

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
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Committee On The Judiciary Subcommittee On Human Rights And The Law

Hearing On "Genocide And The Rule Of Law"

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This is the first hearing of our newly established Subcommittee on Human Rights and the Law. I want to commend the Subcommittee Chairman, Senator Durbin, who was instrumental in the decision to establish this Subcommittee and whose concern for these issues is longstanding and deeply rooted.

It is our intention that this Subcommittee will closely examine some of the important and difficult legal issues that have increasingly been a focus of the Judiciary Committee. Many derive from actions taken by this Administration over the last five years. Its policies of declaring persons enemy combatants, imprisoning them incommunicado indefinitely in isolated and dehumanizing conditions without charge, and denying them lawyers or access to the courts until forced to do so by the Supreme Court, make our work particularly necessary.

The United States played the key role in the creation of the Universal Declaration of Human Rights. Our Bill of Rights and our independent judiciary have been models for other nations for more than two hundred years.

Justice Jackson's role at the Nuremberg trials, and our support of war crimes tribunals for perpetrators of genocide and crimes against humanity in the former Yugoslavia, Rwanda, and Sierra Leone are part of a tradition of which we can be proud.

During the last five years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib and Guantanamo have tarnished that role and that tradition. And so has, I believe, our refusal to join the International Criminal Court - indeed, the Administration's efforts to undermine the Court - after our nation played a central role in the negotiations on the Rome Treaty. The secret prisons that the President confirmed last year and this Administration's role in sending people to other countries where they would be tortured have led to condemnation by our allies, to legal challenges and to criminal charges.

One of the reasons the image of our country has been so damaged during recent years is because the world believed that we stood for something better. They hold us to a higher standard, and they want us to live up to our own ideals, as do we all. When we fall short of that standard it is not only our reputation that suffers; it is the cause of justice everywhere that also suffers.

In Darfur we see the tragic replay of suffering and death. Hundreds of thousands of innocent people killed, or raped, or tortured, or forced to flee the ashes of their homes. This is the topic of today's hearing.

I thank our witnesses, who include a representative from the Justice Department; a Senator from our ally Canada, who served as a military officer in the United Nations mission in Rwanda; a distinguished professor and legal expert; and an activist who moves us to see the right and, I hope, do what is right. We will be confronted with the horrific consequences of the failure to act to stop genocide. What happened in Rwanda was, I believe, among the most egregious failures of the international community to protect human rights since the Cambodian genocide of the 1970s. We cannot allow that kind of horror to be repeated.

I commend Senator Durbin for his role in seeking - at every opportunity - additional humanitarian aid and funding for international peacekeeping troops in Darfur. I will do what I can, as well.

We need to ask what more can be done to convince the Sudanese Government to disarm the militias that are responsible for the genocide and to allow the United Nations to deploy additional troops to buttress the African Union force. I know Senator Durbin has some ideas, and I look forward to working with him.

We also need to determine whether our own laws provide adequate authority to prosecute, in the United States, acts of genocide by non-U.S. nationals that occur outside this country, whether in Darfur or anywhere else.

I thank our witnesses for arranging to be with us and look forward to their testimony.