

Opening Statement
*“Atrocities in Iraq and Syria:
Relief for Survivors and Accountability for Perpetrators”*
Helsinki Commission, September 22, 2016
Senator Ben Cardin

As the number of conflicts around the world continues to grow, and with so many lives in the balance, it is difficult to imagine a more urgent priority than preventing mass atrocities and genocide.

There is nowhere where this more evident than in Iraq and Syria.

The Assad regime has dropped over 2,000 barrel bombs on its own people – hitting mosques, hospitals, schools, and other civilian infrastructure. The death toll over the course of the conflict has, by some estimates, surpassed 400,000 people. And that figure does not include the tens of thousands of missing Syrians. Bashar Assad and his regime must be held accountable for the systematic murder and torture of an untold number of innocent Syrian men, women and children.

However, the Syrian regime is not the only actor responsible for atrocities. As ISIL expanded beyond Mosul, an estimated 450,000 Yezidis, 300,000 Turkmen, and 125,000 Christians, as well as Iraqi Arabs, Shia Muslims, Sunni Muslims, Shabak and other ethnic and religious groups, were forced from their communities.

On March 17, of this year, Secretary of State John Kerry issued a declaration stating, that in his judgement, ISIL “is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims,” and is “also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases against Sunni Muslims and Kurds and other minorities”

The United States is leading the charge to see justice done for all the victims of ISIL's depravity. U.S. technical assistance in geospatial analysis helps to identify potential mass graves behind ISIL lines.

Soon after the dust settles and ISIL is evicted from towns and territory, U.S. assistance is on the ground helping to excavate and preserve those mass graves and identify victims while supporting those who have survived ISIL atrocities, including the many victims of sexual and gender-based violence.

But more can and should be done...

Ultimately, the full extent of ISIL's crimes must be exposed by an independent investigation and formal legal determination by a competent court or tribunal with international support. It is also important to again note that ISIL is not the only perpetrator of atrocities in Iraq and Syria. It is therefore critical to hold all perpetrators accountable for the atrocities they have committed, regardless of their sect, ethnicity or political affiliation, through fair, credible trials—in Iraq, Syria, and beyond. Absent or arbitrary justice creates the fertile ground in which ISIL, and other extremist, can flourish.

As Ranking Member of the Senate Foreign Relations

Committee, I have made the promotion of international human rights and the prevention of atrocities and genocide a central component of my work.

Through the Genocide and Atrocities Prevention Act of 2016, the Global Magnitsky Human Rights Accountability Act and the Syrian War Crimes Accountability Act, I have worked to ensure that, when the warning signs start to point towards possible conflict and atrocities, we have a more nimble, efficient, and effective response so our strategic investments can have a greater impact on promoting stability and security.

The Genocide and Atrocities Prevention Act, which fleshes out the Atrocity Prevention Board's functions, and, importantly, institutionalizes a mechanism for rapid, flexible funding when a crisis is occurring. The Genocide and Atrocities Prevention Act will ensure that civil society has a say in how the U.S. government conducts its atrocities prevention efforts, and Congress will have a greater oversight role to make sure we are getting it right.

We must also remember that an important component to prevention is accountability, however, and this is an area that I think we need to focus more attention to. Accountability must be part and parcel of our atrocity prevention work.

So, the consequences for these types of gross violations of human rights must be substantive and real. This is why I am fighting hard to get my Global Magnitsky Human Rights Accountability Act passed into law. It authorizes the President to impose sanctions on individuals responsible for gross violations of internationally recognized human rights, putting them on notice that they cannot escape the consequences of their actions.

It's also why I've lead a bipartisan effort to hold Bashar Assad and his regime accountable, via the Syrian War Crimes Accountability Act, for the atrocities they have committed. It's why, make no mistake, we will hold ISIL responsible for the genocide it has perpetrated against Muslims, Yezidis, Christians, and other religious and ethnic groups in Syria and Iraq.

I'm speaking about the importance, in other words, of transitional justice. Transitional justice is essential to genocide and atrocity prevention. It is the moral imperative that guides our response to serious human rights violations, because the end of impunity and the promotion of truth and justice are not simply about accountability, but are about helping societies heal after the trauma of conflict.

Transitional justice, in the form of credible and impartial fact-finding, is our best defense against the danger of collective blame because only credible accountability – that in which victims believe – can bring justice, deterrence, and help to break the many recurring cycles of violence around the world.

I thank the Helsinki Commission for putting a spotlight on this important issue and I look forward to the testimony of our witnesses.