MASS ATROCITIES PREVENTION I

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

UNITED STATES
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FIFTEENTH CONGRESS
SECOND SESSION

FEBRUARY 6, 2018

Official Transcript

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TOM LANTOS HUMAN RIGHTS COMMISSION

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MASS ATROCITIES PREVENTION I

TUESDAY, FEBRUARY 6, 2018

HOUSE OF REPRESENTATIVES
TOM LANTOS HUMAN RIGHTS COMMISSION
Washington, D.C.

The Commission met, pursuant to call, at 10:30 a.m., in Room 2255 Rayburn House Office Building, Hon. James P. McGovern [co-chair of the Commission] presiding.

Mr. MCGOVERN: Good morning, and welcome to this Tom Lantos Human Rights Commission hearing on the prevention of mass atrocities.

Today's hearing is the first in a series of hearings the Commission will hold during the second session of the 115th Congress to more fully explore the serious issue of mass atrocities and how to prevent them.

We are joined today by a distinguished panel of witnesses and I want to thank each of them for their presence here today and for the important work that you all do.

"Mass atrocities" are defined as large-scale deliberate attacks against civilian populations. They include genocide, crimes against humanity, war crimes, and ethnic cleansing.

After the Holocaust – the systematic, bureaucratic, state-sponsored persecution and murder of 6 million Jews and members of other persecuted groups by the Nazi regime and its collaborators between 1941 and 1945 – the United States and the international community vowed to "never again" stand by in the face of genocide.

But since then, mass atrocities, including genocide, have been committed in Indonesia, Cambodia, Guatemala, East Timor, and former Yugoslavia, Rwanda, Sudan, and South Sudan, among other places.

Hundreds of thousands of people have been killed, tortured, disappeared, or suffered sexual violence, and millions more have been forced to flee, with profound humanitarian, political, and national security consequences.

I don't believe the world's failure to prevent atrocities is because no one cares. In this era of instant communication powered by social media, most people I know have seen and passionately condemn the ongoing atrocities in Syria and elsewhere.

Nor is it because no one knew. To take just one example, many credible observers, including the U.S. Holocaust Memorial Museum testifying today, have been warning for years about the potential for genocide against the Rohingya in Burma.

The problem is that the international community, including the United States, has not been effective in turning knowledge and moral indignation into action to prevent a situation from worsening.

This is not a new or unrecognized problem. Both for Presidents George W. Bush and Barack Obama, preventing genocide and mass atrocities were national security priorities.

And I think most of us view the Atrocities Prevention Board set up in 2012 as an important step forward. But, clearly, more is needed.

Back in 2008, former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen led the bipartisan Genocide Prevention Task Force that produced a blueprint for U.S. policymakers on preventing genocide.

One of the recommendations was that the Tom Lantos Human Rights Commission, which had just been established, should make preventing genocide and mass atrocities a central focus of its work and we have certainly attempted to honor that mandate.

Over the years, the Commission has drawn attention to many situations where atrocities were occurring, or at risk of occurring, including Sudan, Sri Lanka, Syria, and Burma, to name a few.

It is because we have been paying attention that we share the deep frustration that "never again" has become "yet again." We are convinced that we can and we must do better.

So during 2018 we will conduct this series of hearings to review the tools available to U.S. policymakers to prevent mass atrocities and investigate how to strengthen them.

We do this recognizing that there is a lot of good work already underway in both chambers of Congress and on both sides of the aisle to find new ways forward.

I especially want to highlight H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, led by Representative Ann Wagner and co-sponsored by both Commission co-chairs, myself and Congressman Hultgren.

There is also a lot of good, thoughtful research and analysis that we can all draw on. Our witnesses today are deeply familiar with that work and we look forward to hearing their reflections.

I want to close by noting where we are starting from. We are distinguishing between preventing armed conflict and preventing atrocities.

We know that armed conflict often enables mass atrocities, but not all armed conflicts lead to atrocities, and atrocities also occur frequently in the absence of armed conflict – cases of state-directed suppression, communal violence, or post-war retribution.

We are persuaded that atrocities are not the product of "ancient" ethnic and religious hatreds but rather of conscious strategic decisions by ruling elites and non-state actors to achieve specific ends.

Those actors need a reason to commit atrocities and the means and opportunity to do so. The issue becomes how to change their strategic calculus.

We think impunity is one of the elements in that strategic calculus. If the perpetrators enjoy impunity, this may be seen as a green light to expand a genocidal or mass atrocity campaign.

We think there are patterns of behavior that should always raise red flags. Classifying people into "us" and "them," dehumanizing and discriminating against whole populations, polarizing one population against another – these are processes and actions that lay the groundwork for violence.

We do not think there is a one-size-fits-all approach. Prevention strategies must be tailored to each situation and should make use of the full range of tools policymakers have.

What might – what might be the full range of tools? In these hearings, we are going to be looking at the role of diplomacy and foreign aid, accountability, military engagement, and economic incentives and penalties. We will also explore why coordination by the whole of government is important.

We do not discount the role of political will. But we are looking for ways to reduce its weight, to institutionalize an "atrocity prevention lens" so we don't wait until it is so late and the problem is so big that all we can do is lament the immorality and inhumanity, and then provide humanitarian aid to the victims and survivors.

Mass atrocities are human rights violations on a grand scale. We invite you to join us this year in identifying new strategies to prevent them from occurring.

And I also want to recognize that we have statements for this hearing from Representative Ann Wagner of Missouri and Representative Ro Khanna of California which I'd like to ask unanimous consent that they be submitted for the record.

And with that, I want to yield to my colleague from Illinois, Congresswoman Jan Schakowsky, for any opening statement she may have.

[The prepared statement of Co-Chair McGovern follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

Tom Lantos Human Rights Commission Hearing

Mass Atrocities Prevention I

February 6, 2018
10:30 – 12:00 PM
2255 Rayburn House Office Building

Opening Remarks as prepared for delivery

Good morning and welcome to this Tom Lantos Human Rights Commission hearing on the prevention of mass atrocities. Today's hearing is the first in a series of hearings the Commission will hold during the second session of the 115th Congress, to more fully explore the serious issues of mass atrocities and how to prevent them. We are joined today by a distinguished panel of witnesses, and I want to thank each of them for their presence and the important work they do.

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After the Holocaust – the systematic, bureaucratic, state-sponsored persecution and murder of six million Jews and members of other persecuted groups by the Nazi regime and its collaborators between 1941 and 1945 – the United States and international community vowed to "never again" stand by in the face of genocide.

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Hundreds of thousands of people have been killed, tortured, disappeared or suffered sexual violence; and millions more have been forced to flee, with profound humanitarian, political, and national security consequences.

I don't believe the world's failure to prevent atrocities is because no one cares. In this era of instant communication powered by social media, most people I know have seen and passionately condemned the ongoing atrocities in Syria and elsewhere.

Nor is it because no one knew. To take just one example: many credible observers, including the U.S. Holocaust Memorial Museum testifying today, have been warning for years about the potential for genocide against the Rohingya in Burma.

The problem is that the international community, including the United States, has not been effective in turning knowledge and moral indignation into action to prevent a situation from worsening.

This is not a new or unrecognized problem. Both for Presidents George W. Bush and Barack Obama, preventing genocide and mass atrocities were national security priorities. And I think most of us view the Atrocities Prevention Board set up in 2012 as an important step forward. But clearly more is needed.

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Tom Lantos Human Rights Commission, which had just been established, should make preventing genocide and mass atrocities a central focus of its work.

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We are persuaded that atrocities are **not** the product of "ancient" ethnic or religious hatreds but rather of conscious, strategic decisions by ruling elites and non-state actors to achieve specific ends. Those actors need a reason to commit atrocities, and the means and opportunity to do so. The issue becomes how to change their strategic calculus.

We think impunity is one of the elements in that strategic calculus. If the perpetrators enjoy impunity, this may be seen as a "green light" to expand a genocidal or mass atrocity campaign.

We think there are patterns of behavior that should always raise red flags. Classifying people into "us" and "them," dehumanizing and discriminating against whole populations, polarizing one population against another – these are processes and actions that lay the groundwork for violence.

We do **not** think that there is a one-size-fits-all approach. Prevention strategies must be tailored to each situation and should make use of the full range of tools policymakers have.

What might be that full range of tools? In these hearings, we will be looking at the role of diplomacy and foreign aid, accountability, military engagement, and economic incentives and penalties. We will also explore why coordination by the whole of government is important.

We do not discount the role of political will. But we are looking for ways to reduce its weight – to institutionalize an "atrocity prevention lens" so we don't wait until it's so late and the problem is so big that all we can do is lament the immorality, the inhumanity, and then provide humanitarian aid to the victims and survivors.

Mass atrocities are human rights violations on a grand scale. We invite you to join us this year in identifying new strategies to prevent them from occurring.

Ms. SCHAKOWSKY. I want to thank you, Congressman McGovern, for your tremendous leadership and for convening this hearing.

From Rwanda to Darfur to the present crisis in Myanmar, we have seen tragic consequences of conflict and the need for a strong humanitarian response.

This last November I went to Bangladesh and Myanmar along with Senators Durbin and Merkley and two other members in the House, and I've been haunted ever since, both by the atrocities that were conveyed to us by victims in the camps and in Bangladesh, but also by the feeling of impotence of what can we do to stop that.

We put out statements and talked about how this can't, in this time on our watch, just continue and yet it seems more intractable all the time.

Last month, we saw that there was a deal struck between Myanmar and Bangladesh to return refugees to camps in Bangladesh back to Rakhine – from Bangladesh back to Rakhine State in Myanmar.

It is really hard for me to understand how that could happen. It sounds to me like rather than returning home, since there were hundreds of villages that were burned down, and because of the almost universal hatred and lack of acceptance of the – I am blanking now – I am blanking on my – the name of the people.

Mr. MCGOVERN. The Rohingya?

Ms. SCHAKOWSKY. Yes, the Rohingya, who I actually in my district in Chicago have the only Rohingya cultural center in the country.

I've got about 350 families, about a thousand people, and the hatred that you saw universally for them was absolutely astonishing. And we met with a number of people who expressed that, that they essentially don't belong there at all – they shouldn't be there – this is not their turf.

They are treated like illegal aliens in their country. They have no status. They are completely without any state. They are stateless people. It is just – it is just unbelievable. And so I think that, you know, the international community, including the United States of America, has to do more to step in.

Thousands of people have been – have been killed, probably more than are really on the records. But beyond that, when you have over – about 650,000 people who have to flee under dangerous situations and live in a place where I understand that the Bangladesh – we met with the president – that, you know, while she's been and the country has been hospitable, allowing them to cross, it is not a permanent situation.

These camps are so full and so under-resourced and understaffed that I understand there has to be something more permanent. What is it?

And so I am hoping we can talk about this particular – these crimes against humanity, ethnic cleansing. Some have called it genocide. But it is happening right now in our time before our eyes.

So I want to yield back and hope that we can come up with some ideas of how to proceed forward in a constructive way.

Thank you.

Mr. MCGOVERN. Thank you.

And I'd now like to yield to our distinguished co-chair, Congressman Randy Hultgren.

Mr. HULTGREN. Thank you. Good morning.

I want to thank my good friend and co-chair, Jim McGovern, for calling this hearing and leading this effort. It is so important. I am also grateful to have my friend and colleague from Illinois, Jan Schakowsky, part of this.

And interesting, I didn't realize your district had the only community center for these precious people. So we'd love to come and visit maybe sometime.

Ms. SCHAKOWSKY. They have a restaurant, too, just to know.

Mr. HULTGREN. You're speaking my language now. So I don't know why she thought that would matter to me.

[Laughter.]

Mr. HULTGREN. Thank you. But I really do. This is – as we laugh we also cry. This is a horrible, horrible situation that's going on and it is so important for all of us, but especially the Tom Lantos Human Rights Commission, to have this hearing on atrocity prevention.

And I want to thank our witnesses for joining us. We are grateful that you are here. We want to thank you even more for the work that you are doing, fighting for these precious people.

Mass atrocities, genocide, war crimes, crimes against humanity directed against civilian populations, rank among the most horrific acts of intentional violence inflicted on our world today or on any day.

Once systematic violence breaks out against a civilian population, it is very difficult to demobilize armed groups and to stabilize a situation.

We must do a better job reading the signs and predicting the circumstances that are harbingers of potential atrocities and work together as an international community to implement strategies designed to prevent such atrocities before they happen.

There are clear practical steps that can be taken that could prevent or at least mitigate large-scale human rights violations. The United States has sought to do this through its use of targeted sanctions, public diplomacy, economic assistance, military partnerships and training, and through programs aimed to strengthen rule of law, civil society, and interfaith dialogue.

All of these things are important, but we must always seek to do more and to work in closer cooperation with those who share our goals and our values.

Again, I want to thank our witnesses. I want to thank all of you for being here and we do need to continue to hear about and be challenged by what we can do and looking forward to hearing from the status of the Atrocities Prevention Board and how the United States can more effectively work to end mass atrocities in our world.

Thank you, and I yield back.

[The prepared statement of Co-Chair Hultgren follows:]

PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

TLHRC Hearing – Mass Atrocities Prevention I
2255 Rayburn

Introductory Remarks of the Honorable Randy Hultgren (IL-14) | February 6, 2018

- Good morning. I would like to join my Co-Chair in welcoming you all to the Tom Lantos Human Rights Commission hearing on Atrocity Prevention.

- Thanks very much to our witnesses for joining us today to share your expertise.

- Mass atrocities – genocide, war crimes, crimes against humanity – directed against civilian populations rank among the most horrific acts of intentional violence afflicting our world today.

- Once systematic violence breaks out against a civilian population it is very difficult to demobilize armed groups and to stabilize a situation.

- We must do a better job reading the signs and predicting the circumstances that are the harbingers of potential atrocities, and work together as an international community to implement strategies designed to prevent such actions before they happen.

- There are clear, practical steps that can be taken that could prevent, or at least mitigate large-scale human rights violations.

- The United States has sought to do this through its use of targeted sanctions, public diplomacy, economic assistance, military partnerships and training, and through programs aimed to strengthen rule of law, civil society, and inter-faith dialogue.

- All of these things are important, but we must always seek to do more and to work in closer cooperation with those who share our goals and our values.

- I look forward to hearing from our witnesses about the status of the Atrocities Prevention Board, and how the United States can more effectively work to end mass atrocities in our world. Thank you.

Mr. MCGOVERN. Thank you very much, and I want to call our first witness, Father Thomas J. Reese, S.J. He has served as a commissioner at the U.S. Commission for International Religious Freedom since May 2014. He's also a senior analyst for Religion News Service and the author of "Inside the Vatican: The Politics and Organization of the Catholic Church." Reverend Reese entered the Jesuits in 1962 and was ordained in 1974 and we are honored to have you here. The floor is yours.

STATEMENT OF FATHER THOMAS J. REESE, S.J., COMMISSIONER, U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Father REESE. Thank you very much, Chairman McGovern, and I really sincerely thank all three of you for having this meeting.

I mean, your opening statements show your deep concern for this issue and having the hearing when we all know you've got lots of things going on in Congress, lots of other issues that you are dealing with, to hold this up as a priority for you is extremely important and impressive and we are very grateful to you for doing this.

I am Father Thomas Reese. I am a member of the U.S. Commission on International Religious Freedom. I request that my written testimony be submitted for the record.

Mr. MCGOVERN. Without objection.

Father REESE. I will make seven points, which I address more fully in my written statement. They will be very brief in my oral presentation.

First is that mass atrocity prevention must be a top U.S. foreign policy priority. Mass atrocities are large scale and systematic violence deliberately inflicted against civilians. They include genocide, crimes against humanity, war crimes and ethnic cleansing. Not only are millions of lives at risk, but mass atrocities destabilize nations and regions and challenge U.S. interests worldwide.

Our commitment to work against this tells – you know, says a lot about who we are as an American people.

Using the term "mass atrocities" usefully broadens the discussion beyond genocide. Many people focus exclusively on genocide as it is a powerful word and they believe that invoking genocide would bring pressure on the world community to act. But in reality, a genocide declaration imposes no new obligations on the government. So we have to be concerned about all types of mass atrocities.

Second, effective solutions are very difficult to obtain. Situations in which atrocities occur are complex. The diversity of past atrocities make it challenging to predict future atrocities and propose solutions. Also, competing national and international interests can sap the political will to act.

Third, we cannot be bystanders on this most important issue of our time. Let me give three examples.

First example, of course, is the one that you have already mentioned that is unfolding in Burma and Bangladesh.

In Burma, the military has killed, looted, disappeared, raped Rohingya Muslims. More than 750,000 have fled to Bangladesh and live in squalid refugee camps.

U.S. and United Nations officials characterize the abuses here as ethnic cleansing – and I think, as you mentioned, this is debatable whether this is really genocide.

The second example is the Islamic State of Iraq and Syria – ISIS – which has committed genocide against religious minorities – Yazidis, Christians, and Shi'a Muslims in Iraq and Syria. It has also committed crimes against humanity against others, including Sunni Muslims.

And then the third example is North Korea. This regime has committed crimes against humanity. It tortures, imprisons, and executes anyone, including religious believers. These mass atrocities take place in the absence of any armed conflict.

The fourth point I would like to make is that the U.S. government must take every opportunity to address these atrocities. My written testimony includes recommendations to that end. It also underscores the importance to address – to address conflicts before they become mass atrocities.

Let me highlight two examples. The Chinese government's actions against the Uyghur Muslims – this is something that we really have to keep an eye on.

These include forcing Uyghurs into so-called re-education camps and disappearing others, using GPS systems and DNA sampling to track them, and dramatically restricting their religious activity.

Uyghur prisoners receive unfair trials and harsh prison treatment. Uyghur scholar Ilham Tohti is serving a life sentence after being found guilty in 2014 of separatism.

Gulmira Imin is serving a life sentence for her alleged role organizing protests in July of 2009. USCIRF is advocating on her behalf as part of its religious prisoners of conscience project.

And secondly, the Chinese government is also targeting Tibetan Buddhists by instituting re-education campaigns and extensive surveillance, monitoring religious leaders, assemblies and selection in their education, limiting travel and private religious practices, and suppressing perceived religious dissent, including by firing on unarmed people.

At least 152 Tibetans have self-immolated since February of 2009. The government accuses the Dalai Lama of "splitism" and tortures monks and nuns who refuse to denounce him or pledge loyalty to Beijing.

Party cadres oversee so-called patriotic education classes at the religious and educational institute Larung Gar. The government also imprisons and disappears prisoners of conscience, including the Tibetan language advocate Tashi Wangchuk. He faces up to 15 years in prison.

The government disappeared the Panchen Lama. USCIRF advocates for him as a prisoner of conscience and we thank Chairman McGovern, who's working on his behalf as part of the Lantos Commission Defending Freedoms Project.

