

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

**“ Hamas’ Hostages, Putin’s Prisoners, and Freeing International Captives:
Towards Stronger U.S. and Global Action for International Political Prisoner
Day”**

Committee Members Present:

**Representative Joe Wilson (R-SC), Chairman;
Representative Steve Cohen (D-TN), Ranking Member;
Representative Victoria Spartz (R-IN);
Representative Emanuel Cleaver (D-MO);
Representative Mike Lawler (R-NY);
Senator Richard Blumenthal (D-CT);
Representative Marc Veasey (D-TX)**

Other Members Present:

Representative Kathy Manning (D-NC)

Witnesses:

**Irwin Cotler, Chair of the Raoul Wallenberg Centre for Human Rights,
Former Minister of Justice and Attorney General of Canada;
Davyd Arakhamia, Leader of the Servant of the People Party and Chief
Ukrainian Negotiator for Prisoners of War and Abductees;
Jared Genser, International Human Rights Lawyer, Managing Director of
Perseus Strategies;
Evgenia Kara-Murza, Advocacy Director at the Free Russia Foundation, Wife
of Vladimir Kara-Murza**

**The Hearing Was Held From 10:05 a.m. To 11:50 a.m., Room 1334
Longworth House Office Building, Washington, D.C., Representative Joe
Wilson (R-SC), Chairman, Commission for Security and Cooperation in
Europe, presiding**

Date: Wednesday, October 25, 2023

*Transcript By
Superior Transcriptions LLC
www.superiortranscriptions.com*

WILSON: (Sounds gavel.) The hearing will come to order. And, ladies and gentlemen, I'd like to thank everyone for being here today, and we need to address the attention of political prisoners and those who have been taken hostage and kidnapped around the world.

As we're doing that, I am beginning and I know that my co-chair, Congressman Steve Cohen, will be here any minute.

But I'm really grateful that we have Congresswoman Victoria Spartz here with us today. She's quite unique. She was born in Ukraine. Actually, she was born in the USSR, and thank goodness we can now say Ukraine. So we're delighted.

But Congressman Cohen will be here, and our Senate colleagues also, and other House members. And, as always, there's so many conflicting meetings, but we want to – I want to proceed because this is so important and our honored guest has another commitment to leave.

With that in mind, we see that – the shocking stories every day – the flashing across television screens, newspaper headlines, and the latest updates buzzing on our phones – innocent individuals kidnapped and thrown into hellish captivity by murderous terrorists like the puppets of Iran Hamas, dictators who are – like the war criminal Vladimir Putin, and the heinous, barbaric oppressors around the world. All are designed to serve their evil aims of turning innocent people into human bargaining chips for destroying democracies and individuals' freedom through fear.

We live in a new world that I have labeled cellphone wars. It is – oppressors have weaponized our interconnected world and media. They leverage technology and global media to broadcast their captives' horror as part of their vile plans to undermine faith in democracies and our ability to protect free citizens. We must face a hard truth: Until we as democracies stand up and stand together with stronger measures to free captives and stop their seizure, the terrorists and dictators will continue to leverage hostages and political prisoners against us.

We are in a war we did not choose, with war criminal Putin invading Ukraine on February 24, 2022, and Iran's puppets invading Israel on October 7, this month. This is a war between dictators with rule of gun invading democracies with rule of law.

That is why we're here today. And I'm grateful to be here, ultimately, with Ranking Member Cohen and other esteemed experts and colleagues to find solutions and stronger ways of these – to end these horrific acts and to achieve peace through strength.

Ranking Member Cohen is a leader on these issues at the OSCE's Parliamentary Assembly, where he serves as the special representative for political prisoners. Last year, he and I introduced a bill to recognize October 30th as the International Day of Political Prisoners.

We all must realize that, beyond raising attention, new concrete actions need to be taken by America and other democratic governments. Too often, families of hostages, prisoners, even senior congressional leaders cannot get answers from the State Department or who – or why they

refuse to recognize leaders like Vladimir Kara-Murza as, quote, “wrongfully detained” while his conditions dangerously spiral in – out of control in Putin’s prisons.

I note for the record the State Department’s been officially invited to the hearing today, as they were to last month’s hearing on Vladimir Kara-Murza, who is so brave and courageous; and his wife, Evgenia, here today. Yet, it has not sent anyone from the headquarters just a few miles away to answer basic questions. We’re threatened with a(n) incredible, horrible situation facing Hamas hostages and Putin’s prisoners, with kidnapped infants and children including millions of Ukrainian women and children held captive on their own soil by Russian persons – troops. And other innocents are held in captivity with odd excuses or failures to act or answer questions are unacceptable.

The murderous Hamas puppets of Iran have unleashed unimaginable horror upon innocent Israeli infants, children, women, elderly, and all others. They’ve killed and brutalized only for the sake of killing and brutalizing. That is what the terrorists do to cause fear and fulfill their goal of having a murder of the Jewish people. We mourn every single innocent life that’s been lost and pray for the well-being of the loved ones left behind.

The terrorists have taken hostages, many innocent civilians who are – were going about their daily lives, including at least 13 Americans who are now captive. Thirty-three Americans, as Congressman Eldridge (sic; Emanuel) Cleaver will let you know, have sadly been murdered in – by the Iranian puppets in Israel.

The hearing will investigate the instruments we, the American government, has as our brothers – as our toolbox to help the captives. Over the years, we have held up – stood up several legislative efforts to address the exact numbers, but we have learned that they are not adequate. Too often, our government fails to act or to sit or answer questions, citing legal loopholes or definitions rather than acting. The Putins of the world, as we see, and the terror groups are taking Americans hostage. This will not stand. We need to have robust strategies and responses. And I believe we will and it will be bipartisan. Congressman Cleaver is with us today and Congresswoman Spartz, and so it’s bipartisan right now on behalf of the people of Ukraine and Israel. With that, we need a robust response.

And I’m grateful that we have with us Davyd Arakhamia, and he is a member of the parliamentary faction – leader of the Servant of the People Party, the chief Ukrainian negotiator for prisoners of war and abductees. And I was very grateful to meet with the parliamentarian in May in Kyiv. He has led the incredible challenge of negotiating to free innocent men, women, and children, and infants Russia’s army has kidnapped from Ukraine. There is perhaps no better person in the world today to describe the realities of confronting Putin’s dictatorial regime, which is willing to terrorize and sacrifice innocent lives. I recognize that we have a very important person with us today and thank you for being here, and we look forward to your testimony.

ARAKHAMIA: Thank you very much, dear Chairman Wilson, Co-Chair Cohen, and Victoria, and all other members of Commission, ladies and gentlemen, all people who are watching us.

I would like to thank, first of all, the Commission for this important hearing, because it's not only for the Commission; it's for the whole world to watch and for the whole world to react. We know, like, what's happening with Hamas hostages right now. Definitely, you know, like, I'll focus in my speech mostly about things that happening in Ukraine, but this doesn't mean that we only focus on Ukraine. We focus on all issues that's right now outstanding and getting hotter and hotter. We think that, you know, like, right now it's a historical moment where democracies have to be united against, you know, dictatorships. Basically, like, you know, it looks like we are in a pre-World War III, you know, where democracies have to be united and, you know, protect everybody who is suffering from these dictatorships.

Ukraine is fighting. You know, Ukraine is fighting every day. Most of the people think that Ukraine is fighting on, you know, an invisible format where you have artillery shots, where you have drone attacks. Since last three months, it became swarm drone attacks; 40, 50, sometimes 60 drones at a time are attacking single locations with one single goal, is to destroy – so to drain off all of our possibilities for air defense and then to destroy the targets. Primarily, those are civilian targets. Last year, they tried to do the blackout in the country, to target all the electrical plants. This year, they're going to repeat. But this year, unfortunately, they are more weaponized. Despite the sanctions, you know, they still managed somehow to increase the production of the missiles, drones, and all other things.

But there is invisible part of the war. I mean, it's not invisible; it's multidimensional. It's, like, only visible for certain people. Primarily, I'm talking about the children. We have a state-owned portal, Children of the War. I checked the number yesterday. Yesterday alone, there were registered 19,546 children who were deported or forcibly relocated by Russia – 19,500. Sounds a lot. But if you take a look to Moscow, what Moscow reports, Moscow officially reports and claims that it managed to relocate 744,000 children. So you see, like, this big difference. Why? They portray that this is an attempt to save young generation from the war, but this is not true because when we tried to investigate those stories, we've always identified that they change the names of these children. They put these children in some foster families. They put them in – you know, in special schools where they have compulsory so-called patriotic courses where they aim to twist the conscience on – you know, like, and impose the blind love to Russia and readiness to die for the President Putin.

So we think that this is a crime. And let me remind you that the forcible transfer of children, that was a main element of the crime of genocide in the act incriminated to Putin by the International Criminal Court, where we – the Criminal Court issued the search-warrant order.

