

Statement of

# **The Honorable Richard J. Durbin**

United States Senator  
Illinois  
October 6, 2009

Opening Statement of Senator Dick Durbin

Chairman, Subcommittee on Human Rights and the Law  
Hearing on "No Safe Haven: Accountability for  
Human Rights Violators in the United States, Part II"  
October 6, 2009

This hearing of the Human Rights and the Law Subcommittee will come to order. Welcome to "No Safe Haven: Accountability for Human Rights Violators in the United States, Part II."

Two years ago, this Subcommittee held the first-ever Congressional hearing on the enforcement of human rights laws in the United States. At that hearing, we learned that the government was investigating over 1000 suspected human rights violators from almost 90 countries who have found safe haven in the United States. Today, we will examine what the government has done since our 2007 hearing and what more it can do to address this serious problem.

For decades, the United States has led the fight for human rights around the world. But when human rights violators are able to live freely in our country, America's credibility as a human rights leader is undermined.

Throughout our history, America has provided sanctuary to victims of persecution. Sadly, some refugees arrive from distant shores to begin a new life, only to encounter those who tortured them or killed their loved ones.

Two years ago, this Subcommittee heard compelling testimony from Dr. Juan Romagoza, who endured a 22-day ordeal of torture at the hands of the National Guard in El Salvador. Dr. Romagoza received asylum in our country but later learned that the two generals who were responsible for his torture had also fled to the United States.

The Human Rights Subcommittee has worked to ensure our government has the authority and resources to bring perpetrators to justice and to vindicate the rights of people like Dr. Romagoza.

Since our hearing two years ago, this Subcommittee has produced landmark legislation to reform and modernize our human rights laws. The Genocide Accountability Act, the Child Soldiers Accountability Act and the Trafficking in Persons Accountability Act, three bills Senator Coburn and I authored, have all been enacted into law. These laws give the government the authority to prosecute perpetrators of genocide, child soldier recruitment and use, and human trafficking. This builds on the Anti-Atrocity Alien Deportation Act, important legislation authored by Judiciary

Committee Chairman Pat Leahy in 2004 that allows the government to deport perpetrators of torture and extrajudicial killing.

I worked with Senator Mikulski and Senator Shelby on the Appropriations Committee to secure funds in fiscal year 2009 for the FBI and the Justice Department to hire additional agents and attorneys to investigate and prosecute human rights abuses. The fiscal year ended last week, and I was disappointed to learn that the FBI has not yet hired any new agents to investigate human rights violations.

I want to commend Immigration and Customs Enforcement, also known as ICE, and the Justice Department for their success over the last two years in bringing human rights violators to justice.

Since our hearing, ICE has deported a number of human rights violators. In addition to these significant cases, I was especially pleased to learn that last Friday ICE filed charges against the two generals responsible for the torture of Dr. Juan Romagoza. Dr. Coburn and I have been urging the government to deport the generals since our hearing two years ago. I look forward to the day when these two men are no longer on U.S. soil.

In May, the government deported John Demjanjuk to Germany, where he will be tried for his involvement in the murder of more than 29,000 people at the Sobibor extermination camp in Nazi-occupied Poland. I want to commend the Justice Department for prevailing in a long and difficult legal struggle so that John Demjanjuk can face the judgment he so richly deserves. This case sends a message that the United States is determined to bring human rights violators to justice, even if it is decades after they commit their crimes.

In another important victory, last year the Justice Department obtained the first-ever federal conviction for a human rights offense. Chuckie Taylor, the son of former Liberian president Charles Taylor, was sentenced to 97 years in prison for committing torture in Liberia.

This was a groundbreaking case, but one case is not enough. We must ask ourselves why so many human rights abusers are still able to find a safe haven in the United States.

Unfortunately, there are still legal loopholes that allow human rights violators to escape accountability. For example, under current law, perpetrators of crimes against humanity who find safe haven in our country cannot be prosecuted. So, Marko Boskic, who participated in the Srebrenica massacre in Bosnia and was living in Massachusetts, was charged with visa fraud, rather than crimes against humanity. Earlier this year, I introduced the Crimes Against Humanity Act, which would make it a violation of U.S. law to commit a crime against humanity. I look forward to working with my colleagues to pass this bill and give the Justice Department an additional tool to bring human rights abusers to justice.

Our government should also use existing authority and resources more efficiently to increase the likelihood that human rights violators will be held accountable. Senator Coburn and I introduced the Human Rights Enforcement Act, which would combine the two offices in the Justice Department with jurisdiction over human rights violations to create a new consolidated and streamlined human rights section.

I was pleased to learn that the Justice Department is planning such a consolidation even before the enactment of our bill and look forward to learning more today about the new human rights section.

We have made great progress in the last two years but there is much more to be done - and we must remember what is at stake. The United States is still the city on a hill. The world is watching us closely. When we bring human rights violators to justice, foreign governments are spurred into action, victims take heart, and future perpetrators think twice.