My fifth point, reinforced by these and other examples, is that members of religious communities are rich targets for mass atrocity perpetrators. Thus, their protection and promoting their religious freedom should be key factors in mass atrocity prevention.

My sixth point is that confronting mass atrocities is challenging. It is challenging due to insufficient political will, compassion fatigue, perceived competing priorities, and the lack of consensus about when, how, and under what circumstances prevention should be pursued.

And my last point is that much work needs to be done. My testimony includes recommendations to Congress such as using its bully pulpit, as you are doing right here and now; passing legislation including H.R. 390, the Iraq and Syria Genocide Emergency Act; S. 1118, the North Korean Human Rights Act of 2017; and H.R. 1872 and S. 821, the Reciprocal Access to Tibet Act of 2017. Passing this legislation is important.

Third, sending congressional delegations to targeted countries as you did is extremely important – visiting these areas that are impacted by government or non-government actors' abuse. This brings a lot of focus on these issues.

And then finally, funding initiatives that help integrate members of minority religious communities into judicial, law enforcement, and security services, and assist those fleeing violence and persecution

So USCIRF also strongly supports the use of targeted sanctions like the Global Magnitsky Act, and these and other targeted sanctions can be effective tools partly because of their impact on public shaming.

Finally, it is important to adopt an all-of-government approach to promoting religious freedom and preventing mass atrocities.

The responsibility to address this issue is fragmented. Multiple congressional committees have jurisdiction as do several executive branch departments. So the government needs new tools and better ways to address these atrocities.

So I applaud the Commission for drawing attention to mass atrocities through this hearing and I thank you very much for your work.

[The prepared statement of Father Reese follows:]

PREPARED STATEMENT OF FATHER THOMAS J. REESE, S.J.

Testimony of

Father Thomas J. Reese, S.J.

Commissioner

U.S. Commission on International Religious Freedom

Before the

Tom Lantos Human Rights Commission

On

Mass Atrocities Prevention I

February 6, 2018

I want to commend the Co-Chairs of the Tom Lantos Human Rights Commission, Representative James McGovern (D-MA) and Randy Hultgren (R-IL) for holding today's hearing on "Mass Atrocities Prevention I" and thank them for inviting me to testify. I am Father Thomas J. Reese, S.J., a Commissioner on the U.S. Commission on International Religious Freedom (USCIRF). USCIRF is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). The Commission uses international standards to monitor the universal right of religion or belief abroad and make policy recommendations to the Congress, President, and Secretary of State.

Mass atrocities prevention is a vitally necessary and challenging issue to address. Not only are the stakes high, with millions of lives and the stability of entire regions at stake, but consensus on even basic definitional issues has been elusive. In addition, effective solutions are difficult to achieve. Situations where atrocities occur, or are at risk of occurring, are complex, and competing national and international interests can trump attention to and action on them and, candidly, can sap the political will to step up and take action.

However, we cannot become bystanders one of the most important issues of our time. As a nation and member of the international community, the U.S. government must seek to proactively seek to prevent mass atrocities by timely addressing the harbingers of these atrocities and effectively responding to them once they occur. The case for the U.S. government to fulfill this responsibility is clear, especially given the following examples of mass atrocities:

- A massive crisis is unfolding in **Burma** and **Bangladesh**. The Burmese military and security forces' brutal response to October 2016 and August 2017 attacks on border guard and law enforcement personnel Rohingya Muslim insurgents carried out included indiscriminate and disproportionate acts against innocent civilians, including children, such as looting, burning, and destroying property; arbitrary detentions and arrests; rape and other sexual violence; enforced disappearances; and extrajudicial killings. U.S. and United Nations officials have characterized the abuses as an ethnic cleansing. The violence, which nonstate actors also perpetrated, first prompted 74,000 Rohingya Muslims to flee to Bangladesh, followed by upwards of 688,000, a number that continues to grow. The crisis is the culmination of decades of persecution and discrimination against Rohingya Muslims by successive governments, the military, and societal actors in Burma

- The **Islamic State of Iraq and Syria (ISIS)** has posed an existential threat to religious minorities, having committed genocide against groups including Yazidis, Christians, and Shi'a Muslims in **Iraq** and **Syria**, and crimes against humanity against these and other ethnic and religious groups. In Iraq, in the aftermath of liberation of areas from ISIS, human rights groups have documented discrimination, torture, and reprisal killings of Sunni Muslims suspected of being ISIS sympathizers. Iraq has long suffered from sectarian tensions, which have adversely affected human rights and religious freedom conditions, and helped create the conditions for ISIS' rise. The collective actions in Syria of the al-Assad regime, elements of the armed opposition, and U.S.-designated terrorist groups also contributed to the human rights crisis in Syria.

- In **North Korea**, the regime, guided by an extreme ideology, arrests, tortures, imprisons and executes anyone, including religious believers, whom it views as threats to the power of the leader. In fact, a 2014 U.N. commission of inquiry found "systematic, widespread, and gross human rights violations that include extermination; enslavement; torture; imprisonment; rape, forced abortions, and other sexual violence; persecution on political, religious, racial, and

gender grounds; the forcible transfer of populations; and knowingly causing prolonged starvation." These mass atrocities take place in the absence of an armed conflict. A U.N. Commission on Inquiry on Human Rights in the Democratic People's Republic of Korea concluded that North Korea has committed crimes against humanity.

These examples underscore the need for the U.S. government and international community to work to prevent mass atrocities, taking actions that help save lives, safeguard communities, and rebuild societies. During my testimony, I will review the different kinds of mass atrocities; discuss examples of governments and non-state groups targeting religious minority communities for mass atrocities; highlight several situations where religious freedom violations may suggest a risk of mass atrocities; and recommend potential Congressional and Executive Branch actions that I hope will be explored more fully in future hearings.

What are Mass Atrocities

While definitions matter, there is no formal legal definition of mass atrocities, with the consensus being that mass atrocities are large scale and systematic violence, deliberately inflicted against civilians. The legal categories most often associated with mass atrocities are genocide, crimes against humanity, and war crimes. Ethnic cleansing also is considered a mass atrocity, but does not have a legal codification. Also, the conceptual boundaries between these terms can be unclear.

- Genocide: *The United Nations Convention on the Prevention and Punishment of the Crime of Genocide* in Article II states that genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group by: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births with the group; or forcibly transferring children of the group to another group.

  Article III lists the following acts as punishable: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide.

- Crimes against Humanity: *The Rome Statute of the International Criminal Court*, which the United States has not ratified, states that crimes against humanity mean any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law; enforced disappearance of persons; the crime of apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

- War Crimes: According to *The Rome Statute*, war crimes mean any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: willful killing; torture or inhuman treatment, including biological experiments; willfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; compelling a prisoner of war or other protected person to serve in the forces of a hostile Power; willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial; unlawful deportation or transfer or unlawful confinement; taking of hostages; and other

serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, including namely, any of the following acts: intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities; and intentionally directing attacks against civilian objects, that is, objects which are not military objectives. (The Statute continues by listing other acts.)

- Ethnic Cleansing: Ethnic cleansing is the deliberate and systematic removal of an ethnic or religious group from a specific geographical area. The UN Security Council in 1994 confirmed a 1992 United Nations Report (*Final Report of Experts Established Pursuant to the United Nations Security Council Resolution 780*) that ethnic cleansing is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.

Mass atrocities have taken place during armed conflicts and in the absence of conflicts, perpetrated by governments (through their actions or omissions), or their proxies or non-state actors. Individuals and groups can be targeted based on their national, racial, religious, ethnic or other affiliations. The kinds of atrocities vary and can include systematic killings and abductions, enslavement and forced labor, displacement, aerial bombardment, torture, starvation, use of chemical weapons and rape. And the motives also can vary, reflecting an area's or country's history and circumstances, and can change over time, among individuals, and within one mass atrocity event.

The diversity of past mass atrocities suggests that future atrocities may have different characteristics, especially given changing political, economic, and social forces, and new ideologies and technology. This variability makes it especially challenging to predict future atrocities and propose effective actions.

Many believe, and USCIRF agrees, that using the concept of "mass atrocities" usefully broadens the discussion and debate. For many years, public policy and advocacy focused exclusively on genocide, given the power of the word and the pressure it brings to bear on the world community to act to protect the victimized group.

Yet, it is important to recognize that a declaration of genocide does not impose any new obligations. As a signatory, along with over 140 other nations, to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the United States "undertake[s] to prevent and to punish the crime of genocide." However, the Convention does not specify what this obligation entails, and the U.S. government has interpreted the legal requirement to prevent genocide being limited to a signatory's own territory.

The day before then-Secretary of State Kerry's March 17, 2016 announcement that ISIS is responsible for genocide, the State Department spokesperson said that "acknowledging that genocide or crimes against humanity have taken place in another country would not necessarily result in any particular legal obligation for the United States." He also stated that "[the Genocide Convention] does create obligations on states to prevent genocide within their territory and [to] punish genocide, so there is the accountability aspect of it."

After the Secretary's statement, State Department officials said "that the finding imposes no new obligations beyond what is already being done but that it could 'galvanize' other countries to step up the battle against the Islamic State." Some non-governmental experts agree with this assessment of the legal implications of the genocide finding. For example, Gregory Stanton, president of Genocide Watch and a past president of the International Association of Genocide Scholars, told the Washington Post in February 2016, "There is a misconception about the word. The Genocide Convention doesn't require us to do anything." In the same article, Cameron Hudson, director of the U.S. Holocaust Memorial Museum's center for genocide prevention, said that "the debate over

the word is somewhat misplaced, as it's not clear that it would mandate or change anything on the ground."

However, at least one expert disagrees with the United States' territorial interpretation of the duty to prevent. John Heieck of the University of Kent has asserted, based on the International Court of Justice's opinion in the Bosnian Genocide case, that "the scope of the duty to prevent genocide is determined by the 'due diligence standard,'" which "provides that, if a State has the capacity to effectively influence the genocidal actors and the knowledge that genocide is imminent or ongoing, the State has a legal duty to use its best efforts within the means available to it to prevent the genocide from occurring or continuing."

Notwithstanding the legal debate over the consequences of a genocide declaration, it is in the U.S. national interest to understand the complexities of mass atrocities and which groups are likely to be targets, and develop policies and programs to prevent these atrocities and respond effectively to them once they take place. Congress has an important role to play in this process.

Religious Minority Communities as Targets of Mass Atrocities

Religious minority groups in countries around the world are likely targets of mass atrocities, vulnerable to discrimination and violence from both governments and non-state actors. These actions, as is evident from the examples below, threaten the lives of millions, destabilize nations and regions, encourage extremism, and threaten U.S. national interests.

Burma: The Burmese military in 2017 brutally responded to Rohingya insurgents who targeted security personnel. While both committed human rights abuses, the scale of the military and security forces' abuses in Rakhine State overwhelms those of the insurgents. The crackdown by the military and security forces, aided by local Buddhists acting as vigilantes, prompted more than 700,000 Rohingya to flee to Bangladesh, and included indiscriminate and disproportionate acts against innocent civilians, including children, such as looting, burning, and destroying property; arbitrary detentions and arrests; rape and other sexual violence; enforced disappearances; and extrajudicial killings. The humanitarian crisis deepened for the Rohingya Muslims and others who remained in Rakhine State after Burma blocked deliveries of virtually all humanitarian assistance. The government also disallowed access by international human rights monitors and independent media to northern Rakhine State, making it difficult to assess conditions there, and rebuffed all of the United Nations' attempts to investigate human rights abuses.

While the human rights and humanitarian crisis in Rakhine State, including religious freedom violations, is unique in scope and scale to Rohingya Muslims, it is nonetheless symptomatic of the endemic abuses both state and nonstate actors long have perpetrated against religious and ethnic minorities in Burma. For nearly seven decades, anyone not belonging to the majority Bamar ethnic group or the majority Buddhist faith has been at risk of discrimination, deprivation of rights, imprisonment, and violence, particularly violence stemming from the military's longstanding conflicts with ethnic armed organizations. Extreme nationalist sentiment among some Buddhists continues to drive enmity toward Muslims in Burma.

In November 2017, a USCIRF delegation travelled to Burma to meet with government officials, civil society, and religious representatives. In January 2018, USCIRF staff travelled to Dhaka and Cox's Bazar, in Bangladesh, to gather information on the situation of Rohingya Muslim refugees, as a deeply flawed repatriation plan that Bangladesh brokered, and the United Nations and aid groups have strongly criticized, has stalled. USCIRF cannot stress enough that any and all returns must be voluntary, and appropriate safeguards must be put in place to guarantee Rohingya Muslims safety, security, and a credible path to citizenship. USCIRF also would like to commend the Herculean efforts the government of Bangladesh has undertaken to, not only provide a safe space for Rohingya Muslim refugees, but also permit them the greatest degree of religious freedom most of them have ever known.

In Cox's Bazar, USCIRF visited two of the camps for Rohingya refugees, Kutupalong and Nayapara. Kutupalong is currently the world's largest refugee camp and Bangladesh's fourth largest city. USCIRF met with 63 Rohingya refugees (19 women and 44 men), to learn about conditions both in Burma and in the camps.

The U.S. government last designated Burma as a "Country of Particular Concern" (CPC) for systematic, egregious, ongoing religious freedom violations in December 2017 and has: repeatedly condemned the attacks in northern Rakhine State; called on the Burmese military to cease its atrocities against Rohingya Muslims; terminated travel waivers for current and former military leaders; rescinded invitations to U.S.-sponsored events; and cut off U.S. assistance programs to military and security personnel who took part in the abuses. After visiting Burma in November 2017, Secretary of State Tillerson issued a press release characterizing the situation in northern Rakhine state as ethnic cleansing. In December, President Donald Trump signed an Executive Order sanctioning General Maung Soe, former head of the Burmese army's Western Command, under the Global Magnitsky Human Rights Accountability Act (P.L. 114-328), for overseeing military operations and myriad human rights abuses in Rakhine State. Between August and November 2017, the U.S. government reported providing more than $87 million in humanitarian assistance for the Rakhine State crisis, including assistance to Bangladesh for hosting the vast majority of Rohingya Muslim refugees.

Given the mass atrocities committed against Rohingya Muslims in Burma, USCIRF supports the continued CPC designation of Burma and the use of targeted sanctions against General Maung Maung Soe, and urges additional targeted sanctions against officials, agencies, and units, involved in the brutal campaign against the Rohingya. USCIRF also recommends that the U.S. government:

- Work with bilateral and multilateral partners to bring concerted pressure on Burma's government and military to allow an independent investigation into the root causes of and human rights violations in conflict areas like Rakhine, Kachin, and Shan states, and hold accountable perpetrators or inciters of these abuses;

- Retain the position of the U.S. Special Representative and Policy Coordinator for Burma and ensure that religious freedom is a priority for that office;

- Work with Burma's government in support of a credible path to citizenship for Rohingya Muslims, ensure their freedom of movement, and restore their political rights to vote and run for office; and

- Use the term "Rohingya" both publicly and privately, which respects the right of Rohingya Muslims to identify as they choose.

Iraq: Iraq long has suffered from sectarian tensions, with developments since the U.S. invasion in 2003 leading to a severely bifurcated society and deadly tensions between the Shi'a and Sunni communities, now including Kurdish Sunni Muslims after the September 25 KRG independence referendum. Saddam Hussein's favoritism of the Sunni population and former Prime Minister Nouri al-Maliki's favoritism of the Shi'a population helped create these divisions and distrust between the two communities. Since 2014, Prime Minister Haider al-Abadi has attempted to reverse former Prime Minister al-Maliki's sectarian policies, but much work remains.

This climate helped to facilitate ISIS's rise in northern and central Iraq. Yet, even before the rise of the Islamic State in Iraq and Syria (ISIS), Iraq's smallest religious communities, including Catholics, Orthodox Christians, Protestants, Yazidis, and Sabean Mandaeans, were significantly diminished. Their numbers declined further after ISIS first appeared in 2014.

While attacks by ISIS continued throughout most of 2017, by the end of the year the Global Coalition to Defeat ISIS had fully liberated all areas from the group's control. Yet, of the 6,400 Yazidis once captured by ISIS, about 3,200 of them reportedly still are hostages, many of them as sexual slaves. Mass graves have been discovered throughout the areas previously under ISIS control. Since November 2015, over 50 mass graves have been uncovered, many of them containing Yazidi victims.
On September 21, 2017, after four years of negotiations with the Iraqi government, the UN Security Council approved UN Security Council Resolution 2379 to authorize a UN investigative team to collect, preserve, and store evidence in Iraq of acts by ISIS that may be war crimes, crimes against humanity, or genocide. The resolution also creates the position of UN Special Adviser to promote accountability for war crimes, crimes against humanity, or genocide committed by ISIS, and to work with survivors in a manner consistent with relevant national laws.

The U.S. government has announced that it will continue to work with the Iraqi government to prevent the reemergence of ISIS or any other violent extremist organization. Additionally, on October 26, 2017, Vice President Mike Pence announced that the Department of State will expand funding beyond the UN Development Program (UNDP) and provide direct support through the U.S. Agency for International Development (USAID) for new programs addressing persecuted and displaced religious minority communities.

USCIRF has recommended that ISIS be designated as an "entity of particular concern under P.L. 114-281, the Frank R. Wolf International Religious Freedom Act for particularly severe religious freedom violations. In addition, USIRF recommends that the U.S. government:

- Assist the government of Iraq in swiftly implementing United Nations (UN) Security Council Resolution 2379, which includes the selection of a Special Advisor and establishment of an independent investigative team to support domestic efforts to hold ISIS accountable for its actions in Iraq;

- Provide, in an expeditious manner, U.S. assistance to the most vulnerable communities, especially in minority areas such as predominantly Christian Nineveh Province;

- Prioritize funding for rehabilitation and stabilization for areas liberated from ISIS control to help create conditions to allow displaced communities to return, and to mitigate ethno-sectarian tensions, including credible accountability and transitional justice mechanisms;

- Prioritize working with the Iraqi government to curb sectarian attacks by some elements of the PMF and armed groups that promote a sectarian agenda; and

- Stipulate in all military or security assistance to the Iraqi government and the KRG that security forces be integrated to reflect the country's religious and ethnic diversity, and provide training for recipient units on universal human rights standards and how to treat civilians, particularly religious minorities.

Syria: Religious freedom conditions, as well as human rights, remain dire in Syria. The government initially perpetrated atrocities against unarmed civilians. However, as the situation evolved, some groups took up arms opposing the government, with the conflict attracting armed groups from across the region. ISIS, as well as other non-state actors, have committed atrocities, even while the Syrian government is responsible for most of the civilian casualties.

