

CONFRONTING WAR CRIMES IN AFRICA

HEARING
BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION

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CONFRONTING WAR CRIMES IN AFRICA

THURSDAY, JUNE 24, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 1:07 p.m. in Room 2172, Rayburn House Office Building, Hon. Edward R. Royce presiding.

Mr. ROYCE. This hearing of the Subcommittee on Africa come to order. Africans have suffered catastrophic war crimes and horrific human rights abuses, actually some of the world's worst. The 1994 Rwandan genocide took nearly a million lives. Sierra Leone suffered a war whose signature atrocity was forced amputations, with many child victims. Millions have died due to the civil strife in the eastern Democratic Republic of Congo over the last several years. Civil war in Sudan between North and South has taken over two million lives. Fighting in Sudan's Darfur region has led to 30,000 deaths, with that number set to balloon.

Resolving African conflicts requires a comprehensive approach if we are going to be successful, and there have been some notable successes, including Mozambique and Sierra Leone. Peace must be built on supporting political and economic foundations. Justice is important, too. This hearing is focused on legal and political approaches to war crimes and grave human rights abuses—issues of justice—and how they impact peace prospects in Africa.

The International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone are two pioneering efforts to establish legal accountability in Africa. To date, the norm has been that African leaders, regardless of their crimes, can find a posh exile, if needed. Rebels, often with little support, have often fought their way into power through power-sharing “peace deals,” and that validates violence as a legitimate political end. This was the case in Sierra Leone with the RUF rebel group, which was part of a predictably short-lived deal granting it government ministries. Expediency in these circumstances comes with a high price. This way of business, a pattern of impunity, perpetuates conflicts and frustrates the establishment of the rule of law, which is so important to Africa. The continent deserves better.

The Special Court for Sierra Leone has a problem: Its chief prosecutor believes that its credibility will take a big hit unless former Liberian President Charles Taylor, indicted on 17 charges, is tried. I join many Members of Congress in sharing Prosecutor David Crane's view and am concerned that the Administration is not

pressing Nigeria to deliver Taylor to the docket in Freetown. This is a matter of establishing legal accountability for the horrific crimes against the people of Sierra Leone. There is also a very practical reason to have Taylor face the court: His statements and activities suggest that he intends to return to Liberia. As someone who has backed a vigorous United States engagement in Liberia, I will have little enthusiasm for maintaining our investment there if Charles Taylor is back in town.

Across the continent, Sudan's Darfur region is in the midst of a genocidal killing spree. H. Con. Res. 403, passed in May, urges the President to seek an official U.N. investigation to determine if crimes against humanity have been committed by the Sudanese government and by the militia that it supports in Darfur. I am going to ask the Administration today to begin compiling the names of those in the Khartoum government who are complicit in these acts. An international criminal tribunal should follow. I support backing a U.N. peacekeeping force for Darfur to protect civilians and to protect humanitarian deliveries to the region.

Ideally, crises are defused before they require that justice be done. During the Subcommittee's April hearing on the Rwandan genocide, we heard of several "lessons learned." One of these lessons is the imperative of acting against hate radio, which magnified the killing in Rwanda severalfold. General Dallaire told us:

"This thing [Radio Mille Collines] was not a radio station. This thing was a weapon of genocide."

I am concerned that we would get caught in the same bureaucratic and legalistic thicket that kept us from acting against Radio Milles Collines if hate ratio again threatened to incite large-scale killing in Africa. I would like to hear from the Administration that lessons, indeed, have been learned. And I will now turn to Mr. Payne for an opening statement.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA

WASHINGTON, D.C.—The following is the opening statement of Africa Subcommittee Chairman Ed Royce (R-CA-40) at this afternoon's hearing on war crimes in Africa:

"Africans have suffered catastrophic war crimes and horrific human rights abuses, some of the world's worst. The 1994 Rwandan genocide took nearly a million lives. Sierra Leone suffered a war whose signature atrocity was forced amputations, with many child victims. Millions have died due to civil strife in the eastern Democratic Republic of Congo over the last several years. Civil war in Sudan between north and south has taken over two million lives. Fighting in Sudan's Darfur region has led to 30,000 deaths, with that number set to balloon.

"Resolving African conflicts requires a comprehensive approach to be successful—and there have been some successes, including Mozambique and Sierra Leone. Peace must be built on supporting political and economic foundations. Justice is important too. This hearing is focused on legal and political approaches to war crimes and grave human rights abuses—issues of justice—and how they impact peace prospects in Africa.

"The International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone are two pioneering efforts to establish legal accountability in Africa. To date, the norm has been that African leaders, regardless of their crimes, can find a posh exile if needed. Rebels, often with little political support, have often fought their way into power through power sharing "peace deals," validating violence as a legitimate political means. This was the case in Sierra Leone with the brutal RUF rebel

group, which was part of a predictably short-lived deal granting it government ministries. Expediency in these circumstances comes with a high price. This way of business, a pattern of impunity, perpetuates conflict and frustrates the establishment of the rule of law, which is so important to Africa. The continent deserves better.

“The Special Court for Sierra Leone has a problem. Its chief prosecutor believes that its credibility will take a big hit unless former Liberian president Charles Taylor, indicted on 17 charges, is tried. I join many Members of Congress in sharing prosecutor David Crane’s view, and am concerned that the Administration isn’t pressing Nigeria to deliver Taylor to the docket in Freetown. This is a matter of establishing legal accountability for the horrific crimes against the people of Sierra Leone. There is also a very practical reason to have Taylor face the Court: his statements and activities suggest that he intends to return to Liberia. As someone who has backed a vigorous U.S. engagement in Liberia, I will have little enthusiasm for maintaining our investment there if Charles Taylor is back in town.

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“Ideally crises are defused before they require that justice be done. During the Subcommittee’s April hearing on the Rwandan genocide, we heard of several ‘lessons learned.’ One of these lessons is the imperative of acting against hate radio, which magnified the killing in Rwanda several fold. General Dallaire told us, ‘This thing [Radio Mille Collines] was not a radio station. This thing was a weapon of genocide.’ I’m concerned that we’d get caught in the same bureaucratic and legalistic thicket that kept us from acting against Radio Milles Collines if hate radio again threatened to incite large-scale killing in Africa. I’d like to hear from the Administration that lessons indeed have been learned.”

Mr. PAYNE. Thank you very much, Mr. Chairman. Let me thank you for calling this hearing at such an important time, when the situations in Darfur are unfolding before us. We need to be preventing war crimes, and the action that we take will set the stage for whether Heads of State or those who perpetrate war crimes on its people will take the world community seriously or not. So I think it is very important that the world reacts in order to prevent the ongoing genocide and holocaust that we have seen. During the past decade, we sat by and idly looked at Rwanda as ethnic Tutsis and moderate Hutus were killed.

You know, I was at the Holocaust Museum this morning with a program with Senator Brownback and Senator Corzine from New Jersey and myself where there was a survivor of the Holocaust who spoke and talked about what happened in the ’30s and ’40s when people of Jewish descent were exterminated, six million, and others that were also, and said that we should never let this happen again. But we watched in Rwanda where this happened, and 70 years ago there was not television. There were not good telephone communications. We have it today, so there is no excuse today that we could allow this situation in Darfur to continue as we allowed the situation in Rwanda to ravage a decade ago.

Today, we live in a troubled world where conflicts over natural resources, wealth, ethnicity, and other things come to the attention of the international community all too often. In times of conflict, innocent civilians are often targeted and are too often the most vulnerable: Women, children, the sick, the infirm, the elderly. The most vulnerable are targets of the most brutal forms of terrorism and inhumane treatment.

This hearing is focused on war crimes in Africa and, particularly, how to prevent them. We know that when a country or a particular region is in the midst of a crisis of conflict and strife, war crimes are going to occur. It is really incumbent on the international community to find ways to mitigate these crimes against humanity, and sometimes that means making tough decisions that seek to address the immediate needs of the people of that country or region through these various decisions and that we may make these decisions, which seem to undermine our commitment to international justice when these decisions are not made.

Let me just say that the most glaring example of this, of course, is the situation that occurred in Liberia recently, toward the end of last year, when over 14 years of conflict came to a halt once the former brutal dictator, Charles Taylor, was removed from the country. Some international organizations cried out in protest of the decision of President Obasanjo of Nigeria to take Charles Taylor in and provide temporary asylum. They were of the opinion that Taylor, an indicted war criminal, should face the Special Court in Sierra Leone immediately and should not be offered asylum. But the decision was made, and you will hear firsthand from our then-Ambassador to Nigeria, Howard Jeter. And the decision was made at that time because you take situations and what is ethical in a situation, and situation ethics change from place to place.