And besides children, 28,000 adult civilians are currently, according to our records, considered missing under special circumstances where they deprive the personal liberty as a result of Russia armed aggression. And many of them are held in detention camps or prisons for foreigners, both on the temporarily occupied territories of Ukraine and those in Russia. Despite being peaceful and posing no harm, civilians become subject to torture – cruel, inhuman, and degrading treatment.

The most important thing for us that there is no humanitarian missions that they allow to visit and check and verify – no Red Cross, no human right protection organizations. They do not allow anyone to go and check the numbers, verify, get the registry, get the records, and so on.

In full, the same situation remains concerning the Ukrainian prisoners of the war. In full violation of Geneva Conventions, independent observers, in particular the representatives of the ICRC, are not allowed to access those people and those persons. They remain subject to humiliation and ill-treatment from the Russian staff.

Those are challenges that we are facing, but we are not – we continue to fight and we have two dimensions.

One is the military dimension where, you know, like, you can check it in the news. We would like – we would like – I would like to use the opportunity to ask you to support the funding request. Obviously, you know about this need.

But the second one is that to use your tool as a Commission to – first, to underline all those circumstances; second, to develop an action plan. I think that if we would together fight to have observers – maybe it could be third-party observers that Russia can at least try to allow to see – we would all have and own verified information on both sides so then we can address with a solution.

Thank you very much. And I would like, again, thank you for all the support that you gave to Ukraine, and I promise that we would continue to fight for the freedom and democracy in Ukraine.

WILSON: Thank you very much, Parliamentarian Arakhamia. And just – we just appreciate your courage. It's truly indicated.

We have, indeed, been joined. I'm very grateful again to show how bipartisan this is. The American people support the people of Ukraine. We support the people of Israel. We support the people of Taiwan.

And with that, I'd like to call on a(n) opening statement from our co-chair, Congressman Steve Cohen from Tennessee.

COHEN: Thank you, Mr. Chair. And I thank our witness for traveling all over to us and speaking, with other parliamentarians from Ukraine, with some of us yesterday afternoon.

Mr. Wilson and I have been very bipartisan in our support of Ukraine, realizing that Ukraine is a sovereign nation whose borders were infringed upon by Russia, that Russia had the intent to destroy the country of Ukraine – considering that Ukraine does not exist, that it's only part of Russia, and it's never been an independent country, and shouldn't be one. It's much analogous to Hamas and their credo that Israel doesn't exist, should be wiped off the map, and that they should be destroyed.

Putin wants a genocide in Ukraine. And he's committed all the acts that should have it designated as a genocide. And, Mr. Wilson and I have had bills to declare this a genocide, but for reticence in our State Department and some recalcitrance on their part it hasn't become law, unfortunately. It's clear what they've done. They tried to destroy the culture of the Ukrainian people. They've raped Ukrainian women, tortured Ukrainian prisoners, kidnapped Ukrainian children, and stated improperly and unfounded that Ukraine is not a nation.

Hamas is the same thing. They raped women. They decapitated people. They kidnap children and individuals ranging from the elderly to infants. And that you – Israel doesn't exist, and they don't want it to exist. And they've taken – kidnapped individuals who they have as hostages. There's so much alike in Hamas and Russia. They are bullies who want to control the people that they despise. And they do not understand any of the concepts of humanity, of getting along, and trying to make the world a better place.

I was appointed by our previous OSCE president, Ms. Cederfelt, as the special representative on political prisoners. And today, with the work of Congressman Wilson and I together, but Congress Wilson initiated it, this is, I think, World Political Prisoner Day, or give or take a day, right? And my charge is to bring the cases of political prisoners, of which Russia and Belarus are probably the two most egregious, to the world's attention. One of whom was my friend Vladimir Kara-Murza, who was a friend of this particular body and a friend of democracy, and resident here in America. He should have been declared, and should be declared, under the Levenson Act as wrongfully detained.

Once again, reticence on the State Department, which I cannot understand, I couldn't understand their tardiness in giving ATACMS and other weapons which are needed by the Ukrainians to fight off the Russians. Eventually they get around to it, but eventually is not good enough. The time is now. The time is now for political prisoners. I don't have any thought that Putin's going to let Vladimir out of prison, just like he's not going to let Navalny out. They oppose this corrupt oligarchical control leadership in Russia and would like to see Russia be democratic and free. That's what Navalny's about. That's what Kara-Murza's about. And that's what so many other political prisoners in Russia are about. He's not going to let them out.

Israel is going to have to free the prisoners they have to get the 200 hostages free. But in the long run, that's going to be a problem. Many of the Hamas that came into the kibbutzes spoke Hebrew fluently because they'd been prisoners and they'd learned how to speak Hebrew in an efficient way. And they were effective and efficient terrorists, killing people and getting in. The head of Hamas spent 20 years in an Israeli prison. You let them out, they're just worse. And they come back to haunt you. And that's going to have to happen.

I want the hostages to be freed. I want our political prisoners to be freed. I see Evgenia here, and, you know, as I spoke to you, it's just – I feel for you and your children not having Vladimir. And I want to do everything I can. He told me once, he said the worst thing for political prisoners, to be forgotten, because their conscience is what drives them to the positions they take that makes them political prisoners and puts them in the gulag. And that conscience is something that people need to remember. And it needs to be brought before

people's minds, the kind of people that we have in this country still who are willing to sacrifice their freedom for an idea. And the idea is freedom.

And we're about to lose it in America. Part of the problem we've got here has been, continues to be, and will be unless we win this next election, Donald Trump. That's the reason why a lot of Republicans are falling off in support for Ukraine, because Trump won the election of 2016 with Putin's help, with the help of the social media factory in St. Petersburg. And that's why they want it. And he wants to put the same team together. And if Putin is his friend and Putin will help him try to win the 2024 election.

Joe Wilson, and Mike McCaul, and Mike Turner, and some other Republicans are very strong in support for Ukraine. I'm afraid they're not a majority. I'm afraid the candidate they have up today is not for getting Ukraine funding. Whether he will support the package because Israel's in it and his Evangelical friends want us all to go back to Israel to be in the rapture, and that's important to him, so be it. He's for Israel. We'll deal with him at the rapture time. But he's not for Ukraine funding. So I think we're at a critical point, and hopefully we'll overcome it and we will see something occur that's – but Trump is a problem. Trump's a problem to freedom everywhere in the world, and a problem with honesty, decency, the rule of law, and due process. That's all I got to say about bipartisanship now.

I yield back the balance of my time. (Laughs.)

WILSON: Mr. Co-Chairman, thank you, sort of. (Laughter.) I mean, no, hey, democracy everybody's not going to agree, OK? And the bottom line, but we – hey, again, bipartisan.

We've been joined by Congresswoman Kathy Manning, from my sister state of North Carolina. So we're – and so we can work together. And, indeed, Parliamentarian Arakhamia, I'm going to defer to let Congresswoman Spartz – hey, what a symbol. We could tell you that we have great affection for the people of Ukraine. We have affection for people who – formerly of the Soviet Union. And we even had hopes for the people of the Russian Federation. But we have a living example of one serving here.

But before we begin, I do have to say one thing, OK, concerning President Donald Trump. He can be assaulted by reality. He was the one who sent Javelin missiles to Ukraine, against the advice. He's the one who remarkably put American troops in Poland, which is an incredible move of American defensive capability. He is the person who warned Chancellor Angela Merkel that Nord Stream 2 was capitulation to Putin and should be blocked. And so I – and also he is the one who had the guts and courage to move the American embassy from Tel Aviv to Jerusalem, to recognize the Golan Heights. And so President Trump, if he is reelected, actually Congressman Cohen and I will be right there cheering him on the good policies he has.

So with that in mind, we now – OK. (Laughter.) See, look at that. See, I've already converted him. Anyway, no, I didn't do that. You're still a good Democrat. Pardon me. Anyway, hey, Congresswoman Spartz.

SPARTZ: Thank you, Mr. Chairman. As much as deliberation and disagreements we have here, we're still a free country. And I disagree with Representative Cohen, but I respect his opinion. And I have to tell you something, that it is very important for us to be able to disagree but do things when it is in our national interest. And I truly believe that we will come together, Republicans and Democrats. And all of us understand that it is in our national interest for Ukraine and Israel to defeat very aggressive, and tyrannical, and really terrorist groups that now try to destabilize the whole world and kill a lot of people, millions of lives.

And I'll be honest with you, I think there is just something that Republicans feel that President Biden needs to save this republic too. And we need to secure our border and dealing with crushing debt, because if America is not strong there is no hope for anyone else. So I think we'll come to consensus and agreement that we need to do both and do things for our country. But just kind of talking – you know, we'll get off our political debates and deliberation, and I think we'll have a good speaker soon, and then we'll have more deliberation.