For most of the past year, ISIS carried out mass executions, attacked civilian populations, and kidnapped religious minorities. By year's end, the Global Coalition to Defeat ISIS largely had defeated the group in Raqqa and Deir-ez-Zor. The year also saw a massive spike in the involvement of the Syrian Local Defense Forces (LDF), militias Iran funded that has been integrated into the

Syrian Armed Forces, in sectarian violence targeting Sunni Muslims. Foreign Shi'a fighters recruited by the Iranian Revolutionary Guard Corp (IRGC) from Afghanistan, Pakistan, Iraq, and Lebanon also carried out sectarian attacks on Sunni-dominated areas. Areas held by the armed opposition continued to vary in levels of constriction on religious freedom. The humanitarian consequences of nearly seven years of conflict have been grave. According to the United Nations, as of early 2018 there were almost 6 million Syrian refugees, more than 6.3 million internally displaced persons (IDPs), and more than 470,000 deaths.

USCIRF in 2017 found that due to the collective actions of the al-Assad regime, elements of the armed opposition, and U.S.-designated terrorist groups, Syria merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2014. USCIRF also found in 2017 that ISIS merits designation as an "entity of particular concern" (EPC) for religious freedom violations under P.L. 114-281, the Frank R. Wolf International Religious Freedom Act. USCIRF also recommends that the U.S. government:

- Continue to support international efforts to investigate and collect evidence of gross human rights abuses during the conflict, including the UN Human Rights Council-mandated Independent International Commission of Inquiry (CoI) and the UN General Assembly-mandated International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes in Syria (IIIM);

- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;

- Encourage the Global Coalition to Counter ISIS, in its ongoing international meetings, to work to develop measures to protect and assist the region's most vulnerable religious and ethnic minorities, including by increasing immediate humanitarian aid and providing longer-term support in host countries for those who hope to return to their homes post-conflict;

- Initiate an effort among relevant UN agencies, nongovernmental organizations, and like-minded partners among the Global Coalition to Defeat ISIS to fund and develop programs that bolster intra- and interreligious tolerance, alleviate sectarian tensions, and promote respect for religious freedom and related rights, both in neighboring countries and in preparing for a post-conflict Syria.

North Korea: Freedom of religion or belief does not exist in North Korea. Deifying the Kim family and the state has become a religion unto itself. Those who follow a religion or belief do so at great risk and typically secretly, at times even keeping their faith hidden from their own families to protect them from the collective punishment of "guilt by association" incarcerations in North Korea's notorious political prison camps. In addition to abuses prisoners experience, the overall human rights situation in North Korea remains bleak, including reports of malnutrition; limited freedom of movement, expression, and access to information; sexual assault; forced labor and enslavement; and enforced disappearances.

North Korean defectors who flee to China are at constant risk, many times falling prey to economic and/or sexual exploitation. North Korean defectors with whom USCIRF met in 2017 confirmed that those North Koreans the Chinese government forcibly repatriate back to North Korea are treated more harshly upon their return if they are believed to be Christians or came into contact with Christianity in China.

In December 2017, the War Crimes Committee of the International Bar Association issued a report about crimes against humanity in North Korea's political prisons. The report noted that "Christians are heavily persecuted and receive especially harsh treatment in prison camps"; prisoners are "tortured and killed on account of their religious affiliation" or for participating in Christian meetings, reading the Bible, or encountering Christianity outside North Korea; and "Christians (or those suspected of being Christians) [are] incarcerated in specific zones within the prison camp at which prisoners were subjected to more severe deprivation."

The U.S. Department of State last redesignated North Korea as a CPC in December 2017. In lieu of prescribing sanctions specific to the CPC designation, the State Department consistently has applied "double-hatted" sanctions against North Korea, in this case extending restrictions under the Jackson-Vanik Amendment of the Trade Act of 1974. Jackson-Vanik originated when Congress sought to pressure communist countries for their human rights violations, and has since been used to deny normal trade relations with countries like North Korea.

In addition to multilateral efforts at the United Nations in 2017, the Administration sought to underscore human rights and related concerns with the North Korean regime. The State Department in August 2017 issued a fact sheet that noted evidence of starvation, malnutrition, forced labor, and torture in six North Korean political prison camps, and in October 2017, released its third report on North Korea's human rights abuses and censorship pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (P.L. 114-122). The report added seven individuals and three state entities to the list of those responsible for human rights violations and censorship; in total, the three reports have named 42 individuals and entities, including North Korean leader Kim Jong-un. None of the reports specifically mention religious freedom, though in statements for all three reports, the State Department characterized human rights abuses in North Korea as "among the worst in the world."

In addition to continuing the CPC designation for North Korea, USCIRF recommends that the U.S. government should:

- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the North Korea Sanctions and Policy Enhancement Act of 2016, the "specially designated nationals" list maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, asset freezes under the Global Magnitsky Act, and other executive, congressional, or United Nations (UN) action;

- Identify and target with sanctions or other tools individuals or companies outside North Korea who work directly with North Korean human rights violators or benefit from these abuses;

- Call for a follow-up UN inquiry to track the findings of the 2014 report by the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI) and assess any new developments—particularly with respect to violations of the freedom of religion or belief—and suggest a regularization of such analysis similar to and in coordination with the Universal Periodic Review process;

- Maintain the Special Envoy for North Korean Human Rights Issues as a full-time position at the U.S. Department of State and ensure that religious freedom is a priority for that office; and

- Expand existing radio programming transmitted into North Korea and along the border, as well as the dissemination of other forms of information technology, such as mobile phones, thumb drives, and DVDs, and improved Internet access so North Koreans have greater access to independent sources of information;

Early Warnings

In order to prevent mass atrocities, it is imperative to focus on long-telegraphed signs of potential mass atrocities as soon as possible. In China, both Uyghur Muslims in Xinjiang and Buddhists in Tibet are at risk. The Chinese government increasingly is repressing members of both communities, each of which has different religious, ethnic, and cultural characteristics. Each has reacted distinctively to this repression, with some Tibetans self-immolating and a small number of Uyghur Muslims responding with violence. And in the Central African Republic, Muslims are being displaced in a country fractured along religious lines.

Uighur Muslims**:** The Chinese government has long restricted Uighur Muslims' religious activity, including banning Uighurs from fasting during Ramadan, prohibiting children under 18 from going to mosques, monitoring phones for religious content, and confiscating prayer mats and Qur'ans. In 2017, authorities in the Xinjiang Uighur Autonomous Region imposed intrusive new restrictions on Uighurs, including profiling them at newly built armed checkpoints and police stations; limiting their travel within and outside of China; and using GPS systems, facial and iris recognition, DNA sampling, and voice pattern sampling to track them. The regional government also identified 15 types of "extremist" behavior, such as wearing an "abnormal" beard, wearing a veil, or following halal practices, and it banned the use of certain Islamic names by children under 16. During Ramadan 2017, authorities embedded Party cadres in Uighur homes to ensure that Muslims did not fast or pray.

The Chinese government also has taken unprecedented steps to round up Uighur Muslims both at home and abroad and force them into so-called "reeducation camps:" thousands reportedly have been sent to these government-run camps. Beijing also has ordered Uighur students studying abroad to return to their hometowns, in some cases detaining students' family members in Xinjiang. Citing the need to investigate their political views, authorities disappeared or jailed some students upon their return. The government also regularly targets Uighur advocates abroad and their families in China. In July 2017, Italian police detained Dolkun Isa—a German citizen originally from Xinjiang and current president of the Munich-based World Uyghur Congress—on his way to speak before the Italian Senate about the Chinese government's restrictions against the Uighur people; police released him after several hours. In October 2017, Chinese officials reportedly had detained as many as 30 relatives of Rebiya Kadeer, a prominent leader among the Uighur people and a former political prisoner.

Uighur Muslim prisoners commonly receive unfair trials and harsh treatment in prison. Well-known Uighur scholar Ilham Tohti currently is serving a life sentence after being found guilty in 2014 of separatism in a two-day trial that human rights advocates called a sham. Gulmira Imin, who was a local government employee at the time of her arrest, also continues to serve a life sentence for her alleged role organizing protests in the regional capital, Urumqi, in July 2009—an allegation she denies. Throughout the year, USCIRF advocated on behalf of Ms. Imin as part of the Commission's Religious Prisoners of Conscience Project.

Tibetan Buddhists**:** The Chinese government implements countless restrictions on Tibetan Buddhism and Tibetans' peaceful religious activity, implementing these restrictions in the Tibetan Autonomous Region and in Tibetan areas of other provinces. These restrictions include: reeducation campaigns; extensive surveillance – through for example, security forces and closed-circuit television, internet and mobile phone monitoring; official presence in monasteries; monitoring the training, assembly, publications, selection, education, and speeches of Tibetan Buddhist religious leaders; canceling previously permitted festivals; restricting travel; imposing intrusive restrictions on private religious practice; and prohibiting children from participating in religious activity. The government also quickly suppresses any perceived religious dissent, including through firing at unarmed people.

The Chinese government seeks to strike at the heart of Tibetan Buddhism by attacking the Tibetan religious and educational institute of Larung Gar, the largest Tibetan Buddhist institute in the world which is located in Sichuan Province. In 2017, the government imposed new restrictions and checkpoint and installed Party cadres in top positions to oversee so-called "patriotic education" classes. Through June 2017, the government destroyed more than 4,700 structures, including homes, and evicted more than 4,800 monks and nuns. In August 2017, authorities commenced another phase of similar demolitions and evictions at the Yachen Gar Buddhist Center. Authorities reportedly had plans to demolish approximately 2,000 homes and expel 2,000 monks and nuns from Yachen Gar.

Authorities in 2017 confiscated Tibetans' passports and regularly refused to issue them new ones, partly to restrict their travel to attend religious ceremonies and celebrations overseas. The Chinese government accuses the Dalai Lama of blasphemy and "splittism" and cracks down on anyone suspected of so-called separatist activities. Monks and nuns who refuse to denounce the Dalai Lama or pledge loyalty to Beijing have been expelled from their monasteries, imprisoned, and tortured. During 2017, authorities released several Tibetans from prison before they served their full sentences; however, many others continue to languish in prison. Renowned Tibetan language advocate Tashi Wangchuk faced a one-day trial in January 2018 connected to his March 2016 arrest and January 2017 indictment on separatism charges; the judge did not issue a verdict, but Mr. Tashi could face up to 15 years in prison. Another prisoner of conscience whose whereabouts have been a secret for more than two decades is Gedhun Choekyi Nyima. Selected by the Dalai Lama at the age of six as the 11th Panchen Lama, Gedhun holds the second-highest position in Tibetan Buddhism. Throughout the year, USCIRF advocated on behalf of the Panchen Lama as part of the Commission's Religious Prisoners of Conscience Project. Representative McGovern has been working on behalf of the Panchen Lama as part of the Tom Lantos Human Rights Commission's Defending Freedoms Project.

In protest of repressive government policies, at least 152 Tibetans have self-immolated since February 2009, including two Tibetan monks, Tenga and Jamyang Losal, who both died in 2017 from injuries related to their self-immolations.

Muslims in the Central African Republic**:** The Central African Republic (CAR) remains violent, fragile, and fractured along religious lines. In 2017, targeted killings based on religious identity escalated in the center and east of the country. Violence was reminiscent of the extensive killing and displacement of Muslims that took place in 2014; armed groups especially targeted the ethnoreligious minority Peuhl population. In early August, then-United Nations (UN) Emergency Relief Coordinator Stephen O'Brien warned that the early signs of genocide are present in CAR. Militias that formed along opposing Muslim and Christian lines killed individuals based on their religious identity and displaced tens of thousands. More than one million Central Africans were displaced as of late 2017, the highest number since 2014. CAR's Muslim population remains disproportionately displaced, with 80 percent of that community having been driven from the country. In the western part of the country, some Muslims cannot practice their faith, move freely, or equally access services.

Next Steps

This testimony highlights cases of mass atrocities which governments and nonstate actors have perpetrated against members of religious minority communities, and makes recommendations to the U.S. government. Hopefully, this testimony has made the case for prioritizing religious freedom and that not prioritizing this freedom comes with great cost.

It is evident that the U.S. government needs to pay more attention to preventing mass atrocities and directing more resources to these atrocities. Today's hearing, and the hearings that follow are a good step. More needs to be done especially in Burma, Iraq, Syria, and North Korea. It also is important to direct attention and actions to situations that present atrocity risks, such as the plight of Tibetan

Buddhists and Uyghur Muslims in China and the conflict and displacement of Muslims in the Central African Republic. While not underestimating the difficulty of such efforts, it is important to work to create political will where it is lacking and overcome compassion fatigue due to the number of crises and the difficulties in responding.

USCIRF would be pleased to work with Congress and others to address and prevent atrocities. Below are some suggested steps which I hope will be explored in future Congressional discussions and hearings.

The Protection and Promotion of Religious Freedom Needs to be a Key Factor in a Mass Atrocity Prevention Framework: Members of religious minority communities provide a rich target for perpetrators of mass atrocities. The violations that take place destabilize nations and regions, through increased conflicts, political instability, restrictions on a range of rights, and violent extremism, thereby posing challenges to U.S. interests worldwide. In fact, almost all of the conflicts that top the U.S. foreign policy agenda involve either religious conflicts that threaten to destabilize societies or a state-sponsored religion or ideology that is used to suppress human liberty.

Along with being a fundamental human right, religious freedom correlates with stability, accountable governments, strong economies, and vibrant civil societies. As such, the promotion and protection of religious freedom should be as a key factor in mass atrocity prevention efforts as well as U.S. national security, counterterrorism, conflict prevention and mitigation and democracy promotion strategies. To this end, USCIRF recommends that Congress should:

- Use its bully pulpit to highlight and promote the importance of religious freedom and the prevention of mass atrocities by holding hearings (such as this one) and speaking about these issues in Congress, with Members' constituents, and when abroad.

- Pass legislation that focuses on preventing and responding to mass atrocities, including: H.R. 390, the Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017, which would focus on stabilization and peace-building in Iraq and Syria; S. 1158/H.R. 3030, the Elie Wiesel Genocide and Atrocities Prevention Act of 2017, which would enhance the U.S. government's capabilities to prevent, mitigate, and respond to these atrocities; H.R. 1677, Caesar Syria Civilian Protection Act of 2017, which would impose sanctions on persons responsible for or complicit in human rights abuses in Syria; S. 905, the Syrian War Crimes Accountability Act, which would require a report on, and authorizes technical assistance for, accountability for war crimes, crimes against humanity, and genocide in Syria; S. 1118, The North Korean Human Rights Act of 2017,which would promote human rights in North Korea by providing access to information to its citizens; H.R. 1872/S. 821, the Reciprocal Access to Tibet Act of 2017, which would deny entry into the United States for Chinese government officials responsible for creating or administering restrictions on U.S. government officials, journalists, independent observers, and tourists seeking to travel to Tibetan areas.

- Engage with the State Department, USAID, and other entities to prioritize programs that develop and disseminate educational and teacher training materials on international human rights and religious freedom standards, with a particular focus on countries with a history or risk of atrocities and with public and private education systems that promote religious intolerance and extremism.

- Urge the National Endowment for Democracy and other entities that receive federal funding to solicit competitive proposals on specific international religious freedom and atrocity prevention programming.

- Send regular Congressional delegations focused on religious freedom and related human rights and the prevention of mass atrocities to targeted countries and request to visit areas deeply impacted by severe religious freedom abuses by the government or non-state actors.

- Advocate on behalf of individual prisoners of conscience and persons whom a government has detained or disappeared, as well as their family members.

- Hold governments accountable by linking improvements in religious freedom to U.S. assistance;

- Fund initiatives that help integrate members of minority religious communities into judicial, law enforcement and security services, and assist those fleeing violence and persecution.

- Implement initiatives that discourage U.S. allies, such as Saudi Arabia, from supporting extremism, including by ceasing the exportation of extremist textbooks, and support programs that counter extremist propaganda and hatred.

Adopt an All-of-Government Approach to Prevent and Respond to Mass Atrocities: USCIRF has supported an all-of-government approach to the promotion of religious freedom as the most effective way to address violations and promote this essential right. Such an approach also is needed to prevent and, failing prevention, respond to atrocities beyond our borders. Yet, there is no consensus about when, how, and under what circumstances prevention should be pursued. In addition, the responsibility to address this issue is fragmented in both Congress and the Executive Branch, with jurisdiction in multiple Congressional committees and many departments and sections of the federal government. On the executive branch side, the administration should ensure that a mechanism, such as the Atrocities Prevention Board, exists and is operating to coordinate the disparate agency actors.

Use Targeted Sanctions Tools: Because public shaming has a key role to play to help hold accountable those individuals responsible for violating freedom of religion or belief and other human rights and perpetrating mass atrocities, I draw attention to two tools: the Global Magnitsky Act and the Designated Persons List for Particularly Severe Violations of Religious Freedom included in P.L. 114-281, The Frank R. Wolf International Religious Freedom Act.

- Designated Persons List for Particularly Severe Violations of Religious Freedom: P.L. 114-281 directs the Secretary of State, in coordination with the Ambassador at Large and in consultation with relevant government and nongovernment experts to establish and maintain a list of foreign individuals to whom a U.S. consular post has denied a visa on grounds of particularly severe violations of religious freedom, or who are subject to financial sanctions, or other measures, for particularly severe violations of religious freedom. It law also requires the Secretary to submit to Congress a report that contains the list required under this subsection and a description of the actions taken; and requires updates to the report every 180 days thereafter and as new information becomes available.

- The Global Magnitsky Human Rights Accountability Act: This Act gives the United States a powerful accountability tool by authorizing the President to impose U.S. entry and property sanctions against any foreign person (or entity) who: Is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country seeking to expose illegal activity carried out by government officials, or to obtain, exercise, or promote human rights and freedoms; Acted as an agent of or on behalf of a foreign person in such activities; Is a government official or senior associate of such official responsible for, or complicit in, ordering or otherwise directing acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or has materially assisted or

provided financial, material, or technological support for, or goods or services in support of, such activities.

Mr. MCGOVERN. Well, thank you very much for your testimony. Again, thank you for all the great work that you do.

And here's kind of what's always troubled me. I'll just take two examples that you mentioned, the Uyghurs and the Tibetans. We deal with the Uyghur community here and their treatment by the Chinese government is atrocious, and the same with the Tibetans.

A couple years ago, I actually visited Tibet. I don't know how the Chinese government gave me a visa but they did. I'll never get another one. But the bottom line is that what – you know, what they showed us when we went to Tibet and Lhasa was basically what they were trying to paint as this, you know, picture perfect situation where everything is just wonderful.

But even with their best intentions, they couldn't prevent individuals from pulling us aside and telling us what the reality really was and that is that the Chinese government is trying to essentially wipe out their entire culture – their language, you know, their ability to be who they are.

