

# PREVENTING MASS ATROCITIES

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## HEARING

BEFORE THE

COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE

U.S. HELSINKI COMMISSION

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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## PREVENTING MASS ATROCITIES

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COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE,  
U.S. HELSINKI COMMISSION,  
HOUSE OF REPRESENTATIVES,  
*Thursday, May 13, 2021.*

The hearing was held from 9:32 a.m. to 11:04 a.m. via video-conference, Senator Benjamin L. Cardin [D-MD], Chairman, Commission for Security and Cooperation in Europe, presiding.

**Commission Members Present:** Senator Benjamin L. Cardin [D-MD], Chairman; Senator Roger F. Wicker [R-MS]; Representative Richard Hudson [R-NC]; Senator Tina Smith [D-MN]; Co-Chairman Steve Cohen [D-TN]; Representative Marc A. Veasey [D-TX].

**Witnesses:** Professor Timothy Snyder, Richard C. Levin Professor of History, Yale University; Naomi Kikoler, Director, Simon-Skjoldt Center for the Prevention of Genocide, United States Holocaust Memorial Museum.

### **OPENING STATEMENT OF BENJAMIN L. CARDIN, CHAIRMAN, U.S. SENATE, FROM MARYLAND**

Chairman CARDIN: Well, good morning, everyone. I am waiting to make sure we have a cue that we are all set up and we are hearing each other. I think we are okay to go? Senator Wicker is giving me a green light, so if I get a green light from Senator Wicker, I know I am okay to go.

Let me first welcome everyone to the first meeting of the Helsinki Commission in this Congress. I am honored to chair the Commission this year as the chairmanship goes to the United States Senate. As I think members of this Commission know, I have a partner on the Senate side in Senator Wicker. The two of us have worked together seamlessly on behalf of the principles of the Helsinki Final Act. It is a pleasure, again, to have Senator Wicker as a partner as we start this two-year cycle of the Helsinki Commission.

I also want to acknowledge new members. I see Senator Smith is on the phone. We welcome her to the Commission. It is good to have you as a member, and we look forward to your active participation. I also acknowledge that Congressman Hudson is with us today. I know other members will join us, and I will talk a little bit about his leadership in regard to chairing the first committee.

I need to start by acknowledging the loss of Alcee Hastings, who was a long-time member of the Helsinki Commission, rose to become the president of the OSCE Parliamentary Assembly, was a person who was extremely active on all of the issues concerning the

Helsinki Commission, and really increased the stature of U.S. participation globally on human rights issues. We will miss him. His legacy will live on, and I know that he is smiling at us today as we continue the work of the OSCE and the Helsinki Commission.

I also want to just acknowledge that our work during this Congress will involve the work in the Congress itself, as we are having this hearing today to deal with atrocity prevention issues. We will also be the arm that will work with the U.S. participation in the OSCE itself, and we will be actively engaged in the OSCE Parliamentary Assembly. In that role, we are very proud that Senator Wicker—who has risen to vice president of the OSCE Parliamentary Assembly—represents us in the leadership of the OSCE Parliamentary Assembly.

Congressman Hudson chairs the all-important First Committee of the OSCE Parliamentary Assembly. That committee deals with one of the three baskets, the security basket, which has been extremely challenged during this time of Russia's aggression in Ukraine, its continued occupation of parts of Georgia, and the list goes on and on and on. The challenges in Belarus are getting even worse as we speak. The aggression of so many issues of security. Which brings us to the issues of the other two baskets.

The basket dealing with the economic issues has been much more challenged as a result of the COVID-19 pandemic, and we will be actively engaged on that. The third committee, which deals with the human rights dimension has also obviously been very much in the news. We have the challenges of an OSCE country such as Turkey, which has seen a tremendous erosion of the rights of its people. We also have some of our closest allies who we see backsliding, including Hungary and Poland.

We have a very active engagement as it relates to these agenda areas. One of those areas that we are going to talk about today is the focus on preventing mass atrocities, including genocide and other mass killings. In the aftermath of World War II, the world rejected the view of national sovereignty which had taken, in the Holocaust, to its most horrific extreme. Today there are few international legal principles more firmly established than the prohibition on genocide, which is among the laws binding on all nations. The 1948 genocide convention goes further than just condemning this crime. It recognizes not only the right but the obligation of the community of nations to prevent and punish the crime of genocide.

In 1991, the OSCE-participating states explicitly recognized that human rights, democracy, and the rule of law are matters of international concern and not merely internal affairs. As a member of the Helsinki Commission, I have long worked with others in Congress to strengthen U.S. efforts to prevent mass atrocities and to respond when they occur, and to hold states and individuals accountable for such crimes, as we did by supporting the international criminal tribunal for the former Yugoslavia. While response and accountability—while response and accountability are critical, I am convinced that genocide and mass atrocities are preventable, not inevitable. The United States must do more to stop such crimes from occurring in the first place.

That is why I worked with Senator Todd Young of Indiana to pass the Elie Wiesel Genocide and Atrocities Prevention Act of

2018—bipartisan legislation to ensure the U.S. government works in a coordinated matter using its full range of tools to help prevent mass atrocities. That was a very important bill. Today, I hope during this hearing we will talk about how well it is working and whether there are areas that we can improve, either through Congress or through implementation, the purpose of the Eli Wiesel Atrocities Prevention Act. At issue is how we can improve early warning. How do we marshal the political will to counter escalating risk factors? How can we build more effective alliances of shared values, so the United States does not have to go alone, spend massive resources, or resort to force? How can we avoid being stuck with only risky and costly options?

The occurrence of risk of mass atrocities remains gravely high, despite the global consensus behind the principles embodied in the Genocide Convention that formally binds 152 countries. The COVID-19 pandemic has made matters worse, and the factors are correlated with mass killings, including economic instability, widespread unemployment, and resource shortages—all with disparate impacts on minorities and the most vulnerable. Access to justice and other remedies have been limited by the pandemic. According to the Freedom House most recent Nations in Transit report, attacks on democratic institutions are spreading faster than ever in Europe and Eurasia and coalescing into a challenge to democracy itself. The memory of the 20th-century atrocities has been weaponized for 21st-century political skirmishes.

We have two very distinguished witnesses to help us in this discussion. Before I formally introduce them, let me turn first to Senator Wicker—who got caught off-guard.

**STATEMENT OF ROGER F. WICKER, U.S. SENATE, FROM MISSISSIPPI**

Senator WICKER: [Off mic]—atrocities continue to occur, and it is not just in the—in the European region, which we have a specific jurisdiction over. What is happening in China is—should be a concern around the world, and if you have been to Yugoslavia, as Ben and Richard and I have, you know that feelings are still there under the surface. There is a concern, even in our hemisphere. I appreciate Senator Cardin convening this hearing. I am eager to get into the witness testimony. I will yield back on that but, this is a good topic for May of 2021. Thank you.

Chairman CARDIN: Congressman Hudson, any opening comments?

**STATEMENT OF RICHARD HUDSON, U.S. HOUSE, FROM NORTH CAROLINA**

Representative HUDSON: Well, I will just very briefly say thank you for your leadership, Senator Cardin. Thank you for convening this really important hearing. Also, I want to acknowledge Alcee Hastings. He was a real mentor to me, and really pushed me to be more engaged internationally. He is sorely missed, but he will never be forgotten. Thank you for mentioning that at the outset. Just want to thank our witnesses. I look forward to hearing your testimony. You know, this is an issue that we have a long history in our country—with Republican and Democrat leadership—of rec-

ognizing the need to engage to prevent mass atrocities. I just look forward to hearing from the witnesses and working together on this—on this important issue. Thank you.

Senator CARDIN: Thank you.

Senator Smith, welcome. Wonderful to have you on the Commission. By tradition, if you would like to make an opening comment you may, or you may defer.

**STATEMENT OF TINA SMITH, U.S. SENATE, FROM MINNESOTA**

Senator SMITH: Well, thank you so much, Senator Cardin and Senator Wicker. It is a real honor for me to join the Helsinki Commission for my first hearing. I want to just note that this committee has a distinguished history of advancing important initiatives on human rights and democracy, environmental, economic, and military cooperation throughout Europe and the world. Certainly, today the number of threats to rule-based international order is growing. We see the increasing incidents of mass atrocities, terrorism, great-power competition, and nuclear proliferation. These are just some of the challenges that we face.