Just talking, you know, a lot of people don't understand that, you know, that Ukraine is very multinational country. And you're kind of a testament to that. A lot of people don't understand that you were born in Russia, you have a Georgian heritage according to your last name, and you understand what it is, what is at stake. You know, it's nothing to do with the territories or protecting anyone. It's really people that believe in freedoms, want to stand up and die for those freedoms. And unfortunately, a lot of Ukrainians are dying. And unfortunately, you know, countries go through this, because when you get tyranny it's very difficult to get back from dictatorship.

And I grew up in the Soviet Union, now Ukraine, but I understand what it is. And I understand what our founding fathers did for us. So I think Ukrainian people is, like, founding fathers of the United States of America. And I think you are going to be very strong republic. And American people will stand and help, you know, because American people stand for freedoms and always will, and stand with our lives.

But my question is for you. You know, what do you think we could do better to help? Because there are a lot of terrible things happening. And, you know, we get busy with a lot of things and politics and debates and election. But we have real lives that that getting destroyed in many countries. And I think we have to come together to do better. What do you think would be helpful for us, and maybe too you could share some of the things and policies beyond resolutions, we do a lot of resolutions, that we maybe need to do to help, because there are some people are really suffering. And we can help these people to – you know, to survive this brutality.

ARAKHAMIA: You know, U.S. is already doing a lot, both on the security side and both on the humanitarian side as well. We believe that, you know, the main power of the U.S. is U.S. can unite and continue to, you know, reunite the coalition of our partners. Because, you know, like, in European Union is not that flat. We have Hungary, which is always, like, trying to, you know, to pronounce Putin's narratives inside the European Union. We have – they also have a lot of election processes next year. For example, in Slovakia there is, like, a pro-Russian

party already vote in the elections. So we already feeling this kind of vibes, negative vibes, you know, like, pro-Russian vibes inside the European Union.

And I think that U.S. is already – holds the leadership and this process. We just, like, want U.S. to have, like, more actively participate in this process to continue and keep people united, you know, against the Russian Federation. Because you see that first year was really firm. Second year was softer, because people start to think about the money. So Russia found numerous ways how to avoid sanctions through different proxy countries. And unfortunately, you know, like, we – the speed of our – you know, as a united coalition – the speed of our reaction is not comparable with the speed of their inventions how to avoid sanctions.

And those are, you know, like, clear statements. If you go to State Department and ask for the stats, you will see that they are changing really rapidly. And we are reacting really slowly, because we have to talk, we have to agree with all of us, you know, like so. If we could speed up those processes and, you know, try to tight those sanctions processes for the critical components – like rockets, missiles, drones – which are bringing the most damage to civilians right now. So that would be really helpful.

SPARTZ: Thank you so much.

WILSON: Thank you for yielding back again.

Another living example of our appreciation of people of Central and Eastern Europe, we've been joined by Congressman Michael Lawler of New York. He was bright enough to marry a beautiful young lady from Moldova. And I give him credit, as I do my oldest son, Alan Wilson, the attorney general of South Carolina. He was smart enough to marry a beautiful Polish American. So hey, over and over again you see a connection.

And then we have superstars like Congressman Emanuel Cleaver here, all the way from Missouri. Congressman Cleaver.

CLEAVER: Thank you, Mr. Chairman.

Let me, first of all, express appreciation to you for all of the just causes that you have involved yourself in over time, including the Madiba, Nelson Mandela, who was imprisoned wrongly. But what I'm – what I'm wanting you to help me fix that in my mind is the difference – because of what's going on right now – and with Hamas. What is the difference between a political prisoner and a hostage?

ARAKHAMIA: I'll try to answer. A political prisoner is mostly a person which the power on another side treats him as a risky factor to destabilize the regime. And the hostage is the person which has – might have no political interest, no political role, but just a civilian who was taken out, you know, and getting tortured, or misplaced, and shot. So I think that the main reason is, like, this political component. So, like, the hostage could be political prison. And the hostage – but the hostage alone could be non-political prisoner, just a hostage as a civilian who was taken.

CLEAVER: So Mandela would have been a political prisoner? Is that – yeah. This is something I'm interested in dealing with. The other issue, you know, maybe much more importantly, is what is different now? Or is there a difference in Eastern Europe in the – in the way Russia is perceived as it – or juxtaposed to how the Soviet Union was perceived? I mean, with all the instability, what is the difference that people can feel in Eastern Europe? Is the threat level higher? Has life changed, what?

ARAKHAMIA: Russia is trying to build a country which is like a kingdom, when there is a one king who decides for everyone in the country. All other countries, democratic countries, yeah, like Ukrainians, we do not have any kings. We do not have any respect to – you know, like to people who try to monopolize the power. So we would like to live freedom life, where democratic values is the main value, where the life of the human and his freedom is main value. And that's what we are fighting for.

And when other countries are trying to be close to Russia, they immediately feel this. Like Georgia is my Motherland. Georgia now is really pro-Russian. And people are super – so the power, the government, is pro-Russian. But people are, you know, like anti-Russian so much. So even when the Russian ship – cruise ship, normal civilian cruise ship, is being – you know, is coming to the city, they, like, just completely – there are so many protests, people are fighting, people have demonstrations, and so on. Because they feel they don't want Russia to come closer, because they already had this in 2008. They had this war. They know what is the price for so-called Russian values.

CLEAVER: What I don't what I don't understand is, in the Middle East, I mean, we can go the boundaries for Israel, based on Torah, based on tradition. And I'm wondering, what does – you may not be able to even answer this. I mean, I should probably ask Putin. But what does he base his constant statements on about that Ukraine is a part of Russia? I mean, I know about during the Soviet Union and iron curtain and so forth, but is there any logic in there? History that we don't know about?

ARAKHAMIA: It's just propaganda, because actually Ukraine is the mother of Russia. It's the Kyiv Rus. So Russia was just, like, a swamp. Moscow was nonexistent when the Kyiv Rus was already historical center of civilization. But for Putin, you know, because he's, like, very good at propaganda, we should confirm this. You know, like, I think Russia holds second place in the world for propaganda. Number one is North Korea. And the number two is Russia.

So that's why you know, like, a lot of people are believing. I can tell you, like, we have a report by our intel showing that Russians are now buying out the real social media accounts – U.S. social media accounts, in Twitter, in other places, just to, you know, like, to put this in comments so people reading the Twitter, they see in the comments, they started to believe these stories. So that's just a weapon that – you know, 21st-century weapon that we should somehow also stop.

CLEAVER: I agree. Thank you, Mr. Chairman.

WILSON: And thank you, Congressman Emanuel Cleaver.

And indeed, this first panel will come conclude. But parliamentarian Arakhamia, thank you so much for your courage. The courage of the people of Ukraine is an inspiration to the world. And it is being recognized worldwide. The thought that – who would ever imagine that Sweden would give up 200 years of neutrality to join NATO? Who would ever imagine that Finland, with an 830-mile border, would join NATO? And, indeed, something that would be helpful to us is for our NATO allies all to really achieve the 2 percent of expenditures for self-defense for military.

And then it spreads around the world. Indeed, South Korea, and Japan are establishing every effort to really increase the size of their militaries, the capabilities of their militaries. And we'll be meeting even this week with the Prime Minister of Australia. And so worldwide there's a recognition of the bravery of the people of Ukraine. And they should understand that democracies are facing the dictators and will face the dictators, despite whatever detractors that we could find in any other political party. With that, again, we'd like to thank you. And we will now welcome the second panel. Hey, clap. (Applause.)

(Break.)

WILSON: And, ladies and gentlemen, we should resume with the hearing today concerning political prisoners, captive individuals, hostages around the world. With that in mind, even before we begin I'd like to recognize two individuals here who can bring, sadly, a real-world understanding of how imminent – this month, October 7, the incredible tragedy, the invasion and mass murder of that day. With us we have Noam Perry, the daughter of 72-year-old Haim Perry, taken hostage by the Iranian puppets. And indeed, Noam represents all families of the Kibbutz Nif Ozsmall (sic; Nir Oz) and – by the Gaza border, where 73 civilians were abducted and kidnapped. And so please stand. Thank you. And also, so brave Dona Raich Levi (ph), spokesman for the hostages of missing families. And both of you stand, and we just appreciate your courage, and we recognize you. (Applause.)

And to me, it's just incredible. Here we are in the 21st century. We're talking about an invasion by Putin, the massacring of people that I saw, we saw in Bucha, where they were buried in shallow graves. And now, October the 7th, which I was really grateful to be at the NATO Parliamentary Assembly in Copenhagen, again, to show the unity around the world. And that is that at Copenhagen, the prime minister of Denmark recognized and identified that October 7th, is the combination of 9/11 and Pearl Harbor. And so this is a recognition that needs to be understood by people worldwide of the conflict, of the invasion of dictators against democracies. Do thank you for being here today.

