

Statement
United States Senate Committee on the Judiciary
From Nuremberg to Darfur: Accountability for Crimes Against Humanity
June 24, 2008

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Opening Statement of Senator Dick Durbin
Chairman, Subcommittee on Human Rights and the Law
Hearing on “From Nuremberg to Darfur: Accountability for Crimes Against Humanity”
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This hearing of the Judiciary Committee’s Subcommittee on Human Rights and the Law will come to order.

The subject of this hearing is “From Nuremberg to Darfur: Accountability for Crimes Against Humanity.” In our first year and a half, this subcommittee has broken much new ground. Today is another first. This is the first-ever Congressional hearing on crimes against humanity.

Accountability for crimes against humanity

For generations, the United States has led the struggle for human rights around the world.

Over 50 years before Nuremberg, George Washington Williams, an African-American minister, lawyer and historian, called for an international commission to investigate “crimes against humanity” in the Congo, which was then ruled by Belgium’s King Leopold II.

Under Leopold’s iron fist, Congo’s population was reduced by half, with up to 10 million people losing their lives. In a letter to the U.S. Secretary of State, Mr. Williams decried the, quote, “crimes against humanity” perpetrated by King Leopold’s regime.

Over 50 years later, in the aftermath of World War II, the United States led the first prosecutions for crimes against humanity in the Nuremberg trials. The promise of Nuremberg is that the perpetrators of mass atrocities will be held accountable for their actions.

I would like to show a brief video that will provide some context for our discussion of accountability for crimes against humanity and historical U.S. support for holding perpetrators of crimes against humanity accountable.

Crimes against humanity are acts of murder, enslavement, torture, rape, extermination, ethnic cleansing or arbitrary detention committed as part of a widespread and systematic attack directed against a civilian population.

With far too few exceptions, we have failed to prevent and stop crimes against humanity. The promise of Nuremberg remains unfulfilled.

Crimes against humanity committed in Darfur

We have seen this most clearly recently in Darfur in western Sudan. In this region of six million people, hundreds of thousands have been killed and as many as 2.5 million have been driven from their homes.

There is much that must be done to end the carnage in Darfur. Part of the solution is arresting and prosecuting the perpetrators. Otherwise they will continue to act with impunity and victims will feel they have no recourse but to resort to violence themselves.

For several years, both Democrats and Republicans have criticized the Bush Administration for failing to stop the genocide in Darfur. And I'm sure our witnesses today will urge the Administration to do more.

But we should also give credit where credit is due. And I especially want to commend President Bush for supporting efforts to prosecute the perpetrators of crimes against humanity in Darfur.

Let me be frank. The International Criminal Court is still a source of controversy on Capitol Hill, especially on the other side of the aisle. But the Administration and their allies have set aside their concerns because of the humanitarian crisis in Darfur and they are to be commended for doing so.

Recently, the Chief Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, reported to the UN Security Council that massive atrocities are ongoing and that, quote, "the entire Darfur region is a crime scene."

In the meantime, the Sudanese government has put Ahmad Harun, who was indicted by the Court for committing crimes against humanity, in a high-ranking position where he can continue to threaten victims of the violence in Darfur and humanitarian workers. This is an outrage.

Following Mr. Moreno-Ocampo's most recent report to the Security Council, Zalmay Khalilzad, the U.S. Ambassador to the UN, said that the U.S. government, quote, "strongly believes that those responsible for the acts of genocide, war crimes and crimes against humanity committed in Darfur must be held accountable and be brought to justice."

The Administration is right. We owe it to the victims in Darfur to ensure that those who have perpetrated these horrific crimes are held accountable for their actions.

No safe haven in the United States for perpetrators of crimes against humanity

But it is not only Darfur that is a safe haven for the perpetrators of crimes against humanity. It is also our own country.

This Subcommittee's first bill, which became law in December 2007, closed the loophole in U.S. law that made our country a safe haven for perpetrators of genocide.

But despite longstanding U.S. support for the prosecution of crimes against humanity perpetrated in World War II, Rwanda, the former Yugoslavia and Sierra Leone, among other places, there is no U.S. law prohibiting crimes against humanity.

As a result, the U.S. government is unable to prosecute perpetrators of crimes against humanity found in our country. In contrast, other grave human rights violations, including genocide and torture, are crimes under U.S. law.

This loophole has real consequences, which have been highlighted in two previous hearings of this Subcommittee. During our recent hearing on "Rape as a Weapon of War," we discussed the fact that if a foreign warlord who engaged in mass rape came to the United States, he would be beyond the reach of our laws.

And during our oversight hearing on the U.S. government's enforcement of human rights laws, we learned about the case of Marko Boskic, who allegedly participated in the Srebrenica massacre in the Bosnian conflict and found safe haven in Massachusetts. Because of the gap in our laws, Boskic was charged with visa fraud, rather than crimes against humanity. Upon learning this, Emina Hidic, whose two brothers were among the estimated 7,000 men and boys killed in the Srebrenica massacre, said "[t]hey should condemn him for the crime."

By signaling to perpetrators of genocide that they will not find a safe haven in our country, the Genocide Accountability Act moved us a little bit closer to fulfilling our pledge of "never again."

We should take the next step and make sure that those that commit crimes against humanity cannot escape accountability for their actions in our country.

But we must go further and ensure that the perpetrators of crimes against humanity cannot find safe haven anywhere in the world. Only then will the promise of Nuremberg be fulfilled.