

Thank you Chairman McGovern and Chairman Pits as well as the distinguished Commissioners for the invitation today to discuss atrocity accountability efforts underway in Syria. Let me take this opportunity to thank the Commission for their commitment to help end humanitarian crisis in Syria, which has been ongoing for almost six years. Bringing an end to the suffering of civilians, and holding criminally accountable those responsible for atrocities committed, is of paramount importance not only to the United States but to the international community.

My name is Chris Engels and I serve as Deputy Director for Investigations and Operations at the Commission for International Justice and Accountability, or CIJA for short. I have been asked to discuss with all of you the following: What can be done now to ensure individual criminal accountability in Syria for atrocity crimes; how the current problems preventing atrocity accountability can be best addressed; and what role can the United States government play in supporting and bolstering these atrocity accountability efforts.

I will make three recommendations in response.

*First: The U.S. – as part of the international community – should support continuing criminal investigations even if political agreement on international jurisdiction over atrocity crimes is still lacking.*

With the Syrian civil war and associated atrocities being featured in news headlines for years, there have been perpetual calls to investigate those specific individuals or groups responsible for the mass crimes committed. As a result, many human rights organizations, and the United Nations itself, have initiated a bevy of different investigations, most notably interviewing victims and documenting crimes.

Although the work undertaken by these international entities and organizations is essential to transitional justice and criminal accountability generally, it is distinct from our work at CIJA. Spurred by the experiences of international courts, we set out in Syria to establish the individual criminal responsibility of high-ranking leaders with respect to the very atrocities being documented by the UN and NGOs. More specifically, we focus on linking individuals with crimes, which involves a much deeper dive into available evidence and more exacting legal scrutiny of that evidence. Our aim is to produce fully prepared legal dossiers that an international or domestic prosecutor would, in normal

circumstances, submit prior to trial. In short, CIJA, an NGO, is replicating the work of an investigative unit of the International Criminal Court, for instance. An NGO had to do so because geopolitics prevented the such action by already existing bodies, yet geopolitics did nothing to dissipate the need for investigations contemporaneous with the criminal acts. CIJA has already produced five case files implicating over forty individuals reaching up the hierarchy of the Syrian regime and extremist rebel groups for a range of atrocity crimes.

*Second: Accountability must remain on the international agenda for future peace in Syria, while simultaneously pursuing currently available avenues for justice.*

As encouraging as it is to see national avenues of accountability opening up – a process that the CIJA supports in eight different jurisdictions - it does not present an appropriate forum for full scale criminal accountability, especially of the most responsible individuals. I must emphasize that justice cannot be seen as a luxury, or more importantly, as counterproductive or incompatible with a peace process. Quite to the contrary, justice and peace are mutually reinforcing endeavors that, when pursued properly, offer the best chance for durable peace and security. History has proven as much; specifically speaking to the countless failed ceasefires and peace deals that subsequently unraveled because grievances about past atrocities were left unaddressed? Rev. Martin Luther King Jr. eloquently captured this sentiment when he said, “[t]rue peace is not merely the absence of tension; it is the presence of justice.”

In light of the above, the recent news that the Obama Administration has sidelined the House’s Caesar Syria Civilian Protection Act of 2016 is a disappointment. However, we are encouraged to see the progress of the House’s Iraq and Syria Genocide Relief and Accountability Act of 2016, and we urge Representatives from both sides of the aisle to join and support holding atrocity criminals accountable and securing justice for victims of these horrid crimes.

*Third: The U.S. has a myriad of tools at its disposal which can be used in the present term to promote comprehensive justice.*

The United States should be developing a long-term strategy – incorporating financial, diplomatic, and political tools – to create international and domestic accountability mechanisms that can achieve comprehensive criminal justice.

For instance, while supporting the systematic collection and legal analysis of evidence, as described above, the U.S. should consider sanctions, not just on Syrians implicated in atrocities, but also their complicit foreign aiders and abettors. The U.S. should also step up diplomatic pressures on the UN Security Council, making it a priority to refer Syria to the International Criminal Court or establish a temporary international tribunal. As a complement to an international tribunal, the U.S. should also invest in more local accountability efforts, such as an internationalized domestic court where international and domestic practitioners can learn from and support each other while holding trials for lower-ranked offenders.

US efforts to help bring relief and accountability to Syria would be emblematic of some of the United States' best values: adherence to the rule of law, the protection of human rights, and the delivery of humanitarian assistance. These values underpin a just and peaceful society, and are especially sacred to those who must find a way to overcome the years of trying to transition out of the throes of chaos and tragedy they have suffered. It is for these and other reasons that the Commission's engagement concerning the Syrian conflict and associated atrocities is critically important to transitional justice in the region, and advancing American interests in the process.

Thank you.