And, you know, we also – I just met with His Holiness the Dalai Lama in Dharamsala about a year ago and, again, listening to some of the Tibetans who have escaped China, who are seeking refuge with His Holiness, it really is quite sad.

But the bottom line is the Chinese government does not feel a consequence from us or from the international community and I am worried that – you know, I mean, we do have the Global Magnitsky Act, which I was co-author of, but, you know, it is only as good as our implementation of it.

And I am worried – you mentioned competing interests. I am worried that economic interests are basically trumping, you know, human rights issues and it is really troublesome to me and so – you know, and we continue to push the administration to raise these issues.

I am not sure any of these issues were raised when the president visited China and it really – and that, to me, sends a signal that is really troubling.

But I am becoming more and more convinced that we need to pressure U.S. and international business interests to play a greater role in this because they are the ones who basically, I think, are responsible for our diplomats oftentimes being quiet on these issues. They are the ones who fuel the economies of these governments that are treating people badly. And I get everybody wants to make money.

But, you know, in the case of China, they are going to want to deal with these big, you know, multinational businesses no matter what, and, you know, and even if they raise their voices on some of these human rights issues, I still think they're going to want to deal with them.

And I think there needs to be a greater effort by all of us up here. I think the legislation you suggested is right on target. We ought to be doing that.

But, you know, we need our business leaders, you know, to – you know, to speak up on these things and I'd just be curious to get your input on whether you agree with my analysis.

Father REESE. Absolutely. I think – I totally agree with you. I think that when – at the time when we originally opened – China opened up and we opened up to China, there was this belief that somehow, magically, once economic ties were created, once they started moving towards a market economy, that somehow human rights and democracy would come out of this. It hasn't. They have continued to develop economically but human rights and religious freedom are just not there and they have not improved.

I think that you are absolutely right that this has to be – there has to be a focus on the business community, their responsibility, and to consumers. Okay. Are you willing to pay $10 more for your iPhone if it is – if it is made in a country that respects religious freedom and human rights?

I think we have to challenge ourselves, our communities, our business community, and that's what I mean when I say this has to be a priority in our foreign policy and you are absolutely right, these competing interests make us – well, that's at the bottom of the list.

Mr. MCGOVERN. Right. And those competing interests I think oftentimes are responsible for our government not responding as clearly and as effectively as it can.

I mean, I – at some point, we ought to – you know, you and others here we ought to – we ought to talk about how we actually increase the pressure not only on American businesses that do business in China but on, you know, international businesses.

Father REESE. Absolutely.

Mr. MCGOVERN. There needs – I think that's where the focus has to be, because I think that's the only thing that's going to get China's attention. You know, I mean, we spend an awful lot of time expressing moral indignation over what's going on there, and I think the Chinese government has been able to kind of block it out.

We are going to continue to express our moral indignation and we are going to continue to find ways to protest what's going on over there.

And I don't blame the Chinese people. The Chinese people are good people. It is some people in their government, you know, that are – that are responsible for this repression, and I want a good relationship with China.

But, you know, I mean, if we want a really good, friendly relationship, they got to start being better on some of these human rights issues.

I would say the same thing for – I guess I'd also be curious on your opinion on, you know, the role – whether you see a larger role for religious leaders on the international level in some of this stuff.

And, you know, Pope Francis, who I love, you know, was – I think in December he apologized to the Rohingya for the world's indifference, but – and I preface this by saying I love him. I am a Catholic.

I love – I mean, I think he's – you know, I've been waiting for this pope all my life. But I was disappointed that when he went to Burma he didn't mention the Rohingya at all and –

Ms. SCHAKOWSKY. He didn't say the name.

Mr. MCGOVERN. Right. Yes, he didn't say the name, which I think is – which was – for those of us who have been horrified by what's been unfolding, that, you know, was problematic.

And I guess the question is, I mean, do you see a larger role for religious leaders at the international level in, like, resolving the Rohingya crisis in Burma, and could concerted efforts by religious leaders have an impact on the views of Burma's hardline Buddhist monks?

I mean – I mean, because I think that's the other area. I am not trying to take the pressure off of government. I mean, we are going to continue to push our government. But I am just – we need to ignite these other areas, too.

Father REESE. No, you are absolutely right. I agree.

Obviously, the U.S. Commission on International Religious Freedom does not have a position on Pope Francis. So I – when I – when I respond to your question on him, I respond as a person and I wrote a column urging him not to go to Burma.

Mr. MCGOVERN. Right.

Father REESE. But in any case, you know, when he did go to Bangladesh then he did speak about the Rohingya and that God is present there in the – with the Rohingya and their suffering and so he did focus on it.

Mr. MCGOVERN. I guess my point –

Father REESE. He is – but anyway, I agree with you. Religious leaders play an important role here because when these are religious conflicts it is the religious leaders who have to tamper down the flames, who have to create the dialogue and the reconciliation and the understanding and the bringing – and not be the force of demonization of other religious groups that can happen in this situation.

I mean, it is a scandal when religious leaders are the ones that are leading the charge against another religious group.

We are all God's children and we should recognize that we are all God's children and there are a number of international groups and local groups that do work together on reconciliation, do work together on interreligious dialogue and, you know, this is the kind of thing that should be supported and we need a lot more of it and on the very local level.

Mr. MCGOVERN. Right. And if I could use my final point and then I'll yield to my colleagues. Then we have to go for a vote.

But I think that, you know, whether it is politicians, business leaders, or religious leaders, it is one thing for us to talk about China's human rights record. I am picking on China right now because – but it could be another. One thing is to talk about the human rights record here in the safety of this committee room. Oftentimes, the same Members of Congress or the same business leaders or the same – some of these faith-based leaders, when they go to the country don't say a word and I think that that's the mistake.

You know, it is important that, you know, when – you know, I mentioned this trip we took to Tibet, Leader Pelosi led that trip, and one of the things that I thought was most impressive to me about her leading the trip was that in every

meeting we had in Beijing, Hong Kong, or in Tibet, she began by saying, we are here because we honor and we revere His Holiness, the Dalai Lama.

And I think that – showing that kind of determination, that, you know, this is serious – it is not something we are saying back home for the benefit of our constituency. We actually believe this. And so I look forward to working with you on ways we can, you know, light a flame under everybody to step this up a little bit.

Father REESE. Thank you.

Mr. MCGOVERN. I yield to my colleague from Illinois.

Ms. SCHAKOWSKY. I am just wondering, has the Dalai Lama spoken out about the Burmese situation?

Father REESE. Yes, I believe he has. Absolutely. But they are not paying any attention to him, I am afraid.

Ms. SCHAKOWSKY. No. No.

One of the complications is that acting too hard on Myanmar puts Aung San Suu Kyi in a difficult position because the military could just take over.

But I've been so disappointed in her response to this and, frankly, in my heart I am not quite sure that she doesn't share some of those prejudices against the Rohingya and would like to see them out of Rakhine altogether.

Maybe China plays a part there, wanting to do some projects in Rakhine. But, mainly – this is the point I want to make – they seem like there is no real business interest. These are just people who are so poor and so forgotten and so powerless right now that I am not sure on any real agenda that they are a top priority except that they are being a victim of these mass atrocities. And so how to really get the world, the international community, anybody, to focus in a real way about them.

I would – I read some of your recommendations. You know that Kofi Annan was there and did have a number of recommendations and all of them include ultimately that they have citizenship there. I don't see that happening right now.

If they were to go back, I think the view is that they would be confined in something like concentration camps and under the control of the military.

So what kind of realistic hope do you have? Is the United Nations able to do anything? Are there particular interests that might intervene?

Father REESE. Yes. I think I – when I look at the world as – I have a doctorate in political science – when I look at the world as a social scientist I become very pessimistic.

But I am a Christian. I believe in someone who rose from the dead. So I have to be optimistic or at least have hope. Maybe not be optimistic, but at least have hope.

I think what you described is a perfectly correct analysis of what the situation is there. She is between a rock and a hard place in terms of if – I mean, if she defended the Rohingya, she would be out.

Ms. SCHAKOWSKY. That's right.

Father REESE. The people would throw her out. The military would not have to throw her out because, you know, the people are behind this –

Ms. SCHAKOWSKY. Right.

Father REESE. – because of the – I mean, the military have used the Rohingya as the bad guy, as the threat – they are going to take over and suppress Buddhists.

And so it is the classic political strategy of creating an enemy, an other, so that, oh, you don't – it is true we are doing some bad things, but they are so much worse that you have to support us against them, and this has been the military's strategy for decades.

And so it is really – I don't know how they are going to be able to come back either. I really don't. I think you – when you went there you saw the situation and I think you are reporting it very accurately.

Ms. SCHAKOWSKY. But it is unsustainable. You know, what I do think is that the world needs to pay attention because these camps could be places where individuals could be radicalized – I mean, the kind of situation that they are in, if it continues to last. There is a national security, an international security issue brewing, just waiting to happen.

Father REESE. Yes.

Mr. MCGOVERN. We have one minute to go.

Ms. SCHAKOWSKY. Oh, okay. We need to – so we are going to come back. I have to go to Budget so –

Mr. MCGOVERN. Okay. So I will be back but – and –

Father REESE. Thank you so much.

Mr. MCGOVERN. – there may be additional questions for you that we will submit in writing, if that's okay with you.

Father REESE. That's perfectly fine. Thank you.

Mr. MCGOVERN. But I will be back as soon as we have – we have three votes and I'll be right back. Okay. Thank you so much.

Father REESE. Thank you very much.

Mr. MCGOVERN. Appreciate it.

[Whereupon, at 11:09 a.m., the Commission recessed, to reconvene at 11:44 a.m., the same day.]

Mr. MCGOVERN. All right. Sometimes I hate Congress, with these votes.

Okay. Now the hearing will reconvene. We are happy to welcome our second panel.

Naomi Kikoler is the deputy director of the Simon-Skjodt Center for the Prevention of Genocide at the U.S. Holocaust Memorial Museum. Before joining the museum staff, she worked for the Global Center for the Responsibility to Protect, Amnesty International, Canada, the Office of the Prosecutor at the U.N. International Criminal Tribunal for Rwanda, the Brookings Institution, and as an election monitor in Kenya with the Carter Center.

Charles J. Brown is managing partner at Strategy for Humanity. He served in the Obama administration as Senior Advisor for Atrocity Prevention and Response and oversaw the Pentagon's implementation of President Obama's

atrocity prevention initiatives. Prior to that, he held senior positions with several human rights organizations and was a member of the U.S. delegation to the Rome conference on the establishment of the International Criminal Court. He is principal author of "A Necessary Good: U.S. Leadership on Preventing Mass Atrocities."

Richard Fontaine is the president of the Center for New American Security. He previously served as foreign policy advisor to Senator John McCain for more than five years and he's also worked at the State Department, the National Security Council, and on the staff of the Senate Foreign Relations Committee. He's a member of the Experts Committee that produced the policy blueprint, "A Necessary Good."

So with that, we will begin, Naomi, with you. So thank you all for being here and I apologize for this delay.

STATEMENTS OF NAOMI KIKOLER, DEPUTY DIRECTOR, SIMON-SKJODT CENTER FOR THE PREVENTION OF GENOCIDE, U.S. HOLOCAUST MEMORIAL MUSEUM; CHARLES J. BROWN, MANAGING PARTNER, STRATEGY FOR HUMANITY; AND RICHARD FONTAINE, PRESIDENT, CENTER FOR A NEW AMERICAN SECURITY

STATEMENT OF NAOMI KIKOLER, DEPUTY DIRECTOR, SIMON-SKJODT CENTER FOR THE PREVENTION OF GENOCIDE, U.S. HOLOCAUST MEMORIAL MUSEUM

Ms. KIKOLER. On behalf of the Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum, I would like to thank the Tom Lantos Human Rights Commission for holding this timely hearing on U.S. policy in relation to the prevention of mass atrocities around the world.

The Simon-Skjodt Center is dedicated to stimulating timely global action to prevent genocide and to catalyze and international response when it occurs. Our goal is to make the prevention of genocide a core foreign policy priority through a multi-pronged program of research, education, and public outreach.

Core to our beliefs is that, as the 2008 bipartisan Genocide Prevention Task Force Report noted, "we have a duty to find the answer before the vow of 'never again' is once again betrayed."

Having just returned from a bearing witness trip to the Syrian border, where on a daily basis individuals are facing aerial bombardment and the risk of chemical weapon attacks, it is humbling to acknowledge that the work of our center and the focus of today's hearing is as relevant today as it was nearly 70 years ago when the Genocide Convention was first established.

If there are three things from this testimony that you remember, they are, the first, genocide and mass atrocities are preventable. The second, doing so does not require the U.S. to go it alone or require the creation of a new tool box, a reliance on military intervention, or expending significant financial outlays.

Rather, what is needed is more timely ongoing analysis of risk and conflict dynamics, a smarter and calibrated utilization of existing capacities by a variety of state and non-state actors, and a more thorough examination of the unintended consequences of both action and inaction.

And third, Congress has a unique role to play in making this happen through pushing for policy accountability and transparency, legislation, and individual leadership.

Mass atrocity crimes are acts that shock our conscience. Mass atrocities are large-scale and deliberate attacks on civilians that constitute acts of genocide, crimes against humanity, war crimes, and ethnic cleansing.

In 2005 at the United Nations World Summit, every government acknowledged the moral, legal, and political imperative to give meaning to "never again" by committing to uphold the responsibility to protect populations from mass atrocity crimes.

They recognized that governments have a responsibility to prevent such crimes, and in those situations where government is unable or unwilling to protect its population from such atrocities, the international community has a responsibility to protect civilians. In this configuration, all mass atrocities, not only genocide, merit preventive and protective action.

To uphold this commitment, strategies need to be developed to mitigate the risk of mass atrocities along a continuum from prevention to response to accountability. This often includes undertaking actions that respond to unfolding atrocities while working to prevent new ones. Such calibrated approaches often required a multi-pronged effort employed by an array of state and non-state actors at the local, domestic, regional, and international level, using both coercive and non-coercive measures.

Atrocity prevention is a goal rather than a particular process or set of tools. It will look different in different contexts. At its core, prevention requires greater attention to, and policy engagement on, the early warning signs and root causes of mass atrocity crimes.

This requires a greater investment in risk analysis and assessment of policy options to address root causes and other factors that create an enabling environment for perpetrators, while reducing capacities to dissuade them, interrupt their plans, and halt atrocities.

The field of mass atrocity prevention and response is relatively new and we are continuously learning. Research suggests that there a number of long-term risk factors and short-term dynamics and triggers that, though on their own are not sufficient, are often necessary for atrocities to arise.

The risk factors include instability, armed conflict, exclusionary ideology, prior discrimination or violence with impunity against a particular group.

The warning signs of underlying dynamics that may contribute to the commission of mass atrocities include tensions and polarization, apocalyptic public rhetoric, labeling civilian groups as enemies, development or deployment of irregular armed forces, stockpiling of weapons, emergency or discriminatory

legislation, removing moderates from leadership or public service, or impunity for past crimes.

In cases where prevention has been attempted and failed or was not tried at all, the focus shifts to using non-coercive and coercive measures to halt the commission of ongoing atrocities.

A range of tools can be employed in both prevention and response including preventive diplomacy, peace messaging, condemnation, sanctions such as arms embargos, travel bans, and targeted economic sanctions, prevented deployment of peacekeepers or troops, accountability mechanisms and, in rare instances, military intervention.

Contrary to many misconceptions, the vast majority of prevention and response options do not require the military use of force.

Citing our Genocide Prevention Task Force Report, if signs of genocide and mass atrocities are only detected once violence has begun to escalate, decision makers are left with only costly and risky options.

In contrast, if underlying risks and evolving dynamics can be recognized in advance, or in the early stages of crisis, the full panoply of policy options will be available.

Today, we see a number of cases where efforts to prevent were either not taken or have failed. Those include Burma, where the Rohingya face a risk of possible genocide; Syria, where the government of Assad on a daily basis commits crimes against humanity and war crimes; Iraq, where the victims of genocide and crimes against humanity committed by the Islamic State continue to face risks; South Sudan, where a brutal war has led to the targeting of individuals on the basis of their ethnicity.

In an early warning context, we remain concerned about the potential for violence in the electoral period in Bangladesh. We are also concerned about Mali, where instability, weak governance, and Jihadist groups are exacerbating intercommunal tensions.

We know that concerted efforts at the local, domestic, regional and international levels can help to avert mass atrocities – the commission of mass atrocities.

We have seen that in Guinea in 2010. We saw that in Kenya in 2013. The U.S. was instrumental, especially in the case of Kenya, in averting a return to the bloodshed that we saw in the 2008 elections.

These examples show that no one government plays a determining role in averting and halting atrocity crimes. That said, leadership by the United States is critical to seeing a future without genocide and other mass atrocities.

Today, the U.S. is the global leader on atrocity prevention, and is the only country that has established a dedicated body for policy analysis and action – the Atrocity Prevention Board, established by the Obama administration and continued under the Trump administration.

Such bipartisan support for atrocity prevention is crucial and it is our hope that Congress will continue to play a key role in advancing U.S. leadership on this issue.

To conclude, Congress can serve as a source of accountability and transparency by seeking clarification on what government policy is towards countries at risk of or experiencing mass atrocities through public hearings such as this one or private communications with executive branch agencies.

Congress can codify key components of an atrocity prevention strategy, including mandating an annual risk assessment of mass atrocities from the Director of National Intelligence, training of Foreign Service officers on mass atrocity prevention, and a whole of government process to prevent and respond to atrocities. And finally, to use the platform of this high office to help deter and halt the commission of atrocities, meet with affected communities, speak directly with would-be perpetrators and dissuade them, draw media and public attention to the array of communities at risk.

In the 73 years since the end of the Holocaust, the international community has pledged that it will not stand by in the face of atrocities against civilians. Yet, today we are confronted with atrocities in Syria and Burma, and must ask whether "never again" in fact means again and again and again.

Thank you.

[The prepared statement of Ms. Kikoler follows:]

PREPARED STATEMENT OF NAOMI KIKOLER

Tom Lantos Human Rights Commission Hearing February 6, 2018
Mass Atrocities Prevention I

Introduction:
On behalf of the Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum I would like to thank the Tom Lantos Human Rights Commission for holding this timely hearing on US policy in relation to the prevention of mass atrocities around the world.

The Simon-Skjodt Center is dedicated to stimulating timely global action to prevent genocide and to catalyze an international response when it occurs. Our goal is to make the prevention of genocide a core foreign policy priority for leaders around the world through a multipronged program of research, education, and public outreach. We want to do for communities today being victimized by atrocities what was not done for Jewish communities before and during the Holocaust.

