

**Testimony of The Honorable Alcee L. Hastings
Before the House Committee on Foreign Affairs
Wednesday, March 28, 2007**

Mr. Chairman, Members of the Committee:

Thank you, Mr. Chairman and Members of the Committee. I am very pleased to be here with you today to discuss an issue of the utmost importance, the opening of the Holocaust archives in Bad Arolsen, Germany.

I come before the Committee this afternoon wearing two hats: one representing the great people of Florida's 23rd Congressional District and the other as Chairman of the United States Commission on Security and Cooperation in Europe (Helsinki Commission).

As Chairman of the Helsinki Commission, with Senator Benjamin L. Cardin (D-MD) serving as my co-chair, and as a Member of Congress representing one of the largest Holocaust survivor populations in the United States, I am encouraged by the recent movement made by member countries of the International Tracing Service (ITS) – the body established after World War II (WWII) to use these records to help with family reunification – toward opening up the Holocaust archives.

But let me be clear, opening up the Holocaust archives soon or on some similar vague timeline is not acceptable for me, my constituents, or the rest of the Holocaust survivors and families and researchers around the world. It is a moral and humanitarian imperative to permit Holocaust survivors and their families' immediate access to the millions of Holocaust records housed there. The issue is as clear cut as right and wrong, moral and immoral, just and unjust.

Incredibly, 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed Second World War-era archives in the world.

As many of you know, in May 2006, the ITS agreed to amend the 1955 Bonn Accords to allow each Commission member to receive a digitized copy of the archives and make them available to researchers. However, two obstacles currently impede the way for allowing for open access to these important archives:

- 1) Each of the 11 member states of the International Commission of the International Tracing Service must individually ratify through their respective domestic legal systems the May 2006 changes to the 1955 Bonn Accords; and
- 2) Short of ratification, the process of digitization and data-basing of the documents needs to be completed. Following this, receiving institutions still need to integrate the data.

To date, only the United States, Israel, Poland, the Netherlands and the United Kingdom have ratified the changes, with the United Kingdom doing so just last week. Despite these positive developments, however more than half of the signatories have yet to ratify the necessary changes.

Among the 6 states which have yet to approve the agreements, Germany has stated publicly that it expects to do so by April, and Belgium and Luxembourg appear to be following suit. I sincerely hope this is the case, and will closely follow developments in this regard.

Although they expect to ratify in the fall, the status of France, Italy, and Greece remains unclear. These countries have not yet given a commitment to an expeditious ratification process. Let this hearing serve as a reminder to all countries that we are watching them to ensure they fulfill their obligations under the signed amendments to the Bonn Accords.

Frankly, it is beyond shameful that we are still having to address these injustices generations after the concentration camps of Europe were liberated.

I have been troubled in recent months by those who argue diplomacy and patience over sensitivity, justice and urgency when finding a solution to this problem. With all due respect, the timeline should not be geared for Diplomats -- it should be a survivor's timeline. If the amendments are not ratified by next year, already 10% of the remaining survivors will be dead. That, my colleagues, is the harsh reality of the situation.

In the Holocaust's aftermath, there have been far too many instances of survivors and descendents of Holocaust victims being refused their moral and legal right to information for restitution purposes, slave labor compensation, and simple personal closure. Allowing nations to sit on their hands while the remaining few Holocaust survivors and their families await the release of these crucial documents is entirely unreasonable. If it is not crystal clear already, inaction is intolerable.

I take great pride in the work the Helsinki Commission has accomplished in the past with regards to this issue. The Commission has a long interest in issues relating to the Holocaust era and, in particular, supporting openness and access to records and archives.

Mr. Chairman, prior to 1990, there was a great deal of unique archival material related to the Holocaust that lay behind the Iron Curtain. In the early 1990s, with the fall of communism and the regime changes that swept across Eastern Europe, the hope emerged that even after all those decades critical material might be made accessible for scholarly examination and research and could contribute new understanding and insights into the terrible events of World War II.