Our second panel is so welcome and extraordinary. We have Irwin Cotler, who is the chair of the Wallenberg Centre for Human Rights, former minister of justice and attorney general of Canada. Last week's hearing featured a witness who had literally written the book about the puppet Hamas – puppets of Iran. In addition to his esteemed writings representing political leaders, like Israel's Natan Sharansky and Nelson Mandela, Professor Cotler is a symbol – of, a

subject on the new documentary film on his decades-long work for freedom. And we're so grateful for you to be here, Doctor. Thank you. (Applause.)

Additionally, we have – and we got so many superstars here, this is great. So thank you. Hey, because – hey, the world is substantially, not all, united. With this in mind, we have Jared Genser and also Evgenia Kara-Murza. We're so grateful. Mr. Genser is an international human rights attorney and managing director of Perseus Strategies. Mr. Genser literally wrote many of the key provisions of a major American law seeking to free the wrongfully detained, called the Levinson Act. And this – he has directed, and represented, and freed many hostages and political prisoners around the world.

Ms. Kara-Murza is a symbol of freedom and democracy, for you and your husband, Vladimir. We appreciate you, the advocacy director for the Free Russia Foundation. You need no introduction to the members of this Commission, but we want the world to know that we appreciate you for the inspiring leadership for your husband, and for others who have been imprisoned globally. We look forward to working with you and our allies to continue to raise these issues until your husband, Vladimir, is freed from Putin's prison, and also all political prisoners are freed.

I want to thank the witnesses for their time. And we'll begin each with five minutes. And then we'll begin five-minute questioning by members of the panel, beginning with our very honorable Co-chair Steve Cohen. So we begin with Dr. Cotler.

COTLER: Thank you, Mr. Chairman. I'm delighted to be here and to join my colleague, Jared Genser and Evgenia Kara-Murza, in the common cause which brings us together, the pursuit of justice on behalf of political prisoners and hostages as well as accountability for the major human rights violations and mass atrocities committed both in Russia's criminal aggression against Ukraine and Hamas' criminal aggression against Israeli civilians. The last time I appeared before this body, I was actually here together with Vladimir Kara-Murza, at the time. As we meet today, he is languishing in the Soviet gulag.

His crime? Telling the truth, both about Russia's domestic repression and its external aggression. His trial? Kafkaesque, presided over by a judge who was himself the target of Magnitsky sanctions. The verdict? Twenty-five years in prison, high treason. I might add, an implementation of the Stalinist dictum: Give us the person and we will find the crime. Indeed, we meet at a historical inflection moment today, where we are experiencing – witnessing not only a resurgent, global authoritarianism, but the metastasizing of the axis of evil, of mass atrocities, of political prisoners as a looking glass on the one hand and the hostages as a looking glass on the other.

And where these acts of criminal aggression have been attended – and I don't use these words lightly – by war crimes, crimes against humanity, and even mass atrocities constitutive of acts of genocide. And so at times such as these, we have to ask ourselves: What is it that we can, what is it that we must do? For reasons of time, I'm going to just enumerate a number of actions that can be taken with respect to each of the criminal aggressions. Let me begin in the matter of Russia's criminal aggression against Ukraine, using Vladimir Kara-Murza as a case

study. And, might I add parenthetically, I'm also here as a special envoy on behalf of the Parliamentary Assembly of the Community of Democracies in Vladimir Kara-Murza's case and cause.

Number one, we need to have bipartisan, nonpartisan, parliamentary coalitions on behalf of political prisoners like Vladimir Kara-Murza. In Canada, this nonpartisan coalition resulted in him recently being named Canada's seventh honorary citizen. And we have established an ongoing all-party parliamentary coalition in that regard, and we are seeking to have that in each of the Community of Democracies. Second, and reference has been made to this, he should be declared an arbitrarily detained person under the American legislation. Number third, we need to support the arrest warrants before the ICC in this regard. Number four establish an independent international criminal tribunal for the crime of aggression in Ukraine, because there is no other jurisdiction or authority that can hold Putin, the military, and political leadership, accountable.

Number five, call upon state parties to the Genocide Convention to prevent, protect against, and punish all those involved in a breach of the Genocide Convention. And that occurs both, we suspect, to Russia's criminal aggression against Ukraine and Hamas's criminal aggression – aided in this axis of evil by Iran. Number six, make representations to the U.N. special procedures, like the Working Group on Arbitrary Detention. Number seven, mobilize the parties. We have more now than 72 state parties to the international Declaration on Arbitrary Detention in state-to-state relations. The four foreign ministers, which included foreign minister of Canada and United States, Secretary of State Blinken, recently convened together to implement that declaration. We need to mobilize it at this point on behalf of political prisoners.

Number eight, to enhance the imposition of Magnitsky sanctions, where those Magnitsky sanctions must also be applied. Number nine, call for the immediate release of Vladimir Kara-Murza, who's suffering from a polyneuropathy disease which, under Russian law, mandates that he be released from prison. And so call upon the Russians to abide by their own legal responsibilities domestically and internationally. And finally, use all the OSCE mechanisms for that purpose.

Let me close by saying that we meet at another historical inflection moment in the shadow of the worst day in Jewish history since the holocaust, of horrors too terrible to be believed but not too terrible to have happened. Where Hamas is not just a prohibited terrorist organization under American law and Canadian law, it's a genocidal antisemitic terrorist government. Not because I say so, but because they say so, where they have affirmed their own charter in 1988 founding charter again and again, calling for the destruction of Israel and the killing of all Jews wherever they may be. And where the hostages are a looking glass into those mass atrocities, into those standing violations of the most foundational norms of international human rights, humanitarian and criminal law, as we meet.

And so I close by saying that at times such as these – (inaudible). Whoever remains indifferent indicts himself or herself. The U.S. can take the lead in organizing a multilateral coalition for the immediate and unconditional release of the hostages. To invoke the ICC and have arrest warrants here for that purpose. To hold accountable enablers like Qatar and Turkey, who have been giving base and sanctuary for Hamas leaders.

In a word, as the families of the hostages have called upon us to do – and you’ve made reference to Noam who’s here, and we’ve been meeting with her these last few days – they have asked us to be their voice. And so it is our responsibility, the Community of Democracies, each of us individually and collectively, to speak on behalf of those who cannot be heard, to bear witness on behalf of those who cannot testify, to act on behalf of those who have put their lives on the line and who, as we meet, we have the elderly, the disabled, the six toddlers, et cetera, all hostages. And so we have to make this a priority in our domestic and foreign policy as a matter of principle and policy. Thank you.

WILSON: And, indeed, Attorney General Cotler, thank you for your passion. Thank you for your success. It’s so refreshing to see the United States and Canada, beloved neighbors – you said community. We’re neighbors. And so it’s so close, a family. And so together as we face dictators around the world.

With that, Mr. Genser, please.

GENSER: Chairman Wilson, Co-Chairman Cohen, and distinguished members of the Helsinki Commission, my name is Jared Genser. I’m an international human rights lawyer based in Washington, best known over my two-decade career in working to free political prisoners around the world. And a subset of those have been wrongly detained Americans in countries including Burma, Cambodia, China, Cuba, Iran, and Nicaragua.

With limited time today I’m going to focus on two aspects of my testimony. You have a more complete version of it, I believe, in front of you. But I want to talk about two topics. One is the ending of state-sponsored hostage taking. And the second relates to amendments that I believe need to be made to the Levinson Act, which is the framework for addressing these issues under U.S. law. I’ve represented numerous Americans who have been grabbed by authoritarian regimes over my career. And the most important thing that I’ve learned from these cases is that once an American has been grabbed, it is too late. Why? Because the U.S. never imposes any serious consequences for their detention, and it can take months to years for the U.S. to do what is necessary to bring them home.

The only hope for ending this deplorable practice is to disrupt the value proposition for state-sponsored hostage taking and to create draconian consequences for states that engage in it. In July of 2022, I published an op-ed in The Wall Street Journal, which I’d like to be included in the record, proposing President Biden announce the development of a new multilateral agreement that would include several key elements. First, it should be grounded in the principle of collective defense, establishing that a hostage taken from one signatory amounts to a hostage taken from all. In other words, the proverbial individual stick will break easily, but a bundle of sticks will not. And, second, it should identify specific actions that each signatory can take individually and collectively when a national of any signatory is taken.

In a model agreement that I’ve drafted and have had the opportunity to discuss both with Secretary Blinken and National Security Adviser Sullivan, I’ve listed 11 actions states may take if one hostage is taken by a government, such as public condemnations, cancellation of official

visits, and the imposition of targeted sanctions on perpetrators. And I've identified another 15 action states might take if a government engages in a pattern of hostage taking, such as opposing perpetrating states candidates for positions in multilateral institutions, restricting government loans, and suspending and blocking economic assistance, development assistance, or security assistance. While I'd welcome any new ideas to solve this problem, it has been forty-five years since the U.S. embassy was taken over in Tehran in 1979. And to me, the only hope that we have for deterring this practice is disrupting the value proposition at its source because, as I said, once an American is taken, it is too late.

