

Statement of

The Honorable Richard J. Durbin

United States Senator
Illinois
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Opening Statement of Senator Dick Durbin
Chairman, Subcommittee on Human Rights and the Law
Hearing on "Rape as a Weapon of War:
Accountability for Sexual Violence in Conflict"
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This hearing of the Judiciary Committee's Subcommittee on Human Rights and the Law will come to order.

The subject of this hearing is "Rape as a Weapon of War: Accountability for Sexual Violence in Conflict." This is the first-ever Congressional hearing on sexual violence in conflict. That is a sad testament to our failure to take action to stop this horrific human rights abuse.

After a few opening remarks, I will recognize Senator Coburn, the Ranking Member, for an opening statement, and then we will turn to our witnesses.

The use of rape as a weapon of war

Today we will discuss the systematic and deliberate use of rape as a weapon of war to humiliate, expel and destroy communities in conflicts around the globe.

Tragically, mass rape has been a feature common to recent conflicts in Bosnia, Darfur, the Democratic Republic of Congo, East Timor, Rwanda and Sierra Leone. However, this problem is neither new nor unique to these conflicts.

In World War II, the Japanese Imperial Army raped an estimated 20,000 women, ranging from infants to elderly women, in the city of Nanking in China in a one-month period.

Rapes in Nanking, and in too many conflicts since then, have frequently been carried out in public and in front of family members. Men are often forced to rape their mothers, sisters or daughters. Women are mutilated and sometimes killed after the rape.

Children are particularly at risk of being subjected to wartime sexual violence and, in some countries, girls and boys are abducted and repeatedly raped.

Women and girls who survive sexual violence are frequently stigmatized and rejected by their families and communities.

I would like to show a brief graphic video that will provide some context for our discussion. This video features clips from the documentary on rape in the Democratic Republic of Congo by Lisa

F. Jackson, one of our witnesses today.

[SHOW VIDEO]

It is appalling that today women and girls are being raped in conflict situations around the world. This reflects our collective failure to stop the use of women's bodies as a battleground.

The scale of this problem is daunting. A recent report documented conflict-related sexual violence in 51 countries in Africa, the Americas, Asia, Europe and the Middle East in the last two decades.

But wartime rape is not inevitable. The widespread prevalence of sexual violence in recent conflicts results in part from the lack of accountability for those who use rape to pursue military or political goals.

Government and rebel forces violate human rights with impunity, perpetuating the stigma that surrounds these crimes.

Historically, wartime sexual violence was tolerated as an unfortunate but unavoidable consequence of conflict.

Throughout the twentieth century, rape and other forms of sexual violence were included in increasingly specific terms in international agreements on the conduct of war. Prejudice and misconceptions meant these crimes were initially framed as private acts violating family dignity and honor, rather than the violent public crimes they are.

As noted in the video we just watched, the Yugoslav and Rwanda Tribunals made significant progress by prosecuting perpetrators of sexual violence. That we have moved beyond the not-so-distant debate about whether sexual violence in conflict is a war crime represents an important step.

Despite these positive developments, wartime sexual violence and the experience of those women and men who survive it remain invisible far too often.

During today's hearing, we will discuss legal options for holding accountable those who use rape as a military tactic. While a growing number of perpetrators of wartime sexual violence have been prosecuted, a much larger number have escaped accountability. The average wartime rapist runs very little risk of being prosecuted.

The United States and other countries must play a greater role. I'm sorry to say that if a foreign warlord who engaged in mass rape found safe haven in our country today, he would probably be beyond the reach of our laws. It is not a crime under U.S. law for a non-U.S. national to perpetrate sexual violence in conflict against non-U.S. nationals, so the U.S. government is unable to prosecute such perpetrators of wartime rape who are found in our country.

There is also no U.S. law prohibiting crimes against humanity, one of the most serious human rights violations, which includes mass rape and other forms of sexual violence in conflict.

And we must make it clear that genocide and torture, two of the serious human rights violations that are a crime under U.S. law, can include wartime sexual violence.

These loopholes have real consequences. For example, take the case of Emmanuel "Chuckie" Taylor, son of the warlord Charles Taylor, who the Justice Department is prosecuting under the Torture Statute. As the head of the notorious Anti-Terrorist Unit of the Liberian government, Chuckie Taylor was implicated in wartime rapes committed by the ATU, but it's unlikely that he could be prosecuted for these crimes against humanity under U.S. law.

Another example is Marko Boskic, who found safe haven in our country after reportedly participating in the execution of men and boys in the Srebrenica massacre. Under current law, the United States was unable to prosecute Boskic for his crimes against humanity, and charged him only with visa fraud.

In addition to punishing individual perpetrators, governments that tolerate and fail to take steps to stop wartime sexual violence must be held accountable for their actions. At the very least, we must ensure that U.S. tax dollars do not fund state armies that fail to prevent their forces from engaging in mass rape.

We must work to end the use of rape as a weapon of war, but as long as the practice persists, we should support programs that provide protection, medical care, psychological services and legal remedies to survivors of wartime sexual violence.

As I have said before, this Subcommittee will focus on legislation, not lamentation. We must end impunity for wartime sexual violence. I look forward to working with the members of this Subcommittee to ensure that our laws hold accountable those who use rape as a weapon of war.