Accordingly, in 1991, the Organization for Security and Cooperation in Europe (OSCE) participating States agreed in Kraków to "strive to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related

archives, which are themselves testimonials to tragic experiences in their common past. **Such steps need to be taken in order that those experiences may be remembered may help to teach present and future generations of these events, and thus ensure that they are never repeated.**” There are now 56 OSCE participating States, including every country in Europe, that have adopted this commitment, and this commitment continues to frame the Helsinki Commission's dialogue on these issues with our European friends - particularly when we are concerned that access to important Holocaust archives appears unduly slow or unreasonably impeded.

Last year, on July 17, 2006, the Helsinki Commission and the Congressional Task Force against Anti-Semitism held a staff briefing with then State Department Special Envoy for Holocaust Issues Edward O'Donnell and Paul Shapiro, Director of Advanced Holocaust Studies at the U.S. Holocaust Memorial Museum to raise Congressional awareness over this issue.

As the President Emeritus of the Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCE PA), the world's most important human rights organization, and as someone who has traveled extensively across the globe, I am acutely aware of the prevalence of worldwide anti-Semitism and the need to eradicate this type of bigotry. I am exceedingly proud that Professor Gert Weiskirchen of the German Bundestag and I had the political will and effort to serve as catalysts in establishing the OSCE's historic 2004 international conference in Berlin on anti-Semitism. To date, this has been one of my greatest achievements – helping transform the OSCE into a forum to combat anti-Semitism, racism, xenophobia, and other forms of intolerance.

The OSCE has continued to be a leading international force to rid the world of anti-Semitism. The OSCE as a whole has unanimously passed several resolutions condemning this intolerance. Most significantly, the OSCE has held several high-level conferences on anti-Semitism. By speaking in one voice, parliamentarians from Vancouver to Vladivostok sent a clear unequivocal message that this evil and other forms of hate will not be tolerated in our societies.

The archives in Bad Arolsen, Germany hold 50 million pages of WWII and post-war concentration, labor and displaced persons camp records that disclose the fate of some 17.5 million individual victims of the machinery of persecution, forced labor, death marches, displacement and genocide. These documents contain the shocking details of the Holocaust and the historical personal narratives of persecuted peoples.

Originally, the International Tracing Service was established to aid in family reunification. But its records are now used to substantiate benefit claims by Holocaust survivors and their heirs to give definitive information on the victims and survivors. Legally, the archives operate under two 1955 agreements (the Bonn Accords) among the Commission member states and between the Commission and the International Committee of the Red Cross (ICRC) which manages ITS operations.

For the past decade, Holocaust researchers and most survivors who have sought to access the Bad Arolsen archive have been unsuccessful. The ITS Commission argued – unpersuasively, in my view – that opening the archives would violate the privacy of the survivors and their families. It should be noted that survivors, by and large, do not share these concerns. Sadly, once access was finally granted, survivors and their families who requested information have faced cumbersome delays and occasional unresponsiveness from the ITS. As a result of the distressing experience some survivors had in past dealings with the ITS, many survivors now lack confidence that new inquiries will be answered.

In May 2006, as a result of the pressure exerted through the media, diplomacy and by Holocaust victims and their families on the ITS, the Commission finally agreed to amend the Bonn Accords. The treaty as amended would allow researchers to use the archives while granting each Commission member a digitized copy of the archives to make them available to researchers under their own country's respective archival and privacy laws and practices. Unfortunately, these measures have not gone into practice because the majority of the member countries have failed to ratify the amendments, and it remains far from clear when they will do so.

Once finally ratified, two major hurdles regarding readying the materials for public use still remain:

1. The digitization and data-basing of over 40% of the documents remains incomplete and will not be ready for at least another year; and
2. Receiving institutions such as the U.S. Holocaust Memorial Museum and Israel's Yad Vashem memorial still need several months to integrate the already digitized materials. Consequently, even if all countries ratify the agreements by this fall, the materials will still remain inaccessible to survivors and researchers.