I think the decision of whether we will have just continued bloodshed and killing and murdering by a last-stand-to-the-end battle in Monrovia—people were starting to die from the lack of food and water and sanitary conditions—or to save the lives firsthand and deal with Taylor later, and a decision was made by our State Department. Our President said there will be no United States troops intervening in Liberia while Charles Taylor sits in Monrovia, and a decision then had to be made: Will there be an all-out assault, killing, fighting, or will you remove this brutal dictator who is indicted so that then the United States would feel it was right for us to have the U.S. troops intervene, as you know, with the Nigerians? So this is an example of tough decisions.

A decision was made in Sierra Leone when the RUF was stronger than the government, and the Nigerian troops that were there trying to save the country of Sierra Leone were saying, we want to go home, and, therefore, the RUF would have controlled and ruled Sierra Leone. Once again, a decision was made: Do you let the brutal hacking going on continue, or do you stop by having an accord where you end the killing of the innocent people? And these are tough decisions. I have not been in the seat to have to make them, but there are those that have, and so I think that this is good that we have this.

As I conclude, of course, one cannot discuss war crimes today without genocide in Darfur coming to mind. Though some believe that we need more evidence to determine that if genocide is occurring, the fact is that more than one million people have been forced out of their homes, approximately 50,000 people have been killed, and there have been many that have gone to Chad in refugee camps, as the Chairman mentioned. Along with this massive displacement and death, the environment is in ruins. Water sources

are contaminated. The mass rape of both women and children has been widely documented.

The world must act now, and according to U.N. Convention on the Prevention and Punishment of Genocide in 1948 articles, genocide actually is occurring. Based on the criteria of article 2 of the Convention on the Prevention and Punishment of the Crimes of Genocide, in the present convention, "genocide" means any of the following acts committed with the intent to destroy in whole or part a national, ethnic, racial, or religious group. As such, [a] killing members of the group; [b] causing serious bodily harm or mental harm to members of the group; [c] deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part, and imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group.

So all of the above war crimes constitute genocide. Many of them are occurring in Darfur, and so I urge State Department and President Bush to make a determination, but in the meantime, we need to have action now. Thank you very much, Mr. Chairman.

Mr. ROYCE. Thank you, Mr. Payne, and I agree with your conclusion on the genocide that is occurring there.

We are going to go to Ambassador Pierre-Richard Prosper. He is the Ambassador-at-Large for War Crimes Issues at the Department of State. He served as a war crimes prosecutor for the United Nations International Criminal Tribunal for Rwanda for 2 years.

Before working at the State Department, Ambassador Prosper was a career prosecutor at the U.S. Department of Justice. And, Ambassador Prosper, I want to thank you for appearing before our Subcommittee today, and if you would summarize your remarks in 5 minutes. We did have a chance last evening to read over your report, and we thank you very much for being with us today.

STATEMENT OF THE HONORABLE PIERRE-RICHARD PROSPER, AMBASSADOR-AT-LARGE, OFFICE OF WAR CRIME ISSUES, U.S. DEPARTMENT OF STATE

Mr. PROSPER. Thank you very much, Mr. Chairman and Members of the Committee. I really appreciate this opportunity to discuss what I think we all agree is a very important issue, and that is war crimes in Africa, and in your opening remarks you hit many of the points or concerns that we share regarding this issue.

As you know, the United States has been a leader in helping to bring an end to conflicts and an end to an environment of impunity in Africa in order to hold perpetrators accountable. The Bush Administration has been responsible for making progress in ending wars in Sudan, Sierra Leone, the Democratic Republic of the Congo, Liberia, Angola, and Côte d'Ivoire.

We believe that we have a responsibility to help prevent and punish genocide, war crimes, and other serious abuses that occur in Africa and worldwide, and, again, I commend this Committee for its work in putting a sharp focus on this.

Ten years ago, the world stood by as genocide unfolded in Rwanda. With hot spots in Sudan, the Eastern Congo, repression and killing in Zimbabwe, the collective engagement of the international community is needed more than ever, and it is needed now.

Mr. Chairman, when there are outbreaks of atrocities and other abuses, neighbors, regional and international institutions, the international community must be prepared to take steps to prevent further atrocities and to stop genocide. All countries, no matter how big or small, have a role to play. They must determine what tools may be deployed and contribute appropriately. The burden to act should not fall on one country, and no country is immune from its responsibility.

While efforts may cure an immediate problem, we must focus on lasting initiatives, especially securing the rule of law. It is our view that we must encourage and support states in pursuing accountability and credible justice. We must not tolerate an abdication of responsibility, nor should that responsibility be taken away. It is important to achieve justice that touches the grassroots of society and has the acceptance of the community for it to change cultures of impunity.

Sierra Leone is one such place where justice is being served. The United States is the leading supporter of the Special Court for Sierra Leone, which is achieving a strong impact. But, Mr. Chairman, justice will not be complete until Charles Taylor finds his way to the Court. The U.S. policy is that Mr. Taylor must be held accountable and must appear before the Court. I personally have shared this policy with President Obasanjo and Chairman Bryant and have asked them for action on this matter.

While we understand the need to maintain stability in Liberia, the goal of the United States is to work with Nigeria and Liberia to pursue a strategy that will see Charles Taylor face justice before the Special Court for Sierra Leone. We want to work toward this end, and today our Ambassador to Nigeria, John Campbell, is again communicating this message to the Nigerian President.

While Sierra Leone is a symbol of justice moving forward, the Democratic Republic of the Congo is not. The Congo has faced atrocities on a wide scale. Reliable estimates, as was noted, associate over three million deaths with this conflict since 1998, with the possibility of 350,000 of those being the direct result of violence. We continue to monitor the situation in the Eastern Congo and remain deeply concerned about the buildup of forces and reliable reports of atrocities.

We are calling on the transitional government and local authorities to use their power to stop abuses, to investigate atrocities in Bukavu and elsewhere, and, of course, to hold perpetrators accountable. Deputy Assistant Secretary of State for African Affairs Don Yamamoto, has been deployed to the region. He has called upon all parties involved to refrain from any act that may exacerbate tensions or heighten the risk of further conflict or atrocities in the area.

We are also concerned regarding the role of the media in the region of the Congo, particularly of radio, which has played inciting messages of ethnic hatred, deepening ethnic division among the people of the Eastern Congo. We have intervened diplomatically in this matter. We believe there are appropriate ways of interrupting and ending such communications before they lead to widespread violence.

This Administration continues to work to end conflicts in the Congo, and we also promote accountability. We believe there are ways. There is a weak judiciary there, but we must work, with international assistance, to find accountability in the Eastern Congo region. I have talked to MONUC about this, Ambassador Swing; the EU special envoy, Mr. Ajello; and President Kabila.

We know that accountability works in Africa. We have seen it with the Tribunal for Rwanda, which while they had a weak start with some inefficiencies, today it is getting the job done by bringing people to justice. We have contributed with a Rewards for Justice program by bringing notable perpetrators to the Tribunal.

But, Mr. Chairman, please allow me to spend a moment on a matter of great importance: Sudan. This Administration is deeply troubled by the events and the role of the government and the militias. It is a catastrophic situation that will only worsen if efforts to remedy the conditions continue to be obstructed.

Today, we know that an estimated one million people are internally displaced in Darfur. There are approximately 200,000 Sudanese who are refugees in neighboring Chad. As you noted, there are widespread reports of sexual violence, killings, torture, rape, theft, detention of persons, and destruction of homes and villages as a means of warfare. These attacks are ethnically based.

I would like to draw the Committee's attention to the map that we have here, and I will leave it here for your use later. The orange illustrations of flames are areas that we know have been destroyed in Darfur. They number over 400. There may be more. We are monitoring this through national technical means to see and confirm what we are discovering. As you know, militias are reported to be responsible, Jingaweit. We also hear of reports of aerial bombings committed by the Government of Sudan.

Credible organizations have reported the following individuals of the Jingaweit bear responsibility for the atrocities that have occurred there. While we know there are others, the United States is working to determine their culpability and the culpability of others who support them. Some of the individuals are Musa Hilal, a Jingaweit coordinator; Hamid Dawai; Abdullah abu Shineibat; Omar Babbush; Omada Saef; Ahmad Dekheir; Ahmed Abu Kamasha. These people need to be investigated and brought to justice.

Now, I know there is this question of whether this is genocide. I can tell you that we see indicators of genocide, and there is evidence that points in that direction. At this moment, we are not in a position to confirm. In order to do so, Darfur needs to be opened up. I have requested a visa to travel into Darfur to personally examine the situation. Despite this request having been submitted 2 weeks ago, it is still pending. In the meantime, we have told the Sudanese that we are appalled by what is happening in Darfur and have indicated there is evidence of Sudanese government involvement and knowledge of the abuses.

