

**Statement by Ambassador at Large for Global Criminal Justice,
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Before the Tom Lantos Human Rights Commission
United States Congress
“Discrimination and Persecution Against Muslims Worldwide”
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Thank you, Chairman McGovern, Chairman Smith, Representative Omar, and distinguished members of the Commission. I’m honored to be here with you today alongside my colleague Ambassador Hussain. Thank you for holding this hearing on this timely and critically important topic. I deeply appreciate the work of the Tom Lantos Human Rights Commission as it promotes, defends, and advocates for international human rights as enshrined in the Universal Declaration of Human Rights and other relevant human rights instruments. It is an honor to appear before you again today in my new capacity as Ambassador-at-Large for Global Criminal Justice.

Several million Muslims are the victims of two contemporary genocides. One is being committed by authorities of the People’s Republic of China (PRC) against predominantly Muslim Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other ethnic and religious minority groups in Xinjiang. The other has been committed by members of the Burmese military against the predominantly Muslim Rohingya. The crime of genocide requires the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group, as such. This heinous atrocity crime truly shocks the conscience. The Secretary of State has made a public genocide determination in both cases, and we are working to document these terrible crimes and ensure that those responsible are held accountable.

But genocide is not the only atrocity crime being committed in Xinjiang or against Rohingya. Crimes against humanity also are underway. Crimes against humanity are a constellation of acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. While crimes against humanity do not require specific intent to destroy a protected group, they often are no less horrendous in execution or impact. We do a great disservice to these victims when crimes against humanity are omitted from our condemnation, because they too are prohibited by international law and can be just as grave, if not more so.

For example, the U.S. determination that crimes against humanity are occurring in Xinjiang includes imprisonment or other severe deprivation of physical liberty in violation of the fundamental rules of international law; enforced sterilization; torture of those detained; and persecution, including through the use of forced labor and the imposition of draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement.

Similarly, Secretary Blinken determined members of the Burmese military committed crimes against humanity against Rohingya. Many of the horrific abuses that led to this conclusion are outlined in the State Department’s public report entitled “Documentation of Atrocities in Northern Rakhine State,” which was based on a meticulous population-based study.

Burma's military has for decades committed horrific atrocities against Burma's population, including members of other ethnic and religious minority groups. Since the 2021 military coup, it has continued to commit atrocities against people across Burma, atrocities that the UN's Independent Investigative Mechanism for Myanmar, the UN High Commissioner for Human Rights, and the UN Special Rapporteur for Human Rights in Myanmar all say may rise to the level of crimes against humanity.

The United States is committed to pursuing truth and justice for victims, and accountability for those responsible, for all these atrocities. As Secretary Blinken made clear, justice and accountability – whether via international or domestic courts – must be part of the “pathway out of genocide” in Burma.

While ideally crimes such as these would be prosecuted in the courts of the country where they occur, we know that in many cases, including in the PRC and Burma, there is no possibility to do this in the near future. This means that those of us seeking to pursue justice for these crimes will need to look to international mechanisms and foreign courts to address these crimes. We have started to see some success in the prosecution of atrocity crimes in foreign courts, with cases in Germany, Sweden, and France focused on atrocities in Syria, and nascent cases to address atrocities in Burma being pursued in Argentina, Australia, and Turkey.

Although U.S. law allows for the potential prosecution of genocide, the United States currently does not have legislation that would allow us to prosecute those responsible for crimes against humanity in the PRC or Burma and elsewhere around the world. We are committed to working with the many tools we have to address and prevent atrocities wherever they are being committed, including against Muslims in places like the PRC and Burma. To address the genocide and crimes against humanity against Rohingya and other atrocities in Burma:

- We are supporting the UN's Independent Investigative Mechanism for Myanmar (IIMM), and The Gambia's case against Burma under the Genocide Convention at the International Court of Justice.
- Alongside allies and partners, we're imposing targeted sanctions on top military commanders, senior officials, and their family members. We've applied sanctions or export controls to 26 entities.
- We've led efforts at the UN calling for an end to the provision of all arms, materiel, and technical assistance to the Burmese military.
- We're continuing to support efforts to document the atrocities against Rohingya and other atrocities in Burma through victim and survivor-centered approaches that advance truth, justice, and accountability.
- And, importantly, the United States continues to provide significant support to help meet the immediate humanitarian needs of Rohingya and other displaced Burmese. In FY 2021, the U.S. government provided more than \$434 million in humanitarian assistance, of which nearly \$85 million was for vulnerable communities in Burma and nearly \$350 million was for those who have fled to Bangladesh and elsewhere in the region.

Similarly, we are committed to promoting justice and accountability for the PRC's genocide and crimes against humanity against Uyghurs and members of other ethnic and religious minority groups in Xinjiang.

- Important tools, such as the Global Magnitsky sanctions program, allow the United States to take strong action against those implicated in the PRC's genocide and crimes against humanity in Xinjiang. For example, on December 10, 2021, under the Global Magnitsky program, the United States sanctioned two senior PRC officials for their connection to serious human rights abuses in Xinjiang. We have also taken actions in coordination with likeminded partners.
- Congress has created important new tools, such as the Uyghur Forced Labor Prevention Act, to help prevent the importation of products made with forced labor in Xinjiang into the United States, which helps to impose reputational and tangible costs on those engaged, or complicit, in forced labor and the other atrocities in Xinjiang.
- The imposition of visa restrictions, export controls, financial sanctions, and import restrictions are examples of how the United States is leading the way in imposing costs for individuals and entities in connection with genocide and crimes against humanity in Xinjiang.
- The United States also has joined likeminded partners in highlighting the situation in Xinjiang at the UN Human Rights Council and UN General Assembly. Most recently, The Netherlands led a joint statement at the current session of the UN Human Rights Council, which garnered support from 47 countries from all UN regions.

The United States has long supported efforts to promote justice and accountability for atrocity crimes, and we are not letting up even as atrocities continue to mount around the world. It is not only a moral imperative; it is in our national interest. The American people care deeply about these issues.

Thank you for your dedication and for the vital legislative tools that enable us to continue to pursue justice for atrocity crimes. I look forward to your questions.