Given the short time left for Holocaust survivors I urge the Commission members to unanimously consent to open the ITS archives even if all the countries do not ratify the amendments by the Commission's upcoming May meeting.

Many of the Commission's member states have taken significant steps since the May 2006 meeting to expedite the process of ratification and allow for the digitization of the archived materials. The advancements made recently are largely due to the United States Holocaust Memorial Museum and the United States State Department. I am grateful for their diplomatic efforts which have proved so fruitful at the last meeting. But until the amendments are ratified by all 11 states, the treaty obligations remain unfulfilled.

Since first being made aware of these delays, I and others took action to expedite the process of opening up these vital Holocaust archives. On January 29, 2007, I, along with Subcommittee of Europe Chairman Robert Wexler and 48 members of Congress, sent a bipartisan letter to the German ambassador urging Germany's leadership on ratification.

Additionally, we urged Germany to assist in facilitating the digitization process and prompt release of the already digitized archival materials in advance of the ratification of the amendments. Finally, as the country that houses the archives and is legally bound to fund the ITS, we requested that Germany assist in providing additional funding to enable the digitization process to proceed with greater speed. While I can not speak for my colleagues, I appreciate the leadership Germany has shown in recent months in achieving these goals.

On February 1, 2007, Chairman Wexler, Congressman Mark Steven Kirk, and I led 43 bipartisan members of Congress in sending a letter to several Commission Member States which have made the least progress in implementing the improvements to the Bonn Accords – France, the United Kingdom, Belgium, Italy, and Greece. Our appeal for expedited ratification received positive responses from all of the countries. Since we sent these letters, the United Kingdom has ratified the treaty.

Finally, most recently, on March 13, 2007, I, along with Chairman Wexler and Congressman Kirk introduced bipartisan legislation urging all member countries of the ITS to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty and to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany. The resolution has been marked up by the Committee on Foreign Affairs just yesterday.

Mr. Chairman, it is imperative that all of the mechanics necessary be in place to move forward with the digitization, data-basing, and other necessary steps to prepare these records for release. Moreover, every ITS member state must take whatever steps are necessary under their own national laws to bring the amended Bonn Accords into force so that we can start releasing this material as it does begin to come on-line in June.

These states have an opportunity before the ITS May 2007 meeting to fulfill their previous pledges. At the very least, regardless of the state of formal ratification, the ITS should release these documents as soon as the technical experts have them ready for release. It is my hope that the ITS will begin formal preparations for open access to the archives at the May meeting even if some countries continue to lag on the ratification process.

The fact remains that all of the countries which are in some stage of the ratification process have formally signed the amendments to the Bonn Accords. Allowing archival access even if the final steps of formal ratification are still in play is a step that is completely consistent with fulfilling the objective and purpose of the proposed changes to the Bonn Accords and is completely consistent with international law.

In less than a month, we will commemorate the 62nd anniversary of the Holocaust Remembrance Day. It is my sincere hope that we will finally bring to a close this dark chapter in world history before the 63rd anniversary.

Incredibly, there are those who still seek to deny the greatest tragedy of the Jewish people. Just last December, for the second time in one year, Iranian President Ahmadinejad hosted an international Holocaust denial conference. Notwithstanding the other aforementioned reasons to open the archives with the utmost haste, we must also open them to demonstrate that the world has not turned a blind eye to President Ahmadinejad's and other worldwide leaders' anti-Semitic public acts and statements.

These archives are a testament and a memorialization of the suffering and bravery that united all Holocaust victims of all ethnic communities. These archives contain information about life and death for millions of individuals.

It is imperative that while survivors still remain among us, Holocaust researchers gain access now so that they can benefit in their scholarly work from the insights of eyewitnesses. As the few remaining survivors pass away, they are being deprived of information concerning their loved ones. Let us resolve to act promptly to provide this information and not waste the precious time left for the remaining survivors. There is no time for further delay.

Thank you very much.