



**“Genocide and Other Atrocities in Iraq and Syria:
Relief for Survivors and Accountability for Perpetrators”
Rep. Chris Smith, Chairman
Commission on Security and Cooperation in Europe
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Seven months ago, the Independent International Commission of Inquiry on the Syrian Arab Republic reported that “The [Syrian] Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts.” More than half a year ago, Secretary of State Kerry declared that ISIS “is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims.” They were acknowledging the facts-on-the-ground and affirming what I and many of you in this room had been saying for years.

The atrocities in Iraq and Syria have been so horrible, for so long, with so little action from the Administration, that it has been difficult to hope. Nevertheless, when the Secretary declared genocide, we dared to hope that finally the Administration would hear the voices of the victims and act. Instead, the Administration has said the right words and done the wrong things.

I have chaired seven hearings focusing on genocide and other atrocities committed in Iraq and Syria. In March, the House passed almost unanimously the resolution that I authored, H. Con. Res. 121, advocating for the formation of an ad hoc tribunal for perpetrators in the Syrian conflict. This has gone nowhere. The Administration has seemed uninterested and has taken no action. This May, I chaired a hearing after the genocide declaration, asking the question “What next?” Half a year later we have the answer from the Administration: Not much. When given the opportunity to speak about the genocide during his recent address to the entire UN General Assembly, President Obama said nothing. How could he be silent about a modern genocide that has been happening on his watch?

Administration officials have stated that it is in the interests of the United States to enable Christians, Yezidis, and other religious and ethnic communities to remain in their ancient homelands of Iraq and Syria. Yet, the Administration has so far refused to identify the humanitarian needs of these communities and provide them with assistance so that they are able to survive in their home country. Displaced genocide survivors cannot pay for food, medicine, or shelter with words from Washington. It is inexcusable that the Administration is hiding behind misinterpretations of humanitarian principles to avoid supporting entities that are serving these communities.

Shockingly, Steve Rasche, Legal Counsel and Director of IDP Resettlement Programs for the Chaldean Catholic Archdiocese of Erbil in Iraq, will testify that “throughout this entire period of crisis, since August 2014, other than initial supplies of tents and tarps, the Christian community in Iraq has received nothing in aid from any US aid agencies or the UN.”

Carl Anderson, Supreme Knight of the Knights of Columbus, who provided a template for our legislation, will also testify that “We know that many Christian and Yazidi victims of genocide do not receive public aid.”

When he made his genocide declaration, Secretary Kerry said that “the United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable.” Yet the Administration has primarily treated the genocide, crimes against humanity, and war crimes in Iraq and Syria as human rights violations that need to be documented. These crimes are indeed human rights violations and documentation, like videos of the Assad regime bombing hospitals and schools, helps raise awareness in real time.

Yet first and foremost, they are crimes committed by perpetrators who need to be investigated and prosecuted. This requires collecting, preserving, and preparing evidence that is usable in criminal trials. Private groups, like one we will hear from today, are doing this work, literally risking their lives, without financial support from the United States. Chris Engels from the Commission for International Justice and Accountability will testify that “CIJA’s 130 personnel collect evidence, ensure its safe storage, and undertake legal analysis with a view to preparing trial-ready case files for present-day and future criminal prosecutions in domestic and international jurisdictions,” with funding from governments other than the United States. There is no justification for leaving other countries to ensure this work continues and perpetrators are punished.

When the Executive Branch fails to act, then Congress must require it to act. That is why I recently authored and introduced the bipartisan *Iraq and Syria Genocide Relief and Accountability Act of 2016* (H.R. 5961), with Representative Anna Eshoo as my lead cosponsor. She has been a tireless champion for Christians and other religious communities brutalized by ISIS, consistently pushing the Administration to act, and I am grateful for her efforts. Our partnership is evidence that this is not about partisanship.

On accountability, H.R. 5961:

- Requires the Secretary of State and Administrator of the U.S. Agency for International Development, USAID, to support entities that are conducting criminal investigations into perpetrators and building investigative and judicial capacities in Iraq.
- Directs the Secretary of State to work with our allies to ensure that identifying information about perpetrators is included in security databases and security screening to enable apprehension and prosecution.
- Requires the Attorney General to review U.S. criminal statutes for gaps in being able to prosecute American perpetrators or foreign perpetrators present in the U.S.

On assistance for genocide survivors and other Iraqi and Syrian religious and ethnic groups that have been persecuted, H.R. 5961 requires the Secretary of State to identify:

- Threats of persecution, and other warning signs of genocide, crimes against humanity, or war crimes.
- Which groups of genocide survivors or other persecuted religious or ethnic communities are at risk of forced migration and the reasons for these risks.
- U.S. assistance that has actually reached, and is planned to reach, these communities.
- Entities, including faith-based ones, that are effectively providing assistance on-the-ground to these communities.
- U.S. funding for such entities, if it is funding them, and justification if the Administration is not. The Administration would have to explain whether funding these entities is prohibited under U.S. law.

Finally, H.R. 5961 requires the Administration to designate members of the three genocide-surviving groups, as well as members of other persecuted religious and ethnic groups, as of “particular humanitarian concern” to the United States. This would create a Priority Two, often known as P-2, category. Individuals who meet the criteria would be able to access the overseas interview process for the U.S. Refugee Admissions Program without needing a referral from the UN, an NGO, or the U.S. government.

Under U.S. law, an Administration can make a P-2 designation anytime without needing additional authorization from Congress. The United States has a long history of P-2 designations, some created and required by Congress, like Jews from the former Soviet Union, and some created by an Administration, like ethnic minorities from Burma in Malaysia.

This bill is clear: They would have to clear the same security screening as other Iraqi and Syrian refugees before they can be admitted to the United States.

One can vote for the SAFE Act, as I did, and support this P-2 provision, as I do. This P-2 designation provides an extra avenue for displaced genocide survivors to get into the U.S. refugee admissions application system. The SAFE Act focuses on security screening and security certification once they are in the system. We can and we must remain vigilant about our security and committed to compassion for refugees.

I ask my fellow Members of Congress, including my fellow Commissioners from the House, to cosponsor H.R. 5961 and help ensure that it is marked up and onto the floor for a vote as soon as possible. I ask those of you in the audience today to urge your Member of Congress to cosponsor this vital legislation and ask people you know to do likewise. Although time is running out for this Congress, there is still time to pass this bill and send it to the President to sign into law.