

Written Testimony

before

The Tom Lantos Human Rights Commission

By

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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 the 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.

I have been asked to provide answers to the following questions: 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 the United States government can 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 headlines for years, there have been perpetual calls to investigate those specific individuals or groups responsible for the large number of crimes committed to date. As a result, many human rights organizations, and the United Nations itself, have engaged in a significant amount of work, focused on the interviewing of victims and documenting of 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. Our aim is to produce fully prepared case files 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. This work was and remains necessary because geopolitics have prevented such action by already existing bodies. To date CIJA has produced five case files implicating over forty individuals reaching up the hierarchy of the Syrian regime.

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; one need only look to the countless failed ceasefires and peace deals that subsequently unraveled because grievances about past atrocities were left unaddressed.

In light of the above, the recent media reports that the Administration has sidelined the House's Caesar Syria Civilian Protection Act of 2016 are unfortunate. 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 number of tools at its disposal, which can be utilized 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 aiders and abettors. The U.S. should also make it a priority to come to agreement on a

justice mechanism for Syria that takes account of the will of the Syrian people whether this be a hybrid court, a regional court or some other model of justice.

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 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 for your continued engagement with this issue.