Humanitarian assistance continues to be obstructed. The government has created artificial obstacles to prevent assistance from reaching the population that needs it. These obstructions are delays in customs and vehicles, food, medicines, and radios for relief workers to travel and communicate.

Mr. Chairman, in my prepared remarks, I have a list of things the United States has done in Darfur, which obviously will be part of the record, but I can assure you that the engagement is at a very high level, from the President through the National Security Adviser and Secretary of State. We have communicated with Khartoum at the highest levels on this matter and have been in constant contact with the United Nations and have gotten the United Nations Security Council to become active.

As you know, we have pledged recently \$188.5 million to bring our total planned contributions to \$300 million. We have pressed the Government of Sudan to take immediate action to stop the Jingaweit and to end the violence and atrocities. We have pressed them to open up Darfur to monitors and human rights organizations so that the magnitude of the abuses can be understood and addressed. We have pressed them to end these artificial obstacles to getting assistance to the population, and we have asked them to cooperate fully with the African Union monitoring mission. We have also warned that we are considering imposing sanctions and are considering a Security Council resolution that will demand an end to violence and unfettered access.

While we note President Bashir's decision to mobilize forces to disarm the Jingaweit, we note, however, that based on Sudan's track record, assurances are not enough; we need verification. The government has said it would set up its own investigative body to investigate allegations of war crimes. We will insist that this is done fully and credibly. In the meantime, we will have discussions in the international community regarding what steps we can take to bring accountability.

Mr. Chairman, the key to ending impunity in Africa is to work toward having each and every state fulfill its responsibility to uphold and secure the rule of law. Only then will the foundation of democracy begin to take shape. With our collective efforts, we can change the environment. It will not be easy; however, for the sake of Africa and all of humanity, it must be done. Thank you.

[The prepared statement of Mr. Prosper follows:]

PREPARED STATEMENT OF THE HONORABLE PIERRE-RICHARD PROSPER, AMBASSADOR-AT-LARGE, OFFICE OF WAR CRIME ISSUES, U.S. DEPARTMENT OF STATE

Mr. Chairman, members of the committee, I thank you for this opportunity to discuss with you the critical issue of confronting war crimes in Africa. The United States is a leader in helping to end conflict and atrocities in Africa and in supporting efforts to end impunity by holding perpetrators of war crimes accountable. President Bush's Administration is directly responsible for progress in ending the wars in Sudan, Sierra Leone, the Democratic Republic of the Congo, Liberia, Angola and Cote d'Ivoire.

The Bush Administration believes that we have a responsibility to help prevent and punish genocide, war crimes, and other serious abuses that occur in Africa and worldwide. I commend this committee for its work and focus on promoting accountability. Ten years ago, the world stood still as a genocide unfolded in Rwanda. The world failed Rwanda and humanity during those horrible months, ignoring the refrain from Nuremberg of "never again." With hotspots in Sudan and the Eastern Congo, and repression and killing in Zimbabwe, the collective engagement of the international community is needed more than ever—and it is needed now.

Mr. Chairman, when there are outbreaks of atrocities and other abuses, neighbors, regional and international institutions, and the international community must be prepared to take steps to prevent further atrocities and to stop genocide. All countries no matter how big or small have a role to play. They must determine what tools may be deployed: contributing soldiers, providing logistical support, or helping

with political and financial assistance for the preventive effort. The burden to act should not fall on one country, and no country is immune from this responsibility. At the 10th anniversary commemoration of the Rwanda Genocide in Kigali, regional heads of state and the African Union (AU) called on African states to be prepared to act to stop war crimes and genocide when it is occurring on the continent. The United States supports this view and is prepared to help develop such capacity.

But while efforts may cure an immediate problem, we must focus on lasting initiatives, especially securing the rule of law. It is our view that we must encourage and support states in pursuing accountability and credible justice. We must not tolerate abdication of this responsibility by a particular government, society, or the international community, nor should that responsibility be taken away. It is important to achieve justice that touches the grass roots of a society and that has the acceptance of the community for it to change cultures of impunity. As a result, domestic ownership is vital. But for this to work, we must create, encourage, and strengthen political will in each country to combat and punish these abuses domestically.

SIERRA LEONE

Sierra Leone is one such place where justice is being served. The United States is a leading supporter of the Special Court for Sierra Leone, which is achieving a strong impact. This hybrid court has current indictments against eleven of those most responsible for atrocities in Sierra Leone, nine of whom are in custody. And as we saw on June 3, trials have begun. We deem this Court to be succeeding. But justice there will not be complete until Charles Taylor finds his way to the Court. Mr. Chairman, it is U.S. policy that Taylor must be held accountable and must appear before the Court. I personally have shared this policy with President Obasanjo and Chairman Bryant and have asked them for action on this matter. While we understand the need to maintain stability in Liberia, the goal of the United States is to work with Nigeria and Liberia to pursue a strategy that will see Taylor face justice before the Court. We want to work towards this end, rather than sitting back and saying now is not the time. Our Ambassador to Nigeria, John Campbell, is to again communicate this message today to the Nigerian president.

DEMOCRATIC REPUBLIC OF THE CONGO

While Sierra Leone is a symbol of justice moving forward, the Democratic Republic of the Congo (DRC) is not. The DRC has faced atrocities on a wide scale. Reliable estimates associate over three million deaths with the conflict since 1998, with possibly 350,000 of those directly due to violence. We continue to monitor the situation in eastern Congo and remain deeply concerned about the build-up of forces and reliable reports of atrocities there. The United States continues to support the transitional government of the Democratic Republic of the Congo and the goal of an integrated army supporting that government. We are calling on the transitional government, and local authorities to use their power to stop abuses, to investigate atrocities in Bukavu and elsewhere, and to hold the perpetrators accountable. Deputy Assistant Secretary for African Affairs Don Yamamoto has been deployed and just met with leaders in Kinshasa and Kigali. He has called upon all parties involved in the conflict to refrain from any act that might exacerbate tension or heighten the risk of further conflict in the area. We are pleased to learn that Col. Mutebusi, a rebel officer who took over the city of Bukavu on May 26, has fled to Rwanda. It is our understanding that Rwanda disarmed Mutebusi and the roughly 300 men who accompanied him and has taken them into custody.

We are also deeply concerned by the role that the media, particularly radio, has played in inciting ethnic hatred and deepening ethnic divisions among the people of eastern Congo and in the region. And we have intervened on the matter. We believe that there are appropriate ways to interrupt and end such communications before they lead to widespread violence.

As the Bush Administration continues to work to end conflict in the DRC, we also are promoting accountability. The transitional national government (TNG) will have a nationwide, albeit very weak, judiciary which could participate in investigating war crimes. The TNG constitution also calls for a truth and reconciliation commission (TRC). But these efforts are not enough. We will look to create increased international support for domestic-based mechanisms that specifically address war crimes accountability. I have discussed this with President Kabila, MONUC's Amb. Swing, and the EU Great Lakes Envoy Amb. Ajello.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Mr. Chairman, we have seen the benefit of accountability in the Great Lakes region of Africa. Following the Rwanda genocide, the United States led the efforts to

establish the UN International Criminal Tribunal for Rwanda (ICTR). This was the right thing to do. The United States supports the work of the ICTR and hopes that it will successfully conclude its mandate within the coming years. While the ICTR suffered in the past from inefficiency and mismanagement, today with its new leadership it is now having the desired impact. To date, eighteen of the leaders most responsible for the Rwandan genocide have been convicted and three individuals have been acquitted. Twenty-three others are currently on trial with another twenty-six indictees in the pre-trial phase. Under this Administration, we launched a Rewards for Justice program that has resulted in many of these top genocidaires having been brought to justice before the ICTR. The end result has been that negative forces who fueled ongoing conflict in the region have been taken off the streets and are being held accountable.

SUDAN

Mr. Chairman, allow me to spend some time and talk about an issue of great importance: Sudan. We are deeply troubled by the events in Darfur and the role of the government and militias. It is a catastrophic situation that will only worsen if efforts to remedy the conditions continue to be obstructed.

Today we know that an estimated one million people are internally displaced in Darfur, and there are approximately 200,000 Sudanese refugees in neighboring Chad. There are reports of widespread sexual violence, killings, torture, rape, theft and detention of persons in addition to destruction of homes and villages as a means of warfare. These attacks are ethnically based.

The militias who are reported to be responsible are known as Jingaweit. Despite an April 8 ceasefire agreement, attacks by the Jingaweit on the innocent civilian population have continued, and we also continue to hear reports of aerial bombings by the Government of Sudan (GOS).

Credible organizations report that the following individuals are leaders of the Jingaweit and bear responsibility for actions of the Jingaweit. While we know there are more, the United States is working to determine the culpability of these individuals and the culpability of others who support them.

