters. We have seen a return to this trend and so by removing the perks of crime, this bill – if it becomes law, would shine a light on those who commit such acts and hold them to account. In that, Mr. Chairman, there can be very little downside.

I look forward to your questions.