The work of this Commission feels more important to me than ever before. I am grateful to have a chance to serve with all of you. I am very grateful to—our testifiers today and look forward to hearing more.

Thank you so much, Senator Cardin.

Chairman CARDIN: Thank you, Senator Smith. Again, we look forward to working with you on the Commission.

I am going to introduce both witnesses and then we will hear first from Mr. Snyder. Timothy Snyder is the Levin professor of history at Yale University and a permanent fellow at the Institute for Human Sciences in Vienna. He is the author of dozens of books, including bestsellers "On Tyranny," "The Road to Unfreedom," "Black Earth," the "Bloodlands." His work has been translated into 40 languages and has received numerous prizes, including the literature award of the American Academy of Arts and Letters.

Naomi Kikoler is the director of the Simon-Skjoldt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum. I am a proud representative to the United States Senate on the Holocaust Memorial Museum. Ms. Kikoler has led the center's policy engagement with the United States government on work on bearing witness to countries, including undertaking the documentation of the genocide committed by ISIS. The museum's bearing witness trips to places that are experiencing ongoing atrocity crimes observe firsthand conditions on the ground, assess current and future risk to civilian populations, and formulate recommendations for future protection efforts. I am so proud of the museum's work not only to preserve our history but to use the past as a guide for preventing future atrocities and protecting human rights.

We will start first with Professor Snyder. Your full statements will be made part of the record. We ask that you summarize so we have time for questions from the members of the Commission.

Professor Snyder, please go ahead.



**TESTIMONY OF TIMOTHY SNYDER, PROFESSOR, RICHARD C. LEVIN PROFESSOR OF HISTORY, YALE UNIVERSITY**

Mr. SNYDER: Thank you. Senator Cardin, Senator Wicker, Senator Smith, and Congressman Hudson, it is a great pleasure to, in the company of Naomi Kikoler, make a few arguments about what we know and what we do not know about the origins of genocide. I am—I am a historian. In my brief remarks, I will be drawing from what I think I understand about the 1930s and the 1940s. The brief that I have been assigned involves preventing mass atrocities—topic number one. Sustaining alliances, is topic number two. The possibility of knowing if mass atrocities have been avoided successfully, is number three.

Number three is the hardest. I will—I will get to it. I want to start by just noticing the logic around it. From a historical point of view, it is very hard to know if you have done good. Just like it is very hard to know if you have prevented crime. You can look at a city where crime rates have decreased significantly, and you can say that is a very good thing. It is very hard to point to the specific crimes that have been prevented. We have the same problem with genocide prevention, looking historically. No doubt, there were historical scenarios that could have unfolded under which there would have been more genocides. It is hard to say just what they were.

Where this logic leads are where a lot of other logics lead. Naomi Kikoler will have more to say about this, I am sure. Where this logic leads is toward prevention. Insofar as we understand some of the historical conditions of mass atrocity, then we are—then we have the capacity to build policies that would restrict and restrain some of these preconditions. I am going to mention four of them.

The first precondition of mass atrocity is the lack of information on the presence of disinformation. I will cite an example that is rarely mentioned, which is the Ukrainian famine in the Soviet Union of 1933. The United States established diplomatic relations with the Soviet Union right after this mass atrocity, which at the time was the worst such episode in the 20th century. This event was inadequately reported, and it was subject to very substantial and effective disinformation on the part of the Soviet Union. I am not saying that the United States in 1933 could or would have intervened. This was a very different country in 1933. What I am suggesting is that this is a very powerful example of the importance of information and disinformation, and it has implications for the present.

One implication for the present is that we need more foreign correspondents. The United States of America needs to have more actual physical reporters in foreign countries. We lack that. The second implication has to do with disinformation. Facebook and other social media technologies permit local actors to carry out powerfully polarizing disinformation which, for example, in the case of the Rohingya I think had a pretty decisive consequence.

Point number two is time. I am afraid this is a historian's point. We tend to look at genocide, and mass atrocity, retrospectively. We build museums to commemorate what happened after we know what has happened. At the beginning of a mass atrocity, there is very often this sense that there is no time, that time is running

out, that a catastrophe is coming. Often this catastrophe is an ecological catastrophe. This is the aspect of Hitler's Holocaust which I think is most often and most, I think, substantially overlooked in our discussions.

When Hitler was talking about why Germany had to carry out policies of mass killing, and why it had to displace and murder, his argument was that time was running out, and there are not enough resources. It follows from this, I think, in the 21st century that we want to avoid situations where people think that they are pressured in terms of land or water or access to other critical resources. From that, of course, it follows that we want to avoid the reality, and therefore the perception, of a climate disaster.

Number three is state membership. What the social scientific literature says is that ethnic cleansing happens not when states are strong but when states are weak, when states are falling apart. The exception to this is party states. Party states—Communist, Nazi—also carry out policies of mass killing. The most extreme policy of mass killing, the Holocaust, was the result of a party state, Nazi Germany, destroying other states and creating a colonial zone where otherwise unthinkable things could take place.

What follows from this is that a policy that aims to prevent genocide would be a policy that aims to support states to support the rule of law within states, and to support democracy within the rule of law. When we look at U.S. history, and we look back at the 1930s, we have a kind of self-examination where we realize we could have offered more state protection to more people than we did. Many of the rescuers in the Holocaust were, in fact, diplomats. Sadly, not that many of them were ours.

The fourth category is human rights. When the state no longer functions—or, when the state no longer recognizes its own people, the category of human rights, as the Senators have already emphasized, is what we have to fall back on. The United States has to model human rights and not just use the term. It has to use the terms anti-Semitism and racism as the classic examples of the opposite of human rights.

Here, very importantly, I think, is history. As has already been noted, the history of the 20th century is being weaponized. In Russia, for example, in order to justify further aggression and create conditions of risk for atrocity in the 21st century. We tend to be on the back foot. We are less interested in history. We tend to get distracted or maybe even overwhelmed by others historical propaganda. The final thing that human rights implies is the notion of humanity as a legal concept, which is a little weak on the American side.

Do we know if we prevented—if we prevented mass atrocities? We prevented some. The War Refugees Board certainly saved people from the Holocaust. Our intervention in the Second World War led Romania to change its policies, which saved tens of thousands of lives. In general, as has already been suggested, by the time you get to military options it is too late. The historical logic leads back to where a lot of other logics lead, which is prevention.

Thank you very much for your attention.

Chairman CARDIN: Professor, thank you for your comments.

Ms. Kikoler.

**TESTIMONY OF NAOMI KIKOLER, DIRECTOR, SIMON-SKJODT  
CENTER FOR THE PREVENTION OF GENOCIDE, UNITED  
STATES HOLOCAUST MEMORIAL MUSEUM**

Ms. KIKOLER: Thank you so much, Senator Cardin. Thank you to the Commission for hosting this incredibly timely discussion about the importance of prevention and early action. As an independent federal establishment created by Congress, the United States Holocaust Memorial Museum serves as a living memorial to the victims of the Holocaust. The museum teaches that the Holocaust was preventable, and that individuals and governments can save lives through effective early warning and corresponding preventive action. We work to stimulate our national conscience and worldwide action to prevent and halt acts of genocide.

Part of our goal is to do for victims today what was not done for Jews of Europe during the 1930s and 1940s. I will be touching on some of the themes that Professor Snyder discussed, including the absence of political will, in my presentation. It explain also what we understand today in regard to what are early warning risks and warning signs, as well as a quick assessment of U.S. government efforts and the importance of transatlantic partnership. We have a longer testimony that will go into the record. I am happy to talk at length about each of these issues.

It is important to state upfront that no country is immune to risks. Our approach to early warning and atrocity prevention is applicable in any context or country case. If there are four things that I would like you to leave today with the first is, as Senator Cardin said, mass atrocity crimes, including genocide, are preventable. They are not spontaneous events. They are processes that we can track, disrupt, and ultimately prevent. The second is that early warning information does exist. Investing in appropriately assessing that information allows for lifesaving and cost-effective early action. A requisite, and an area for continued improvement both by the U.S. government and within the OSCE, is mustering the political will to act.