Jingaweit Commanders and Coordinators:

1. Musa Hilal, Jingaweit Coordinator
2. Hamid Dawai, leader in Terbeba-Arara-Bayda triangle
3. Abdullah abu Shineibat, leader in Murnei
4. Omar Babbush, leader in Habila and Forbranga
5. Omada Saef, leader in Misterei
6. Ahmad Dekheir, leader in Murnei
7. Ahmed Abu Kamasha, Kailek region

There is the question of whether this is genocide. We see indicators of genocide, and there is evidence that points in that direction. However, we are not in a position to confirm. To do so, we need Darfur to be opened up.

I have requested a visa to travel to Darfur and personally examine the situation. Despite this request having been submitted weeks ago, it is still pending. In the meantime, we have told the Sudanese that we are appalled by what is happening in Darfur and have indicated that there is evidence of continued Sudanese Government support of militias and knowledge of the abuses.

Regarding humanitarian assistance, the GOS continues to create artificial obstacles that prevent assistance from reaching the population at need in Darfur, such as customs delays on vehicles, food, medicines and radios necessary for relief workers to travel to and communicate in remote areas.

In response, the United States is actively engaged at the highest levels. Recent actions include:

- The President, Secretary of State, National Security Adviser and USAID Administrator have raised Darfur with President Bashir, Vice President Taha and Foreign Minister Ismael;
- Secretary Powell has been in regular contact with UN Secretary General Annan, the Security Council passed a resolution on June 11 that referenced Darfur, and the United States took the lead in drafting a strong Presidential Statement that the Security Council adopted on May 25;
- At our initiative, the UN chaired a June 4 Geneva meeting on Darfur with donors to meet the urgent humanitarian needs; and

- We have pledged an additional \$188.5 million bringing our total planned contribution to nearly \$300 million.

We have pressed the Government of Sudan to:

- Take immediate action to stop the Jingaweit and end the violence and atrocities;
- Open up Darfur to monitors and human rights organizations so that the magnitude of the abuses can be understood and addressed;
- End artificial obstacles to getting assistance to the population at need in Darfur; and
- Cooperate fully with the AU monitoring mission.

In addition, we have warned that we are considering imposing targeted sanctions against individuals and a United Nations Security Council resolution demanding an end to violence and unfettered access to Darfur.

We noted President Bashir's decision to mobilize the Sudanese armed forces to disarm the Jingaweit. However, based on Sudan's track record, assurances are not enough. We will need verification. Full access to the situation on the ground in Darfur is needed. Establishing monitors will be an important step. The Government of Sudan has stated it will set up its own investigative body to address allegations of war crimes. We will insist that Sudan credibly and fully investigate the atrocities that have occurred. In the meantime, we will discuss options the international community can consider to address the crimes that are being committed.

The key to ending impunity in Africa is to work towards having each and every state fully exercise its responsibility to ensure the rule of law is upheld. In our efforts to end cycles of violence by ensuring accountability for past crimes, we should work as closely with the affected populations and governments as possible. Only then will the foundation of democracy begin to take shape. With our collective effort we can change the environment. It will not be easy, however. But for the sake of Africa and all of humanity, it must be done.

Mr. ROYCE. Thank you, Ambassador Prosper. You touched on the issue of whether this is genocide or not. Mr. Payne read the definition from the International Convention on Genocide, and it seems to me that it is very clear.

You are one with extensive experience in dealing with criminal war crimes tribunals, and you have volunteered to serve in some very tough spots. One of the things I wanted to begin by asking you is this: You gave us names of organizers of the Jingaweit, but can we separate the Jingaweit actions from the government's? As you know, in Rwanda what you found was that it was actually those in the government, those militants in the government at the time, who were maybe not carrying out the genocide, but had planned and organized the genocide.

What we are saying here today to you, as Members of Congress, is that with the evidence that we have, Khartoum is engaged in helping to orchestrate this genocide; otherwise, there would not be Russian-made planes flying over these villages, which are in flames, dropping canisters of munitions on these villages; otherwise, there would not be military vehicles and regular troops falling in behind the Jingaweit.

So when we talk about compiling the names of those involved in war crimes, what I would like to ask of you is not just the names of those in the Jingaweit. What we want is, by whatever means possible, to get the evidence on those in Khartoum who are complicit in this because eventually there needs to be accountability and a war crimes tribunal. In the meantime, we have got to get on the ground. I applaud your efforts to file for a visa, but, again, we have the Government of Khartoum telling you what they have told so many of us: No, you cannot come. NGOs cannot come. Those

in the international community cannot come to witness what is going on on the ground.

Is there a way for you to go without a visa? Would you be willing to do that? You have done some bold things in your life, and I am asking today if there is a way that you might be able to do that, Ambassador Prosper.

Mr. PROSPER. Mr. Chairman, thank you for the question. We definitely share, obviously, your concern and feel the need to get in and get in quickly.

In the past, I have been in Sudan in the South, and at that time I was able to witness and get firsthand accounts of what actually occurred there. Here, we have given the government the opportunity to, through the diplomatic process, open up, and it is a way to see the depth of the atrocities and to see if there is something that is being hidden. But I do have to say, I am prepared to explore other ways of getting information.

One of the difficulties we have, particularly with whether or not to call it genocide, is not a political one because we are prepared to call it as we see it. One of the problems that we have is the information we are getting is second or third hand, and what we want to do is when we pronounce, we want to have a conclusive pronouncement. That is why we say we see indicators. The evidence points in that direction, but we are trying to get on the ground. I am even prepared to go to Chad to the border to begin to speak with people there in order to get the information that we need.

Mr. ROYCE. I understand the Jingaweit are now attacking over the border and attacking the camps in Chad itself.

We passed sanctions legislation here in this Committee and, indeed, out of the Congress. What types of sanctions are the Administration considering placing on those Sudanese responsible for the killing in Darfur? What actions are we taking at this point?

Mr. PROSPER. Well, right now, we have an open mind as to what the possibilities are. They, obviously, could range from travel to financial restrictions.

Mr. ROYCE. Seizing the assets.

Mr. PROSPER. Correct. We are looking at this. We are looking to see what we, as an Administration, can do. We are also looking to see what the United Nations can and should do in this matter. So rather than actually listing anything and potentially omitting something, I think I can say that our mind is open because when we take this action we want to make sure we do so properly and effectively.

Mr. ROYCE. Well, thank you.

We are going to recess for 20 minutes because there is a series of votes, and then we will come back for our hearing. Again, Ambassador Prosper, I want to thank you for testifying here before us today.

Mr. PROSPER. Thank you.

Mr. ROYCE. We stand in recess.

[Whereupon, at 1:38 p.m., a recess was taken.]

Mr. ROYCE. We are going to call this Subcommittee back to order. Ambassador Prosper, I wanted to ask you, in your testimony, you state that former Liberian President Charles Taylor—you say his

influence in Liberia and the region has been dramatically curtailed, and it has been reduced because he is no longer President of the country. That is progress, but he still has influence, and that influence may be pretty strong.

I was pleased, in your testimony, when you called for Taylor to appear before the Court now, in your words. My question is, what are we doing to convince our Nigerian friends that we would all be better off if Charles Taylor stood before the Special Court? They are the ones in possession of Charles Taylor.

Mr. PROSPER. What we are doing is basically continually engaging in the dialogue with the President of Nigeria and his team regarding this. I visited Nigeria, visited President Obasanjo—I believe it was a month and a half ago, and he gave me his views on this issue, which he actually said I could share with you, and that was that he says he took a position for the sake of peace and stability to provide this temporary sanctuary to Charles Taylor. And he said, for the integrity of the process, that is, to be able to do this again in the event that there is some leader out there who is destabilizing an area, he needs to keep his word of making it a temporary sanctuary. And he said that once there is a democratically elected government in Liberia, he will look to them to ask them what should be done with Charles Taylor. Should I send him to the Special Court or elsewhere?

Well, we welcome the fact that this is a temporary arrangement but impressed upon him that we felt that waiting for a democratically elected government is much too far away, and we need to speed up the timetable. Meanwhile, we have engaged with Chairman Bryant on this exact issue and have agreed to work together on a joint strategy.

Mr. ROYCE. Another thing I appreciated in your testimony was a point you made on another subject, hate radio. You mentioned that jamming those radio stations or counterbroadcasting could be undertaken pursuant to Chapter 7 of the U.N. Security Council resolutions with the consent of the government where the hate transmissions are located. I think this is progress from what had been a rather absolutist U.S. position by our attorneys against jamming, and I suspect that you had something to do with changing that position, and I appreciate that.

