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The ISIS Genocide Declaration: What Next?

Chairman Chris Smith

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Opening Statement

May 26, 2016

Good afternoon and welcome.

In January 2014, ISIS terrorists captured the central Iraqi city of Fallujah in central Iraq, a decade after it had been won at the cost of so much American, Iraqi, and British blood. ISIS moved north, taking more territory and conducting its genocidal campaign against Christians, Yazidis, and other religious minorities. By early August, Yazidi men, women and children were trapped on Mount Sinjar, facing annihilation, when the US initiated airstrikes to save them. However, beyond that, it soon became clear that the Administration had no comprehensive plan to prevent ISIS from continuing to commit genocide, mass atrocities, and war crimes, or to roll ISIS back.

This subcommittee, along with that on Middle East and North Africa, co-convened a hearing on the genocide in September 2014 and called for the Administration to act before these communities of Christians and others were annihilated. Meanwhile across the porous border in Syria, the Assad regime was targeting and killing tens of thousands of civilians. I renewed my call for a Syrian War Crimes Tribunal to be established to hold all sides in the conflict in Syria accountable.

The world knew that ISIS was committing genocide. Civil society groups – including some present at this hearing today – mobilized, writing letters and holding meetings with the Administration, making statements, and reporting stories. Some members of the Administration were pushing hard internally for the word “genocide” to be publicly spoken and for action to be swiftly taken. Yet the Administration had still not acknowledged it and still had no strategy to

prevent it. Such was the situation in December 2015, when this subcommittee convened another hearing.

Shortly after, the Congress passed, and the President signed into law, the fiscal year 2016 appropriations bill which required the Secretary of State to report to Congress with his evaluation of whether ISIS had perpetrated genocide.

Perhaps the most important push outside the government, and off the Hill, was the 280 page report, commissioned by the Knights of Columbus and developed in partnership with the tireless organization In Defense of Christians, meticulously documenting the genocide against Christians. That report may have made the difference with the Administration. So I am personally grateful to Carl Anderson, Supreme Knight of the Knights of Columbus, who is testifying here today, for everything the Knights, along with other groups such as A Demand for Action, have done to ensure that the genocide against Christians could not be ignored or denied.

The House passed House Concurrent Resolution 75, authored by my friend Jeff Fortenberry, together with the Syria War Crimes tribunal resolution I had introduced (H. Con. Res. 121), three days before the Secretary's evaluation was due. Finally, on March 17, Secretary Kerry declared that ISIS "is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims."

Although the Administration made the right determination, the question arises – "Now what?"

I already have concerns that historical mistakes from are being repeated.

Leading up to Secretary of State Colin Powell's historic genocide determination in September 2004, the State Department's legal adviser had issued a memorandum which concluded that "a determination that genocide has occurred in Darfur would have no immediate legal – as opposed to moral, political, or policy – consequences for the United States." Secretary Kerry's legal advisers reportedly reached the same conclusion before he made his determination about ISIS. And so it begs the question – now what?

For years, the Administration has been unwilling to effectively address the slaughters in Syria and Iraq. If it still thinks it has no obligation to act, it will likely continue its policy of acting too little, too late.

I am also concerned that the Administration continues to conflate its strategy to combat ISIS with a strategy to protect religious minorities from genocide, war crimes, and mass atrocities. They are not the same thing. Combating and defeating ISIS – and Islamist extremism – is essential. However, there are many other elements of an effective, comprehensive civilian protection strategy – including effective monitoring and response systems – and we have yet to hear them from the Administration.

Civilian protection has also been missing from the Administration's response to the carnage in Syria. More than half the population – an estimated 13.5 million inside Syria as of

May 2016, plus another 4.8 million registered as refugees abroad – are in need of humanitarian assistance and protection. According to an April 2016 review of the casualty estimates for that conflict, “the number of people who have died during Syria’s civil conflict since March 2011 range from 250,000 to 470,000.” Notwithstanding the challenges of knowing exactly how many of those people were civilians and exactly how many were killed by the Assad regime and its proxies, we know this: The dictatorship has consistently, deliberately targeted civilians, hospitals, and schools with bombs and bullets, and starved entire cities. While Russia, Iran, and Hezbollah have fueled the fires of death in Syria, the Administration has mostly just watched Syria burn.

There is no easy, single solution to the threats to religious and ethnic minorities, and other civilians, in Iraq and Syria. Obstacles abound, including:

- Failures to implement the Iraqi constitution, especially to decentralize power and localize governance and security.
- Long-standing, unresolved disputes between Iraqi Arabs and Kurds over territory and natural resources.
- The lack of accountability for genocide, mass atrocities, war crimes, torture, kidnappings, displacement, and more by a range of actors.
- The absence of an indigenously developed, internationally supported, national reconciliation processes.
- Conflicts over revenue sharing.
- Corruption.
- Radicalization.

The list is long.

Complexity must never be an excuse for indifference and inaction. However, unless key issues that preceded the genocide are addressed, the genocide may be perpetrated again. Over the coming weeks, I plan to introduce comprehensive legislation aimed at contributing the safety and security of religious and ethnic minorities, and civilians more broadly, in Iraq and Syria. It will also address the need for accountability for genocide, mass atrocities in those conflicts, and provide relief for displaced members of especially at-risk religious and ethnic communities. The testimony from our witnesses today will contribute to making that legislation as impactful as possible for these communities, as well as help prod the Administration to answer the question “What’s next?”