In that regard, Congress plays a critical role in addressing this gap. Enforcing the legislation that calls on the United States to prevent atrocities, including the Eli Wiesel Act, enacting new legislation, such as the crimes against humanity bill that Senator Durbin has advanced, and joining us in sounding the alarm when a country is at risk. Entities like the OSCE and its member governments have a critical role to play in early warning. The U.S. leads on early warning internationally, but we know that the U.S. alone cannot deter atrocities. What is needed is to devise and implement coordinated transatlantic atrocity prevention efforts. At this time, our assessment is that those are woefully underdeveloped.

What are mass atrocity crimes and how can we prevent them? Mass atrocity crimes are acts that shock our conscience. They are large-scale and deliberate acts on civilians that constitute acts of genocide, crimes against humanity, ethnic cleansing, and war crimes. As the OSCE region knows well, which encompasses much of the lands where the Holocaust was perpetrated, no country is immune from the scourge of these crimes. Since the creation of the OSCE, we have seen mass atrocity crimes perpetrated in the region, including the 1995 genocide committed in Srebrenica.

More recently, we have seen troubling signs in the region, such as hate speech targeting ethnic and religious minorities, including rising anti-Semitism, the rise of authoritarian features and governments in Europe, and existing armed conflict. To be clear, such indicators do not predict that genocide is on the horizon in any given setting, but they do alert us to structural fragility and possible early warning signs that we can and should aim to understand better and address. To be clear, atrocity prevention is a goal that can evoke different diplomatic, security, or development tools and approaches depending on different contexts and risks arising in a given country.

At its core, it requires greater attention to and policy engagement on the early warning signs and root causes of mass atrocities. We believe that this fits squarely within the best interests of the United States. As generous as the United States is in manmade humanitarian disaster response and conflict response, it is by far cheaper and wiser to invest in mitigation programming and diplomatic efforts early on before the crisis unfolds and, sadly, we see loss of life.

We know that mass atrocities have had devastating and destabilizing effects on communities, regions, and countries for decades. The OSCE region in particular knows well the challenges that arise in helping to rebuild societies in the aftermath of such crimes and has at times been at the forefront of trying to undertake that work, including in advancing justice and accountability in the former Yugoslavia.

With regard to talking about early warning risk factors and warning signs, it is important to not forget that before the Holocaust—and Timothy Snyder can go into much more detail on this—Germany was a Western democracy with a liberal rule of law foundation. The Nazis were in power for eight years before they initiated industrial-style systematic killings in an attempt to exterminate all of Europe's Jews. There were many warning signs before the horrors of the death camps. We can understand that today. One of the cardinal lessons of the Holocaust is therefore the imperative of identifying and addressing warning signs before mass killing or genocide begins.

The 2008 bipartisan Albright-Cohen Genocide Prevention Task Force stated clearly that effective early warning does not guarantee successful prevention, but if warning is absent, slow, inaccurate, or indistinguishable from the noise of regular reporting, failure is virtually guaranteed. Now, our and other research suggests that there are a number of long-term risk factors and short-term dynamics and triggers that, though on their own are not sufficient, are often necessary for atrocities to arise.

What could some of those look like? To complement what Professor Snyder has stated, we focus on both an analysis of upstream and more proximate risks. Upstream fragility factors or structural risk factors help us understand the underlying communal tensions, and structural and legal inequities that exacerbate risks over the long run. They help to create an environment for enablers of violence to organize, resource themselves, and motivate actions against vulnerable groups. The existence of one or more does not

mean that there will be inevitably mass atrocities, but it should mean that more analysis of preventive action is actually done.

Some examples are the existence of armed conflict, prior discrimination of violence against targeted groups, impunity for past crimes, and fragile and new democracies. Warning signs begin to appear when atrocity risks are rising and can serve as a more imminent early warning. They include such things as prohibiting free speech, the development of irregular forces and militias, stockpiling of weapons, and violent tactics for use against peaceful protest. There are a number of tools that exist out there to help with assessing risk factors, including the atrocity assessment framework developed by the Department of State and our own early warning project.

Briefly, on our early warning project, we were inspired by the Genocide Prevention Task Force to develop the first major comprehensive system to prevent genocide and mass atrocities through launching in 2015 a state-of-the-art quantitative and qualitative early warning system to identify countries at risk of new mass killing—i.e., civilian fatalities over 1,000. We will share a link to that assessment so that you can see our latest rankings. One component of the project is the statistical risk assessment that ranks all the countries based on their risk of a new mass killing by state or non-state actors within a period of two years.

We divide the world into categories of risks. The top 30 are countries that we consider high risk, 30 to 60 are medium risk, and below 60 are low risk. One point to note is that all of the OSCE countries fall within the low-risk categories at this point. Our hope is that this information helps spur policymakers to determine where to devote scarce resources. The Global Fragility Act cites our risk assessment as a resource for the U.S. government to use in its selection of priority countries.

We have the early warning. Are we actually acting on it, is the question that this panel begs. In regard to an assessment of the U.S. government's efforts thus far, the U.S. undoubtedly leads the world in developing the tools for atrocity prevention, including its assessment framework, programming approaches, online and in-person training for foreign service officers, and through its establishment of an interagency coordinating mechanism, now known as the Atrocity Early Warning Task Force.

Few other governments in the world have this dedicated amount of human and financial resources to deal with this complex problem. That said, the full institutionalization of these processes and the political will to do early prevention work can still be improved. We are still confronted by two challenges.

One significant challenge is that there continues to be reluctance within the Department of State, notably within regional bureaus, to label a country as potentially at risk. It can be diplomatically uncomfortable, or unacceptable to the country in question. Human rights concerns are then often minimized and put at a lower level of priority than other U.S. considerations. We do not believe that there needs to be an either/or in this particular regard. Another factor is embassy staff may not know what to look for in terms of warning signs, be overwhelmed by their existing work, or not know who to transmit the information about early warning to.

We believe that it is important for there to be an improved and clear reporting channel from the in-country embassy to Washington, enhanced training in the regular use in, in-country staff to fully assess and report on atrocity risks. Increased political signaling or diplomatic demarches when countries are experiencing increased risk in warning signs. Greater sharing of intelligence on warning signs and risks with allied governments and with Congress. More engagement with the United Nations to advance analysis of preventive action, and, critically, tasking the intelligence community on specific questions when risk and warning signs are rising.

Moving briefly to the international response, we believe that unfortunately, the cooperation within the transatlantic community is an area that is woefully underdeveloped, but where there are many opportunities. In 2017 we released a report that we will share again with all of you on how to enhance and strengthen atrocity prevention within the transatlantic region. Our starting premise is that not one government plays a determining role in averting and halting atrocities, and the challenge of preventing atrocities is not one that the United States can or should shoulder on its own. Preventing mass atrocities requires a coordinated, calibrated, and sustained effort by local, regional, and international actors.

One point to perhaps draw on in regards to the OSCE, as we all know and as we have discussed already in this presentation, the OSCE has had to grapple with the risks and commission of mass atrocity crimes throughout its existence. More recently in an area that I worked on was in 2010, the response to the commission of ethnic cleansing in Kyrgyzstan, where you might recall between May and June of 2010 there were between 500 and 2,000 ethnic Uzbeks, primarily, who were killed, over 400,000 people displaced. It was unfortunately a glaring example of where there was a failure to undertake sufficient early warning, despite the presence of OSCE officials within the country and also a U.N. regional office dedicated to conflict prevention, tasked with monitoring that particular country.

In the aftermath of the commission of the crimes, we saw the failure between the assertion of ongoing risks and the translation of that into early action. There was a request that came from the Kyrgyzstan government for assistance from the OSCE. In the end, what was decided was that there were going to be 15 police sent to help stabilize and support local governance officials. In the end, that never failed to—or, be deployed. Instead, the mission was changed into a training mission. It is one small example of a situation in which there were grave costs due to the failure to actually assess and anticipate early warning risks within the region, and to translate those risks into early action that could have saved lives.