Core to our beliefs is that genocide is preventable, and that, as the 2008 bipartisan Genocide Prevention Task Force report noted, "We have a duty to find the answer before the vow of "never again" is once again betrayed."[1] Having just returned from a Bearing Witness trip to the Syrian border, it is humbling to acknowledge that the work of our center--and the focus of today's hearing--is as relevant today as it was nearly 70 years ago when the Genocide Convention was first established.

Mass Atrocity Crimes:
Mass atrocity crimes are acts that shock our conscience. They are large scale and deliberate attacks on civilians that constitute acts of genocide, crimes against humanity, and many war crimes, all of which are defined under international law.[2] Ethnic cleansing, which is not defined by international law, but is understood to be the forced removal of an ethnic group from a territory, is also considered an atrocity crime.[3]

After a period of relative stability and a reduction in the commission of atrocities in the early 2000s, our research has found that between 2009 and 2016 there were eight new onsets of state-led mass killing, compared with just two between 2000 and 2008. Syria stands alone among these

[1] "Preventing Genocide: A Blueprint for U.S. Policymakers", report of the Genocide Prevention Task Force, December 2008

[2] **Genocide** as defined in the Convention on the Prevention and Punishment of the Crime of Genocide is: "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group." **Crimes Against Humanity** as defined in article 7 of the Rome Statute of the International Criminal Court refers to acts committed as part of a widespread or systematic attack directed against any civilian population, pursuant to or as part of a state or organizational policy. Murder, extermination, enslavement, deportation, imprisonment, torture, rare, group-based persecution, enforced disappearance, apartheid, and 'other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health." **War crimes** definitions are found in the Geneva Conventions and additional protocols that have protections for civilians and combatants under war.

[3] Ethnic cleansing definitions can be found in the jurisprudence of the UN International Criminal for the Former Yugoslavia, the forced removal of populations is also an act within crimes against humanity and genocide.

for its severity and broad geopolitical impact, but we also see cases like South Sudan and Burma, which are quite brutal and have occurred on a larger scale when compared with other cases of mass killing. We have also seen barbaric attacks by non-state actors, including the commission of genocide by the self-proclaimed Islamic State in Iraq and Syria.

In 2005 at the United Nations World Summit, every government acknowledged the moral, legal and political imperative to give meaning to Never Again by committing to uphold the responsibility to protect populations from mass atrocity crimes. They recognized that governments have a responsibility to prevent such crimes and in those situations where a government is unable or unwilling to protect its population from such atrocities, the international community has a responsibility to protect civilians. In this configuration, all mass atrocities — not only genocide, the emblematic 'crime of all crimes' — merit preventive and protective action.

To uphold this commitment, strategies need to be developed to mitigate the risk of mass atrocities along a continuum from prevention to response to accountability. This often includes undertaking actions that respond to unfolding atrocities while working to prevent new ones. Such calibrated approaches often require a multi-pronged effort employed by a myriad of state and non-state actors at the local, domestic, regional, and international levels using both non-coercive and coercive measures.

Prevention:
"Atrocity prevention" is a goal rather than a particular process or set of tools. It will look different in different contexts. At its core, prevention requires greater attention to, and policy engagement on, the early warning signs and root causes of mass atrocity crimes. This requires a greater investment in risk analysis and assessment of policy options to address root causes and other factors that create an enabling environment for perpetrators while reducing capacities to dissuade them, interrupt their plans and halt atrocities.

The field of mass atrocity prevention and response is relatively new and we are continuously learning. Research suggests that there are a number of long-term risks factors and short-term dynamics and triggers that, though on their own are not sufficient, are often necessary for atrocities to arise.

The *risk factors* include: instability, armed conflict, exclusionary ideology, and prior discrimination or violence, with impunity, against a particular group. There is also some debate over the role of deep-seated hatreds, government capacity to govern, authoritarianism, and economic causes as being risk factors.

Warning signs of underlying dynamics that may contribute to the commission of mass atrocities include: tensions and polarization, apocalyptic public rhetoric, labeling civilian groups as the 'enemy', development or deployment of irregular armed forces, stockpiling of weapons, emergency or discriminatory legislation, removing moderates from leadership or public service, or impunity for past crimes against civilians.

Response:
In cases where prevention has been attempted and failed, or was not tried at all, focus shifts to using non-coercive and coercive measures to halt the commission of ongoing atrocities. At times, 'response' efforts are carried out concurrently with efforts to 'prevent' further or new onsets of atrocities from occurring.

A range of tools can be employed in both prevention and response including preventive diplomacy, peace messaging, condemnation, sanctions such as arms embargoes, travel bans and targeted economic sanctions, preventive deployment of peacekeepers or troops, accountability mechanisms, and, in rare instances, military intervention. Contrary to many misconceptions, the vast majority of prevention and response options do not require the use of military force. Nor is it necessary to develop an entirely new toolbox or expend significant financial outlays. Rather, what is needed is more timely ongoing analysis of risk and conflict dynamics, a smarter and calibrated utilization of existing capacities, and a more thorough examination of the unintended consequences of both *action* and *inaction.* *Citing our Genocide Prevention Task Force report, "If signs of genocide and mass atrocities are only detected once violence has begun to escalate, decision makers are left with only costly and risky options. In contrast, if underlying risks and evolving dynamics can be recognized in advance or in the early stages of a crisis, the full panoply of policy options will be available."*

Contemporary Cases of Concern

We know all too well that once bodies start piling up, the number of feasible policy options for response decrease and the economic and political costs of action increase. Today we see a number of cases where efforts to prevent were either not taken or failed. These include:

- **Burma** where an unknown number of Rohingya, a Muslim minority group, have been killed and close to one million more have been forced from their homes into neighboring Bangladesh, the victims of what we believe may be genocide perpetrated largely by the Burmese military;
- **Syria** where over 500,000 people have been killed and 13 million displaced in the past seven years, the victims of vicious and continuing crimes against humanity and war crimes, primarily by the government of Bashar al Assad;
- Religious minorities and other communities in **Iraq** continue to face a precarious future and may be the victims of further atrocities in the aftermath of the commission of genocide, crimes against humanity and ethnic cleansing by the self-proclaimed Islamic State;
- **South Sudan** where a struggle for political power within the ruling party has devolved into a brutal war characterized by scorched earth tactics, widespread sexual violence, and the targeting of civilians based on an equation where political support is presumed from one's ethnic identity;
- In an early warning context, we remain concerned about the potential for violence in the election period in **Bangladesh**, and in **Mali** where instability, weak governance and jihadist groups are exacerbating intercommunal tensions.

We know that concerted efforts at the local, domestic, regional, and international levels can help to avert and halt mass atrocities. In Guinea in 2010, local investments in peace messaging combined with regional and international sanctions and the threat of an ICC investigation helped to prevent the country from descending into ethnic conflict during a tense electoral period. Similar engagement in Kenya helped to ensure that 2013 elections did not trigger a return to bloodshed. The US was instrumental in helping to strengthen the capacity of local Kenyan civil society and key governance institutions like the judiciaries to prevent atrocities.

These examples show that no one government plays the determining role in averting and halting atrocities. That said, leadership by the United States is critical to seeing a future without genocide and other mass atrocities. Presidents Clinton and George W. Bush both included genocide prevention in the National Security Strategy. Today, the US is the global leader on atrocity prevention and is the only country that has established a dedicated body for policy analysis and

action: the Atrocities Prevention Board established by the Obama Administration and continued under the Trump Administration. Such bipartisan support for atrocity prevention is crucial and our hope is that Congress will play a key role to advance US leadership on this issue. Specifically, Congress can:

- Serve as a Source of Accountability and Transparency by seeking clarification on what government policy is towards countries at risk of or experiencing mass atrocities through public hearings such as this or private communications with Executive Branch agencies;
- Codify key components of an atrocity prevention strategy, including mandating an annual risk assessment of mass atrocities from the Director of National Intelligence, training of foreign service officers on mass atrocity prevention, and whole-of-government processes to prevent and respond to atrocities;
- Use the platform of this high office to help deter and halt the commission of atrocities--meet with affected communities, speak directly with would-be perpetrators to dissuade them, draw media and public attention to the myriad communities at risk;

In the 73 years since the end of the Holocaust, the international community has pledged that it will not stand by in the face of atrocities against civilians. Today, 70 years after the Genocide Convention was agreed to, we are confronted with the conflict in Syria and must ask whether 'Never Again' in fact means 'Again and Again and Again'?

Mr. MCGOVERN. Thank you. Mr. Brown.

STATEMENT OF CHARLES J. BROWN, MANAGING PARTNER, STRATEGY FOR HUMANITY

Mr. BROWN. Chairman, thank you for – Mr. Chairman, thank you and thanks to the Commission for this opportunity to testify.

My names is Charles Brown and I am the managing partner at Strategy for Humanity, which works with mission-driven organizations to leverage their strengths and achieve meaningful results.

Today, however, I am here in my capacity as the chair of the Experts Committee on Preventing Mass Violence. Convened by the Protection and Prevention Working Group, we are a bipartisan group of 16 former government officials, academics, think tank experts, and NGO representatives.

Our report, "A Necessary Good," identifies specific steps the administration, Congress, and civil society can take to ensure continued U.S. leadership on preventing mass atrocities.

With your permission, I ask that both my written testimony and the full report be submitted for the record.

Mr. MCGOVERN. Without objection.

Mr. BROWN. Genocide and mass atrocities continue to put civilian lives at risk and challenge the world's conscience. In Syria, South Sudan, Yemen, Myanmar, Central African Republic, and elsewhere, hundreds of thousands of civilians have been murdered, raped, beaten, bombarded, gassed, and forced to flee their homes. And as you noted, Mr. Chairman, these atrocities are not the product of ancient ethnic or religious hatreds, but rather a conscious strategic decision by ruling elites and non-state actors to achieve specific ends.

If the human toll were not enough, mass atrocities also have unanticipated, over-the-horizon effects that undermine both international stability and American interests.

As Syria has demonstrated, atrocities can lead to outcomes that directly threaten U.S. national security, including the growth of violent extremism, the rise of new terrorist groups, severe economic and resource disruptions, regional instability, and massive refugee flows.

The good news is that it doesn't have to be this way. As the Experts Committee report notes, concerted preventive action can play an important role in averting mass atrocities.

Our report includes nearly 40 recommendations on how best to accomplish this. Today, however, I will focus on our three central themes, which are recommit, prevent, and implement.

To begin with recommit, we support the White House's recommitment to atrocity prevention in the national security strategy which pledges, quote, "to hold perpetrators of genocide and mass atrocities accountable."

We applaud its decision to retain the Atrocities Prevention Board and want to acknowledge the important work that the APB and the sub-APB have undertaken to date.

Admiral Gary Hall, the NSC senior director who serves as chair of the APB, has met with us to discuss the administration's approach, which emphasizes interagency engagement on the most critical atrocity crises.

We are encouraged that his efforts are helping to ensure that the APB is playing an important role in relevant policy coordination committee discussions and furthering the goals and objectives laid out in the national security strategy.

That said, we would like to see the White House's commitment replicated at the agency level. We are particularly concerned about the possibility that Secretary of State Tillerson's re-design initiative will lead to a downgrading or elimination of the Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, the Bureau of Conflict and Stabilization Operations, and the Office of Global Criminal Justice, which are the three components that have coordinated State's atrocity prevention initiatives. We urge Congress to see assurances from Secretary Tillerson that he will retain these essential offices and work with the White House to ensure appointment of strong leadership.

We also urge the administration to work with Congress to secure the resources and personnel necessary to enable it to prevent and respond to mass atrocities.

We would like to see the administration engage with you and other members involved in these issues as full partners in this process.

And to that end, we are encouraged by current congressional efforts to institutionalize atrocity prevention across the interagency, including the Elie Wiesel Genocide and Atrocities Prevention Act, which supports the work of the APB, mandates relevant training for foreign service officers, institutionalizes the Complex Crises Fund and requires the Director of National Intelligence to regularly report on atrocity risks.

And I'd like to thank you and the other Commission members who have co-sponsored this bill and are championing it in Congress.

We also welcome any effort that would institutionalize the APB without a sunset provision.

In addition, we would like to see more active U.S. leadership on current atrocity crises. Although the United States cannot respond to every crisis, it must lead. And as Chairmen Hultgren said, we must always do more.

That is particularly true in Myanmar. We appreciate Secretary Tillerson's November 22nd statement that the events in Rakhine State constitute ethnic cleansing and his pledge of additional humanitarian assistance.

Despite these important steps, however, the crisis has only deepened. We urge the administration to work with its international partners to demand that the Government of Myanmar brings an end to the violence and that the Rohingya be able to return safely to their homes and not to camps.

We urge the administration to work with the international community to ensure that those responsible are held accountable, efforts that would be consistent with the pledges contained in its national security strategy.

Time does not permit me to go into greater detail here today. But we also call on the administration to demonstrate stronger U.S. leadership to ongoing atrocities in Syria, South Sudan, Yemen, and the Central African Republic, and I would add my voice to the issues that were raised by Naomi as well.

I'd like to turn to our second theme, which is prevent. It is perhaps the most important message that I can convey today, and that is the crucial role that early prevention plays, which we believe should be a major priority.

When the United States focuses on at-risk countries before they tumble into crisis, it plays a critical role in helping fragile societies develop the capabilities to reduce the threat of mass atrocity and genocide.

Early prevention, including effective international cooperation on development assistance, increased support to local actors, and a more consistent approach to countering non-state-actor-instigated mass violence, should be a major priority for this administration and this Congress.

But doing so requires adequately funding programs that forestall open-ended crises and encourage state resilience.

When the international community fails to act before the killing starts, the political and financial costs skyrocket.

The Institute for Economics and Peace has estimated that the global cost of conflict was $14.3 trillion in 2016. And as the World Bank has noted, it takes an average of 40 years, two generations, for countries to recover from extreme violence.

For the United States, the financial costs are very real. Since the crises in the Central African Republic and South Sudan began in 2013, the U.S. has spent approximately $4 billion in humanitarian relief and other assistance. If we take the World Bank average as a baseline, that could be as much as $40 billion over the next 40 years.

For that reason, we call on the administration to reconsider its proposed drastic cuts in the foreign affairs budget, which will have a particularly devastating impact on early prevention initiatives. We very much appreciate that Congress has rejected the administration's draft budget and encourage you to support, at a minimum, maintaining foreign affairs funding at the 2017 levels.

We believe Congress is best placed to address some of the challenges around prevention, particularly when it comes to the question of adequate resources. And we would like, therefore, to draw your attention to the proposed Global Fragility and Violence Reduction Act of 2018, which soon should be introduced by Representatives Engel, Poe, McCaul, and Adam Smith.

Inspired in part by the Expert Committee's recommendations, the bill draws on lessons learned from some of the USG's most effective foreign assistance programs, including the president's emergency plan for AIDS relief and the Millennium Challenge Corporation.

Its provisions include directing the administration to launch a global initiative to reduce fragility and violence and providing more tools and funding for early prevention initiatives.

Finally, in terms of implementing, we encourage the administration to implement the range of initiatives in our report that would help coordinate policy and planning within and across agencies, strengthen and expand embassies' capacity to track, prevent, and respond to potential atrocity crises, bolster intelligence collection, revisit targeted economic sanctions and foster professional development opportunities.

Mr. Chairman, thank you for your leadership on this important issue. I am happy to answer any questions you may have. We look forward to working with you to ensure continued leadership on these issues.

[The prepared statement of Mr. Brown follows:]

PREPARED STATEMENT OF CHARLES J. BROWN

Statement of Charles J. Brown,
Chair, Experts Committee on Preventing Mass Violence

Tom Lantos Human Rights Commission
U.S. House of Representatives

Hearing on Mass Atrocities Prevention
February 6, 2018

Chairman McGovern, Chairman Hultgren, and members of the Commission, thank you for inviting me to testify. My name is Charles Brown, and I am the Managing Partner at Strategy for Humanity, which works with mission-driven organizations to leverage their strengths and achieve meaningful results. Today, however, I am here in my capacity as Chair of the Experts Committee on Preventing Mass Violence. Convened by the Prevention and Protection Working Group, we are a bipartisan group of sixteen former government officials, academics, think tank experts, and NGO representatives. Our report, *A Necessary Good*, identifies specific steps the Administration, Congress, and civil society can take to ensure continued U.S. leadership on preventing mass atrocities. With your permission, I ask that it be submitted for the record.

Genocide and mass atrocities continue to put civilian lives at risk and challenge the world's conscience. In Syria, South Sudan, Yemen, Myanmar, Central African Republic and elsewhere, hundreds of thousands of civilians have been murdered, raped, beaten, bombarded, gassed, and forced to flee their homes. These atrocities are not the product of "ancient" ethnic or religious hatreds but rather of conscious, strategic decisions by ruling elites and non-state actors to achieve specific ends.

If the human toll were not enough, mass atrocities also have unanticipated over-the-horizon effects that undermine both international stability and American interests. As Syria has demonstrated, atrocities can lead to outcomes that directly threaten U.S. national security, including the growth of violent extremism, the rise of new terrorist groups, severe economic and resource disruptions, regional instability, massive refugee flows, and the fracturing of the international system.

When the international community fails to act before the killing starts, the political and financial costs for the international community – and by extension the United States – skyrocket. The Institute for Economics and Peace has estimated that the global cost of conflict in 2016 was $14.3 trillion. And, as the World Bank has noted, it takes an average of forty years—two generations—for countries to recover from extreme violence.

The good news is that it doesn't have to be this way. As the Experts Committee report notes, concerted preventive action can play an important role in averting mass atrocities. Our report includes nearly forty recommendations on how best to accomplish this. Today, however, I will focus on its three central themes: ***recommit, prevent,*** and ***implement***.

Recommit

We support the White House's recommitment to atrocity prevention in the National Security Strategy (NSS), which pledges to "hold perpetrators of genocide and mass atrocities accountable." We applaud its decision to retain the Atrocities Prevention Board and want to acknowledge the important work that the APB and sub-APB have undertaken to date. Admiral Garry Hall, the NSC Senior Director who serves as Chair of the APB, has met with us to discuss the Administration's approach, which emphasizes interagency engagement on the most critical atrocity crises. We are encouraged that his efforts are helping to ensure that that the APB is playing an important role in relevant Policy Coordination Committee discussions and furthering the goals and objectives laid out in National Security Strategy.

That said we would like to see the White House's commitment replicated at the agency level. We are particularly concerned about the possibility that Secretary of State Tillerson's redesign initiative will lead to a downgrading or elimination of the Office of the Undersecretary for Civilian Security, Democracy, and Human Rights, the Bureau of Conflict and Stabilization Operations, and the Office of Global Criminal Justice – the three components that have coordinated State's atrocity prevention initiatives. We urge Congress to seek assurances from Secretary Tillerson that he will retain these essential offices and work with the White House to ensure appointment of strong leadership.

