



**Tom Lantos Human Rights Commission Hearing**

**The Global Magnitsky Human Rights Accountability Act:**  
**Taking Stock**

**Wednesday, March 24, 2021**

**12:30 – 2:00 p.m.**

**Virtual via Cisco WebEx**

**Rep. Christopher H. Smith**

**Excerpt of Remarks**

I'd like to begin thanking Co-chairman McGovern not only for organizing today's hearing, but for the constant and consistent collaboration over the years with regard to the Global Magnitsky Act, known colloquially as GLOMAG.

When I introduced the Global Magnitsky Act in the 114<sup>th</sup> Congress, Jim was my lead Democratic cosponsor. We are currently working on reauthorizing legislation, which Jim is leading while I am his lead Republican cosponsor. We

also have similarly partnered on critical human rights legislation regarding China, specifically Hong Kong and Xinjiang.

So is important that we take this opportunity to take stock of how the Global Magnitsky Human Rights Accountability Act has been applied.

When we passed the Global Magnitsky Act in 2016, our intention was to disrupt the impunity and comfort that far too many international human rights violators currently enjoy and keep their tainted money out of our financial systems. We also wanted to fight the human rights abuses and corruption that generate national security, terrorist, and economic threats to the United States.

While I am pleased that we have sanctioned 240 of the world's worst human rights abusers from over 30 countries, I am concerned nevertheless that congressional intent has not been followed in the application of GLOMAG.

My primary concern is that Executive Order 13818 has usurped the field, relying for authority primarily upon the International Emergency Economic Powers Act (IEEPA), stretching IEEPA far beyond its original intent to be employed in national emergencies.

Moreover GLOMAG's "gross violations of internationally recognized human rights" standard, which reflects Congressional intent to focus on the worst of the

worst human rights abusers, has been disregarded to a vague and amorphous “serious human rights abuse” standard.

This is a problem.

When we passed GLOMAG, our intent was to anchor the Act in internationally-recognized standards so that the United States could maintain global leadership on human rights. By changing the standard to “serious violations,” and by tying the application of GLOMAG to a U.S. national emergency determination, we have disassociated it from the human rights norms around which the global community has formed a consensus. This gives abusers an avenue to characterize our actions as arbitrary and outside the consensus of the global community, deflecting attention from their actual bad acts.

That we act with the imprimatur of a global consensus is even more imperative now as countries such as China mistakenly believe that genocidal regimes, and not the world’s democracies that respect human rights, are on the [right side of history](#).

Now, more than ever, we need to present our actions as reflecting a global consensus grounded in international treaties, not sanctions merely levied to advance American national interests.

Moving forward, with due regard to the concerns I have noted, I hope that the State Department and Treasury will continue to sanction the world's worst human rights abusers and purveyors of corruption.

Here are some I would like to call attention to:

In Belarus, **Mikhail Gutsiriev** was responsible for quickly replacing Belarusian media personnel who walked off their jobs in disgust after the August 2020 fake election with Russian lackeys who just parroted Lukashenka's and the Kremlin's propaganda.

Those lackeys later started a vicious campaign of lies against independent journalists, and called for violence against the protesters.

**Alexander Mashenski** is reportedly responsible for providing bonus money for riot police engaged in the violent crackdown of protesters. We understand he is particularly vulnerable to GOMAG sanctions since his company's products are widely sold in the West.

Then there are the [Karic brothers whose service to brutal dictators go back to Slobodan Milosevic](#), and who [now fund Lukashenka](#).

In Africa, we have a special relationship with Liberia, which was founded by freed American slaves.

Unfortunately, President **George Weah** leads a kleptocratic government that has been engaged in political corruption from the day he assumed office by depleting the government coffers for personal use while the people of Liberia suffer. Liberian [Senator Varney Sherman](#) was sanctioned last year by the Trump Administration for corruption, which is positive, though more must be done.

In Nigeria, **President Muhammadu Buhari** has done little to staunch the Fulani extremist' crimes against humanity against the Christians and other religious minorities in the country's Middle Belt, which was a subject of a Lantos Commission hearing in December. I ask that the State Department take a close look at the actions of **Miyetti Allah**, the Cattlemen's Association, which allegedly has encouraged depredations by Fulani extremists.

In Turkey, we have chief advisor to President Erdogan, [Mustafa Varank](#), directing Turkish Airlines executive assistant **Mehmet Karakaş** on tape to fly weapons to terrorists in Nigeria.

Perhaps our witnesses will have the names of other, specific individuals who deserve closer scrutiny.

Thank you, and I look forward to your testimony.