In regards to what is possible going forward, we therefore suggest that a key feature of U.S. engagement internationally on this can come through, encouraging governments and regional entities, including the OSCE, to develop capacity for more robustly investing in early warning and early action, and two, in building the political will. Key offices and elements within the OSCE that require support are the OSCE Office for Democratic Institutions and Human Rights, and the High Commissioner for National Minori-

ties—a truly unique position when we think about the international architecture for atrocity prevention. Their day-to-day task is identifying the causes of ethnic tension and conflicts and helping to stem potential risks. Then, critically, the Conflict Prevention Center, which theoretically should be responsible for acting as a focal point for early warning on conflict but could be amended to also specifically look, additionally, at atrocity prevention more broadly.

Outside of the OSCE, just in conclusion, the U.S. is a founding member of the International Atrocity Prevention Working Group. That includes six other likeminded countries—Canada, Australia, Germany, the United Kingdom, Denmark, and Netherlands. It has been a useful group in terms of reasserting support for key norms that underpin atrocity prevention, but we feel it is critical that this group begin to—in a more concreate and robust manner—take specific action to jointly undertake early warning assessments, share that analysis, and craft strategies on key cases today—such as Ethiopia, the Uighurs in China, Burma, and Syria.

Finally, just in conclusion, we know that if we are serious about preventing atrocities before they begin, we must commit to acting much earlier on the drivers of risk. I want to just commend all who are a part of this conversation today for the remarkable support and leadership you have shown in advancing the Eli Wiesel Genocide Act and also the Global Fragility Act, which has made real strides in helping to ensure that we are taking concrete steps to institutionalize in a lasting manner atrocity prevention. Thank you.

Chairman CARDIN: Let me thank both of you for your comments. I also want to acknowledge that Congressman Cohen has joined us. It is nice to have Congressman Cohen with us.

Let me start with an observation. It is absolutely accurate that our missions in-country are reluctant to label countries with bad actions. That is true whether it is in the trafficking reports, as we list them in different tiers, our effort to get evaluations on how well they are dealing with fighting corruption, and it is also true in regards to the early signs of atrocities. This is a challenge that we have. The Eli Wiesel Atrocities Act was aimed at building up capacity within our different missions in State in-country to actually be trained to do this so that we have early warning information that has made available.

I want to go to the other end for one moment, because to me if we do not hold actors accountable for their actions, it makes it more difficult for countries and actors to take seriously that they will be held accountable for their current actions. That is when we resolve conflicts, and we do that because we want to stop tragedies from occurring, usually the first item that is sacrificed is holding the bad actors accountable for their conduct. Currently, we have genocidal conditions occurring with the Uighurs in China, with the Rohingya population in Burma, and we are all anxious to get those issues resolved. Are we putting equal energy into documenting what has happened to hold accountable those who have violated international standards?

I find all too often the politics of diplomacy that you were referring to, that happens in mission evaluations of what is happening in the country, also get involved in resolving conflicts, to allow ac-

countability to be held as a lower priority in resolving conflicts. I would appreciate it if both of you would comment on how important it is for us to hold accountable those who are responsible for these types of actions so as to be able in the future to prevent—as we say, never again—how do you prevent never again if you do not hold accountable those who are responsible for the current atrocities?

Professor, you can start.

Mr. SNYDER: Sure. The issue you raise, Senator, has been bound into genocide prevention right from the very beginning. The Nuremberg trials, which we like to remember and should remember, had their focus narrowed by politics because of the participation of the victorious Soviet Union. Thanks to the Soviet Union, the definition of genocide itself was narrowed so as not to include crimes of class. From the very beginning, all of our instruments have in some way been affected by the politics of who is your ally and who just won a war.

My modest answer to this would have to do with how we commemorate. The few times when we actually have brought people to justice, I think that should be a broader part of how we remember these events. I think making it known, you know, that such-and-such person was prosecuted at Nuremberg for such-and-such a thing should be more prominent. When we do actually prosecute people in the 21st century, I think that has to be part of the conversation so that they can become negative examples. That is my one modest idea.

Chairman CARDIN: Naomi.

Ms. KIKOLER: I really appreciate you raising this particular issue. I think, as we spoke before, when we look at future risks a prior history of mass atrocity crimes and impunity are both risk factors that contribute to the future commission, in part because it instills in perpetrators the knowledge that there is a potential that they could commit these crimes and not be held accountable. I have interviewed many perpetrators in a number of different countries who have explicitly stated that they committed crimes before and were able to get off without any form of responsibility. Those could be—it could start with smaller crimes. One gentleman I am thinking of in particular in Rwanda, was the stealing of cattle, and then that can escalate as a situation further deteriorates into the killing of individuals.

When we talk about accountability, there are many different ways to understand and define accountability. I think that it is important to recognize that there are investments that can be made in fact-finding. The OSCE has, to a degree, done that. It remains at times far too politicized as well in terms of actually getting agreement to do important fact-finding. We see that internationally in the context of the Uighurs, where despite the crimes it has been impossible at this state to actually get an international documentation effort—a robust one—underway.

We also see accountability in the form of criminal prosecutions. In the case of ISIS, in the case of Rohingya and others, we are seeing significant strides aided, in part, by Congress and by the U.S. government in the support of resources and also political support to collect material that could be used for prosecutions. The chal-



lenge we face and the question it begs is: What jurisdiction exists for those crimes to actually be tried and for individuals to be prosecuted? As Professor Snyder mentioned, there are also broader transitional justice efforts around memorializing. We know, especially from the OSCE context, how incredibly controversial, unfortunately, that can be, and how important the OSCE forums are for talking about these particular issues and finding ways to create a degree of common consensus on their report.

I think it is also important for us to think about where we have gaps as a transatlantic community in a domestic context in our own atrocity prevention architecture. As I alluded to before, one of the gaps that the U.S. government has is that there is no domestic legislation that essentially criminalizes the commission of crimes against humanity and can help to prevent and ensure that the U.S. is not safe harbor to those who are committing crimes against humanity. Clear examples would be those who committed crimes in Syria, and those who are committing crimes against the Uighurs. This has been a longstanding gap at the domestic level. There are also no international crimes against humanity treaty.

I put those two things forward because it is also an area where Congress can actually play a very critical role. You can enact legislation that fills that gap and is a signal to the world that the U.S. is taking its commitment seriously and is encouraging other governments to also look at their domestic capacity to hold perpetrators accountable and encourage them to enact similar legislation and steps.

Chairman CARDIN: Thank you.

Senator Wicker.

Senator WICKER: Thank you very much.

I really appreciate this. It certainly brings back memories of things that have occurred, even during my 26 years in Congress. In 2015 I accompanied former President Bill Clinton and former Secretary of State Albright, along with Peter King and Jeanne Shaheen, to Srebrenica to commemorate the 20th anniversary of that atrocity. It is still stunning to me that this took place in Europe in my lifetime. In an 11-day period, 8,000 men and boys were killed, the victims of genocide, and I jump from there to make some observations, and I will just let you comment if you would like to.

I notice that there are reports that Kosovo is considering trying to bring a suit against Serbia for genocide. This might be done in the International Court of Justice. Senator Cardin and I, along with Senator McCain, were authors of the Global Magnitsky Act—it began as the Magnitsky Act, and then it became global. The point there, Ben, as you will recall, was to bring the sanctions to the individuals who actually caused—have caused these events to occur. In the case of Magnitsky, it was not—it was not an act of genocide. It was an atrocity against an individual who had the audacity to speak up against his government. It seems to me a better policy, rather than one country suing a neighbor where maybe there was no representative government, and the atrocities were caused by individuals. It seems to me getting to the individuals is better.

If you comment on those things, and also, was Yugoslavia more of a surprise than other—than other acts of genocide? It just seems

incredible to me that it devolved so quickly into this ethnic cleansing and murder, which was not isolated in Srebrenica but is sort of—that one atrocity exemplifies what was going on.