We also are encouraged by existing efforts to institutionalize atrocity prevention across the interagency, such as those proposed in the Elie Wiesel Genocide and Atrocities Prevention Act, which supports the work of the APB, mandates relevant training for Foreign Service Officers, institutionalizes the Complex Crises Fund, and requires the Director of National Intelligence to regularly report on atrocity risks. I'd like to thank those Commission members, including both co-chairs, who have signed on as cosponsors.

We also would like to see more active U.S. leadership on current atrocity crises. We appreciate Secretary Tillerson's November 22 statement that the events in Rakhine State in Myanmar constitute ethnic cleansing and his pledge of additional humanitarian assistance. Despite these important steps, however, the crisis has only deepened. We urge the Administration to work with its international partners to demand that the Government of Myanmar bring an end to the violence and ensure that the Rohingya can return safely to their homes. We urge the Administration to work with the international community to ensure that those responsible are held accountable – efforts that would be consistent with the National Security Strategy.

Time does not permit me to go into greater detail here today, but we also call on the Administration to demonstrate stronger US leadership to in response to the ongoing atrocities – and the dire humanitarian consequences that they produce – in Syria, South Sudan, Yemen, and the Central African Republic.

Prevent

Perhaps the most important message I can convey today is the crucial role played by early prevention, which we believe should be a major policy priority. When the United States focuses on at-risk countries before they tumble into crisis, it plays a critical role in helping fragile societies develop the capabilities to reduce the threat of mass atrocities and genocide. But doing so requires adequately funding programs that forestall open-ended crises and encourage state resilience.

For that reason, we call on the Administration to reconsider its proposed drastic cuts to the foreign affairs budget, which will have a particularly devastating impact on early prevention initiatives. We very much appreciate that Congress has rejected the Administration's draft budget and encourage you to support, at a minimum, maintaining foreign affairs funding at 2017 levels.

We also would like to draw your attention to the proposed Global Fragility and Violence Reduction Act of 2018, which soon will be introduced by Representatives Engel, Coe, McCaul, and Adam Smith. Inspired in part by the Experts Committee's recommendations, the bill draws on lessons learned from some of the USG's most effective foreign assistance programs, including the President's Emergency Plan for AIDS Relief (PEPFAR), and the Millennium Challenge Corporation. Its provisions include directing the administration to launch a "Global Initiative to Reduce Fragility and Violence" and providing more tools and funding for early prevention initiatives.

Implement

Finally, we encourage the Administration to implement the range of initiatives in our report that would help coordinate policy and planning within and across agencies; strengthen and expand embassies' capacity to track, prevent, and respond to potential atrocity crises; bolster intelligence collection; revisit targeted economic sanctions; and foster professional development opportunities.

Members of the Commission, thank you for your leadership on this important issue. I am happy to answer any questions you may have. We look forward to working with you to ensure continued U.S. leadership on preventing mass atrocities.

Mr. MCGOVERN. Thank you very much.

Mr. Fontaine.

STATEMENT OF RICHARD FONTAINE, PRESIDENT, CENTER FOR A NEW AMERICAN SECURITY

Mr. FONTAINE. Thank you, Mr. Chairman, and thank you to the Commission for inviting me to testify before you today.

I am grateful for the leadership that the Commission has shown in supporting human rights and for your interest in the critically important effort to prevent mass atrocities.

Mass atrocities, genocide, crimes against humanity, and large-scale deliberate attacks on civilians offend the values that Americans hold dear. They damage our security and our economic interests. And yet, they can often be prevented. They can be slowed or arrested and at reasonable cost to the American people.

Mass atrocities certainly offend the universal values that we hold dear here in the United States. Americans take as self-evident that all people everywhere are entitled to life, liberty, and the pursuit of happiness. Widespread violence campaigns of the sort that we are discussing today aim to extinguish each of these three rights.

U.S. foreign policy is riddled with tricky human rights dilemmas – how far to push friendly autocrats on press freedom, for example, or when to insist on elections that might bring to power a repressive government.

But preventing mass atrocities shouldn't represent a dilemma because for all the debates over how much to prioritize the promotion of human rights, certainly we should all be able to agree that mass atrocities represent the most manifest offense against human rights and against the values on which our country is built.

Yet, preventing these kind of atrocities is more than a so-called values issue. It represents the hard-headed pursuit of national interest.

Mass atrocities upend economies. They distort trade and investment flows. They create a demand for large-scale foreign assistance, including American assistance. They create massive refugee flows which can radiate instability in neighboring countries and themselves become breeding grounds for extremism. They exacerbate or even create regional crises, and they generate calls for international action, which can be exceedingly difficult, dangerous, or costly to execute, and which, as we know, tend to fall disproportionately on the United States.

And we know all this because we've seen it and we've seen it firsthand. Consider Syria.

The Assad regime's violence against peaceful protestors sparked a civil war that became a boiling cauldron of atrocity. The horrors in Syria helped to destabilize neighboring Iraq and created conditions under which the Islamic State established the largest terrorist sanctuary in history. It produced millions of

refugees that put pressure on Jordan, Lebanon, Turkey, and even the European Union. It resulted in a major Russian military intervention, and as a result, the United States has led a costly multi-year multi-national military campaign to oust ISIS, and yet the killings in Syria continue today.

And the effects of these kinds of atrocities can last generations. Just last week, the New York Times had a report on the effects of the Nazi-imposed blockade of food supplies it the Netherlands in September 1944. By the time the Allies liberated the Netherlands nine months later, more than 20,000 Dutch had died of starvation. But many survived, including some women who were pregnant at the time. Those who were in utero during the famine felt its malign effects throughout their lives and scientists found a 10 percent increase in their mortality rate compared with their peers some 68 years later. So they're feeling the effects of these kinds of things throughout the entirety of their lives.

I suspect that much of the skepticism about America's role in preventing mass atrocities, or about promoting human rights in general, stems from a sense of we are simply not very good at achieving our aims in this area and certainly not at acceptable cost to the American people. If the price is another Iraq or another Afghanistan or another Libya, there's not going to be very many takers.

Yet, the cost is often far more modest and the success rate far higher. U.S. prevention efforts likely avoided mass atrocities in Kenya and Burundi, for example, while military intervention helped reverse ethnic cleansing in Kosovo.

The reality is that there exists an array of tools available to U.S. policy makers that can make and have made a positive difference, and at relatively low cost.

I was a member of the Experts Committee on Preventing Mass Atrocities that my colleague, Charlie Brown, just mentioned. He was the chairman of that effort. And the 2016 report that he referenced offers a series of specific steps through which the United States can work to prevent, slow, and arrest mass atrocities.

Now, these tools will not work every time, everywhere to prevent the worst from happening. But we can succeed in some places some of the time, and sometimes is far better than never.

The Trump administration has the potential to be a prime mover in this regard. It's kept in place the Obama-era executive order on preventing mass atrocities. It's kept the Atrocities Prevention Board in place, which continues to meet regularly. The Secretary of State has denounced ethnic cleansing in Myanmar and the President launched punitive strikes in Syria after its use of chemical weapons against civilians.

Given the scale of atrocities today in places like Syria, Yemen, South Sudan, and Myanmar, however, the need for further action is pressing.

Violence against the Rohingya, which we have discussed so far in this hearing already, represents an early test case for the administration and one that should elicit, at minimum, targeted sanctions on those responsible, and serious pressure on Naypyidaw to allow the peaceful return of refugees now in Bangladesh.

These and other steps would demonstrate that the administration will not stand by as mass atrocities take place. And the issue is bigger than Burma. The world, including would-be abusive actors, will be watching to see how Washington responds as this goes on.

Congress has historically been at the forefront of human rights promotion, pushing in the 1970s for what became the Assistant Secretary of Democracy, Human Rights, and Labor; overriding a presidential veto to impose sanctions on apartheid South Africa in the 1980s; supporting on a bipartisan basis the Bosnian intervention in the mid-1990s; establishing the State Department's Trafficking in Persons Office in 2000; passing the Magnitsky and Global Magnitsky Act more recently, and much more. Such leadership is needed now and on this issue.

Members of Congress can raise awareness of what is happening through hearings like these. It can push the administration to take action and appropriate funds necessary to execute those actions.

Members of Congress can help to disabuse Americans of the notion that violence between Sunni and Shi'a, Hutus and Tutsis, Sinhalese and Tamils, or any other group represent some ineradicable scourge that we must simply accept.

Mass atrocities unfold under direction and leadership. They require communications and weapons and people. They are employed most often to attain a defined political end and they can be prevented and they can be stopped.

Finally, having worked on Capitol Hill, on the National Security Council staff and the State Department, I am highly aware of the trade-offs inherent in any human rights agenda.

Yet, even in these divided times, surely, as Americans, we can be united in opposition to the widespread destruction of our fellow humans and our resolve to act against it.

Thank you to the Commission and to you, Mr. Chairman, for exploring how best to do so.

[The prepared statement of Mr. Fontaine follows:]

PREPARED STATEMENT OF RICHARD FONTAINE

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
MASS ATROCITIES PREVENTION

February 6, 2018 – 10:30 a.m.
2255 Rayburn House Office Building

Statement of Richard Fontaine
President
Center for a New American Security

Co-chairmen and members of the Commission, thank you for inviting me to testify before you today. I'm grateful for the leadership this Commission has shown in supporting human rights, and for your interest in the critically-important effort to prevent mass atrocities.

Mass atrocities – genocide, crimes against humanity and large-scale, deliberate attacks on civilians – offend the values Americans hold dear. They damage our security and economic interests. And yet they can often be prevented, slowed or arrested, and at reasonable cost to the American people.

Mass atrocities certainly offends the universal values we hold dear. Americans take as self-evident that all people, everywhere, are entitled to life, liberty and the pursuit of happiness. Widespread violence campaigns, of the sort we are discussing today, aim to extinguish each of these three rights. U.S. foreign policy is riddled with tricky human rights dilemmas – how far to push friendly autocrats on press freedom, for instance, or when to insist on elections that might bring to power a repressive government. Preventing mass atrocities shouldn't represent a dilemma. For all the debates over how much to prioritize the promotion of human rights, certainly we can all agree that mass atrocities represent the most manifest offense against human rights, as well as the values on which our country is built.

Yet preventing them is more than a "values issue" – it represents the hard-headed pursuit of national interest. Mass atrocities upend economies, distorting trade and investment flows and creating a demand for large-scale foreign aid, including American assistance. They create massive refugee flows which may radiate instability into neighboring countries and themselves become breeding grounds for extremism. They exacerbate or even create regional crises. And they generate calls for international action which can be exceedingly difficult, dangerous or costly to execute, and which tend to fall disproportionately on the United States.

We know all this because we've seen it firsthand. Consider Syria: the Assad regime's violence against peaceful protestors sparked a civil war that became a boiling cauldron of atrocity. The horrors in Syria helped destabilize neighboring Iraq, created conditions under which the Islamic State established the largest terrorist sanctuary in history, produced millions of refugees that put pressure on Jordan, Lebanon, Turkey and the European Union, and resulted in a major Russian military intervention. As a result, the United States led a costly, multi-year, multinational military campaign to oust ISIS, and the killings in Syria continue.

The effects of such atrocities can last generations. Just this week, the *New York Times* reported on the effects of the Nazi-imposed blockade of food supplies to the Netherlands in September 1944. By the time the Allies liberated the Netherlands nine months later, more than 20,000 Dutch had died of starvation. But many survived, including women pregnant at the time. Those who were in utero during the famine felt its malign effects throughout their lives, and scientists found a ten percent increase in their mortality rate, compared with their peers, some 68 years later.

I suspect that much of the skepticism about America's role in preventing mass atrocities, or about promoting human rights in general, stems from a sense that we are simply not very good at achieving our aims in this area, and certainly not at acceptable cost to the American people. If the price is another Iraq, an Afghanistan or a Libya, there will be few takers. Yet the cost is often far more modest, and the success rate far higher. U.S. prevention efforts likely avoided mass atrocities in Kenya and Burundi, for example, while military intervention helped reverse ethnic cleansing in Kosovo.

The reality is that there exists an array of tools available to U.S. policymakers that can make – and have made – a positive difference, and at relatively low cost. I was a member of the Experts Committee on Preventing Mass Violence, and our 2016 report offered a series of specific steps through which the United States can work to prevent, slow and arrest mass atrocities. These tools will not work every time, everywhere, to prevent the worst from unfolding. But we can succeed in some places, some of the time. And sometimes is far better than never.

The Trump administration has the potential to be a prime mover in this regard. It has kept in place the Obama-era executive order on preventing mass atrocities, and the Atrocities Prevention Board continues to meet regularly. The Secretary of State has denounced ethnic cleansing in Myanmar and the President launched punitive strikes on Syria after its use of chemical weapons against civilians.

Given the scale of atrocities today in places like Syria, Yemen, South Sudan and Myanmar, however, the need for further action is pressing. Violence against the Rohingya represents an early test case for the Trump administration, and one that should elicit targeted sanctions on those responsible as well as pressure on Naypyidaw to allow the peaceful return of refugees now in Bangladesh. These and other steps would demonstrate that the administration will not stand by as mass atrocities take place. The world – including would-be abusive actors – will be watching Washington's response.

Congress has historically been at the forefront of human rights promotion – pushing in the 1970s for what became the Assistant Secretary for Democracy, Human Rights and Labor; overriding a presidential veto to impose sanctions on apartheid South Africa in the 1980s; supporting, on a bipartisan basis, the Bosnian intervention of the mid-1990s; establishing the State Department's trafficking in persons office in 2000; passing the Magnitsky and Global Magnisky Acts more recently, and much more. Such leadership is needed now, and on this issue.

Members of Congress can raise awareness of what's happening, push the administration to take action, and appropriate funds necessary to execute. They can help to disabuse Americans of the notion that violence between Sunnis and Shia, Hutus and Tutsis, Sinhalese and Tamils or any other groups represent some ineradicable scourge we must simply accept. Mass atrocities unfold under direction and leadership. They require communications and weapons and people. They are employed most often to attain a defined political end. And they can be prevented and stopped.

Having worked on Capitol Hill, on the National Security Council staff and at the State Department, I am highly aware of the tradeoffs inherent in any human rights agenda. Yet even in these divided times, surely as Americans we can be united in opposition to the widespread destruction of our fellow humans, and our resolve to act against it. Thank you to the Commission for exploring how best to do so.

Mr. MCGOVERN. Well, thank you. Thank you all for your excellent testimony and I wish you were all in charge of our government.

Let me – I will throw some questions out and you all can answer, or if you don't want to answer you don't have to. But one of the things I've always believed is that accountability plays a major role in atrocity prevention.

In other words, that, you know, holding people to account for war crimes, or for – you know, for some of the atrocities that have unfolded, is important because if they're not held accountable, you know, then someone else is saying, well hey, they got away with it – I can get away with it, too.

And I am – and what I am thinking of right now is our policy towards Sudan. Both under Obama, and now under Trump, much to my disappointment, we are easing sanctions on the Government of Sudan, and I – and based on briefings I've had with both administrations, it seems less geared toward – well, let's put it this way. There seems to be a great deal of thought given to kind of national security implications in the region, in a way that seems to almost sideline the issue of human rights.

And meanwhile, you have the head of this country, President Bashir, who has been indicted by the International Criminal Court for war crimes and crimes against humanity, and I don't feel the drumbeat coming from this administration or the previous administration about making sure that this guy is held to account and put in jail.

And I worry that, you know, as, you know, we focus on some of these issues, you know, only for a very short period of time. You know, when all hell breaks loose, it's in the newspaper. We are all outraged, and then we move onto the next crisis, and then that crisis gets put, you know, in the rear view mirror.

I just kind of worry that, you know, we are – you know, by not demanding accountability – I am just using this as one example – that it's basically making it easier for the kinds of things that we are all trying to prevent from happening.

So I guess my question to all you would be, you know, what do you – what role do you believe accountability plays or could play in atrocity prevention?

Ms. KIKOLER. I am having to start with the response and I think it is a critically important question, especially having just come back from the border of Syria where over and over again we were told by Syrians that the culture of impunity within the country was one of the factors that created a permissive environment allowing Bashir to commit the crimes that he has been committing.

We have a number of examples, when we look in a historical context, of where even just the threat of accountability has played a deterrent role.

I've give you two concrete examples. In 2005, the former U.N. representative on genocide prevention, Juan Mendez, very publicly before the Security Council threatened that there would be a investigation by the International Criminal Court into the commission of crimes in Cote D'Ivoire. That was cited as having a real tangible deterrent effect on the ground in the country.

The same when we fast forward to 2010 and there was, again, the threat of an ICC investigation in the context of Guinea.

For us, when we think about the issue of accountability, though, what's critical for us is to not just focus on the senior officials and leaders, but that we need to have a comprehensive strategy that addresses also the local level perpetrators.

When I do the work that we've been doing in Iraq, over and over again we've been told that what individuals want to see is not just the leaders of ISIS held responsible, but they want to see the person who was their neighbor who killed their mother, raped their sister, and that requires a multi-pronged approach by the U.S. government, by the international community to embrace a broader understanding of transitional justice. Prosecutions, but also an array of other means that will help advance justice and accountability.

And as I said in the testimony, we do see the culture of impunity as being one of the major drivers of creating an environment where mass atrocities can occur.

Mr. BROWN. I would agree that accountability is absolutely essential. It is the third leg in the atrocity prevention and accountability stool.

You can't have prevention without accountability because eventually if you don't have accountability you are going to have to be bending over backwards to either try to prevent atrocities or respond to further atrocities.

Without that level of accountability, not just at the leadership level that, as Naomi noted, all the way down the line, it is absolutely essential that for local communities, if they see a response, that they are able to respond.

Unfortunately, I think that the U.S. record on demanding accountability has been more than spotty. As someone who's served as the spokesperson for the U.S. delegation at the ICC talks in Rome, I can tell you that our advocacy for accountability outstrips our willingness to implement tools that will help bring that about.

And I think that's unfortunate. I think it's been a bipartisan failure. I think it has been both an administration failure and congressional inattention, frankly. And I think that we could do more to strengthen the ICC which, frankly, is very weak and not able to do things that are assigned to it as of now, much less look at new cases.

Mr. MCGOVERN. Okay. Mr. Fontaine.

Mr. FONTAINE. Mr. Chairman, I would just add, you know, in foreign affairs, I guess, as in any realm of human activity, if you perceive benefits and anticipate low or no cost, you are going to keep doing what you are doing, or you are going to do the thing that you would like to do.

And so this is particularly true when the perceived cost that had accrued under, say, a previous administration or administrations are no longer relevant and so that's why I referred to the Rohingya as a test case, I think, for the Trump administration.

The world is going to be watching, and Sudan as well, and Syria, for that matter. The world is watching to see how the new administration or newish administration is going to respond to these kinds of things and therefore what is

sort of in the bounds of permissible and what is in the bounds of impermissible under the new political world in which we live.