Let me just use the balance of my time to talk about the Levinson Act, which, as you know, was adopted in 2020 and signed into law. And it specifically says that secretary of state, quote, "shall review the cases of U.S. nationals detained abroad," to determine if there is, quote, "credible information" that they are, quote, "unlawfully or wrongfully detained," based on 11 specific criteria. I'm pleased to have made a contribution to drafting a number of those criteria myself that were passed in other forms several times before making it into the Levinson Act. And if a conclusion is reached that a person is unlawfully or wrongfully detained, based on a totality of the circumstances, the case is supposed to immediately be then transferred from consular affairs to the office of the special presidential envoy on hostage affairs.

The adoption of the Levinson Act gave great hope to lawyers like myself, who had struggled to help – get help for wrongly detained Americans. And there are a number of improvements that can be made. Specifically, improvements in the process. Right now, the determination process is facilitated by the Bureau of Consular Affairs, and it is opaque, inaccessible by families, and of an undetermined length. And in my view, the law should be amended to require that in all such cases where family asks to engage on a potential designation, that there should be somebody assigned by the State Department to be a liaison with them and their advocates and to engage in ongoing information sharing and discussions.

I also believe the law should require an initial determination to be made within 60 days of a U.S. national's detention, and that results of reviews have to be provided in writing. And I also believe that a family, at its request, should be able to request a fresh review every six months from when the last letter might have been issued that a person was not so designated. I also believe we need to limit the determination to the application of identified criteria. Right now, there are 11 criteria there are there which are listed, in essence, as optional to be applied. And I would want those criteria to be limited to that list.

And the reason is because I've had a lot of experience with various cases, the most high-profile one being that of a Cambodian American, Theary Seng, who has a six-year prison sentence in Cambodia for literally posting to Facebook posts critical of the prime minister of the country. Here, we have as straightforward a case as you can imagine. The U.N. has said she's illegally detained. The American Bar Association, including Foundation for Justice, gave her case a rating of an F. Secretary Blinken and President Biden both went to Cambodia on separate occasions and actually called for her release directly to the prime minister of the country. And yet, the current position of the U.S. government is simultaneously that her detention is politically motivated and unjust, and yet not wrongful or unlawful. And if you can square that circle, I would be very impressed.

Let me just conclude by just noting very quickly that I also believe the Levinson Act has to be amended to make sure there's no discrimination against Americans who have second or third nationalities. Right now, that is not as clear as it needs to be. I also think the definition of a hostage needs to be clarified, as I provide in my written testimony as well. And so let me just conclude by saying that while I think the U.S. does a better job than any country in the world on these issues, helping our nationals abroad, there's a lot more that we can do. Thank you very much.

WILSON: Thank you very much, Mr. Genser. And we do thank you for your past success on legislative interpretation, and whatever amendments we need to proceed. And, again, it will be bipartisan that we look forward to working with you.

And indeed, we're so fortunate our final witness is a world-respected hero of a world-respected and beloved individual who stood up for freedom for the people of Russia, Evgenia Kara-Murz. (Applause.)

KARA-MURZA: Mr. Chair, Mr. Co-chair, distinguished members of the Helsinki Commission, I thank you for this opportunity to be able to address you today. A little over two weeks ago, the world saw the Russian Army commit to yet another war crime in Ukraine, killing over 50 civilians, including an eight-year-old child, in one single airstrike. With Israel under horrific attack by Hamas and the entire ethnic Armenian population of Nagorno-Karabakh fleeing to neighboring Armenia after Azerbaijan assumed control of the enclave, we see how fast aggression and violence in its many shapes and forms is spreading in all directions.

In the report released in Vienna on September the 22nd of last year, following the invocation of the Moscow mechanism by 38 OSCE participating states to assess the situation with human rights in Russia, OSCE Rapporteur Professor Nussberger came to the conclusion that, and I quote, "repression on the inside and the war on the outside are connected to each other as if in a communicating tube," end of quote. Today, according to the very conservative numbers by Memorial, co-laureate of the 2022 Nobel Peace Prize, the list of political prisoners in the Russian Federation counts over 600 people. And this year marks the 20th anniversary of the imprisonment of Alexey Pichugin, the last hostage of the Yukos case, held behind bars in violation of two decisions by the European Court of Human Rights.

OVD-Info, an independent media project on political persecution in Russia, was able to establish that among around 20,000 unlawfully detained since February 2022, there were at least 565 minors. And criminal proceedings were opened against at least nine of them before they reached the age of 18, including against 16-year-old Nikita Uvarov, who was sentenced to five years in prison for planning to blow up a virtual FSB building in the computer game Minecraft. With a goal to eradicate dissent and scare people into silence, the regime has brought back the entire arsenal of Soviet-style repressive instruments, including punitive psychiatry, torture, extreme violence, sexual violence, and de facto deprivation of parental rights.

As the first-ever U.N. special rapporteur on human rights in the Russian Federation Marina Katzarova concluded in a recent report, the situation in Russia has signaled, and I quote,

“an effective closure of the civic space.” It is important to realize that with all independent media banned and blocked, civil society institutions destroyed, and international observers and rapporteurs consistently denied entry to the country, we have only a vague idea of the scale of repression in the country. In this context, it is hard to overestimate the importance of the work and supporting such work, including financing of lawyers, civil society groups, and independent journalists who are doing their best to monitor the situation and report countless human rights abuses against all odds.

One important project I have to mention in this regard is Poshepallon (ph), launched by Free Russia Foundation in June of 2022. That is specifically dedicated to the search of Ukrainian war prisoners and Ukrainian civilian hostages held in Russian prisons. Based on signed cooperation memorandums, our project works closely with the Ukrainian coordination headquarters for war prisoners affairs and the Ukrainian ombudsman for civilian hostages. Since its launch in June of 2022, the project has received thousands of requests submitted by family members of Ukrainian war prisoners and Ukrainian civilian hostages. And thanks to a network of dedicated and brave Russian lawyers working on the ground, the project was able to locate hundreds of these people.

Lawyers are often political prisoners’ only connection to the world outside. And with visits and phone calls by family members often denied. They are the only ones who can make sure the prisoner is still alive and at least the bare minimum of his or her needs is met. Yesterday, when Professor Cotler was being awarded by the Lantos Foundation for his truly awe-inspiring, lifelong work, Congressman McGovern spoke about the importance of such work. Defending human rights defenders he called it. And that is the reason we’re seeing a new wave of repression against lawyers in Russia.

My husband, Vladimir Kara-Murza, joined the Memorial list of political prisoners in April of 2022. And I believe he’s still alive today because of the international attention, combined with his lawyer’s commitment to be there for him despite all odds. Designated as a foreign agent by the Russian state, Vladimir was sentenced to 25 years of strict regime for disseminating so-called knowingly false information about the Russian army, working with a so-called undesirable organization and, to top it off, for betraying his country in five speeches that he made on different international platforms, including here at the U.S. Congress, raising awareness about political repression in Russia and condemning the criminal war against Ukraine.

Since September the 21st of this year, my husband has been held in a punishment cell of a maximum security prison colony in Siberia, about 2,000 miles away from Moscow. A man who has survived two assassination attacks by FSB operatives, and is suffering from a serious medical condition because of that, is being held in complete isolation in a cell that measures 10 feet by five feet, with a bed that is affixed to the wall from 6:00 a.m. to 10 p.m. every day. After Vladimir’s verdict in April of this year, over 80 U.S. senators and U.S. representatives signed a letter addressed to State Secretary Blinken asking him to designate Vladimir as wrongfully detained. A month ago, following a hearing held at the Helsinki Commission, Congressman Wilson and Cohen introduced a bill requiring the secretary of state to determine whether my husband has been wrongfully detained.

Vladimir's and my daughter, Sonya, spoke at that hearing about her father, and sent a heartfelt appeal to the U.S. government to bring her dad back. And yet, despite all of this, in over 18 months since my husband's arrest, the U.S. government has not been able to determine whether he's been wrongfully detained or not. Since Vladimir fits the criteria established by the Levinson Act, there can only be – there can only be two explanation for the inaction. Either the system doesn't work properly and needs to be fine-tuned, or the U.S. government truly believes that my husband – a decades' long human rights fighter, laureate of the 2022 Vaclav Havel Human Rights, and a fierce campaigner for the Magnitsky sanctions – has indeed been detained and sentenced to 25 years in strict regime for a good reason.

I choose to be an optimist because, as Abraham Lincoln said, I don't see the point in being anything else. I choose to believe that it is a flaw in the system that can be fixed. And in that regard, in over 18 months of campaigning to raise awareness about the plight of political prisoners, I've come to realize that democratic countries are generally not very well equipped to deal with the ever-rising problem of political prisoners and hostage taking. Dictators work together, learning from each other and sharing well-oiled repressive tools. Shouldn't democratic countries also work together to counter such malign practices? In the words of Eleanor Roosevelt, when will our consciences grow so tender that we will act to prevent human misery rather than avenge it?