Mr. SNYDER: All right. Thank you, Senator Wicker, for that very thoughtful set of questions. About Yugoslavia, I will just make three points, and perhaps Naomi will want to amplify. Number one, we did have a major warning sign in Yugoslavia, which was the collapse of a state. The collapse of a state is very strongly associated with ethnic cleansing. Not with organized, industrial-level killing, but with ethnic cleansing. We did have that warning.

Those of us who are historians of the region try to make the case that there was a very strong second warning signal, which was the distortion of the history of the Second World War, which is something that I think still, you know, decades later, is incredibly important for understanding and predicting behavior in Eastern Europe. The Croatian state had revived certain symbols of the Second World War, which were frightening and offensive to Serbs. Serb mass media, in turn, had massively exaggerated the scale of crimes that Croats had committed during the Second World War.

That provocation back and forth in mass media was a significant warning sign before the event itself. Another thing Yugoslavia reminds us of is how difficult it is to decide to act, even when you are at the moment when “never again” is on everyone’s tongue. We had satellite data, right? We had the kind of data for that crime that we had not had before. Still we found it difficult to act.

I would answer your question, I think, in the spirit that you asked it. I very much agree that prosecution cannot be the only way that one targets individuals. It is just too difficult to imagine you can prosecute individuals. In what venue? In what forum? Are they still going to be alive? How do you capture them? There are at least two other ways, which I think you have already suggested, that can matter.

One is reputational, that there is—that there is an organized stigma that attaches to this that you know that is going to be attached to you, and to your family, and to your name forever. The second, which you suggested, is financial, which I believe would matter to a number of, if not heads of state, important figures around the OSCE. In addition to the prosecutorial, reputational, and financial.

Ms. KIKOLER: I agree with everything that Professor Snyder has said. I think that, you know, one of the challenges is that in hindsight we can see a lot of warning signs that often go unnoticed. Part of what we are working to try to do—and it is not exactly a—you know, to talk about institutionalizing prevention usually puts a lot of people to sleep, unfortunately. What we are trying to say is actually learning the lessons of never again. You need to make it rote so that people are looking for these warning signs.

As we advance our research and understanding of what they are, we have to also develop muscle memory to, when we see them, act quickly. If you do not force that within institutions like the OSCE, if you do not come together, for example, as the OSCE and actually do a statement on the commitment of the region to genocide prevention—something that does not exist. The closest that has come—that the OSCE has come has been in the assertion of the

importance of conflict prevention, Holocaust remembrance, and promotion of human rights.

Under chapter seven of the Final Act, you have ample room there to actually, as a community, come together and actually issue a statement, a declaration, similar to what President Obama did. That it is in the core interests of the OSCE to prevent atrocity crimes, to prevent Srebrenica from happening again, to prevent the crimes in Kyrgyzstan from happening again. I could go at length on the challenges that exist around individual perpetrators, but I wholly agree with the assertion that you made also Professor Snyder on their importance.

It can be challenging, but we have an array of tools that exist—including targeted sanctions—that are increasingly being used in a sophisticated matter. We also have cases that we can point to where they can be impractical, but we have to always recognize that not all situations are alike. No one tool can have the same impact in each case. We really have to have a strong contextual analysis to understand how we can influence individual perpetrators. You have to have a much more concerted effort to evaluate all possible policy tools—be it prosecutions, targeted sanctions, naming, and shaming—to determine what is right in a particular situation.

Senator WICKER: Let me just follow up briefly. Just—I know I am way over my time—are both of you surprised at the lack of international attention—and attention in our mainstream media—to the plight of the Uighurs?

Mr. SNYDER: I am not surprised by it, Senator, because historically the mainstream media—to use your term—has generally not been attentive to problems like this. The mainstream media did not do a particularly good job with Soviet crimes in the 1930s. It did a better job than people think but not a very good job, with the Holocaust. We have—we have—it is been hard for us to have a language about these kinds of crimes. With China in particular, we are now dealing with—we are dealing with something which is a little bit different, which is a huge economic power which people are afraid to offend.

We are also dealing, Senator, I think, with a moment in history—despite Naomi's eloquence in her use of this language—a moment in history where the old concepts, things like the party state or Leninism, no longer have the kind of resonance that they once did. I think we lack the language to describe what is happening. Anyone who wants to say this is a concentration camp or—to use another told term which is appropriate—or this is—this is ethnic or racist discrimination, faces up to the fact that these terms are no longer as resonate as they once were because we lack the history. Also, they are going to face a very powerful response from the Chinese side, which is a novelty, I think. I take your point. I am not surprised by it, but I am outraged by it.

Ms. KIKOLER: Maybe just kind of amend a little bit your comment, because I think one of the things that we know all too well is that you can have considerable media attention and still see inaction by policymakers. There is not necessarily a direct coalition between action and attention, but we know that considerable attention does help raise the cost, at times, of inaction for particular actors. I would say one of the problems has been in how the media

talks about China is that we have failed for a very long time to, on a regular basis, clearly articulate what they are, which is an entity that has been complicit, enabled, and committed mass atrocity crimes, including genocide, for a very long time.

I think the recent attention, including the sharing of personal narratives, has helped to humanize for many around the world the experience of the Uighurs. That is important because as we know from the lessons of the Holocaust, people have a hard time coming to terms with the notion that six million Jews were killed as a result of their identity. I commend a number of the journalists who have been trying to, in a dogged way, share their individual stories. Where my outrage comes is Uighurs should not have to go before the camera, imperil their lives, and their loved ones lives, to demand action from the international community.

Governments know and have known for a long time; what China has been doing and is capable of doing. It is incumbent on governments to change how they respond. What outrages me is that China has a seat at the table, has increasingly been very deft in how it has maneuvered within the United Nations to minimize criticism, how it has maneuvered even within OSCE member states to make it less likely that the OSCE can speak collectively on a particular issue. Of course, there are strong divides within the OSCE that have increasingly emerged.

That is what outrages me, that we do not see fact-finding missions that are demanding access to China right now. That we do not see a coordinated effort to talk about how to stop the atrocities, and seeking access is only one point. What we are seeking is actually for these facilities to be closed, for people to be released, for people to be able to live their lives. I really appreciate your point. I have just unfortunately been in a situation all too often where I have had ambassadors say: Can't you get an op-ed before the New York Times on the Central African Republic, on Kyrgyzstan?

I will tell you, last night I was reading all of the op-eds that I wrote on Kyrgyzstan. I was, you know, reflecting candidly on whether or not it had helped, because our big push was to get 52 OSCE police officers sent to the country. That was a number written on the back of a napkin within a U.N. meeting because we all knew that more needed to be done and that was the minimum that we thought could happen. You know, unfortunately, we bring immense humility to this conversation and are, you know, very hopeful that through the learnings that we are continuing to undertake, we can help compel more policy not just attention, but also the action that you are suggesting.

Mr. SNYDER: Can I jump in, because I want to agree with Naomi and just repeat my point about international reporting. We are not the powerhouse in international reporting that we were in the 1970s or 1980s. When Communism fell, there were American reporters in many of the relevant capitals. On Tiananmen Square, we had—we had—we had reporters. We do not have that in the same way now, and that means that we are more vulnerable to other countries public relations than we were 40 years ago. That puts us on the back foot in genocide prevention, unfortunately.

I want to also agree with the point that we—there has to be a face on this. The face is often historical. There is—the Chinese

Communist Party and People's Republic of China has undertaken a number of ethnic actions, but also other episodes of mass killing which are simply not known. I mean, that tens of millions of Chinese citizens were killed between 1958 and 1962 in a famine is just not very well known. That hundreds of thousands of Chinese died in the terror of the Cultural Revolution is just not well known. I tend to think that it is hard for us to make the point about the present unless we—unless we have some historical memory, which is pushed closer to the center of the conversation.

Chairman CARDIN: Very troubling comments and response. I will point out that when we had our challenges with torture in America, it was the reporting and photographs that caused Congress to take action. Unless you can get it before the public, unless you can have the facts, the numbers do not—are not powerful. The individual stories are powerful, and that is where the absence of reporting becomes so critically important. Very, very important points.

