

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
November 14, 2007

Statement Of Chairman Patrick Leahy
Hearing On "No Safe Haven: Accountability For Human Rights Violators
In The United States"
Senate Judiciary Committee, Subcommittee On Human Rights And The Law
November 14, 2007

I thank Senator Durbin for holding this important hearing to bring needed oversight to the crucial area of human rights enforcement. I was proud to work with Senator Durbin in creating the Human Rights and the Law Subcommittee, which is working to closely examine important and difficult legal issues that have increasingly been a focus of the Judiciary Committee. I congratulate Chairman Durbin and Ranking Member Coburn for the significant work they have already done and will continue to do in this Subcommittee, and I hope the Subcommittee's work will be a first step toward reversing and correcting the damaging policies established by this Administration over the last six years.

It is vital that the United States reclaim its historic role as a beacon to the world on issues of human rights. One key way to do so is to ensure that this country will never be a safe haven for those who commit atrocities. Congress took an important step toward doing this in 2004, when it passed the Anti-Atrocity Alien Deportation Act, a piece of legislation I introduced and worked for years to pass. That statute has made it easier for this country to keep out those who commit human rights abuses and to deport those perpetrators of abuses who are already here. This law has prompted, among other accomplishments, the deportation of Kelbessa Negewo to Ethiopia, where he is now serving a life sentence for torture and multiple killings.

The Anti-Atrocity Alien Deportation Act also authorized the Office of Special Investigations at the Justice Department, which previously focused only on prosecutions of Nazi war criminals, to expand its focus to include prosecutions of all perpetrators of human rights abuses. I look forward to hearing more today about that section's work to bring these criminals to justice.

Senators Durbin and Coburn have worked through this Subcommittee to expand on that important legislative accomplishment. I was glad to cosponsor their Genocide Accountability Act, which would close a loophole that has long existed in our criminal law allowing those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. That bill has passed through the Judiciary Committee, as have similar bills providing for prosecution of those who seek refuge in the United States after committing human trafficking offenses or recruiting child soldiers. I hope the Senate will follow the Judiciary Committee's lead in passing this important legislation and working to ensure that the United States is never a refuge for those who commit crimes against humanity. I hope today's hearing provides added support for this legislation and ideas for any additional legislation necessary for rigorous human rights enforcement.

The Judiciary Committee has restored oversight to a Department of Justice that had run amok on principles as fundamental as keeping prosecutions free from political influence, limiting executive power, and clearly prohibiting torture. I am glad that the Human Rights Subcommittee is extending the Judiciary Committee's strong progress on oversight into this key area. It will be important to ensure that the Justice Department and the government as a whole is doing everything it can to combat human rights abuses and provide accountability to those who perpetrate them.

Perhaps more than anything, though, we must lead by example. It is an outrage that some in this Administration, from our State Department to our newly confirmed Attorney General, have been unwilling to say that waterboarding is illegal. The United States does not torture, and we should not have to discuss whether or not we can use the ancient and cruel practice of waterboarding. The answer should be self-evident.

It is an outrage that the last Congress and this Administration passed a law allowing non-citizens, including the millions of lawful, permanent residents living in this country, to be held indefinitely on mere suspicion of involvement in terrorism, without the ability to challenge their detention in court. I will continue working with Senator Specter to restore the Great Writ of habeas corpus. And it is an outrage that our government has engaged in extraordinary rendition, including sending a Canadian citizen to Syria to be tortured, and has not apologized or changed its policy.

We must promote accountability for human rights violations committed abroad, and we must never let those who commit these horrible crimes escape prosecution by coming to the United States. But no amount of enforcement against foreign nationals will compensate if we abandon our commitment to upholding the highest standards of human rights in the conduct of our own government and our own country.

I commend Senators Durbin and Coburn for holding this timely and pertinent oversight hearing and for their diligent work to fill loopholes in the law and conduct oversight to ensure that human rights abuses are punished. I hope the rest of Congress and the Administration will similarly recommit to the principles of human rights.

#####