I believe that the establishment of offices of political prisoners and hostage affairs in other democracies would not only be a more responsible, consistent, and adequate way to address the issue, but could help these countries bring their efforts together to not only deal with existing cases but to create and fine tune a set of instruments to prevent and counter such practices in the future. Democracies should learn to be more proactive instead of only doing damage control, especially when human lives hang in the balance. As we are approaching the international day of political prisoners on October the 30th, the day when several prisoners of conscience including my husband will be holding a hunger strike in Russian prisons, I call on the U.S. government to fight harder for the release of those who risked their lives to defend the principles this great country is built on. Thank you very much.

WILSON: Thank you very much, Ms. Kara-Murza. And you and your husband indeed are an inspiration to persons such as myself, who have a deep affection for the people of Russia. With visits that I've had from Chelyabinsk, to Novosibirsk, to Moscow, to St. Petersburg, I just was so impressed by the beautiful culture, the art, literature, architecture. What a bright future Russia could have. And thank you for standing up for a free Russia.

With that, we now proceed to Congressman Cohen. And each person will have a very strict five-minute participation, because I want to make sure that Congresswoman Manning gets to get five minutes. Thank you very much.

COHEN: Thank you, Mr. Chair.

Ms. Kara-Murza, you've – and the panel – have done a marvelous job of bringing up issues which need to be addressed by America and other democracies. And thank each of you for being here and for making your remarks and your suggestions. When we last were together,

the Commission made clear that we wanted to see Vladimir designated as wrongfully detained. Have you had any contact with the State Department since that hearing?

KARA-MURZA: No, unfortunately, I haven't had.

COHEN: Have you attempted to?

KARA-MURZA: I'm always open to contact. I'm always open to anything they might be willing to share with me, as to where their efforts go. But nothing has – no progress has been made, as far as I know.

COHEN: It's difficult for us to get them to respond too. Sometimes I think they're a foreign nation, because the efforts to have them respond have been nil. And it's very frustrating. I know Mr. Blinken, Secretary Blinken, has the right values. But he doesn't act. Without action, values are limited.

Mr. Genser, you've talked about changes to the Levinson Act. I know there are many that are there that you suggest. What do you think would be an effective way to get the State Department to respond, to get Levinson Act to be such that it's more effective?

GENSER: Yeah, I mean, I think you only learn when the legislation is actually being implemented what the gaps are going to be between the aspiration and the reality. And I think that we've seen a lot of – a lot of challenges with Levinson Act and its implementation. You know, there are other cases we've – of course, I've mentioned Theory Seng in Cambodia and Vladimir's cases. It's just as emblematic as Theory's case as well. But I also know cases of Americans who have been, for example, the subject of decisions of the U.N. calling them held illegally in Saudi Arabia who have not been designated. Another case, as well in the UAE. And so, you know, we need to close those gaps.

And so, I think we need some forcing mechanisms here in terms of amendments to the Levinson Act. I think requiring a person to be actually assigned to the job of working with a family and their advocates is really, really important. In the year and a half I've been working on Theory Seng's case, so similar timeframe as Vladimir's, literally I can't find a human being at the State Department willing to talk to me about why they came up with the determination that they did. And, you know, any time I try to reach out to various parts of the State Department, I'm always sent back to the consular official in Phnom Penh, who has no ability to have any conversation about the substance of the Levinson Act determination process.

COHEN: Thank you for your work. I appreciate it.

Professor, you're a hero. Somebody I have great admiration for. And thank you for your lifetime's work. I hope to fashion myself as best I can in the same model that you have. But there are times – Evgenia said – you know, Lincoln said there's no other alternative than to be an optimist. Elie Wiesel said, you know, you can't have – despair can't be the answer; it must be hope. I get that.

But with Putin, what can be done to make Putin respond and act like a reasonable human being? And, you know, you mentioned that neuropathy is Russian law, you're supposed to be – well, Putin doesn't care about Russian law. Putin is the law. What can we realistically do with Putin to try to get him to release prisoners or to –

COTLER: Well, I think we have to, in fact, pursue, as I say, not only justice for victims, but accountability. And in this case, the importance of having an independent international tribunal for the crime of aggression, leadership crimes, as the Nuremberg Tribunal called it. Where the military and political leadership in Putin's Russia can therefore be held accountable, because the ICC and other bodies do not have that jurisdiction. And I might add, parenthetically, because reference was made and we've been talking about declaring him an arbitrarily detained person, Vladimir – under the Levinson Act. If a country like Canada, which as has been mentioned, is not only part – a partner in the Community of Democracies with U.S., not only a neighbor, but we are like family – if we could get both houses of the Canadian Parliament, as we did, both the House of Commons and the Senate, to unanimously – unanimously – confer upon Vladimir Kara-Murza honorary citizenship, the least you would think that our neighbor in the U.S. can do is have him declared an arbitrarily detained person.

Sometimes it's good for the U.S. to follow Canada's example, as Canada has often followed the U.S. example. That kind of joint leadership and the leadership of the Community of Democracies, where we should not have a situation, like we recently witnessed, where somebody like Putin, who is under an international arrest warrant, is welcomed by Xi Jinping in China, who has an obligation to, in fact, enforce that arrest warrant. But, in fact, welcomes Putin. So what we need is to combat this corrosive axis of evil by an intensified partnership amongst the Community of Democracies.

COHEN: Thank you, sir. My five minutes are up. But I think we need to remember another Canadian, Leonard Cohen, who wrote about the crack in the wall where the light gets in. We got to find that crack. I yield back.

COTLER: I might add, parenthetically, Leonard Cohen was a close friend and a lifelong colleague of mine.

WILSON: And thank you, Congressman Steve Cohen. And it's not a surprise that there are a number of Cohens of distinction. (Laughter.)

And so – and we now proceed to Congressman Mike Lawler of New York.

LAWLER: Thank you, Chairman.

Certainly, what we've witnessed in the last few years is an unholy alliance between Russia, Iran, China, and North Korea. They have sought to destabilize the free world. They have sought to undermine the United States and our allies. And in doing so, especially with Vladimir Putin and the Iranian-backed Hamas terrorist attacks in Israel, have committed serious war crimes and atrocities that cannot go on punished. What tools are there at the international

level to hold Hamas accountable, to hold Iran accountable, to hold Vladimir Putin and Russia accountable? And what would you like to see done? Mr. Cotler.

COTLER: Well, you mentioned at this point about an unholy alliance. And there is this metastasizing axis of evil. And I've sought to share with you some of the interrelationships here, but international human rights and humanitarian law, both in the cases of Russia's criminal aggression in Ukraine and Hamas' criminal aggression against Israeli civilians, these are the supreme crimes in international human rights and criminal law. And the taking of hostages is a looking glass. And therefore, we need the multilateral coalition to, in fact, implement international human rights and humanitarian law and to call for the unconditional and immediate release of the hostages at the same time as we seek to secure the release of political prisoners. And to use all the international instruments in that regard.

The ICC, which should be used now with regard to Hamas in the same way that it was used with regard to arrest warrants regarding Putin and the like. The independent international tribunal, I said, because we won't be able to otherwise sanction the crimes of aggression, the leadership crimes. To get the ICRC, the International Committee of the Red Cross, who have not been implementing their mandate. And if you speak to the families of the hostages, they'll tell you they've gotten no answers from the ICRC, notwithstanding Hamas' brutal abduction, kidnapping, and forced disappearances of the hostages.

So I think what is important here is multilateral coalitions to not only affirm, but to implement the foundational norms of international human rights, humanitarian and criminal law, along the initiatives that I mentioned – ICC, international independent tribunal, ICJ initiatives, universal jurisdiction approaches, and the like, the whole arsenal of international legal accountability mechanisms.

LAWLER: While I agree with you, part of the challenge here is that the United Nations, for instance, has historically shown a bias against Israel. And just yesterday, the secretary-general said that Hamas' terrorist attack didn't happen in a vacuum, alleging that it is the Israeli people's fault for getting attacked and massacred by the Hamas terrorists. It's disgusting. He should resign in disgrace. You have a situation, the worst massacre of Jews since the Holocaust.

We have members of Congress – members of Congress who repeat lies that Israel bombed a hospital, repeating it even yesterday despite all evidence to the contrary. We are dealing with a situation where reality is at odds with the fiction that has been promulgated, the antisemitism that has been promulgated, by leaders throughout the globe. And so while I agree with you, these international agencies need to band together with the United States, with our allies, to hold these folks accountable, it's difficult to do that when you have the secretary-general the United Nations blaming Israel for suffering a terrorist attack and the worst massacre of Jews since the Holocaust.