We have been joined by Congressman Veasey. Nice to have you with us. I am going to go next to Congressman Cohen and then Senator Smith.

Congressman Cohen, I think you are on mute. There you go.

**STATEMENT OF STEVE COHEN, CO-CHAIRMAN, U.S. HOUSE,  
FROM TENNESSEE**

Co-Chairman COHEN: I am here. Thank you. Thank you, Senator. Thank you for the testimony. It has been very edifying. You said that—well, first, several questions. First, the Uighurs might be the most imminent problem we have got as far as mass terrorism genocide, or atrocity, and if I am wrong, tell me. Where are the other places you have seen signs that we should be on the alert for?

Ms. KIKOLER: I am happy to quickly speak to that, and I am sure Professor Snyder will have other comments as well. We will share with you our latest ranking of countries where we are concerned about the potential risk of mass killing. We are extremely concerned as a center about risks in Ethiopia. In Cameroon, we will be releasing a report on some of the early warning signs there too. The Uighurs. We continue to be very concerned about the plight of the Rohingya. As you will see from our early warning signs, there are a number of countries where there is the potential risk for mass killing over the next two-year period. They range from countries like Pakistan and Afghanistan to the countries that I mentioned.

I think the plight of the Uighurs is one that really merits very serious engagement. All of them do. I think the unique challenges, as has been mentioned before, of confronting a P5 power. An entity like China, is something that really puts a lot of the theories, tools, and approaches to atrocity prevention to the test. I think that it is really going to be the challenge of the next few years to try to figure out how we can address a perpetrator of that scale and that nature.

Mr. SNYDER: Congressman Cohen, I would just add that I am concerned about a scenario involving two OSCE members this summer, where the Zapad maneuvers of the combined Russian and Belarusian armed forces take place three days before a parliamen-

tary election in Russia, in which President Putin has commanded his party to win by supermajority. I am concerned about the possibility of some kind of trick there, something that happens while Russian forces are active in Belarus, and about the subsequent persecution of people who define themselves as Belarusians as opposed to members of some kind of emerging Russian-Belarusian state. I have written five articles about that in the last few years, which I would be happy to send along if this is of interest.

Co-Chairman COHEN: I would appreciate you doing that, Professor Snyder. I have been to Belarus twice, and you know, it was interesting, to go to the Patriotic War Museum and to tour around, and they honor the victims of World War II, but Lukashenko seemed to be sparing in his criticism of the Jewish victims. There are a couple of Holocaust—Jewish sites, the ghetto in Minsk and there is a couple of memorials. The big thing they just built out always is a memorial to the victims of Nazism is very limited on the Jewish victims. I have written him, and I talked to him about it, but gotten nowhere. It is concerning.

Is there anywhere—a lot of what you describe as signs of potential mass atrocities is authoritarianism, its non-acceptance of the historical past. We see that in Europe with Hungary and Poland, and we see it with Russia, and not so much—I guess with Russia, but more with Hungary, Poland, and Ukraine, and denial of the Holocaust. Yet, you say everything is kind of low on the level in Europe. You are not concerned about—and there is not necessarily an identified ethnic group that is on the—that is in the scope of the vision or Orbán or the Polish leadership. Is there concern—do you have any concerns about Poland and Hungary and where they are going?

Ms. KIKOLER: My colleagues in the museum who work on Holocaust denial and anti-Semitism have a lot to say in this regard because we are very concerned. They are working very hard. I would be happy to put your office directly in touch with them to talk about the specifics of those particular countries. I will only say that in terms of the risk of mass killing that I was talking about before, the types of crimes that we are looking at—crimes like genocide—are very rare occurrences. We have a threshold of 1,000 civilians that are killed a year, in terms of that is the risk that we are looking for.

I do not in any way want to suggest that because a country is low risk there should not be concerted attention. There should be. It is possible for countries to move up or down within a ranking based on developments that occur within a given country. What we hope is that the existence of certain risk factors will elicit a consideration to do a deeper dive, to understand the dynamics. Because there might be dynamics at play that you have highlighted that merit a much stronger engagement from a prevention perspective.

We do not in any way want to suggest that when there are risk factors, that a country is ranked low, you should not in any way be concerned. We hope that elicits more consideration. We do, with our system, want to be clear that because a country is on it—including a high-risk space—it does not mean that we will automatically see mass killing occur. It is a bit of a technical system. We

are very happy to give a much deeper explanation for you and others who are interested in our early warning system.

Co-Chairman COHEN: Did either of you see—and that will be my last question. My time is about up. I see my friend Senator Wicker is not with us, which is probably just as well. I love Roger and I would not want to get him too upset. Did any of you see the denial of the existence of an insurrection, which we have seen in our own country? Hey, Roger. [LAUGHTER.] The denial of the existence of an insurrection on January 6, as something we should be very concerned about.

Mr. SNYDER: I am happy to roll with that one. Let me—let me frame it as something else, if I could, Representative Cohen. The Holocaust is important not just in its own right, but because it gives us a language of general human rights. It gives us a language that goes beyond Hungary, Poland, Belarus, Russia, or America. It is also important as a touchstone for these kinds of issues as an early warning sign of reversal of victimhood. Often the person who is about to do something terrible first decides that they are the victim. When countries start to say that the Holocaust was not that important, or maybe there were more important victims than the Jews, or so on, I understand that as the beginning of that kind of flip. For me, that is something that I look for.

With—you know, with events in the United States of America, it strikes me that regardless of, you know, what political party you happen to favor or represent, it is very important to get the question of who the victim was right. When I look at the history of the United States of America and the history of voting rights, I do not find that to be controversial. Uncontroversial, the victim in our history when it comes to voting rights is not actually Republicans in 2020. It is actually African Americans since 1877, and that gives us a place to start when we—when we consider the events, and when we ask: Who was really the victim and who was really not the victim?

When you get that story wrong and you claim to be the victim when you are not, and then you write it into institutions, you are taking a step towards authoritarianism. When I—when I look upon American voter restriction, that is how I think about it. That if you are going to begin from a step where you have got the facts wrong and you are flipping the victimhood, and you build institutions on that basis, then you are taking a step which is—which is quite dangerous. That is my view, which has to do not with the United States. It has to do with how I understand victimhood generally, on the basis of the kind of principles that I hope we all take for granted.

Co-Chairman COHEN: Thank you.

I yield back the balance of my time.

Chairman CARDIN: Senator Smith.

Senator SMITH: Thank you, Senator Cardin. Again, thank you, Senator Wicker. Thanks so much to our panelists—Professor Snyder and Ms. Kikoler, for being with us today.

I have a question that relates to the COVID pandemic. I am going to direct this first to you, Ms. Kikoler. The COVID-19 pandemic and the subsequent economic fallout from that pandemic—I am thinking globally here, of course—has really amplified the

structural inequities that we have globally around health care, economic opportunity, social benefits, human rights. My question is, how are we, or are we, seeing malign actors exploiting the pandemic to advance undemocratic agendas or to—maybe a way—based on your testimony maybe another way of asking this is: Is this creating new sets of early warning signals that would fit into the system that you discussed in your testimony?

Ms. KIKOLER: Thank you so much for that question. It is exactly something that we have been tackling with this past year. We have been undertaking a project that looks at the future of mass atrocities, and one of the thematic focuses has been on COVID and pandemics. Unfortunately, we have seen this period used as a way to dehumanize others, and I am sure Professor Snyder can speak at this to more length. In particular, we are very concerned about, for example, the Rohingya in IDP camps in Bangladesh. There has been at times an effort to portray them as being those who spread COVID. We often find in instances where particular communities are being targeted, often minority communities, they are regarded as being vectors for the spread of disease. There is some historical kind of analogies there too.

We have also seen increased use of surveillance and data, and have concerns about the overstretch of that and, again, what the impact could be for communities that are at risk. Under the auspices of providing health care and trying to monitor, there have been considerable changes in terms of how communities and individuals are being tracked. I think another element that we are concerned about is the understandable international domestic focus on addressing the focus has, to a degree, diverted attention from some of the very pressing ongoing threats—be they threats of conflict, or threats of atrocity. We know that it is very hard to sustain, in the best of times, a committed, concerted commitment to atrocity prevention.