And for that reason, the ripple effects of demanding accountability and imposing costs on perpetrators I think is even higher than it would normally be.

Now, there's sometimes reasons why you would, you know, not go after the accountability side for a greater good, like peace or something like that. But what you were referring to was not going after it because we sort of lost interest or lose focus, and that shouldn't be acceptable to us.

Mr. MCGOVERN. Yes, and, you know, you mentioned – you gave an example about the long-term consequences to the Netherlands about, you know, the consequences living with people for years and years afterwards.

You know, I just was in El Salvador in December and I spent a lot of time there in the 1980s when I was a congressional aide during the war and no matter what someone thought about what our policy was, I mean, I think everybody could agree that some bad things happened there.

And I went out and when the war was over with, everybody kind of said let's – we don't want – no accountability, let's forget about it and we'll move on.

Well, the culture of impunity prevailed. It continued, and people don't move on, I mean, when there's no accountability. And we visited – and the amnesty has been overturned but we went out to visit a place called El Mozote, which, I think in 1981, over a thousand people were killed and nobody was held accountable.

And now a case has been opened up where they're trying to get some acknowledgement of who was responsible and, you know, and maybe some accountability for the people who gave the orders to wipe out mostly women and children.

And yet, the Salvador military continues to stonewall. They don't provide any information, and we are not helpful either. I mean, we played a major role in that war. We created the unit that actually did the killings. So we know who was there.

And we actually said at the time it never happened. It wasn't until after the war a forensics unit from Argentina went in and started digging up bodies and found all these children that were buried there.

I just bring this up to say that, you know, we could – you know, here's an example of where I think it would be a very powerful signal if we would say, you know, we want to cooperate and acknowledge the concerns of this community in finding out not only the truth but having some accountability.

Ms. Kikoler.

Ms. KIKOLER. Chairman, I wanted to just pick up on the theme that you just mentioned right now in terms of leadership and continued engagement because I think there's actually two things that have happened recently that are really important in this regard, and are areas where Congress can continue to support the role of the administration.

The first is that there was actually an announcement last week by the administration to provide $350,000 to support an international independent

investigative mechanism in Syria. And I think that's really key and it shows an increased focus by this administration on accountability in the context of Syria.

It also shows a willingness to support mechanisms that are not, as Charlie was talking about, affiliated with, for example, the International Criminal Court, and we need that level of creativity in situations where we don't see cases or tribunals established to start documenting, collecting, and preserving the evidence because as El Salvador shows, this pursuit will take decades, and we need to have that record and the evidence now before it disappears.

The second thing is there is an office within the State Department that is tasked specifically at looking at these issues, both in terms of atrocities that are happening today, and those that happened in recent history, and that's the Office of Global Criminal Justice which, to speak to the points that both Charlie and Richard made, is a critical – it plays a critical function within the broader atrocity prevention infrastructure within the government.

We are heartened to see that it continues to play that role and there could be and should be a greater reliance on the type of outputs and analysis that that office plays.

Mr. MCGOVERN. Right. And I don't want to get into – divert into El Salvador, for example, but I just say that, you know, we'll wait – we'll see. The other thing in El Salvador they actually created a commission at the suggestion of a lot of Salvadorans who had fled the country during the war whose loved ones were disappeared to try to find their – what happened to their – to their loved ones. I mean, thousands and thousands of people just were disappeared and the Salvador government signed onto that. It's going to be important that the international community actually provides some of the resources so that it's more than just a press release – that it's real.

I would just say, for being in Congress now for over 20 years, sometimes I get the impression – and this is a bipartisan critique – that when we start talking about things that happened 20 years ago, 30 years ago, or even longer, you sometimes get the push back, well, let's move on – let's – I mean, let's not, you know – let's not try to, you know, go back and create a controversy when not a lot of people are talking about it right now. And I guess my point is that it lives on no matter what. I mean, there needs to be some accountability.

Let me – everybody talks about Syria and the Rohingya in your remarks. Looking back, I mean, what were the most significant opportunities for prevention that the United States missed?

You know, I mean, are there actions that you believe should be taken now to prevent ongoing atrocities from moving forward? And I say that because, you know, I remember during the Syria stuff – I will just be very honest with you – I mean, I was very concerned about, you know, kind of getting involved in yet another military entanglement when I wasn't quite clear – and this was when Obama was president – you know, whether we actually knew what we were doing here, and some of the people that we were relying on to support to go after the government were less than, you know, stellar in terms of their own human rights records.

And I am just wondering, you know, I mean, but that was – we were pushing a military option. I am just trying to figure out whether, you know, were there other – were there key points where other interventions short of, you know, a military intervention could have played a role?

And with regard to the Rohingya, I mean, what could we have done earlier, if anything, to have prevented this?

Mr. BROWN. As someone who was in the room for many of the early APB meetings, what I would say, Mr. Chairman, is that there probably isn't a crisis today where we couldn't have acted earlier and done more to prevent.

In the case of Myanmar and the Rohingya, there were several efforts during the early meetings of the APB, successful efforts, to intervene with Aung San Suu Kyi and with others to say, look, you want to democratize – we want to support it – you can't be doing this. And I think there was a forestalling for a long time.

Unfortunately, I think that what we are seeing in a number of the crises, and I should say I am speaking personally now and not on behalf of the Experts Committee, is that since the beginning of the Trump administration the lack of focus or emphasis on these countries – South Sudan, Myanmar, Central African Republic, even to a degree Syria – in terms of the human rights issues there and the atrocities there, has served as encouragement for those who would commit these abuses to continue to abuse, knowing that the United States has not been as vocal as it has been in the past.

As I noted in my testimony, we do give credit for Secretary Tillerson's statement on November 22nd. We do give credit for the jump in humanitarian assistance.

But once again, that is kind of after the fact, and nothing much has been done since then, at least in terms of public diplomacy. We don't know what's going on behind the scenes.

There are cases where the United States has taken action to prevent atrocities. The case of early times in Myanmar, when the Rohingya crisis first became an issue – that was one.

Richard mentioned both Kenya and Burundi as examples. I would note in Jonglei Province in South Sudan there was a serious concern that large numbers of ethnic Murle were missing and an American intervention did much to prevent that.

Unfortunately, in the process, we probably burned the bridges that we needed to address the ongoing civil war that then blew up a few months later.

But really in terms of what I would say is what are the current crises – what are the situations now that we need to look at – what are the ones that have not yet blown up, and I would commend to you the Holocaust Museum's index, which does a good job I think of highlighting what those are.

Mr. MCGOVERN. Mr. Fontaine.

Mr. FONTAINE. Yes. Mr. Chairman, maybe I will take a stab at this Syria question, which will probably generate, you know, generations of history books of

those trying to say what could we have done to have at least mitigated or if – or averted this.

And I think that once Assad decided he was willing to shed as much blood as necessary to hold onto power, most of the tools in the tool kit were military in nature.

But there is a difference between military tools, and not everything is a slippery slope to Iraq and occupying someone else's territory and holding it and, you know, hundreds of thousands of boots on the ground and so forth.

If the Obama administration had armed, I think, the rebels – the anti-Assad rebels in a different way in different parts of the country to put pressure on Assad earlier rather than later, back when there was, you know, what subsequently became something of a mythical moderate opposition, I think that could have made a difference. We will never know, but I would have liked to try.

If the administration had created safe zones, particularly safe zones that were at least restricted from barrel bombing, which was an unbelievably horrific way of killing civilians, you know, the claim at the time was well, you'd have to have, you know, 200 fighter jets on 24-hour patrol over Syria and then we couldn't bomb ISIS, well, we more or less have created safe zones now without having that capacity, because we said this is a zone, if you come into this zone we shoot you down.

Well, that has a pretty – that has a way of concentrating the mind of the pilots and people like that.

Mr. MCGOVERN. Right.

Mr. FONTAINE. And then, finally, I would say had the administration not done Libya so poorly, I think their appetite to be active in Syria would have been much higher.

I mean, in Libya I think the Obama administration learned the wrong lesson. It thought the lesson was – of Iraq was, you know, don't get involved on the ground because you can never get out and you will be there forever, and it'll dominate your presidency and be terrible.

But the real lesson in Iraq was don't topple a foreign government without having a plan and being willing to take responsibility for the aftermath, and that is exactly what they did in Libya and, of course, then the appetite for trying to do something that smacked of the same thing in Syria was going to be very low.

Mr. MCGOVERN. Ms. Kikoler.

Ms. KIKOLER. Definitely challenging questions and they are the questions that we are going to be grappling with for a very long time.

I think what the question underscores is the importance of ongoing and regular analysis of situations where we think that there may be a risk of atrocities and that requires better intelligence, including more information from local communities about the risk that they face themselves.

In the context of Burma, it's hard to not look at the situation and just think that we have seen an utter failure to acknowledge very, very clear warning signs. We released a report a few years ago which very clearly said that there was a risk of genocide.

Those calls have been echoed, though, for the past decade, for a community that has been systematically persecuted, where their very identity and the ability to call them a Rohingya has been denied, where their citizenship was revoked.

So in those situations, I think for us when we look at where there has been missed opportunities, you know, around the time of the election, and our latest report goes into this, I think there's some questions that need to be asked about the competing dynamics between the protection of minority communities and the focus on elections, the reduction in sanctions before we actually saw the benchmarks being met on certain human rights considerations.

I think there's a lot of lessons in the context of Burma that we are going to need to learn and apply to the future because, unfortunately, as you cited earlier, their situation remains very dire.

In the context of Syria, you know, I think that we are asked repeatedly were there warning signs, and if you go back to the list that I mentioned before, you know, we saw a government that had committed mass atrocity crimes in its history.

We saw the repeated use of torture as a regular feature of a system of governance – the governance of terror. We saw a situation where there was drought, the worst drought that Syria had ever experienced in that particular period. You had a minority community that felt threatened.

I think what's important in the Syrian context to kind of note is how challenging it was for policy-makers to even begin to comprehend or wrap their minds around the idea that the government of Bashir al-Assad would respond the way they did. I think there was a sense that his behavior would be rational and a rational actor would not commit these crimes.

But that's a failure to be able to put oneself in the mind set of someone like him, where the perpetration of mass atrocities was actually a clear objective to help protect and preserve his own governance.

We focus, in the course of our work, looking at Syria. We released some reports that looked at critical juncture moments.

I think there's a lot to be said around what could have been done in the first year and whether or not there was preventive diplomacy that would have been possible at that point.

I think a key thing to bear in mind in that case and in many cases is just also managing the expectations of local communities.

Mr. MCGOVERN. Right.

Ms. KIKOLER. Being careful about what we say and what we do, and whether or not we are elevating the expectations of local communities, of armed groups and others, because if we do, there could be unintended consequences that may have dire results for local communities.

Mr. MCGOVERN. I also think the – one of the points I think you all have been implying is that one glove doesn't fit all. So, I mean, all these different examples we are giving, I mean, they're not all the same.

You know, a few years ago, I think when I first got elected, you know, we were reflecting on the terrible atrocities that took place in Rwanda, and trying to figure out how they could have been prevented, and I remember being told that, you know, that quite frankly with a relatively small presence of either military or police – or police force, whatever, you know, had it intervened at the right time, you might have been able to prevent what turned out to be this mass atrocity.

So, you know, and I think one of the things that is a reality up here is that when it comes to deploying our military, I mean, there is lots of concern because we have many examples of just getting entangled in things that far – that stray far from what the original intent was.

And so people are naturally skeptical and nervous and, you know, wonder, you know, is this the right thing to do or will it just create a whole new set of problems.

At the time, I introduced a bill, you know, calling for a standing U.N. rapid deployment force. It's not a substitute for our military and the military, but that could be – that would be ready to respond in emergencies because if you want to do an international force it takes a while to assemble it.

I mean, and, you know, in rare circumstances, like, I am thinking Rwanda in particular, that you could deploy it. And I just remember the mail and the emails I got, which were pretty scathing, because people thought I was trying to create a world government – I was trying to take all the power to the United States, all that kind of stuff.

No. I mean, the deal would be you'd have a standing force that was ready, made up of all the nations that could be deployed rapidly, if need be, but to prevent things like Rwanda. But everybody would have to, you know, sign off on it. It wasn't – but, you know, but it was very difficult to kind of advance that idea that – I don't know what you think about that, but I mean, I think, you know, in some of these cases – I mean, not every case, but where a relatively modest kind of rapid deployment force could actually prevent something from turning into, you know, a mass atrocity. You know, whether it is worth trying to revisit that idea, knowing the politics that every nation has with regard to deploying any of our people in any dangerous spot.

Mr. FONTAINE. Mr. Chairman, I think – well, in terms of the, you know, usurping the sovereignty of the United States, I mean, the United States as I think retains a veto at this –

Mr. MCGOVERN. Right. We do. Right.

Mr. FONTAINE. So that's a pretty relevant, you know, perhaps counter to the – some of the more egregious worries. But –

Mr. MCGOVERN. It didn't work.

Mr. FONTAINE. Yeah. Yeah.

Mr. MCGOVERN. But that's – but that's the point.

Mr. FONTAINE. Yeah. But, you know, there are various structures under which something like this could work. There's the U.N. sort of peacekeeping structures. NATO has a rapid response force, and in fact, obviously, did the

Libya operation but also the Balkans work and, you know, the United States and then these kind of ad hoc things.

I think the broader point that you are making is really important, which is it's sometimes a case that a modest use of military force, or the military instrument on the front end of a crisis, prevents a much bigger use that we get ourselves into on the back end.

I mean, for example, had we not pulled all troops out of Iraq, we probably wouldn't have had to go back in the way we did.

You know, in – I mean, just anecdotally in – we haven't, in the course of this hearing, discussed George W. Bush's deployment of a couple hundred Marines to Liberia when it looked like there might be atrocities there.

Why? Because there were no atrocities. Would there have been had the Marines not been there? I don't know. But, you know, it turned out that it did make a difference, and you can have relatively small numbers if they have the right mandate and the right support that really can make a difference, and it is not inevitable that that becomes a slippery slope toward ever greater entanglement over years, because nobody wants that.

Mr. BROWN. First of all, I think the idea of revisiting the idea of a small deployable force is definitely something worth considering.

I think that, given the current political environment, both in the United States and at the U.N., it's going to be challenging to pursue it.

What I think would be equally important would be to ensure that U.N. peacekeeping operations are fully funded and to reform U.N. peacekeeping operations so we don't have the current situation where if the U.N. decides to deploy a peacekeeping force it can often take up to six months –

Mr. MCGOVERN. Right.

Mr. BROWN. – for that force to deploy. That said, I share Richard's view on the idea of having the capacity for a small deployable force. The U.S. has that capacity now and it has done that in the past.

In 2013-2014 in the Central African Republic, when there were concerns of the potential for genocide, the U.S. deployed enough troops to fly two battalions of peacekeepers – one from Rwanda, one from Burundi – into CAR and give them the ability to begin to establish a modicum of peace.

Now, as it turned out, that didn't work out in the long run. But in the immediate run, it made a real difference in helping to slow, and to a degree stop, the violence. That effort cost less than $100 million. It sounds like a lot, but comparatively speaking, that's a lot less money than spending up to a billion dollars on a given peacekeeping operation.

Ms. KIKOLER. I concur with much of what has been said. I will just briefly add a few things.

One of the challenges that Romeo Dallaire had in Rwanda was that his terms of reference were so circumscribed that he needed instructions from New York on whether or not he could, for example, actually apprehend weapons that he was aware existed and were being used to subsequently attack a list of people whose names he had.

And I think that speaks to a challenge about limited terms of reference that different governments have when they contribute troops to something like a U.N. peacekeeping force, or to a rapid response force, of which actually on the African continent there are a number of rapid response forces that exist or are being created, but also to a challenge around coordination. And we saw that also in the context of Srebrenica and the safe haven, the need for a dual-key system, where you had to have the U.N. and various governments agreeing to air strikes being made by NATO, poses a real challenge that we have yet to overcome in terms of the real political will to do the type of coordinated work that you are talking about.

And faced with that reality, you know, to echo what Charlie said about supporting peacekeeping missions, but I would also add that the U.S. has got a very unique role that it can play as a leader on training other countries' forces and also U.S. forces on the protection of civilians.

Mr. MCGOVERN. Right.

Ms. KIKOLER. We assume that they know what to do when they're being deployed. I, and many others, have had the kind of situation unfold where you are in a particular country and you really hope that you don't get in the line of fire accidentally of a peacekeeper, because of the lack of training, because people don't know how to respond to mob crowds.

We need to make sure that those who are being deployed in those situations know what to do to actually protect civilians from mass atrocity crimes and that requires a different type of analysis and skill set that most military or police have at this particular point.

And the U.S. does have that doctrine. It has the ability to train. It's already doing that, and that's one area where I think we can see a greater intensification of that, and an extension of that type of work into the NATO sphere as well, so that all of the NATO states have got clear protection-of-civilians doctrine and are able to operationalize it.

Mr. MCGOVERN. Well, you guys have been really patient with your time. I just have one more kind of question and then I will let everybody go and if we have more questions we'll just put it in writing to you and then I have to go to the Rules Committee at 1:00 because we have a continuing resolution to try to keep the government running for a little bit while longer.

But, you know, I mean, obviously, how you do atrocities prevention changes when you are dealing with, you know, a state actor versus a non-state actor.

But I want to go back to what I said at the outset of this hearing about the role of other players, other than governments. And I mean, the business community, for example.

I mean – you know, I mean, again, you know, we talked about the Uyghurs and we talked about the Tibetans. But I am also – I go back to Sudan. I mean, China plays a big role in supporting the Government of Sudan. Russia plays a big role in supporting the Government of Sudan.

We have business interests with both countries that are – you know, that are significant and yet, you know, it seems to me that there's a voice there that could be better utilized that's not. And I don't think that China is going to stop doing business with a big U.S. corporation because they raise the issue of Sudan or Tibet or whatever.

They may not like it, but that's the point. I mean, you want them to realize that, you know, if you want us to stop, then you got to change your behavior.

And I just don't get a sense that there is this kind of coordinated effort to try to – because I think that's the other – I think that's the other part of this. I mean, that, you know, we talk about faith-based leaders as well.

But, I mean, I just – the business community – the international business community has so much power and is so potentially influential in some of these areas, and they don't – they don't speak up.

We were in – you know, after we were in Tibet we met with the American Chamber of Commerce in both Delhi and in Mumbai, and I kind of threw this out there, saying, you know, I mean, everybody says they love the Dalai Lama – they all love the Tibetans – they love – the culture is great – this is great, on and on and on.

But then, you know, I get up to give my little spiel and I said, well, like, what are you doing to help us here, because I mean, you know, a lot of our reluctance to impose any kind of economic sanctions on people is because we don't want to hurt our business community.

