

CHRISTOPHER H. SMITH

4TH DISTRICT, NEW JERSEY

CONSTITUENT SERVICE CENTERS:

MONMOUTH
112 Village Center Drive
Freehold, NJ 07728-2510
(732) 780-3035

OCEAN
405 Route 539
Plumsted, NJ 08514-2303
(609) 286-2571; (732) 350-2300

MERCER
4573 South Broad Street
Hamilton, NJ 08620-2215
(609) 585-7878

2373 Rayburn House Office Building
Washington, DC 20515-3004
(202) 225-3765

<http://chrissmith.house.gov>



Congress of the United States
House of Representatives

SENIOR MEMBER, FOREIGN AFFAIRS
COMMITTEE

CHAIRMAN, AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS
SUBCOMMITTEE

WESTERN HEMISPHERE
SUBCOMMITTEE

CO-CHAIRMAN, COMMISSION ON SECURITY
AND COOPERATION IN EUROPE

CO-CHAIRMAN, CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA

DEAN, NEW JERSEY DELEGATION

Establish Syrian War Crimes Tribunal

U.S. Rep. Chris Smith (NJ-04)

Excerpts of Remarks

Markup of Smith resolution H.Con.Res.12

House Foreign Affairs Committee

March 2, 2016

The U.N. Security Council should move immediately to establish a Syrian war crimes tribunal and my resolution calls upon the Administration to pursue this policy goal including using our voice and vote at the UN.

Past ad hoc/regional war crimes tribunals—including courts for Sierra Leone, Rwanda and the former Yugoslavia—have made a significant difference holding some of the worst mass murders to account with successful prosecutions followed by long jail sentences.

Who can forget the picture of the infamous former President of Liberia—Charles Taylor—with his headed bowed incredulous that the Special Court for Sierra Leone in 2012 meted out a 50-year jail term for his crimes against humanity and war crimes.

According to the Syrian Centre for Policy Research approximately five years of wanton bloodshed in Syria has killed either directly or indirectly an estimated 470,000 people. While, the UN long ago abandoned estimating the death toll due to its inability to verify the veracity of the numbers, the Centre's estimate nevertheless suggests massive loss of life—especially of women and children.

The International Syria Support Group (ISSG) co-chaired by the United States and Russia brokered a cessation of hostilities that kicked in on February 27 that applies to all parties except ISIS and al-Nusra. While we all hope and pray the ceasefire holds—and humanitarian groups gain access to sick, frail and at risk people—the atrocities committed against Syria's population demand accountability and justice.

Rigorous Investigations followed by prosecutions, convictions and serious jail time for perpetrators of crimes on all sides will not only hold those responsible for Syrian war crimes

accountable but will send a clear message that such barbaric behavior has dire personal consequences. The victims—and their loved ones—deserve no less.

Can a U.N. Security Council resolution establishing a Syrian war crimes tribunal prevail? Yes. With a herculean diplomatic push by the United States and other interested nations, past success in creating war crimes tribunals can indeed be prologue. Notwithstanding Russia's solidarity with Serbia during the Balkan war, the International Criminal Tribunal for the former Yugoslavia (ICTY) was unanimously approved. Ditto for the special court in Sierra Leone in 2002. The Rwanda tribunal was created in 1994, with China choosing to abstain rather than veto.

At a Syrian war crimes court, no one on any side who commits war crimes, genocide or crimes against humanity would be precluded from prosecution. In the early '90s, the Russians knew that the Yugoslav court was designed to hold all transgressors liable for punishment—not just Serbians—and did not veto the U.N. Security Council resolution that instituted the court. I believe the Russians and the Chinese can be persuaded to support or at least abstain from blocking establishment of the court.

An ad hoc or regional court has significant advantages over the International Criminal Court (ICC) as a venue for justice. For starters, neither Syria nor the United States is a member of the ICC, although mechanisms exist to push prosecutions there. The ICC has operated since 2002 but boasts only two convictions. By way of contrast, the Yugoslavia court convicted 80 people; Rwanda, 61; and Sierra Leone, 9. Moreover, a singularly focused Syrian tribunal that provides Syrians with a degree of ownership could enhance its effectiveness.