In this moment where we are seeing economic decline, less willingness—this was already happening prior to COVID—of governments to invest in development and the type of upstream prevention that we are talking about, we are also tracking what that impact might be in terms of the response to atrocities either occurring or in a prevention phase. There are a number of others, but I think those are some of the most kind of glaring examples at this particular point. It is exacerbated trends that were already underway. I think Professor Snyder, I am sure, has a number of comments in this regard.

Senator SMITH: Yes, Professor Snyder, I am really interested in your take on this too. I was interested in your testimony how you talked about how bad actors can use time and urgency to exacerbate their—you know, the bad things that can happen. You used climate as an example of something that could create a sense of urgency, but I am curious to know how you would apply that kind of thinking to what is going on with COVID.

You are muted, Professor Snyder.

Mr. SNYDER: I mean, with climate I am making two kinds of points. The first is that we already have examples—whether it is Rwanda, Sudan, or Syria—where climate-associated problems like drought are one of the factors and probably a necessary condition—



they are not the only factor, but they are one of the factors which had led us to these late 20th century and early 21st century disasters.

The second point I am making is a historical one about Hitler in particular, where Hitler's whole view of the world was that resources are limited, only the strong survive, and you have to act first. We are in an emergency, and that kind of thinking always has a certain kind of attraction. The attraction's, unfortunately, greater when the resource constraints are real. Those of us who have lived in the West, you know, from the 1950s to the 2010s, let us say, have had lives that did not actually face the kinds of resource constraints that humanity faced into the first half of the 20th century. We forget a little bit how resonant that kind of appeal could be, right? My point is that if we allow climate change to become a disaster, real and perceived, that then will set off unpredictable political combinations.

I think COVID's a little bit different because I think what—and I have very little to add—I think what COVID has done is it has, again just repeating, it has allowed people to double down on forms of discrimination which already existed. Disease is something which is—which is human, right? We tend to deny it and we tend to push it off onto the other. The only little point that I would add, little thing which worries me—and it has only an amplification—is that China is, of course, making the argument that it had nothing to do with COVID, and it solved COVID, and therefore authoritarian regimes are actually better than those messy democracies. Which for me is an argument as to why the United States should be out front in 2021 with some kind of vaccination foreign policy, which I think we have the resources to carry out.

Senator SMITH: Thank you very much. I think that is an excellent point, and as we think about what China is doing with the Uighurs in a complete—you know, those human rights atrocities that we see on the one hand. Then on the other hand the work that it is trying to do to step into a potential vacuum, you know, globally. I worry a lot about how COVID is exacerbating that also. I appreciate your comments.

Thank you very much, Senator Cardin.

Chairman CARDIN: Thank you, Senator Smith.  
Congressman Veasey.

#### **STATEMENT OF MARC A. VEASEY, U.S. HOUSE, FROM TEXAS**

Representative VEASEY: Thank you very much, Senator Cardin.

I wanted to ask Professor Snyder, because I think that he really touched on a very important, you know, point when he talked about establishing the victim when it comes to voting rights, for instance, here in the United States. For countries to do that successfully with the large population that is very resistant to unpacking that and actually putting that forward, how do you go about doing that? I mean, like, for instance, in the United States instead of establishing who the victim is you will notice that American politicians here instead to choose to assuage guilt, right?

Like that is usually the knee-jerk, is to—is to—you know, and the case now, unfortunately, is it—is to make other people that are not the victims the victims, but also, to try to assuage guilt and

say we just need to move on. What sort of a blueprint would you give to countries on—when the people themselves are hesitant? I think that in some countries where there are human rights violations the people there would actually welcome democracy and would actually welcome freedoms. In the case of constituencies really, you know, accepting the truth behind all these things, that there are still a large number of people here in the United States that just do not want to accept it. It is like they are giving up something. It is almost like they are giving up something very precious to them by admitting who really is the victim.

Mr. SNYDER: Okay. Thank you for that wonderful question about U.S. history, which—it gets to the heart of something very important and dynamic which is present in the U.S., but not only, which is that racism or discriminatory attitudes are not only about the obvious victim. They are also about setting up control within, let us call it, the majority population, right? If I—if I—to stay in the U.S., if I can convince my fellow white Americans that Black people are the problem, I have got a form of politics that might take me a long way. It will allow me to do things to my fellow white Americans, in fact. That is kind of the secret to—I think, to racism in the U.S.

The only way to get around it is to make the argument, which I think is true, which is that would—we are all actually better off if we do not have this kind of thing. That when we limit voting rights, for example, we are not just hurting other people and carrying out injustice, we are also hurting the country's future. We are getting ourselves into a kind of polarization which limits not—which does not just directly hurt African Americans, it limits white people. It makes white people different. It makes white people more provincial. It makes white people less able to think about the future.

You ask how to get around this? You know, my—I mean, when I look at countries that have been successful—like, for example, West Germany after the Second World War—it is that they beat the history into the ground, right? The Germans talk so much about history that even I, as a historian, find it sometimes over the top. You have to hand it to them, they have actually succeeded, and we, in the U.S.—you hit the nail on the head. We like to move on, and that is a phrase which upsets historians, because if you just move on the history always comes back, it comes back, it comes back. You know, before you know it, somebody—before you know it, somebody's going to be talking about the 1877 compromise as a good thing unless you know the history, right? Unless you know the history.

I think we are at a crucial point in American history where the best thing we can do is get the history right. If we get the history right, then it does not look like I am losing something as a white person. It looks like, oh, we have not ever quite built that democratic republic that we have been talking about for so long, and if we build that democratic republic, it would actually be better for everybody. That is the kind of look backward and forward that I think we need. You know, it is—but this is a—you know, this is a big subject.

It is, like, it is something where we can learn from abroad because other—you know, other countries have actually done better at looking at history and saying: Hey, it is not just about how we made others victims. It is about how in making others victims we got the country off on the wrong track. Germany's the classic example, right? The 20th century should have belonged to Germany. Why did it belong to us? Because they messed it up. Because they—you know, they did terrible things. Those terrible things were not just to the Jews and the Slavs. Those terrible things were—held back Germany from being the world power that it should have been.

I think in the 21st century we are kind of—you know, with all appropriate qualifications—I think we are kind of at that same moment. Is this going to be our century where we gather ourselves together on the basis of understanding the past? Or are we just going to blow our chance? Are we going to let it be somebody else's century?

Representative VEASEY: No, that is amazing. Wanting to switch gears here quickly on another point that you made a second ago, you talked about the media. Is what is happening right now with the media not being able to cover some of the, you know, atrocities that are taking place and some of the moves by these dictators—some of the brutal moves by these dictators, is it a—is it a lack of resources because that media has changed so much in regards to advertising and profitability? Or is it because these countries have put up barriers to now allowing people from the media to come in?

Mr. SNYDER: I think Ms. Kikoler will have things to say about this. I would say number one, it is a—it is a change in the structure of American print media, where we only cover national news. We do not cover local news and we do not cover international news. We only do national news, and that has been poison for us in a lot of ways because it means that we are all—we get all polarized. Like, we can agree—we can agree about things about China. We can also agree about things in, you know, Clinton County, Ohio. We do not always agree about national things.

The second thing which has happened is you do not just have traditional censorship. You have active disinformation campaigns which are electronic. Russia and increasingly China are forming the story before it ever actually gets reported. This means that, for folks on both sides of the aisle who are concerned about social media and the power of social media, this is one more reason to be concerned that it is much easier to use social media to get a polarizing story out there which makes it look like there should be a conflict than it is to use social media to broadcast important facts on the ground about an oncoming atrocity. Whatever we can do to change that situation we should be trying to do.

Representative VEASEY: Ms. Kikoler?

Ms. KIKOLER: It is a great question. Just building on what Senator Wicker had said before, you know if you have a theory of change—which was articulated earlier—that greater attention helps to compel action. We do believe that is an important component of action. Then we need to facilitate ways to actually get the information out of hard-to-reach areas. I think that there are, as

you alluded to, a number of impediments. One is emerging kind of structural challenges, and you talked about the cost.