COTLER: Well, Congressman, you touched on another important point, that we're witnessing not only a resurgent global authoritarianism, that I described, but a resurgent and metastasizing global antisemitism. The tipping point for which was the World Conference Against Racism in Durban in 2001, which turned into a world conference of racism and hate

against Israel and the Jewish people. That became the tipping point for the new antisemitism. And that new antisemitism includes, regrettably, the laundering – the laundering of antisemitism under the very protective cover of the U.N., under the authority of international law, under the culture of human rights, under the very struggle against racism itself. And we have seen manifestations of this, not only in the U.N., but in our own domestic communities.

And so part of our compelling responsibilities here are to combat this resurgent global antisemitism. There have been a dramatic rise in hate crimes targeting Jews since Hamas' criminal aggression against it. You would have thought it would have been the other way around. And so we have a moral inversion here. Whereas before Hamas invaded Israel, we had the highest rates of antisemitism since audits began 50 years ago. And yet, after this invasion, we've had a dramatic increase, not only in antisemitic incidences, but antisemitic hate crimes targeting Jews. So we have to bear this in mind.

LAWLER: Unfortunately, we've seen this song before. And Israel, as it defends itself, will be under severe international pressure. And again, we have members in Congress demanding ceasefires, but no accountability for the terrorists that beheaded babies, burned babies, murdered Holocaust survivors. They're not worried about the accountability there. It's pathetic.

I yield back.

WILSON: Thank you, Congressman Mike Lawler. And thank you for referencing the outrageous situation at the United Nations. It's inconceivable.

But we now proceed – hey, we've been joined by Senator Richard Blumenthal of Connecticut and also Congressman Marc Veasey of Texas. So many members of Congress coming indicates how important each of you are as the message gets out of how we need to address political prisoners. And we now proceed to Congresswoman Manning.

MANNING: Thank you, Mr. Chairman. As you know, on foreign affairs you and I speak with one voice from different sides of the aisle and with different accents. So since October 7th, I have been meeting, and talking with, and receiving messages from the families of the more than 200 people that Hamas abducted in the most gruesome and savage attack on the Jewish people since the Holocaust. And the families are frustrated. They're angry. Yet, they are hopeful that if we in Congress weigh in and use the power of the U.S. Congress, we can somehow secure the release of all the hostages. The captives are not just Israeli, they are not just Americans, they are more than 40 different nationalities.

And yesterday, one of the hostage families made a very compelling statement when it came to seeking the release of the hostages. They said, don't propose a selection process like they did during the Holocaust, where some were selected to be saved and others were left to be murdered. So I'm here because I'm seeking answers. What can we in Congress be doing to secure the release of all the hostages in Gaza? And while I appreciate the multiple steps that you laid out for what we should be doing in the long term, the question that I want to ask is: What

can we in Congress be doing today to make a difference to secure the release of the hostages?
Mr. Genser, Dr. Cotler, I pose that question to either of you.

GENSER: Well, obviously, this is a very complicated and challenging moment. And the injustice, obviously, is palpable as it relates to the women, the children, even the babies grabbed by Hamas and taken into Gaza. There are no, we all know, quick or easy answers. You know, I think that negotiating their release and trying to get that done as quickly as possible has to be a top priority. I think that once Israel were to invade Gaza, it will become that much harder. And I think that, you know, in the near term, we – you know, we do need to focus on those that are most in need of help or support. While I fully appreciate and understand your approach, Madam Congresswoman, in terms of trying to get them all out simultaneously without going through a selection process, it's historically not been the case that that's the way that things have been done.

Ultimately, there's going to be no satisfying answers here. At the end of the day, there's no easy military solution. I'm sure that they're spread throughout Gaza. And the kind of demands that Hamas is going to make for the release of the hostages are going to be extraordinary. So I wish I had some quick or easy answers. I think from Congress, the most important thing to do is to be meeting with the families of the hostages, to be telling their stories, to put out photos of what happened. I think that we also need to be telling the story of what Hamas actually did, and putting out these horrific photos with, obviously, family's permission of what they were doing as well.

Because we are living in this inverse morality world, as Professor Cotler said, where somehow up is down and left is right. And we need the moral clarity to be able to have a discussion about what Hamas did without equivocation, without justification, without context. And as a separate conversation, we can talk about what Israel is doing in Gaza in response to its right to self-defense, and make sure that they're doing things consistent with international law.

MANNING: Thank you. I want to turn to Dr. Cotler. And I want to ask you a question, because there have been accusations of genocide being hurled at Israel as it goes after the Hamas terrorists, who so savagely attacked Israeli civilians. Can you talk to us about what the definition of genocide is and address this accusation?

COTLER: Well, you know, the Genocide Convention sets forth five mass atrocities that would constitute acts of genocide. And it includes as well the targeting of a people in whole or in part, you know, for their destruction. It includes, you know, serious acts of criminal murder, and the like. But what I want to say with regard to these five acts of genocide is when one looks at it, it is Hamas that is perpetrating these acts of genocide. And when you have the accusations against Israel, it's what's known as the false accusation in the mirror. Namely, to accuse the victim of the very the crimes that the perpetrator are committing.

When you mentioned that October 7th was the worst day in Jewish history since the Holocaust, if I may, just on a personal level, I was in Jerusalem on that October 7th. I was there with my family to celebrate my son's marriage. That Saturday was supposed to be a particularly festive Jewish sabbath, because it was taking place on the last day of the holiday of Sukkot,

which is one of the most festive Jewish holidays in the Jewish tradition where we celebrate not only Jewish indigeneity but our common responsibilities, our common humanity. It was also the day of Simchat Torah, when we complete the reading of the Five Books of Moses and start it again. In other words, a date – a celebratory day.

But that day turned into one of horrors too terrible to be believed, but not too terrible to have happened. And it is etched in my mind, in my being forever. And that is why, when we speak now about the question of hostages, you mentioned 40 different nationalities. That's why we need a multilateral coalition that can speak collectively on behalf of these community of hostages from 40 different countries. That's why we need to adopt an action implementation plan as a matter of urgency that this multilateral coalition can pursue. That is why we need to ensure that the foundational norms of international human rights and humanitarian law, and the Genocide Convention which requires all state parties to the Genocide Convention, to prevent, to protect against, and to punish acts of genocide.

And that means that Hamas, that is engaged as we speak in ongoing and standing incitement to genocide – which is itself, a stand-alone breach of the Genocide Convention even if mass atrocities don't follow. So that from 1988 on, they have been engaged in standing breaches of the Genocide Convention without accountability. We have to now collectively ensure that there is accountability, that there is at this point the prevention, the protection against, and the punishment of those engaged in acts of genocide. And combat the false inversions, where you go ahead and accuse the victim of the various – as I said, the various genocidal acts that the perpetrator – that Hamas is engaged in, aided and abetted, and we should not forget this, by Khamenei's Iran, which has armed, trained, financed, supported, and incentivize Hamas, which is effectively a proxy, along with Hezbollah, terrorist proxies of Iran. And one should not forget this axis of evil.

MANNING: Thank you. Mr. Chairman, I yield back.

WILSON: Thank you very much, Congresswoman Kathy Manning. And, indeed, we are soulmates and look forward to working continually in a bipartisan manner.

And we were so fortunate to have Senator Richard Blumenthal from Connecticut. It's indeed an honor to have somebody from the House of Lords come visit us. (Laughter.)

BLUMENTHAL: It's a great line, don't you think? Although Canada doesn't have a House of Lords, does it?

COTLER: It has a Senate.

BLUMENTHAL: Right. Let me ask you both, because you've spoken so eloquently on the need for moral clarity from the administration and from Congress and we're here talking about both Ukraine and Israel together, where both are victims of hostage taking, isn't it important for the Congress to speak not only in a bipartisan way but also in a unified way on both Ukraine and Israel? To combine the aid that we want to give to both in a single package, so that neither is left behind? Mr. Genser, maybe you can speak to that issue.

GENSER: Well, look, I think these are extraordinary times, undoubtedly. And I think it is important for people to speak with moral clarity on these questions. As an international human rights lawyer, one conducts analyses of particular sets of facts and circumstances individually and not collectively. You know that, obviously, as a former attorney general of the state of Connecticut. You know, you don't look at a set of crimes that have been committed, except by looking at individual perpetrators and doing that analysis on an individual case. And indictments are issued on individual cases.

And yet, what we see in the international community and we see sometimes in the Congress are false moral equivalencies being drawn or justifications being made for – you know, for two very, very different sets of topics as it relates to intent. I think the biggest thing that I would point out on Israel versus Hamas is what is the intent of each of the parties. The intent, obviously, if Hamas is to commit genocide, to kill every Jew in the world, and to wipe Israel off the map. And the intent of Israel is to exercise its right of self-defense under the U.N. Charter, which is a legal and moral response. And it needs to do so in accordance with the laws of war.

