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# **“The U.S. State Department’s Inadequate Response to Human Rights Concerns in Bolivia: The Case of American Jacob Ostreicher”**

*Africa, Global Health and Human Rights Subcommittee  
Excerpts of Remarks by Chairman Chris Smith  
June 6, 2012*

Good morning, and thank you for joining us for this extremely important hearing to examine the situation of Mr. Jacob Ostreicher, who has been imprisoned for over one year in Bolivia, and the involvement of the State Department in this case.

Normally, this Subcommittee focuses on human rights issues in the context of whether foreign governments are respecting the rights of their own people. But today, we are undertaking the sobering task of defending the human rights of one of our own fellow citizens. Mr. Ostreicher and his wife Miriam Ungar, who is here with us today to testify on his behalf, are from New York. His daughter, Chaya Weinberger, who also will be testifying, is from New Jersey and a resident in my congressional district.

They are part of a large family and a close-knit Orthodox Jewish community. It was Rabbi Aaron Kotler, the chief executive officer of the Beth Medrash Govoha yeshiva, who first brought Mr. Ostreicher’s plight to my attention about three weeks ago. The human rights abuses that are happening to Mr. Ostreicher in Bolivia are being felt deeply and personally here in our own country.

Our distinguished witnesses will provide compelling testimony to the facts of Mr. Ostreicher’s case and the abuses that he has suffered and continues to suffer. And we will also examine whether Mr. Ostreicher has been receiving the assistance that he should receive as a United States citizen abroad, with the purpose of ascertaining what should be done going forward.

We all must do everything we can to correct the ongoing, extreme injustice being perpetrated against Mr. Ostreicher and secure his freedom as quickly as possible. But this responsibility rests primarily with the U.S. State Department. Our embassy and consular affairs personnel are in country, have direct and regular contact with host government officials, and have access to local information that is of critical importance to the safety and security of our citizens.

For this reason, after having studied the information provided by Mr. Ostreicher's family and Bolivian attorney as well as the various media reports, and knowing of his extremely precarious physical and mental health, I was deeply disturbed by our State Department's report to this Subcommittee on May 22<sup>nd</sup> that "Embassy La Paz will continue to remain in close contact with Mr. Ostreicher and his family and will carefully monitor the progress of his case."

According to the State Department's Country Reports on Human Rights Practices for 2011, the "principal human rights problems" reported for Bolivia were "arbitrary or unlawful deprivation of life, arbitrary arrest or detention, and denial of fair public trial." The executive summary goes on to list other human rights problems, including harsh prison conditions, official corruption, and lack of government transparency. The report further specifically references political and judicial corruption, a problem with violence among prisoners and pretrial detainees being held with convicted prisoners, and inadequate medical care in the prisons.

When one has heard the testimony that will be presented at this hearing which shows that all these human rights abuses – and more - are implicated in this case, an overriding question is "where is the State Department?" in all this. When we are dealing with a country that has such serious human rights abuses, how can the State Department perceive its role as one of merely "monitoring" the case?

Unfortunately, I am finding this baffling lack of responsiveness – one might even call it indifference – on the part of embassy and consular personnel to be a disturbing pattern. It is certainly true that the State Department and our Foreign Service have many dedicated, talented, and experienced personnel who are deeply committed to the service of our country, and who even risk their lives in the performance of that service. I have and will continue to highly commend them and give them my unqualified support.

But within the past few years, I have assisted constituents and residents of New Jersey facing grave crises with family members in Georgia, Brazil, and now in Bolivia, and who have turned to me when they were unable to obtain help from the State Department or local embassy and consular officials. In a world of increasing travel and international commerce, American citizens expect – and have a right to expect – American officials who represent them in any country to respond to their needs, most particularly in situations that threaten their safety, security, and lives. Being "in close contact" and "monitoring" does not begin to fulfill this expectation in a case that involves grave human rights abuses in a country such as Bolivia.

These past three days, the Organization of American States held its 42<sup>nd</sup> General Assembly in Cochabamba, Bolivia, with a focus on food security. I sent a letter to the Assistant

Secretary for Western Hemisphere Affairs, Roberta Jacobson, who headed the U.S. delegation, asking her to publicly and assertively raise Mr. Ostreicher's case at this event. Not only was it held in the country where a U.S. citizen is being denied his fundamental rights, but the topic of the event goes to the heart of the beneficial enterprise that Mr. Ostreicher was undertaking at the time of his arrest – substantially increasing rice production for the country and providing hundreds of new, well-paying jobs for its people.

Unfortunately, Ms. Jacobson did not publicly mention Mr. Ostreicher during her time in Bolivia. State Department informed congressional offices that she raised his case privately with the Foreign Minister who was present at the General Assembly. When he responded that it is not in his area of competence, she simply followed up with the request that he reach out to the Justice Minister about the case. Does anyone really think that this exchange will have meaningful results?

The OAS General Assembly afforded an ideal opportunity for Ms. Jacobson to laud Mr. Ostreicher's successful efforts to increase rice production and provide local employment opportunities as a prime example of why governments need to address internal corruption and promote private, foreign enterprise. Bolivian President Evo Morales was asked during a media interview on May 31<sup>st</sup> about the extent to which he could guarantee the safety of foreign investments in Bolivia. He responded that, "all of the firms that invest in Bolivia and comply with agreed conditions will be respected."

Ms. Jacobson should have emphasized that unless and until so-called "agreed conditions" do not include submission to corrupt practices, and successful businessmen like Mr. Ostreicher are no longer victimized by the Bolivian government and judicial processes, foreign investors will not direct their resources to Bolivia and the country will not solve its food security and other governance issues.

But even more importantly, Ms. Jacobson had a responsibility to advocate for Mr. Ostreicher's freedom, simply because there is no evidence that he has committed any crime and his continued imprisonment is a human rights violation.

I would have welcomed the opportunity to hear from Ms. Jacobson, or another knowledgeable State Department official, at this hearing as to their efforts on Mr. Ostreicher's behalf. They declined my invitation to do so. But we are privileged to have the distinguished witnesses who did agree to join us today to examine this important case.

Before we hear from them, I would like to give my colleagues on the Subcommittee an opportunity to make opening comments, and without objection, after all of our Subcommittee Members have been recognized, I will recognize our non-Subcommittee colleagues for any comments that they would like to make.