There is, from the perspective of—if we were talking to, you know, someone who wanted to open up a bureau in, let us say, Dakar. There are challenges around kind of the cost of doing that. There are security challenges that are increasingly being raised from the perspective of media outlets. There are ways around that, there are local stringers that are doing remarkable work and putting their lives on the line to tell stories. We can work more to ensure that their voices are being heard. Professor Snyder talked before about the importance of supporting outlets like Voice of America and other kind of entities that help to get information both into hard-to-reach places and out of hard-to-reach places.

There is also, though, just the challenge, as you noted, of access. There are parts of the world that we have a very hard time either physically gaining access—Xinjiang, in terms of being able to go in an independent and objective way is one example within China. South Kordofan in Sudan is another, parts of the Central African Republic. What that means is that we are not able to pull out the types of images that help to galvanize attention. Is there a way to, though, do that in a different manner? Yes. I would argue that when the U.S. government chooses to declassify satellite imagery that shows the scale and nature of attacks, or images that came out around the construction of new centers where Uighurs are being detained, tortured, and held—that helps to also humanize the experience and can be used to galvanize.

There are different ways that we can be creative about the storytelling component. We just have to invest within it. We also have to continue to work, though, on combatting compassion fatigue. When we reach out as an institution to journalists there is often questions about the, well, what can be done? This seems hopeless. Many of you have seen the Caesar photos that we house at the museum on Syria. What has been really fascinating is that it does galvanize some. There is others, unfortunately, it has the adverse response of leaving them wondering if anything can actually be done. It is incumbent on all of us to actually define then what the policy actions should be when we do actually have the information that has been released shared with us.

I would say local—supporting local NGOs is a final, critical component to this because many of them are doing the work on the ground. They have access to the information, the data, the stories. All of the investment that goes into civil society, when it comes to documentation, fact-finding, and human rights promotion, has the added benefit of helping to make the case in moments when we cannot have the presence of reporters and others.

Representative VEASEY: Thank you very much. Professor Snyder, thank you for touching on the nationalization of politics. I do think for so many of these issues that it is really bad.

Senator Cardin, I yield back to you. Thank you.

Chairman CARDIN: Thank you.

I want to give each of you an opportunity to give us some advice in regards to the Eli Wiesel Act as to whether there needs to be attention paid by Congress in the implementation of that act that is not being adequately done today, or whether there is needs for

changes in the congressional action. You have already mentioned the—making it a crime to violate the international human rights standards on atrocities. I got that recommendation. Are there other suggested recommendations of a legislative change or more aggressive oversight by Congress on the implementation of the Atrocities Prevention Act?

Ms. KIKOLER: Professor Snyder, I am happy to go first, if you are comfortable. Just very briefly, I really appreciate that question and your and others leadership on the Eli Wiesel Genocide and Atrocity Prevention Act. There were some really important strides that were made in introducing that legislation.

I think a key opportunity right now is that when the next report is released having a hearing to discuss the report and specifically asking the Department of State to come and report on what are the prevention strategies that have been established to address the risks that we hope are going to be articulated for given states in the report. Without that kind of accountability and transparency role by Congress—we need that level of pressure to be able to actually compel a whole-of-system interagency response to the risks. Such a hearing would also help to empower civil society to be able to assist in understanding what are the countries that are perceived at risk.

A second component that we continue to think is very important is similarly Congress requesting annual briefings from the intel community on countries that they believe to be at risk of genocide and other mass atrocities. Now if there are security considerations that do not have to be a public hearing, but we think, again, in the process of trying to make these types of responses rote and in Congress fulfilling its accountability and transparency role, this is a very important thing that can be done.

The inclusion of training for countries that are deemed at risk for foreign service officers is very important. We think that there should be expanded training for U.S. government officials to understand what the early warning signs are, what atrocity prevention tools are, and that is something that can be further mandated through future legislation. You know, just in short three top would be to actually ask the administration to come before Congress and explain what they are doing to respond from a prevention perspective to countries at risk, intel briefings each year annually that talk specifically about the risk of genocide and mass atrocities, and then expanded training are just three very top ones. We would be happy—and in the testimony there is additional recommendations as well.

Mr. SNYDER: Forgive me if this is—if this is actually in the act. I am probably not as up on it as I should be. The one thing that struck me, Senator Cardin, was the journalists. There was—there was one reporter who wrote about the famine in Ukraine in 1933 under his own name—just one. One is more than zero. His name was Gareth Jones.

What about—what about an award for American journalists—an annual award for American journalists who write about genocide or genocide prevention? What about a fellowship which guarantees that young American journalists who have an interest in going to countries that are identified as being at risk—what about an an-

nual fellowship for 10 of those people? Something like that I think would probably not add very much cost but might make a difference.

Ms. KIKOLER: May I very briefly just build on what Professor Snyder said, because I think we share a brain on this one. I think the creation of a Jan Karski award or fellowship, as you just mentioned, would be a remarkable contribution that could be made to advancing the gathering of information and awareness raising. I would expand it beyond our traditional conception of journalists today because many of those who are doing the hard work and the storytelling include human rights defenders. They include those who might be dissenters or defectors from regimes that are committing these particular crimes. They have unique vulnerabilities and threats to their wellbeing.

I would just say that because of the evolution of the way in which governments restrict access, as was mentioned earlier, and the challenges of actually reporters telling these stories, something along that kind of spirit of Jan Karski, or the individual that you just mentioned, Professor Snyder, I think would be a welcome addition. It is something we have been exploring at the museum.

Chairman CARDIN: Excellent suggestions. I frequently use trafficking as a model, because I do think that the U.S. leadership in dealing with trafficking offered global hope that we are really dealing with modern-day slavery. As you know, when the annual report is released we do have a lot of publicity around it, including at the State Department, and the awards that are associated with the Trafficking in Persons Report. We have hearings in Congress. It is brought up at many of the international forums. We really made a commitment—not that we solved the problem, but we really are working on solving the problem. I think the same type of effort needs to be made on atrocity prevention. I think these are all really good suggestions.

I think, Professor, your comment about history is so right on. We really do learn from history, but you have to have accurate history. Your comparison of what is going on in Germany today versus what, for example, is going on in Hungary is—what a contrast. You know, the culpability during World War II was—you know, Germany was the center. Yet, they take responsibility. Hungary, which was a participant, has denied its role. It is an interesting comparison.

I would also point out NGOs, which you have mentioned, their role in so many countries have been marginalized. We really have to speak out about civil society. It is not only reporters that are not getting access or do not have the resources to report. It is the NGO's ability to freely act in countries that have been compromised that do not get us the information that we need that is important. I think all of that really feeds into it—identifying the victim, is absolutely right on target. I agree with you. We have to recognize who has really been victimized by these activities, and dealing with timely reporting. All this is critically important.

Our responsibility also is to make this issue—atrocity prevention, genocide prevention—a priority in foreign policy. Quite frankly, we have been fighting to make human rights a priority in foreign policy. It is not easy. [LAUGHS.] I mean, you are talking about issues

on arms control, or security cooperation, or air rights, or economic issues, these issues many times get pushed to the side. I am encouraged by the language of the Biden administration as to making these issues important. I have not heard about atrocity prevention, and genocide prevention. I do think we need to make this a priority within our foreign policy, and for U.S. global leadership. It is critically important.

Your comments have been extremely helpful. What a way for our commission to get started. Not that we are encouraged by what you said, but we find it very helpful in us trying to carry out our responsibilities as members of the Helsinki Commission. With that, if Senator Wicker or Congressman Cohen or Congressman Veasey have any final comments? If not—we are okay?

Co-Chairman COHEN: Simply thank you.

Chairman CARDIN: Let me—

Representative VEASEY: Absolutely wonderful.

Chairman CARDIN: Let me again add my thanks on behalf of the Helsinki Commission. With that the hearing will come to an end, but the issue will—we will move forward on the recommendations that you made.

Thank you all very much for your participation.

Ms. KIKOLER: Thank you, all.

Mr. SNYDER: Thank you very much.

[Whereupon, at 11:04 a.m., the hearing ended.]











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