I will mention again what I said in my opening statement when I quoted General Dallaire because I think it bears repeating. He said this Radio Milles Collines is not a radio station. This thing, he said, was a weapon of genocide. The problem is that we are faced again with a Rwandan-like series of broadcasts, a call to commit genocide, and looking at an ethnic or a racial powder keg, we may not get a U.N. Security Council okay to act against what could be, again, a government-backed hate radio broadcast. And again, what we saw in these cases that we have talked about today was the hand of government behind the scenes, both in Rwanda and in the case of the DRC. Any thoughts on that?

Mr. PROSPER. I think the distinction between government-backed or owned and pirate radios is an important one because if it is an illegal operation, there should be no barriers to ending the communication. If it is government-owned, then we have to deal with some of the legal issues associated with that and perhaps get a Se-

curity Council resolution. But I think a government-backed radio would probably fall in that gray area closer to the point of piracy, and we would have to actually engage the government to see where they stand on the issue to really, in a sense, force them to take a position,—do they take ownership over this or not?—and then from there we can determine what the appropriate response is.

But I do agree that we should not be caught up in lengthy, diplomatic efforts that may prove to be fruitless while genocide is being incited and persons are, in fact, being killed.

Mr. ROYCE. Well, I do want to thank you for talking with us about this issue and for the changes you are trying to make and have already made in policy. All of our witnesses at our Rwandan genocide hearing pointed to hate radio as a key problem in causing that genocide. We really have to be proactive here, pushing the envelope, because I think all of us have underestimated the role and the impact that media transmissions play, and we have done it at our peril. We live in a new age, and our policies must adapt to that age. So I would like to continue working with you on that issue, and in the meantime, Ambassador Prosper, I would like to go to Mr. Tom Tancredo of Colorado for his questioning.

Mr. TANCREDO. Thank you very much, Mr. Chairman.

Mr. Ambassador, in your written testimony, or it may have been in your oral remarks for which I was not here, it says, "I requested a visa to travel to Darfur and personally examine the situation," and that you are still waiting, but you say that in order to assess whether or not we can call what is happening there genocide, you would need to get into Darfur. Darfur has to be opened or something like that was the comment.

Mr. PROSPER. Yes.

Mr. TANCREDO. Let me suggest that there is another avenue that may be open to you. I would certainly appreciate your pursuing this as an alternative, and that is the refugee camps in Chad. Somebody should go there. Somebody should talk to them about what has happened to their families and what is happening actually in Chad now, not just what happened in Sudan, but as I understand it, there are raids out of Sudan and into these camps. Perhaps that would help. Even if it is not all of the information you need, it would be a good chunk of information, it seems to me, to have available to you, and you can get there, and I will go with you.

So, first of all, let me ask you, do you believe that that is an option that we should pursue?

Mr. PROSPER. I do believe it is an option. In fact, we are on the same wavelength. What we have done as a Plan B is to seek a visa, and I actually obtained a visa from Chad to travel there. Obviously, the priority is to go to Darfur, and we will have to see what happens there, but we are prepared to go to Chad.

Mr. Chairman, I would like to just add an element or a piece of fact to this hearing. While we have been in session, it has been formally announced that the Secretary of State will travel to Sudan next week, the 29th and the 30th, to go to Khartoum and then into Darfur. We anticipate that the U.N. Secretary General should be there around the same time, so I think this is, obviously, a positive development that will bring to light an attention to the suffering

of the people, the atrocities that have occurred and the work that is needed.

Mr. TANCREDO. That is definitely good news. Some of our colleagues who are traveling there very soon, Mr. Wolf and Senator Brownback—they are going there maybe as soon as next week—I am not sure, but that will certainly add to the pressure, and I am glad to hear it. We must do it. This is imperative. It has surpassed now any kind of discussion about the political ramifications. We are now at the point, honestly, Mr. Ambassador, where if we do not make a very, very aggressive attempt to try and bring this to an end, it is a moral dilemma that we face, it is a moral question that we face, that we cannot, I think, ignore. It is more than just a political issue.

To that end, what exactly has the Administration determined to be the strategy in the United Nations? What exactly is it that we are going to try to do there, and how quickly are we going to go after it? Are we going to be able to get something out of the Security Council? Are we going to try?

Mr. ROYCE. Just for the record, we have made a very concerted attempt to rally, not just the National Security Council but the Commission on Human Rights in the United Nations, to our cause here of intervention in Sudan, including trying to get a team in and humanitarian relief work in. Now, what is unfortunate, I think, is the opposition that we have gotten from Arab governments, and also I must say, as Don Payne said at the last hearing, we are disappointed in other African governments as well for not speaking out and not being willing to go on the record. The United Nations needs to go on the record, and that includes Kofi Annan, who up until now has parsed words and has said, well, I do not see the evidence yet; I have got to see the evidence with respect to ethnic cleansing or genocide.

I think, frankly, we have the evidence. We have certainly got to move in concert with the international community, and as this has been stymied in the United Nations, in that we have been outvoted. I think this trip is going to be very, very important. I think it is a great move that our Secretary of State is going to be on the ground in Darfur. But it has to be followed up, as Mr. Tancredo has said, by another initiative in the United Nations to try to rally the U.N. to take action in Darfur.

Mr. TANCREDO. Thank you, Mr. Chairman. I could not have said it better, of course.

Mr. PROSPER. This is, in fact, what we are looking at right now. In fact, as we speak, there are meetings on this precise subject, exactly what next steps should be taken within the Security Council.

One of the things we did this week is our AID Administrator, Andrew Natsios, was up there yesterday and made the rounds, not only within the U.N. but to the permanent five members and others, really detailing the level or the magnitude of not only the humanitarian problem but atrocities as we see it.

So we are out there making the case to try to bring these countries on board because we agree with you, we all need to be united, and there is no reason to either slow or oppose these efforts.

Mr. ROYCE. We appreciate you bringing that resolution to the United Nations, and we hope when we go back the second time

that this time we will be able to get their support. I am going to go to Mr. Don Payne. Thank you, Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. PAYNE. Thank you very much, and let me thank you, Mr. Chairman, again and to Mr. Tancredo, who will be visiting the Darfur region with Senator Brownback and Congressman Wolf within the next few days.

This question of genocide; believe it or not, I was on NPR where this question, with John Egeland, the Under Secretary for Humanitarian Affairs for the United Nations—we are on NPR as we speak, and we will go back debating whether this should be called genocide or not. I read the same five points that I read here and just read them over the air and told them we were in a hearing at the present time. It is unfortunate there is such a reluctance to call things as they are.

You know, years ago, we used to hear that Nero fiddled while Rome burned. We saw in 1915 the Armenians, the genocide from the old Ottoman Empire in Turkey where no one did a thing. Well, communications were bad then, but then 30 years later, in Nazi Germany, we saw it happen, while there was not television, 12 million people killed, six million Jews. The Holocaust went on. People denied they knew it was going on. No one seemed to know. There were bad communications. We did not have good telephone systems, and radios were not—well, there was no television.

Ten years ago, we saw it in Rwanda. We saw rivers clogged because of bodies there. We could not get the word “genocide” cited. We saw 700,000 or 800,000 people killed because of their ethnicity. We saw the fact that people went on the radio, as the Chairman so clearly brought out. I sat in those hearings in 1994. I asked our Assistant Secretary of State, is it genocide? “It looks like it may be.” “We are thinking about it.” “We are looking into it,” because evidently the Administration said, “do not say genocide.” And I criticized the Clinton Administration because of the lack of being forceful in the State Department.

Well, once again, 10 years later, we even have clear television. We see pictures. We do not see many on our television, but I get BBC, and they will show what is going on there, people in the bush worrying if snakes are going to come or scorpions to bite them, and they die slowly. People are fragile. This situation has been going on for 8 or 9 months, close to a year. People are at the stage of dying from malnutrition now.

That is what is so sad about this thing. It has only been brought to the attention of people at this point. That is why we are wondering, well, why should we move so quickly? Well, because we have done nothing over the last 12 months while this was systematically going on.

I believe that we ought to call it what it is. Like I said, I commend you, Ambassador Prosper, for your prosecution of the genocides in Rwanda, and I commend you for that. I also feel that Charles Taylor should be brought to justice. I felt that we should alleviate the suffering of the people who are dying, if that was a prerequisite. Well, now that we have a semblance of a stable Liberia moving forward, I think, then, that we should say that this in-

dictment must be lived up to and that he should be brought to justice.

I also think that the United Nations, the UNMIL who are in Liberia, should have the right to arrest Charles Taylor if he decides to come back to Liberia. Right now, they do not have that authority. That should be given to them because if he ever decided to be so bold as to come back to Monrovia, and no one would have the authority to arrest him, I think that the United Nations should have that authority and actually should even have people that are indicted in war crimes who are in Liberia now riding around downtown in big cars ought to be able to be arrested and taken to the court in Sierra Leone also.

