



Tom Lantos Human Rights Commission Briefing

Seeking Justice for Atrocities: How the International Criminal Court Could Advance Accountability in Iraq and Syria

**Wednesday, February 10, 2016
11:00 AM – 12:00 PM
2261 Rayburn House Office Building**

Opening Remarks

Good morning. On behalf of the Tom Lantos Human Rights Commission, I welcome you to our briefing this morning on seeking accountability for the atrocities that are being committed as we speak in Iraq and Syria.

I would like to recognize the organizations that are co-hosting our discussion today:

- Parliamentarians for Global Action;
- the War Crimes Research Office of American University's Washington College of Law;
- the American Bar Association International Criminal Court Project; and
- the Washington Working Group on the International Criminal Court.

Due to their efforts, I have the pleasure of welcoming a very distinguished group of panelists, who I thank for their presence today. Congresswoman Mirabal, it is very good to see you again.

It's been five years since the optimism of the Arab Spring reached Syria, spawning pro-democracy protests that erupted throughout the country, and were violently suppressed. Opposition militias began to form in 2011; by 2012 we were witnessing a full-fledged civil war, first involving secular rebel groups, then later, Islamist forces.

During the same time period, the extremist Islamic State of Iraq emerged, greatly aided by the repression of Sunnis under Prime Minister Nuri al-Maliki. During 2013 the Islamic State of Iraq and the Levant (ISIL or Daesh) expanded into Syria, and by 2014 it was in control of eastern parts of that country.

The death and destruction caused by these last five years of war are staggering. In Syria, estimates of the numbers of people killed vary from 200,000 to 330,000, of whom anywhere from 50,000 to 111,000 are believed to be civilian non-combatants. The numbers are inexact because the situation on the ground is so volatile and dangerous that reports of casualties cannot be verified. In Iraq, just last month the UN reported more than 18,800 civilians killed and more than 36,000 wounded between January 2014 and October 2015. And as anyone following the news knows, millions have fled their homes; nearly 4.6 million Syrian refugees have registered with the UN Refugee Agency as of this month.

Whatever the number of victims, what is absolutely clear is that the war has been prosecuted with total disregard for human rights and international humanitarian law.

The UN and many other credible observers have reported on ISIL's brutal, widespread attacks against Iraqi and Syrian civilians, including torture, mass executions, sexual enslavement of women and girls and forced recruitment of children, as well as the destruction of cultural heritage. Often these inhumane acts have been carried out systematically against ethnic or religious minority communities that have lived in the region for hundreds, even thousands, of years.

At the same time, the Assad regime has used chemical weapons and barrel bombs against its own people, and has systematically destroyed medical facilities and killed doctors, nurses and first responders. They have laid siege to cities and towns, inflicting starvations on the civilian inhabitants. And all the armed actors have impeded the delivery of humanitarian aid.

These tactics would seem to constitute war crimes, crimes against humanity and even genocide. And crimes such as these are the purview of the International Criminal Court, or ICC, created by the Rome Statute Treaty which entered into force on July 1, 2002.

The ICC was itself a response to heinous acts committed in other wars, including the Bosnian and Rwandan genocides. The Court is meant to hold individuals accountable for crimes that the entire international community has an interest in preventing. As you surely know, the United States is not a state party to the Rome Treaty. I think that's unfortunate; I support U.S.

accession to the ICC, and have often called for the enforcement of its decisions – for example, its indictments against the genocidal regime of Sudan, and its indictments against Joseph Kony and the commanding officers of the LRA, the Lord's Resistance Army.

But the U.S. relationship to the ICC is not what this briefing is about. Today we want to hear about what role the ICC may be able to play in Iraq and Syria, given the purposeful targeting of civilians in the armed conflicts in those countries. We ask this question because we believe real accountability for grave crimes does serve as a deterrent -- but given the weakness of rule of law in the region, the pursuit of accountability through local justice institutions seems highly unlikely to happen.

So as Congress and the Administration continue to debate what to do in Iraq and Syria, and given the fragility of the peace negotiations, I look forward to hearing from the panelists about the options before the ICC and how it might contribute to ending the violence in those countries.

I now turn the mic over to Professor Susana SáCouto, Director of the War Crimes Research Office of American University Washington College of Law, who will moderate the panel.