



## **Tom Lantos Human Rights Commission Hearing**

### **Pursuing Accountability for Atrocities**

**Thursday, June 13, 2019**

**10:00 – 11:30 a.m.**

**2200 Rayburn House Office Building**

#### **Opening remarks as prepared for delivery**

Good morning and welcome to this Tom Lantos Human Rights Commission hearing on *Pursuing Accountability for Atrocities*.

Today's hearing is part of a series that the Commission began in 2018 to identify ways the Congress could help strengthen the U.S. government's capacities to prevent mass atrocities against civilian populations.

By "mass atrocities" we mean large-scale, deliberate attacks against civilians, including genocide, crimes against humanity, war crimes and ethnic cleansing. These crimes often occur during armed conflict, as we saw during the armed conflicts in Central America and Colombia, and as we see them continue today in Syria.

Atrocities can also be due to state-directed repression, communal violence or post-war retribution – as has happened with the Rohingya and in parts of Africa, or as we fear could occur with the Uyghurs.

Preventing mass atrocities is a bipartisan concern that has inspired several recent bills, including the *Elie Wiesel Genocide and Atrocities Prevention Act* that became law in January of this year, and the *Global Fragility Act* (HR 2116) which the House passed in May and sent on to the Senate. I am proud to have been a cosponsor of both.

While these important pieces of legislation mention transitional justice, they are not focused on accountability – the process of making sure that victims of terrible human rights abuses receive justice for what has been done to them.

Victims have a right to justice under international human rights law, but it's a right that is mostly honored in the breach – even though most of us believe that punishment is a deterrent, and so part of preventing atrocities ought to be punishing those responsible for such brutal acts.

During my years in Congress, I have seen over and over again how important justice is for victims and survivors of human rights abuses, and how hard it is to achieve.

From the first case I worked on as a congressional aide – the 1989 murders of six Jesuit priests, their housekeeper and her daughter in El Salvador during that country's civil war – through my recent meetings with advocates from China, Colombia, Russia, Syria, Sudan and the list goes on, the demand for accountability is universal but goes unsatisfied far too often.

At the same time, we know that impunity for human rights abuses fuels more abuses. According to the UN's *Framework of Analysis for Atrocity Crimes*, lingering perceptions of injustice and the failure to recognize past crimes are two of the factors that signal a country's potential for further violence and atrocities.

This is why we are here today – to discuss what the U.S. government is already doing to advance accountability for grave human rights abuses, what the obstacles are to doing more, and how Congress can help.

We will not exhaust the topic of accountability in this hearing. Where there has been progress in achieving justice for victims of human rights abuses, it has taken national, regional and international efforts over decades, making creative use of civil and criminal law and other mechanisms like truth commissions.

But because this is the United States Congress, we will start today with U.S. law and practice. I know your testimonies include many recommendations, and I look forward to hearing them.

At this time I would like to introduce the first panel of witnesses.

Let me just say before you start that I am familiar with the work of both your agencies to advance accountability for atrocity crimes. Less than two weeks ago I saw the news that a Guatemalan national wanted for participating in the mass sexual assault of indigenous women in Rabinal in the 1980s was detained here in the U.S. on an immigration charge. I very much

appreciate this case and all the work you do, and am eager to hear how we can help you going forward.

In addition, the Tom Lantos Human Rights Commission was very lucky to have Mike McVicker with ICE's Human Rights Law Section direct the Commission for 15 months in the early days of its work. It was from Mike that I first became aware of the international human rights work happening within the Department of Justice and the Department of Homeland Security.

Also I want to note that we did invite the Federal Bureau of Investigation and the Office of Global Criminal Justice at the Department of State to appear today. Both agencies were unable to be here, but my appreciation of the U.S. government's efforts on accountability extends to them as well.

All your testimonies are accepted for the record.

At this time I also enter into the record:

- Testimony submitted by David M. Crane, Chief Prosecutor of the Special Court for Sierra Leone, founder of the Syrian Accountability Project and the Yemeni Accountability Project, and a retired member of the Senior Executive Service of the United States.
- Additional materials as received.

Please proceed.