

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on

Atrocity Prevention and Early Warning: The U.S. Government Framework and Côte d'Ivoire

October 29, 2020 - 11:00 a.m.
Virtual Briefing via Cisco WebEx

Statement of D. Wes Rist
Deputy Executive Director
American Society of International Law

The Elie Wiesel Act is a monumental step forward in the United States' efforts to fulfill its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide. The United States initially signed the Convention at its unveiling in 1948, but did not take the mandated step of establishing the federal crime of genocide until the Proxmire Act in 1988. Since that time, there had been no formal implementation of the Convention's other major requirement, the obligation to prevent genocide. With the Elie Wiesel Act's passage in 2018 and entry into force in 2019, the United States has affirmatively committed itself to fulfilling that obligation.

It is important to note the hard work and passion of the United States career civil servants and military personnel who have been working for years and even decades to try to protect those at risk around the world. The Elie Wiesel Act serves to codify their efforts and the will of the American people, and to ensure that our political leadership takes seriously this commitment to the principle of "never again." The creation of the government's Atrocity Early Warning Task Force is an important part of that commitment.

Unfortunately, history is rife with examples since the Holocaust of times where the world has failed to prevent mass atrocity events and there is no quick or easy answer to these challenges. PPWG reflects a broad collection of civil society organizations who work with our government colleagues to do everything possible to prevent, mitigate, and respond to mass atrocity events when they do occur.

Today, I would like to take a few minutes to highlight some of the challenges we see in fulfilling that obligation. The full PPWG Assessment of the government's report on their efforts is available on the briefing webpage, as well as the PPWG website.

First, and I know that our U.S. government colleagues are working on this, it is critical that the government assessment of ongoing atrocities and list of at risk countries or regions be made publicly available, with exceptions for classified materials kept at minimal as possible. Reporting on the response to ongoing atrocities is an essential part of the Task Force's obligations and represents the crux of accomplishing the Elie Wiesel Act's goals.

Prevention and Protection Working Group

Second, the Act anticipates that the Task Force will undertake specific actions based on the analysis they have undertaken. In its efforts to engage with allies and partners around the world, including with international and regional organizations, the United States' role as a leader on atrocity prevention issues is based not just on the programmatic activities it undertakes, but also the public statements it makes on these issues. For example, the continued refusal to term the actions of Myanmar against the Rohingya people since 2016 as a genocide represents a disconnect between this administration's actions and its stated intent to "hold perpetrators of genocide and mass atrocities accountable." The effect of the U.S. Secretary of State standing in front of the Seal of the United States and publicly declaring an action to be a mass atrocity, crime against humanity, war crime, or genocide has been significant over the decades. However, the process for making that determination and the decision to publicly announce that a determination has been made, as evidenced by the above example of Myanmar, has been inconsistent. Using the resources of the inter-agency Task Force to assist in making this determination as well as coordinating the whole-of-government response undertaken by the U.S. Government will greatly increase the effectiveness of U.S. atrocity prevention efforts.

Third, the Act calls for the United States to enhance multilateral mechanisms and strengthen relevant regional organizations that work toward atrocity prevention. There is currently and we believe will continue to be a significant role for the United States to play as a singular actor on atrocity prevention issues globally. But there are significant opportunities to maximize the effects of US actions by cooperating with allied countries and multilateral institutions. PPWG and its civil society members do, however, strongly condemn the use of visa restrictions and IEEPA sanctions against Prosecutor Bensouda and Director Mochochoko. These sanctions intended to punish individuals who are actively engaged in the commission of mass atrocities and instead are being used against international civil servants who are actively working to hold to account those same violators of international law.

Finally, looking forward to future challenges, we think the experience of the COVID-19 pandemic and the highly specific issues it has raised with regards to potential mass atrocity events should be carefully considered by the Task Force. Events like the pandemic are instructive as to other aggravating global factors that might cause significant spikes in risk of atrocity events. These could be seasonal weather events, local elections, extended natural disasters, or even the looming impact of climate change. Exercising a forward looking effort on these issues will position the Task Force to better respond and ensure that U.S. government employees around the world are not caught unprepared when faced with these potentially unpredictable but entirely foreseeable events.

I will end by conveying that PPWG and the broader civil society community sees our efforts to engage with the U.S. Government, both through the Task Force and through Congress, as collaborative. We are not here to cast blame or fault. We firmly believe that the career civil servants, uniformed military personnel, and congressional representatives are all committed to the principle of "Never Again." We stand here ready and willing to be your partners in helping ensure a world in which people no longer need to fear persecution or death because of who they are, what they believe, or where they were born.

Thank you and I am at your disposal to answer any questions you might have.