As you can see, I am not a diplomat. Maybe my colleagues are, but you call it the way it was. When I was at the U.N. and heard a report to the Security Council, I sat in the Security Council about a month ago, no one wanted to call it what it was. We are looking at it. We are seeing. We do not know.

When it came to me simply as genocide, as the way I see it, and maybe because I am not a lawyer, but I can read five points, and I know that a majority of these five points are happening. Let us call it like it is. That is one reason why we are seeing so much happen in the world because we are not calling things the way they are. I have no questions. I will just yield back, but once again, this is not directed to you. I appreciate what you do. Thank you.

Mr. ROYCE. I want to just close by thanking you, Ambassador Prosper, for appearing today, and you may get some questions from Members who want to go on the record with some additional questions.

Just in closing, I would like to say, as we debate whether or not it is genocide, and clearly Don Payne and myself believe it is, and Mr. Tancredo. At some point, I think you take the Jingaweit by their words and by their deeds, and the NGOs have quoted them on the ground as explaining that what they are doing is eliminating the indigenous population there. They admit that they are committing genocide, and by the acts in which they basically create a concentration camp out of these refugee camps and then surround them while people starve to death, and when men leave, they shoot them and kill them, and when women leave, they rape them. These are genocidal acts, and for these reasons it is imperative that we move quickly.

We have a colleague of ours, Mr. Wolf from Virginia, who is with us today, who will himself be going next week into Sudan and into Darfur, and I wanted to give Mr. Wolf a chance, who is the author of legislation that we have passed out of this Committee in the past to bring sanctions on Sudan, I wanted to give him an opportunity to say a few words, if he would like to, to you, Ambassador, and to our Committee. Thank you.

Mr. WOLF. Thank you, Mr. Chairman. Three comments. One, thanks for having the hearing, and I appreciate what you and Mr. Payne and Mr. Tancredo are doing. Two, thank you, Mr. Ambassador, but I think the Administration has to do more.

I think the world now knows. I agree with Mr. Royce and Mr. Payne that we are now approaching the genocide definition. I saw where the Secretary is going out there. I saw the report. I think

when you come back, you are going to have to say, I believe there are now people in the Administration that are now calling this genocide. Samantha Power did a book about what took place in the Clinton Administration when they failed to say the word, and I think they are having a hard time living that down. Do not let that happen to this Administration because this Administration has done a good job on these issues.

Lastly, I second what the gentleman said with regard to Charles Taylor. Charles Taylor needs to be apprehended and brought to justice before this Administration leaves office, or else you will have failed in your effort. I am not sure it was really raised when the President of Nigeria came here, and I think of every opportunity; otherwise, he will march back into Liberia 5 years from now, 6 years from now. He needs to be brought to justice before the end of this year, and with that, I thank the Chairman and yield back.

Mr. ROYCE. Thank you. Again, Ambassador Prosper, you have tough issues, and we wish you the best, and we thank you for appearing here at the hearing today.

Mr. PROSPER. Well, Mr. Chairman, thank you very much, and please rest assured, the question of genocide is not a matter of debate within the Administration. What we are doing is we are collecting all of the information that we can to make a conclusive determination. So we are prepared to call it as we see it, and, again, one of the things we want to do, as I may have mentioned before, is to get in and do a bit of fact finding because once we pronounce, it is official, and it is final. We are prepared to do it, but the United States, when it speaks on this, it needs to be able to back up its words. Thank you.

Mr. ROYCE. Thank you, Ambassador Prosper.

We will now go to our second panel.

[Pause.]

Mr. ROYCE. Ambassador Howard Jeter was a member of the Foreign Service for 27 years, retiring with the rank of Career Minister. Among his many postings, Ambassador Jeter served as the U.S. Ambassador to Nigeria from 2001 until July 2003. Before that posting, he served as U.S. Ambassador to Botswana. Ambassador Jeter is currently the Executive Vice President of Goodworks International, and, Ambassador Jeter, it is good to have you back to our Committee here.

Mr. JETER. Thank you very much.

Mr. ROYCE. Ms. Corinne Dufka is a Senior Researcher in the Africa division of Human Rights Watch and a 2003 MacArthur Fellow. She worked as an investigator for the Special Court for Sierra Leone in 2003. Prior to this, she worked with Human Rights Watch to establish a field office in Sierra Leone and as a photojournalist, and it is good to have her with us as well.

Ambassador Howard Jeter, would you like to begin?

STATEMENT OF THE HONORABLE HOWARD JETER, EXECUTIVE VICE PRESIDENT, GOODWORKS INTERNATIONAL [FORMER U.S. AMBASSADOR TO NIGERIA]

Mr. JETER. Thank you very much, Mr. Chairman.

Mr. ROYCE. Howard, I will remind you, we have got everybody's testimony for the record, and we have to be out of here by 3 o'clock. So if you would like to just summarize, that would do just fine.

Mr. JETER. I will, then, not read from my statement but actually give what I think is the central focus of the statement.

First of all, Mr. Chairman and Members of the Subcommittee, I am delighted to be here, and, Mr. Chairman, thank you very much for that very kind introduction.

What I tried to get to in the statement is basically the role that the United States played in terms of Charles Taylor's coming to Nigeria, what we knew, what we did not know, how the decision-making actually took place on that issue of Charles Taylor's getting asylum in Nigeria. But I also wanted to note that this is not the first time that the Government of Nigeria has taken a former Head of State in a country experiencing difficulties into its territory. The former Heads of State of Somalia, Chad, and Niger also were given asylum in Nigeria.

Foday Sankoh, the now-deceased founder and leader of the RUF in Sierra Leone, was forcibly detained in Nigeria for almost a year in an effort to lead to a quick and conclusive end to the terrible conflict in that country. Other Liberian faction leaders, Roosevelt Johnson and Prince Johnson, all were taken into Nigeria in an effort to try to end the conflict in Liberia at that time. Roosevelt Johnson, in fact, was taken into Nigeria at the request of the United States Government. But it was clear, I think, during the period when Charles Taylor was accepted into Nigeria that unless something was done about Mr. Taylor himself, that the conflict in Liberia would be prolonged.

I mention in my statement that I vividly remember talking to President Obasanjo about this at the height of the crisis in Monrovia, and you could literally see the pain and chagrin that he was going through. He was blaming himself because he had not been able to act as quickly as he wanted to.

I would also like to note the degree to which President Obasanjo consulted on this issue. This was not a unilateral decision on the part of the Government of Nigeria. It, in fact, was a collective decision, and I list in my testimony some of the other players who were involved. The Chairman of ECOWAS, President Kufour of Ghana, was consulted. The Chairman of the Africa Union, Thabo Mbeki, was consulted. Kofi Annan was kept abreast of this issue on a continuous basis, and certainly the Executive Secretary of ECOWAS, Mohammed Chambas, knew what was going on.

So President Obasanjo held very intense discussions with other Heads of State in the region, including those of ECOWAS, and including Liberia's immediate neighbors, Guinea, Sierra Leone, and Côte d'Ivoire.

Mr. Chairman, President Obasanjo also acted with our full knowledge and concurrence in making this decision, and from the very beginning of the discussion on this issue, President Obasanjo made it clear that he would only act under two conditions, and I think this is important: First, that he not be criticized for giving asylum to Taylor; and, second, that no action be taken to abduct Taylor from Nigeria if and when he arrived.

Before he made that final decision, I was called in, and the British High Commissioner was called in, to discuss this issue. What President Obasanjo really wanted to do was make sure that Washington was aware of his imminent decision on this issue; and he asked that we faithfully report that back to our capitals, which we did. We never got a formal response from the State Department. I do not know why because normally these would come in writing through diplomatic channels. But we did get a number of telephone communications from Washington indicating that we agreed with the decision and asking the Government of Nigeria to move quickly on that decision. And I can only assume that President Obasanjo felt that he was acting in American interests when he took this decision. I do not think that there could be any other conclusion than that.

[The prepared statement of Mr. Jeter follows:]

PREPARED STATEMENT OF THE HONORABLE HOWARD JETER, EXECUTIVE VICE PRESIDENT, GOODWORKS INTERNATIONAL [FORMER U.S. AMBASSADOR TO NIGERIA]

Mr. Chairman, Honorable Members of the Sub-Committee, I am honored to appear before you today. My name is Howard F. Jeter, and I am the immediate past American Ambassador to Nigeria. I completed that challenging assignment in July 2003. I retired from the career Foreign Service in November 2003 after 27 years with the State Department. I retired with the rank of Career Minister.

I was the incumbent American Ambassador to Nigeria during the events leading up to the offer of asylum in Nigeria to Charles Taylor of Liberia. I had several discussions with Nigerian government officials on this issue, including with President Olusegun Obasanjo. As I understand it, the reason that I was asked to appear before this Sub-Committee today was to offer my recollections and insights on how and why the decision to offer asylum to Taylor was made. My observations are partly based on diplomatic discussions that I had in Nigeria as the representative of the United States, but I understand from Sub-Committee staff that the Administration has no objection to my appearing before this Sub-Committee.

