

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'?