So that's – you know, that's the business community. And, you know, and China relies very, very heavily on our business community, you know, for their strong economy.

You have a role here. I mean, how do we empower you to use it more? So I want that, and then just one final thing and that is that, look, I mean, we – you know, we said yes, so we'll do a series of hearings on this – on this topic, Congressman Hultgren and I.

But we are also interested in, you know, working with you, you know, on concrete initiatives that we can take. You mentioned the legislation that's going on. But if there are specific things that you think we should be doing along the way, I mean, I want you feel free to give us a call.

I mean, we – we want to, you know, obviously, this is something that's very important to us and so we would value your assistance on that.

But if you can take a crack on how we can better utilize our business community in this effort, I would be happy to hear your advice.

Mr. Fontaine.

Mr. FONTAINE. Thank you, Mr. Chairman.

I would offer two thoughts, which are very different. One is, and taking Burma as a case study here, you know, since the reversion to some form of democracy or at least constitutional rule and Aung San Suu Kyi's release, there has been a gold rush of companies going into Burma because there's so many natural resources there, because it was, at least from the American perspective,

much – it was a closed market. We had an import ban. You couldn't do new investments there and so forth, and so there's a lot of business interest there.

I think the message that the business community should be passing to their interlocutors in Burma is, guys, we've seen this movie before. If you want us to all go home, then continue what you are doing with the Rohingya and stuff like that, because if things get worse over and worse, then there is the possibility that you are going to be subject to the same kinds of sanctions that kept us away from you in the first place.

And part of the reason why Burma wanted to come out from – I keep calling it Burma – I guess it's Myanmar now – you know, old habits die hard.

You know, the reason why the regime wanted to come out from the cold was to get rid of these sanctions. And so the business community can be a message carrier in that respect, which they have an interest in not seeing sanctions reimposed and the Burmese have an interest in not seeing the sanctions imposed. And yet, the sanctions may be reimposed if this goes on, you know, longer and longer.

The second thing, and it's a very different answer, is corporations in general, and especially American corporations, I think should not be in the business of indirectly enabling atrocities.

Mr. MCGOVERN. Right.

Mr. FONTAINE. So, you know, tech companies should not be selling surveillance equipment to bad governments that are going to use those for bad things against good people.

And you could extend that to everything from truncheons and bullets to the much more – the trickier stuff, which is not as circumscribed on the tech – the technology side of things because, you know, regimes are increasingly savvy in the way they monitor their population and the way they identify people, the way they surveil them, the way they identify potential victims, the way they communicate and things like that. And I think the American corporate sector, you know, should not be in that line of work.

Mr. MCGOVERN. Mr. Brown.

Mr. BROWN. What I would add – I mean, it's – it should be self-evident to the business community that mass atrocities are bad for business – that inevitably, as Richard noted, that you are either going to see sanctions or you are going to see a collapse of the economy in a way that's going to make it very difficult to do business.

Really getting them engaged on the prevention side and getting them focused on what they can do to ensure that these trends don't develop I think is a crucial part of this.

The business community has a role to play in private quiet diplomacy that often the governments can't play, and they could be conveying messages.

I would cite one example of someone who's done this for, I think, at least two decades now, and that's John Kamm in China who, as a businessman, has been able to go in and quietly have conversations with the Chinese government and secure the release of a number of political prisoners in a way that I think has

been highly effective without trying to be critical of the regime, without trying to draw attention. There are specific things that businesses can do.

I think what the United States needs to do is be more effective and strategic in getting business to play that role and it's something that often isn't thought about when you look at the economics-focused bureaus inside State and the human rights/atrocity prevention bureaus focused inside State, that's not a conversation as far as I know is going on right now.

Mr. MCGOVERN. Yes. And without getting to names of businesses, you know, I attended a reception at the U.S. Embassy in Beijing with a number of U.S. business interests and, to be honest with you, I got the feeling that everybody was sympathetic but nobody wanted to make waves.

And so, you know, yeah, I mean, one is you risk, you know, dealing with governments that are guilty of mass atrocities – you are guilty – you potentially run the risk of sanctions, which are a problem, or the economy collapses.

Or there's that other part of it, which is, you know, the status quo just stays the same. And, you know, I am thinking of places like China, for example, where – I mean, nobody believes the government of China is about to collapse and probably we are not going to see sanctions, you know, anytime soon.

You know, so, you know, I think there is kind of this feeling by some that, you know, if we play it low key, you know, we can – you know, we can get by.

And I think that's the – that's how you – but I think the administration – there needs to be some coordination that we need them in this – in this thing. And again, the Chinese government is different from ours and that's fine.

It's just we are not going to – we are not going to, you know, acquiesce and be quiet in the face of, you know, massive crackdown on human rights defenders. The way they treat the Tibetans, the way they treat the Uyghurs – I can go right down the list.

And I think that's the – you know, the other thing is that there's a public campaign to try to shame some of these businesses that are – that we think are enablers.

And, again, I – you know, I am a believer in, you know, an international economy and I want to – you know, I am not talking about, you know, stopping trading with the rest of the world.

But I just – I think there's a voice there that is very, very powerful and probably could be more effective than a bunch of congressmen saying, you know, clean up your act.

So yeah.

Mr. BROWN. Unfortunately, one tool that's kind of gone – that's no longer available is using the Alien Tort Claims Act to, I will put it politely, encourage businesses to change their practices. But with the Kiobel decision in the Supreme Court, it's no longer possible to target businesses as effectively as in the past.

I, frankly, am not a lawyer and I don't know whether there's something Congress can do to address that. But that may be an avenue that giving that tool back to NGOs and to victims of atrocities and abuses may be useful way to address that.

Mr. MCGOVERN. I will give you the last word.

Ms. KIKOLER. Thank you very much, and I do want to thank you and Representative Hultgren for your leadership on these issues.

I just wanted to maybe complicate the conversation just a little bit, because we were talking a lot about business in the context of international businesses and I think that there are different incentives that exist, depending on the level at which you are looking at.

We have seen that you have international corporations that are enablers of atrocities and local businesses that are enablers of atrocities, and their incentives are very different and require different strategies and ways of engaging them to tackle each of them, because at times war profiteering is actually quite profitable for businesses at the local level. We also, when we think about non-state actors that you mentioned, have to keep in mind the broader definition of kind of civil society and recognize that in many countries, and Burma is one, religious leaders can actually incite the commission of atrocity crimes.

So as we think about non-state actors, I think we have to have a comprehensive kind of definition that we start with and then approach for tackling each of them.

In the context of mitigating risks, you know, I think Kenya is a very interesting and illustrative example of where the business community played a very positive role both at the local, regional, and international level because of how dire the economic consequences was of the violence in 2008.

And there you saw really creative strategies. The flower industry, for example – every truck that went through the country had peace messages on the outside. The major telecommunications company texted out messages that said, One Kenya, One Peace, One People.

Those are strategies that were employed in part through working with the U.S. government and through being involved in those conversations and I think that we need to see a greater emphasis on that.

And maybe just in closing, I just wanted to highlight that an area of focus for our center, going forward, is actually going to be on the role of civil society.

As actors in the course of the unfolding of mass atrocities, looking at what preventive capacity civil society has, questions around enablers, mitigating risks, and that will be work that will be forthcoming over the next year.

I think, again, going back to the recent trip that we did to the Syrian border, you know, I would be remiss if I didn't acknowledge that in many of the situations today, especially when we see the U.N. Security Council blocked, the onus for protection falls to local communities. And though I can talk about Guinea or Burundi or Kenya and Cote D'Ivoire and a host of other countries and say that the international community did remarkable things, at the end of the day, usually the determining factor on whether or not a country descends into atrocities or not often are the actions of heroic people on the front lines in those countries.

And today, the Syrians who are staffing the hospitals underground, who are keeping schools open, are very much on the front lines and are at risk, and they're at risk as this conflict changes, metastasizes, and we are very concerned

that the people that we have been investing in, the civil society we've been trying to nurture and build, are the ones who are actually going to be the most vulnerable, going forward.

So I appreciate your question and focus on non-state actors because I think that for those of us who are concerned about atrocity prevention, they are increasingly going to be the focus of our work, our research, and are going to need our support. So thank you.

Mr. MCGOVERN. No, I appreciate it. We have, obviously, a lot more to discuss. But I meant what I said about staying in touch with us about action items that we might be able to take here as some of these events unfold.

But thank you very much and the hearing is concluded.

[Whereupon, at 12:52 p.m., the Commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

Tom Lantos Human Rights Commission Hearing

Hearing Notice

Mass Atrocities Prevention I

Tuesday, February 6, 2018
10:30 a.m. – 12:00 noon
2255 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on United States policy in relation to the prevention of mass atrocities around the world.

"Mass atrocities" are defined as large-scale, deliberate attacks against civilians, and include genocide, crimes against humanity, war crimes and ethnic cleansing. Following the Holocaust, the United States and the international community vowed to "never again" stand by in the face of genocide and mass atrocities. But since then mass atrocities, including genocide, have been committed in Indonesia, Cambodia, Guatemala, East Timor, the former Yugoslavia, Rwanda, Sudan, South Sudan and Syria, among other places. Hundreds of thousands of people have been killed, tortured, or suffered sexual violence; and millions more have been forced to flee, generating profound humanitarian, political, and national security consequences.

Beginning with the 2006 National Security Strategy presented by President George W. Bush, the U.S. government has explicitly prioritized the prevention of genocide and other mass atrocities. In 2008, the bipartisan Genocide Prevention Task Force laid out a prevention blueprint for U.S. policymakers, and in 2011, President Obama established the Atrocities Prevention Board, which continues under President Trump's administration. The United States has been a leader in marshaling the international community and fashioning tools, policies, and programs to prevent and address mass atrocities. Nevertheless, as the recent atrocities committed against the Rohingya in Burma have once again made clear, more is needed.

This hearing, the first of a planned series, will elaborate on the concept of mass atrocities, discuss the difference between prevention and response, and examine the

relationship between the prevention of atrocities and U.S. national interests. Witnesses also will identify current situations of concern around the world.

Panel I

- **Father Thomas J. Reese, S.J.**, Commissioner, U.S. Commission on International Religious Freedom

Panel II

- **Naomi Kikoler**, Deputy Director, Simon-Skjodt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum
- **Charles J. Brown**, Managing Partner, Strategy for Humanity
- **Richard Fontaine**, President, Center for a New American Security

This hearing will be open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via the Commission website, https://humanrightscommission.house.gov/news/watch-live, and will also be available for viewing on the House Digital Channel service. For any questions, please contact Kimberly Stanton at 202-225-3599 or Kimberly.Stanton@mail.house.gov (for Mr. McGovern) or Jamie Staley at 202-226-1516 or Jamie.Staley@mail.house.gov (for Mr. Hultgren).

Sincerely,

/s/

James P. McGovern, M.C.
Co-Chair, TLHRC

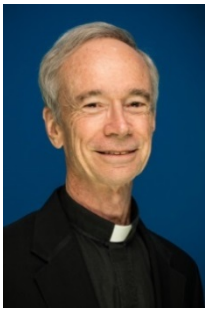
Randy Hultgren, M.C.
Co-Chair, TLHRC

Tom Lantos Human Rights Commission

Witness Biographies

Mass Atrocities Prevention I

Panel I



Father Thomas J. Reese, S.J. is a Commissioner at the U.S. Commission for International Religious Freedom (USCIRF). He was appointed to the Commission on May 15, 2014, and reappointed on May 12, 2016 for a second two-year term expiring in May 2018. Father Reese is also a Senior Analyst for Religion News Service. Formerly he was a columnist at the National Catholic Reporter, a Senior Fellow at the Woodstock Theological Center, and an associate editor and later Editor-in-Chief of *America* magazine. He is the author of *Inside the Vatican: The Politics and Organization of the Catholic Church*. Rev. Reese entered the Jesuits in 1962 and was ordained in 1974. He received a B.A. and an M.A. from St. Louis University, an M.Div. from the Jesuit School of Theology at Berkeley, and a Ph.D. in Political Science from the University of California, Berkeley.

Panel II

Naomi Kikoler is the Deputy Director of the Simon-Skjodt Center for the Prevention of Genocide at the U.S. Holocaust Memorial Museum. For six years she developed and implemented the work of the Global Centre for the Responsibility to Protect on populations at risk and led the Centre's advocacy, including before the UN Security Council. Prior to joining the Global Centre for the Responsibility to Protect, she worked with Amnesty International Canada, the Office of the Prosecutor at the United Nations International Criminal Tribunal for Rwanda, the Brookings Institution, and as an election monitor in Kenya with the Carter Center.

She holds common law and civil law degrees from McGill University and an M.Sc. in forced migration from Oxford University. She is an adjunct professor at the New School University, board member of the Canadian Centre for the Responsibility to Protect, a senior fellow at the Global Centre for the Responsibility to Protect, and was called to the Bar of Upper Canada.

Charles J. Brown is Managing Partner at Strategy for Humanity. From 2010 to 2014, he served in the Obama Administration, first as Principal Director in the Office of the Deputy Assistant Secretary for Defense for Rule of Law and Humanitarian Policy, and then as Senior Advisor for Atrocity Prevention and Response, during which he oversaw the Pentagon's implementation of President Obama's atrocity prevention initiatives and served as one of DoD's representatives to the Atrocities Prevention Board. In the past, Charlie has held senior positions with the U.S. Holocaust Memorial Museum, Amnesty International USA, Freedom House, and several other NGOs. During the Clinton Administration, he was Chief of Staff in the Bureau of Democracy, Human Rights, and Labor in the U.S. Department of State and a member of the U.S. delegation to the Rome Conference on the Establishment of the International Criminal Court. He is principal author of *A Necessary Good: U.S. Leadership on Preventing Mass Atrocities*, and author of *The Obama Administration and the Struggle to Prevent Atrocities in the Central African Republic*, among other publications.

Richard Fontaine is the President of the Center for a New American Security (CNAS) and a member of the Experts Committee on Preventing Mass Violence. He served as a Senior Advisor and Senior Fellow at CNAS from 2009-2012 and previously as foreign policy advisor to Senator John McCain for more than five years. He has also worked at the State Department, the National Security Council and on the staff of the Senate Foreign Relations Committee. During his time at the State Department, Mr. Fontaine worked in the office of former Deputy Secretary of State Richard Armitage and in the department's South Asia bureau, working on issues related to India, Nepal and Sri Lanka. A native of New Orleans, Mr. Fontaine graduated *summa cum laude* with a B.A. in International Relations from Tulane University. He also holds a M.A. in International Affairs from the Johns Hopkins School of Advanced International Studies (SAIS) in Washington, and he attended Oxford University.

Tom Lantos Human Rights Commission

Hearing
on
Mass Atrocities Prevention I

February 6, 2018 – 10:30 a.m.
2255 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

The Honorable Ro Khanna
Member of Congress

I applaud this Commission invitation for calling today's hearing to assess preventable mass atrocities, and I appreciate its invitation to submit a statement on perhaps the world's most extensive case in point. Because of a three-year old Saudi-led war against the Houthi rebels, the people of Yemen are suffering deeply. The Saudi-led coalition is leading an air-strike campaign against the Houthis and blockading important sea and air ports. They are devastating what was already one of the poorest countries in the world. This humanitarian crisis has led to more than one million cholera outbreaks and seven million Yemeni civilians on the brink of starvation.

The United States, as a key ally of Saudi Arabia, has been aiding the coalition, participating in jet refueling, targeting and other military support. This is all happening without any declaration of war, which is a power exclusive to Congress under article 1, section 8, of the U.S. Constitution. Through our unauthorized participation in this conflict, the United States has become complicit in the suffering of millions. That is why I introduced H.Con.Res. 81 in September of 2017 which directs the President to remove U.S. Armed Forces from hostilities in Yemen absent a declaration of war or congressional authorization.

The indiscriminate bombing combined with a cruel Saudi blockade of key ports has resulted in a "famine of biblical proportions," according to Jan Egeland of the Norwegian Refugee Council. This catastrophe is compounded by limited access to safe water and medical resources. As such, the U.S. should not be providing aid to Saudi Arabia and the UAE as they lead this brutal assault on innocent people.

This humanitarian crisis is a mass atrocity. Famines and cholera outbreaks should not occur in our world today. We have enough food and medicine to feed and care for every living human. The fact that one child dies in Yemen every ten

minutes due to a curable disease or a solvable famine crisis is a tragedy. The U.S. can help end the suffering by ending U.S. involvement in the conflict and calling for a ceasefire. We should continue to pressure the Saudi-led coalition to open up the sea and airports and work towards finding a political solution to end the conflict.

I wish to again commend the co-chairs and members of this commission for examining this critically important issue to peace and global stability. I encourage you to incorporate your findings into the decision-making process in Congress that determines U.S. foreign policy toward the Middle East and the other conflicted areas where mass atrocities can be prevented.

Tom Lantos Commission
Mass Atrocities Prevention Hearing
Tuesday, February 6, 2018, at 10:30 a.m.
Rayburn 2255
Statement for the Record from Rep. Ann Wagner (R-MO)

Thank you to the Tom Lantos Human Rights Commission for holding this important hearing on mass atrocities prevention. It is imperative that the U.S. government prioritize the prevention of genocide and other mass atrocities, which threaten national and international security and the basic dignities of each and every person. In recent years, we have been dismayed by the conflict and violence in Burma, Syria, Democratic Republic of the Congo, and many other nations and communities across the globe. This is why I introduced H.R. 3030, the *Elie Wiesel Genocide and Atrocities Prevention Act*, which aims to enhance the U.S. government's capacities to prevent, mitigate, and respond to such crises.

I have lent my full support to the Atrocities Prevention Board as a body to coordinate U.S. tools and resources to prevent genocide and other atrocity crimes, including war crimes, crimes against humanity, and ethnic cleansing. But we still must greatly improve how our nation identifies, prevents, addresses, and responds to the drivers of atrocity crimes and violent conflict as part of our humanitarian, development, and strategic interests. The Elie Wiesel bill, named after the courageous Auschwitz survivor, would improve interagency coordination on atrocity prevention and response efforts; require the Administration to report on prevention strategy; authorize training for U.S. Foreign Service Officers on early signs of atrocities and transitional justice measures; and authorize the Complex Crises Fund to support programs to prevent emerging or unforeseen crises overseas.

I hope that the entire Congress will come together to pass this legislation in 2018, and that we are able to better respond to the millions of people across the globe who have suffered tremendous abuse and violence. I thank the Commission and our witnesses today for persistently shining a light on mass atrocities prevention, and I look forward to working toward the day when it will be universally unthinkable to subject another human being to not just genocide and mass atrocity crimes, but any violence.

A Necessary Good: U.S. Leadership on Preventing Mass Atrocities
Final Report of the Experts Committee on Preventing Mass Violence

November 2016

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