Let me begin by noting that Charles Taylor was not the first former Head of State given asylum in Nigeria. The former Heads of State of Somalia, Chad, and Niger also were given asylum there. Foday Sankoh, the now deceased founder and leader of the RUF in Sierra Leone, was forcibly detained in Nigeria for nearly a year in the hope that this would lead to a quick and conclusive end to that country's civil war. Political faction leaders from Liberia, including the NPFL's Prince Johnson and ULIMO's Roosevelt Johnson also were taken in by Nigeria to avoid further bloodshed in that unhappy country. I know first-hand that Roosevelt Johnson and three of his cohorts were specifically given asylum in Nigeria at the request of the United States. In all of these cases, Nigerian acted on humanitarian grounds. Its goal was to end conflict and save lives by removing personalities whose continued presence in their respective countries would intensify conflict and lead to greater death and destruction. Charles Taylor was no exception.

I vividly remember meeting with President Obasanjo during the height of the crisis in Monrovia, when commentators were predicting thousands and perhaps even tens of thousands of civilian casualties. The President was blaming himself for not having acted sooner. His actions, he said, could have saved lives. One could see the pain and anguish in his face as CNN predicted the impending disaster.

When I returned to Washington in August, 2003, I was stunned to learn that some members of the U.S. Senate were planning to sanction Nigeria for taking in Charles Taylor. I was incredulous. Instead of sanctioning Nigeria, I thought we should have been praising Obasanjo for his political courage. There was no political up-side for President Obasanjo for what he had done, and he knew it. He was criticized at home by his people, by the media and even by some in the military, who felt that Nigeria had expended too much blood and treasure in Liberia without even a "thank you" to show for it. They particularly remembered that Charles Taylor' NPFL had targeted and killed Nigerian soldiers and civilians during the civil war in that country. Obasanjo knew this too but he wanted to save Liberia from further agony and a possible bloodbath in Monrovia if Taylor, now trapped, chose to stay and fight.

Obasanjo did not take the decision on Charles Taylor lightly or alone. He consulted broadly and often with all key players in and outside the region. Nigeria's decision to offer Taylor political asylum followed consultations with the Chairman of ECOWAS President Kufor of Ghana, and with other members of the Economic Community of West African States. He also consulted with the Chairman of the African Union, Thabo Mbeki of South Africa, Secretary General Kofi Annan at the United Nations, and with the ECOWAS Executive Secretary, Mohammed Chambas. President Obasanjo held intense discussions with the Heads of State of Liberia's immediate neighbors, Guinea, Sierra Leone and Cote d'Ivoire. Mr. Chairman, the decision to offer asylum to Charles Taylor was not a unilateral decision; it was a collective decision made by the leaders of Africa, within the West African sub-region and beyond.

Moreover, Mr. Chairman, President Obasanjo acted with our full knowledge and concurrence. From the very beginning of discussion on this issue, President Obasanjo made it clear that he would only act under two conditions: first, that he not be criticized for giving asylum to Taylor; and second, that no action would be taken to abduct Taylor from Nigeria if and when he arrived. Before he made his final decision, the President called me and the British High Commissioner to his office to inform our respective governments that he had completed his consultations and planned to offer asylum to Mr. Taylor. He said he would not move forward, however, if the American or British governments objected. He said he needed a response quickly and asked that we convey his intention to our respective governments. We did so, but Washington never responded through official channels to President Obasanjo's query. Instead what followed was a succession of phone calls from Washington telling the Embassy to urge President Obasanjo to move forward on getting Taylor out. We wanted Taylor out of Liberia and we wanted him out quickly, was the refrain I heard many times.

This message was echoed by State Department and National Security Council officials who accompanied President Bush to Abuja during his State Visit to Nigeria in mid-July. Even President Bush at that time publicly was saying that the U.S. would not consider sending military forces to Liberia as long as Charles Taylor remained in the country. The President called for his immediate departure. I can only presume that President Obasanjo felt that America was fully supportive of what he was doing and that by taking Taylor out of Liberia, he was also responding to the wishes of the United States. There could be no other conclusion.

A litany of Charles Taylor's crimes are too numerous to mention here; suffice it to say that Taylor destroyed his own country and could have destroyed the sub-region if left unchecked. Granting political asylum to Taylor was a difficult decision, not only for Nigeria but for all of Africa. However, I am not certain what other options were left. Taylor could have remained and confronted the LURD, but it is almost certain that Monrovia would have been destroyed and thousands of innocent people would have been caught in the cross-fire. Thousands more would have died from hunger and disease. Alternatively, Taylor could have returned to the bush, but the war in Liberia would still be going on.

The decision to grant political asylum to Taylor prevented a humanitarian disaster and saved thousands, perhaps tens of thousands of lives. The 14-year civil war in Liberia was ended and the dreaded spill-over into neighboring countries was prevented. Liberia now has a chance and a future, and I am certain that the issue of justice for Charles Taylor will not go away.

Mr. ROYCE. Thank you, Ambassador Jeter.

We will now go to Ms. Dufka.

**STATEMENT OF CORINNE DUFKA, SENIOR RESEARCHER AND
WEST AFRICA TEAM LEADER, HUMAN RIGHTS WATCH**

Ms. DUFKA. Thank you, Chairman Royce, for inviting my organization, Human Rights Watch, to give this testimony today.

I was based in Sierra Leone from 1999 through 2003, where I researched and reported on atrocities in Sierra Leone, Liberia, Guinea, and Côte d'Ivoire. During the course of my work, I have spoken with hundreds of victims, witnesses to and perpetrators of unspeakable war crimes committed against unarmed civilians.

I recall the heartbreaking story of a mechanical engineer in Freetown who watched while his six children and only grandchild were lined up against a wall and executed by a rebel soldier and the look

on the face of a mother as she described fighting to protect the last of her three daughters from being dragged away by retreating rebel soldiers, or how a father was forced at gunpoint to watch as his young daughter was gang raped by rebel combatants.

There appears to be an inverse relationship between the body of laws and conventions aimed at protecting civilians during time of war and the degree to which they are deliberately targeted by both state and nonstate actors. The methods employed include mass slaughter, the use of terror, ethnic cleaning, and forced migration. The goal of war is often the exploitation of natural resources and the creation of chaos as the means to achieve it. These wars are increasingly fought by forced recruits, often children ripped away from their families and turned into killers.

To combat war crimes in Africa, two key and, indeed, related components are urgently necessary. The first is ensuring accountability for serious human rights crimes, and the second is implementing preventive strategies, which I will talk about in a moment. In terms of accountability, every civilian victim who has been mutilated, raped, or murdered has a name, and so, too, do the individuals responsible for these atrocities. These crimes are most often not random incidents; they are most often the result of a deliberate policy on the part of the highest level of leadership, and yet very few of those responsible are brought to justice. Instead, these killers are more likely to receive plum ministry positions as part of the peace deals that grant them amnesty and reward them for their horrific acts.

Human Rights Watch strongly believes that justice is not a moral luxury. Victims whose lives have been torn apart by this violence in Africa has just as much a right to see justice done than victims of violence anywhere else in the world. The tens of thousands of people who lost those most precious to them deserve to know that those responsible are punished.

We also believe that accountability for past war crimes is central to combatting future war crimes, particularly in Africa, where a culture of impunity has often prevailed and is too often tolerated by Africans themselves and by the international community. The argument that those who insist on accountability for war crimes are the spoilers, the saboteurs of peace and stability, has often been proven wrong.

For example, in a quick bid to end the first brutal Liberian war and in the face of massive crimes committed against civilians, U.N. and West African leaders agreed to a peace plan that dispensed with justice and rushed an election that installed warlord Charles Taylor as President in 1997. Not surprisingly, within a short period of time, the country was back at war, and the 6 years of repressive rule by President Taylor that followed and the next war were characterized by the same awful abuses against civilians as the earlier war.

In another example, in Sierra Leone in 1999, the notorious RUF leader, Foday Sankoh, received not only amnesty but was rewarded with a ministry in charge of the nation's vast natural resources. Months later, he went on to attack both the government and the U.N. peacekeepers, taking hundreds hostage.

And then there is the case of President Charles Taylor, in exile in Nigeria, which we have been speaking about today. Despite having commanded troops who perpetrated war crimes in Liberia, Sierra Leone, Guinea, and Côte d'Ivoire, and despite having been indicted by the Special Court on 17 counts of war crimes and crimes against humanity, Taylor is being shielded from justice by the Nigerian government. The United States has failed to take a strong and united position on the need for Nigeria to hand him over to the court. In February of this year, Secretary of State Powell justified this inaction and characterized the abuse as a matter between him and that tribunal.

