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Members of Congress, distinguished colleagues, it is an honor to testify before the Tom Lantos Human Rights Commission, which has been a champion of US leadership in global human rights.

The US State Department has recently determined that ISIS is committing genocide in the territories of Iraq and Syria. I refer those who are interested to Secretary Kerry's official determination, and to public resolutions issued by scholarly organizations such as the International Association of Genocide Scholars, and private NGOs such as Genocide Watch.

The United States, as a signatory to the United Nations Genocide Convention, is treaty bound to "prevent and punish genocide." This is a legal duty that the US should uphold. My remarks, today, are intended to help clarify what that duty is under international law.

Clearly, under international law, the use of the word "genocide" is important because it justifies a broad military coalition for combatting ISIS directly, and for arming and training militias of groups who are targets of genocide. These actions can be clearly intuited from the word "prevent" in the UN Genocide Convention.

However, further escalating armed interventions—whether through increasing direct military involvement, or training and arming of militias—is not a viable means for defeating ISIS. In fact, it will make the situation worse, increasing human suffering and further legitimizing the ideologies motivating and inspiring the genocidists.

Let me be clear, American is not actually at war with violent extremism—or radical Islam—even though this is the official, publically stated position of two US administrations. I do not want to belabor this point, but let me say that it is self-evident to anyone who practices diplomacy or statecraft. The best we can be done is to try to understand why people are joining ISIS, why people are fighting with ISIS, and what the differences in motivations and intentions are between the leaders of ISIS on the one hand, and on the other hand the soldiers who make up the ranks of ISIS, and those who tacitly lend ISIS their support. Only then can we begin to create a foreign policy that can help bring peace to this part of the world, and contribute to fostering peace, democracy, and human rights as lived experiences for the many millions of human beings who are living under the threat of ISIS.

Genocides are not caused by differences in faith or ethnicity, nor incompatibilities between different religious beliefs or identities—rather, genocides are caused by the implications of identity in terms of access to social, political, and economic opportunities, and access to basic rights and, for a lack of a better word, basic human dignity. People who commit genocide often believe that they have been wronged somehow, and leaders emerge who feed on this sense of

loss and collective grievances, and then offer up a collective scapegoat—a group of people who can be blamed, whose presence in society is seen as dangerous and parasitic, and who should therefore be removed from society as a group (often at the point of death).

The leaders of genocides are not usually motivated by the ideologies of hatred and exclusion that are motivating the mass movements—but rather by the belief that they can gain something out of these ideologies of hate. Yet, at the same time, not all the individuals who sign up to fight in a genocide do so for the same reasons. If I had more time, I could give examples from the Holocaust, the Rwandan genocide, and our own history of genocide against Native Americans. The point is, no genocide emerges from a simple calculation of hate and bigotry, and the case of ISIS is no different. Any plan to stop the ISIS genocide is therefore equally complex.

In considering the US response to ISIS, it must be remembered that it was the US invasion of Iraq, and then Libya, that created the social and political context out of which ISIS's millennial ideologies were forged. Hundreds of thousands of Iraqis have died because of this war, and a region that is twice the size of Europe was thrown into political and social chaos for over a decade. ISIS's ideology provides a clear vision for how to escape the chaos, death, corruption, and collapse that was caused by US foreign policy. Sending in more soldiers will not solve anything in the long run—instead it will legitimize this sentiment, and recreate the very conditions that gave rise to this genocide in the first place.

Instead, I urge you to consider moving US policy forward in three ways.

1) Emphasize that the US has an obligation under international law to prevent and punish genocide, and that genocide can neither be prevented nor punished if history is forgotten.

Therefore,

- Support efforts by independent, international bodies to **investigate, document, and catalogue** war crimes committed in Iraq, Syria, and Libya.
- Make sure these tasks are carried out by **independent investigators** under the authority of the UN General Assembly or, ideally, the UN Security Council. This will prevent the documentation efforts from being considered an exercise of victor's justice.

And,

- Support a UN Security Council resolution referring the prosecution of genocide committed by ISIS to the International Criminal Court.
- The Security Council Resolution should be introduced by Egypt and France—members of the Security Council who have been the victims of attacks directly organized and planned by ISIS.
- A draft resolution has been submitted for the record.

2) Support efforts on behalf of victims of ISIS genocide to seek relief, protection, humanitarian assistance, and refugee status if necessary.

- These efforts should include support for victims to testify and bear witness in public settings, since victim testimony is essential to mobilizing international solidarity.
- Members of groups who are targeted for genocide, under existing international law, are allowed to receive preferential treatment as refugees under the UN Convention and Protocols on the Status of Refugees, to which the US is a State-Party, and under the refugee laws of the United States.
- The US should, also, either accept and welcome Syrian refugees writ-large, since they are refugees who are fleeing genocide and war crimes in Syria, or directly contribute to efforts undertaken by Turkey, Lebanon, Jordan, and the European Union to welcome them humanely. America's slogan of "give us your tired and your poor" is a pillar of our strength and prosperity, and the foundation of our spirit of resolve and freedom.

3) The US government needs to bolster its ability to prevent incidents of mass atrocities and genocide before mass killings break out, so that we do not continue to face the type of atrocities that ISIS is carrying out today.

- In 2012 the Atrocities Prevention Board was stood up at the White House. The APB is a high-level working group that ensures coordination by the relevant agencies to actually prevent mass atrocities. The APB must be strengthened. Scholarly commentaries have been submitted for the record.
- In February of this year, Sen. Ben Cardin along with Sen. Thom Tillis and others introduced the Genocide and Atrocities Prevention Act in the Senate which would authorize the Atrocities Prevention Board to ensure congressional oversight and to provide continuity to the U.S. government efforts to prevent genocide and mass atrocities. These types of efforts are important to ensure that our government has the needed capacity to actually prevent genocide. The legislation summary has been submitted for the record.