

March 15, 2007

The Honorable Richard J. Durbin, Chairman
The Honorable Tom Coburn, Ranking Member
Subcommittee on Human Rights and the Law
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Coburn:

We write to express our strong support for the Genocide Accountability Act. We believe this legislation, a product of the Subcommittee on Human Rights and the Law's inaugural hearing on genocide, is necessary in order to enable the United States to lead the world in bringing perpetrators of the most serious human rights crimes to justice. We look forward to its swift enactment into law.

Winston Churchill once remarked that the extermination of Jews in Europe was "a crime without a name." That inspired Raphael Lemkin to name it, and he then devoted his life to codifying the crime of genocide in international law. Lemkin's work culminated in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. The most serious human rights crime had a name, but since 1988, when the United States formally ratified the treaty, genocide has been a crime under U.S. law only in the narrowest of circumstances.

The Genocide Implementation Act (18 U.S.C. 1091), enacted in 1987 as a prerequisite to the United States becoming a party to the Genocide Convention, provides jurisdiction over the crime of genocide only in circumstances where the perpetrator is a U.S. citizen or the crime took place in the United States. Since the time that law was enacted, the world's pledge that it would "never again" tolerate mass slaughter has been mocked again and again -- in Bosnia, in Rwanda and now in Darfur. As the violence in Darfur rages into its fifth year, the United States must do all it can to deter those who act with seeming impunity, including by removing any barriers to prosecution in this country of those responsible for genocide.

The Genocide Accountability Act would accomplish this by enabling the Department of Justice to prosecute foreign nationals suspected of genocide who are present in the United States. This is not merely a theoretical concern. The Justice Department has already identified individuals who may have participated in the Rwandan and Bosnian genocides and are currently living in the United States under false pretenses, but current law fails to provide jurisdiction to charge them with that crime.

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Like the pirate and the slave trader, perpetrators of genocide are rightly considered to be the enemies of all mankind. The United States must not remain passive when those suspected of genocide enter or are found in its territory. By eliminating barriers to prosecution, as the United States has done in the cases of hostage-taking, torture, and other serious crimes, the Genocide Accountability Act will ensure that perpetrators of genocide do not evade accountability when they are present in the United States. We welcome its introduction and strongly urge its enactment into law.

Sincerely,

Africa Action

American Jewish World Service

Amnesty International USA

Arab American Institute

Armenian National Committee of America

Center for American Progress Action Fund

Genocide Intervention Network

Human Rights First

Human Rights Watch

Open Society Policy Center

Physicians for Human Rights

Refugees International

Save Darfur Coalition