But I do think, coming to your narrower question, doing this, I think, jointly is very, very important, especially given the dissenting voices that we also see in the Congress on Ukraine, which to me are kind of shocking and, you know, horrific. Because I think what Putin is doing in Ukraine, how he's doing it, with the commission of mass war crimes, is, in fact, as Professor Cotler said, genocidal. And the abduction of children across international borders – 19,500, by Ukraine's count, as we heard from our prior witness – shocks the conscience. And so I think that we do need to deal with these issues together because I think that they are directly related, despite being, obviously, in different parts of the world.

BLUMENTHAL: I think those points are very, very well taken. Let me ask you, Ms. Kara-Murza, how regularly do you hear from the State Department about your husband? And have you been provided any explanation or insight as to why he has not been designated as wrongfully detained?

KARA-MURZA: Unfortunately, I haven't heard from the State Department in a while. And as to the explanation, I'm always told that the State Department is doing its best and that Vladimir is put in their public program on unjustly detained that brings attention to specific cases of politically – of people persecuted for political reasons. But as to why the determination hasn't happened, that I have not received a clear response to, unfortunately.

BLUMENTHAL: Thank you. Thank you for being here today, again, before our Commission. It really means a lot that you are speaking here on behalf of your husband and on behalf of other hostages that have been taken by Putin, including, although we don't necessarily regard them as hostages, the thousands of children that Putin has kidnapped and now are in either Russia or Belarus, in effect, being brainwashed. I don't think that term is too strong for what's happening. And I want to thank you, Mr. Chairman, for, again, conducting this hearing on this very, very important topic. Thank you all for being here. And, Mr. Chairman, thanks for your leadership.

WILSON: Hear, hear. Thank you very much, Senator. And, indeed, as an indication of how important our witnesses are, the issues are, thank you so much, Senator, for being here.

We now proceed to Congressman Marc Veasey of Texas.

VEASEY: Mr. Chairman, thank you very much. Lord Blumenthal, thank you for joining us today. (Laughter.)

I tell you, one of the things that has really bothered me a lot when it comes to this discussion around antisemitism is the fact that we have stopped talking about a lot of the antisemitism that has been taking place in the Ukraine. And I just want to remind everybody of just a few examples of that. You probably remembered when Putin unlawfully initially went into Ukraine, he said that he was going into Ukraine because of de-Nazification of that country. Also, you have – there was early on repeated attempts when it was pointed out the President Zelensky was, in fact, Jewish himself, to try to delegitimize him being Jewish by saying that, oh, well, he's not really that Jewish. We've also heard attempts from the Kremlin to try to say that that Jews were – the real Nazis were actually Jews. And these are some claims and some things that we've repeatedly heard since this unlawful invasion of Ukraine.

And the reason why I bring that up because that President Biden in his speech last week before the nation, he wanted to reinforce to the American public how important it was that we help our ally and friend Israel as they try to continue to combat what happened and the unlawful invasion in their country, and the antisemitism that's rampant there, and then also continue to keep our eyes on the ball as it relates to Ukraine. I wanted to ask you, how important is it – and I'll start with, with Mr. Irwin. I wanted to ask you, how important is it that we continue to talk about the rise of antisemitism in the Middle East and what we're seeing now as it relates to Israel, but then also to continue to talk about antisemitism in the Ukraine, and remind the American public that it's important that we continue to fight both of these forces of antisemitism in very important parts of the world?

COTLER: Well, Congressman, you've really touched on a larger, you know, parallelism here. In other words, what we're seeing is both in the case of Russia and Ukraine and Hamas and Israel, we are seeing, on the one hand, criminal aggression of Russia against Ukraine, criminal aggression of Hamas against Israeli civilians. But it's paralleled also by its domestic repression in each case. And in its domestic repression, the falsification and inversions, for example, Putin saying he launched his operation, which was really a criminal act of aggression, for purposes, as you mentioned, de-Nazification. Again, the false accusation in the mirror. It is Russia's criminal aggression in Ukraine which has been attended by war crimes, crimes against humanity, and acts which are constitutive of a genocide. Yet, he seeks to invert it by using the Nazification metaphor. Similarly, with regard to Hamas.

And I want to mention one thing about Hamas which we don't always appreciate. That Hamas is not only an enemy of the Jewish people, regrettably, it's an enemy also of the Palestinian people. It not only takes Israelis as hostages, but it holds its own Palestinian people hostage. It engages not only in war crimes and crimes against humanity, in the targeting of Israeli civilians, but it keeps his own citizens, Palestinian citizens, and uses them as human

shields. So you have another double war crime, both the targeting of Israeli civilians and using Palestinian civilians as human shields.

And so you have in both cases, both in terms of Russia's criminal aggression in Ukraine, Hamas' criminal aggression against Israel, paralleled by massive domestic repression. And, therefore, the need thereby to understand that both communities are being taken hostage by their very respective criminal leaderships.

VEASEY: Thank you very much. And I really do hope that the panel and all of us will do everything in our power to remind people that the fight against antisemitism and the antisemitism that's taking place right now in the Middle East against Israel is important. But it is also equally important to fight the antisemitism that Russia is blatantly putting on display right now in the Ukraine. And we cannot turn our backs on what is happening in the Ukraine and only fight the fight in the Middle East. We have to make sure that we continue to fight in both places against this antisemitism.

COTLER: Congressman, if I may just add one thing, because I just concluded my three-year term as Canada's first special envoy for preserving Holocaust remembrance and combating antisemitism. And one of the principal findings I had is that we not only have to combat – in that paradigm – combating antisemitism from the far right, from the far left, and radical Islam. That still remains true. But we – but one of the most disturbing findings I felt in the three years was that we are witnessing the increasing mainstreaming, normalizing, legitimization of antisemitism in the political culture, the popular culture, the entertainment culture, the sports culture, and in particular in the campus culture. And here in North America, that is the future leadership in Congress, in in the media, and academia, and the like. And so we have to combat that kind of pernicious mainstreaming that we have been witnessing both in your country and in mine.

WILSON: Thank you very much, Congressman Veasey. And again, we could tell you that Democrats and Republicans are united. Well, here we are. And so you can see it. And that's so important for the world to understand that, hey, the media is going to cover the divisions. And that's understandable, except for one thing. The people of the United States stand with the people of Ukraine, stand with the people of Israel, stand with the people of Taiwan. And, again, what a honor for all of us. We're so grateful.

Evgenia Kara-Murza, a world hero married to a world hero. Thank you for your courage for the people of Russia, that we hope one day will enjoy the blessings of liberty. And it's so exciting. And then, Mr. Genser, thank you so much. And then Attorney General Cotler, I've never seen such clarity from a Canadian. And so I – (laughter) – and, hey, and I want to – and so thank you for the different statements you've made. But your clarity is so impressive and, hey, our prayers with your family, thank goodness.

And I want you to know in my home state of South Carolina, we love Canadians. We have Can-Am days every year. You're welcome to Myrtle Beach. For 60 years, we welcome our Canadian visitors. You're like swallows to Capistrano. When you show up, it means summer's coming. So please come back.

And with that, indeed –

COTLER: With pleasure.

WILSON: Another point. Thank you for your reference to the axis of evil. Hey, this just can't be ignored, that we have a war criminal Putin, we have the Chinese Communist Party, we have Iran. And people say proxies. It needs to be puppets. Proxies is too nice. These are puppets. And these are dictators, rule of gun, opposing democracies, rule of law. Not authoritarians or whatever, autocrats, whatever terminology. It's dictators. They don't like that term, which is good. That's how you determine what to use.

And also, I want to point out that I appreciate, Attorney General, you referencing Nuremberg. And you're ahead of the curve. And that is on November the 21st we will be having a hearing, two hearings. In the morning, relative to the kidnapping of Ukrainian children. In the afternoon, we will have a general war crimes. This will be at the very historic Courtroom 60 in Nuremberg, were the Nazi war criminals were tried and convicted. And, indeed, with the – with the situation, even in absentia.

And then, as I conclude I want to point out that none of you have been exaggerating what's going on. And with Putin, with Iran, and that is that, indeed, we should know the Hamas covenant of August the 18th, 1988. And I want to quote, Article Seven, quote – and if you'll stay for a minute, I want to get a picture with the – you're a dignitary. Anyway, Article Seven, quote, "The day of judgment will not come until Muslims fight Jews and kill them. Then the Jews will hide behind rocks and trees. And the rocks and trees will cry out, o Muslim, there is a Jew hiding behind me. Come and kill him." End of quote.

How clear could that be? How clear on the floor of the parliament in Tehran, death Israel, death to America, in English. And so they're very thoughtful to let us know what they have planned for us. And so we – what an opportunity that we have to work together. And so with this, I'm just grateful for OSCE. The staff members, thank you. And thank you to our witnesses. And I'm confident that democracies will prevail. Thank you.

[Whereupon, at 11:50 a.m., the hearing ended.]