This position is not consistent with U.S. financial support for the Special Court and, indeed, the position of this Committee. However, it is, unfortunately, representative of United States policy on war crimes in Africa more generally, which has often lacked clarity and constancy. The United States has been a leader in pushing for an end to ethnic cleansing in Darfur and, indeed, calling it genocide and for trying to lead its allies to do the same.

The U.S. has also pursued an aggressive and proactive policy in favor of arresting genocide suspects and bringing them to stand trial before the ICTR. The U.S. conditioned support to the DRC on its willingness to arrest genocide suspects and supported U.N. resolutions calling for their surrender. However, the United States has also failed to confront Rwanda, Uganda, and Burundi for the support that they give to rebel factions in the DRC. Also, the U.S. stands for the surrender of indicted war criminals to the ICTR stands in sharp contrast to the position on the surrender of Taylor to the Special Court.

Taylor's surrender is also needed for more practical reasons. His exile in Nigeria poses a continued risk to stability in West Africa. Our sources inside Liberia say an insurgency composed of fighters likely supported by him, including combatants from the former ATU and RUF, as well as Guinean dissidents, are training near the border with Côte d'Ivoire and that the insurgents' activities may include destabilizing Guinea.

We assume that United States involvement, as Ambassador Jeter has said, in the 2003 negotiations that led to Taylor's seeking asylum were aimed at stopping the bloodshed on the streets of Monrovia. We believe it is now time for the United States to intervene on behalf of different victims, those from Sierra Leone's war, and in so doing, to take an unequivocal and united stand against impunity in Africa. If the United States is serious about combatting war crimes in Africa, it must exert all of the influence it can, publicly and privately, so that Nigeria surrenders Charles Taylor to the court. Otherwise, this important attempt to break down the destructive culture of impunity will be significantly undercut. The same can be said for United States efforts to combat war crimes in Africa or anywhere else.

I briefly want to mention three preventive strategies: The control of arms flows, corruption, and the monitoring and control of hate speech causing incitement. The easy availability of small arms, conflict, and human rights abuses in West Africa are clearly interwoven. The spread and misuse of small arms helps fuel conflict, and conflict generates a market for more weapons. These weapons,

in the hands of combatants who have a history of abuse against civilians, lead to violations against innocent people. Arms traffickers make a tidy profit, and the combatants can often count on outside support to finance their wars, but, of course, civilians pay the highest price.

The United States can and should take steps to address this trend, including restraining U.S. arms imports to conflict regions, promoting legally binding norms to prevent arms from being supplied to known human rights abusers. In West Africa, the United States could push ECOWAS to make the small arms moratorium more binding.

The United States should also support accountability for sanctions busters. It should insist on compliance with arms embargoes by private actors and governments, even those allied to the United States, as in the case of Guinea and Rwanda.

On the issue of mercenaries, militias, and roving fighters, the United States, through its presence in Africa, could collaborate with relevant bodies to monitor and publicize their activities, especially with respect to how those rogue elements are recruited, armed, and financed.

The second is corruption. The second strategy for preventing conflict has to do with good governance and issues of corruption. Sierra Leone is a case in point. The jury is still out on whether that country will remain a nation at peace. The guns are silent; however, the deep-rooted issues that gave rise to that conflict—endemic corruption, weak rule of law, crushing poverty, and an inequitable distribution of resources—remain largely unaddressed by the government.

Corruption within both the public and private sectors in Sierra Leone remains endemic. Unemployment is over 70 percent, and most of the population survives on less than a dollar a day. Although some 40,000 combatants have been disarmed, thousands are part of youth organizations which have maintained their previously held military structures.

Angola, where the government has consistently mismanaged its substantial revenues, provides another striking example. In recent years, billions of dollars in oil revenues have illegally bypassed the central bank and remain unaccounted for. The sums are staggering, at about \$4.22 billion. Such missing funds are directly linked to Angola's failure to provide institutions that uphold the rule of law.

Mr. ROYCE. Ms. Dufka, I am going to have to ask you to wrap up.

Ms. DUFKA. Okay. The last one that I wanted to speak about was the issue of monitoring and control of hate speech causing incitement.

Rwanda is an extreme example. As you know, there, the radio station incited it. The United States must pay close attention to the media in these situations, and we ask in this regard that the current situation in Côte d'Ivoire demands particular attention. The U.S. must be prepared to silence broadcasts that incite or provide directions for violence.

So thank you on behalf of so many Africans.

[The prepared statement of Ms. Dufka follows:]

PREPARED STATEMENT OF CORINNE DUFKA, SENIOR RESEARCHER AND WEST AFRICA
TEAM LEADER, HUMAN RIGHTS WATCH

I want to thank Chairman Royce and ranking member Payne for inviting my organization, Human Rights Watch, to address the Africa Subcommittee about the important topic we are addressing here today: Combating War Crimes in Africa.

My name is Corinne Dufka. I am a senior researcher and the West Africa Team Leader for the Africa Division of Human Rights Watch. I was based in Freetown, Sierra Leone from 1999 through late 2003 where I researched and reported on appalling human rights abuses in the sub-region including those in Sierra Leone, Guinea, Liberia and Cote d'Ivoire. In 2002-2003, I took one year off from Human Rights Watch to work as an investigator with the Office of the Prosecutor for the Special Court for Sierra Leone.

In the course of my work with Human Rights Watch, I have spoken with hundreds of victims, witnesses to, and perpetrators of unspeakable war crimes and crimes against humanity, almost exclusively committed against unarmed civilians.

I recall the heartbreaking story of a mechanical engineer in Freetown who watched while his six children and only grandchild were lined up against a wall in January 1999 and executed by a rebel soldier. I recall the look on the face of a mother as she described fighting to protect the last of her three daughters from being dragged away by retreating rebel soldiers. Of how a father was forced at gunpoint to watch as his young daughter was gang raped by rebel combatants, some of them children; and of a young man who had dreamed of becoming an accountant who described how rebels hacked off both of his hands with a rusty axe. I heard numerous testimonies including a father's account of how near Tongo Field in late 1997, members of government-backed militias lined up and executed scores of civilians, including his 15 year old son.

In Liberia, the stories were much the same. A 30 thirty-year-old man from Popalahun described how in September 2001, large numbers of civilians from the Gbandi ethnic group were found hiding in the forest by Liberian government soldiers and later burned in a house in nearby Kamatehun. Or how a young mother from Bondawalahun was forced by a Liberian government soldier to choose between dying herself or having her infant murdered in front of her.

Over the last 10 years at least eighteen countries in Africa have been consumed by war, usually internal. At present there are several active conflicts in Africa—they are Cote d'Ivoire, the Darfur region of Sudan, Northern Uganda, Burundi, and the Democratic Republic of Congo.

Despite the body of treaties, laws and conventions aimed at protecting civilians during times of war, civilians are more and more often the targeted by both state and non-state actors. The methods they employ include mass slaughter, the use of terror, ethnic cleansing, and forced migration. Wars on the Africa continent are increasingly fought by forced recruits, often children who are ripped away from their families and turned into killers.

To combat war crimes in Africa, two key and indeed related components are urgently necessary—the first is ensuring accountability for serious human rights crimes, and the second is implementing preventive strategies to detect, stop and/or mitigate situations with the potential to develop into systematic war crimes.

ENSURING ACCOUNTABILITY FOR SERIOUS HUMAN RIGHTS CRIMES:

Every civilian victim who has been brutally mutilated, raped, abducted or murdered has a name, and so too do the individuals responsible for perpetrating such atrocities. The abuses were not random incidents; they were most often the result of a deliberate policy on the part of the highest levels of leadership. And yet very few of those responsible for widespread and systematic abuses or indeed for orchestrating policies of abuse are brought to justice. Recent history has shown that these killers more often than not receive plum ministry positions as part of peace deals that grant them amnesty or fail to hold them accountable, and even reward them for their horrific acts. Often such war criminals and the impunity they receive contribute to future instability.

Human Rights Watch strongly believes that justice is not a moral luxury. Victims whose lives have been torn apart by violence in Africa have just as much a right to see justice done than victims of violence anywhere in the world. The victims of amputation who will struggle without hands everyday of the rest of their lives; the tens of thousands of people who lost those most precious to them—very often in the most brutal of ways and often in front of them—deserve to know that those who designed and implemented such atrocities are punished for the acts they ordered and/or perpetrated.

Human Rights Watch also believes that accountability for past crimes is central to combating future war crimes, particularly in Africa, where a culture of impunity has often prevailed and is too often tolerated by Africans themselves, and by the international community.

Impunity for atrocities committed in the past sends the message that such crimes may be tolerated in the future. In post-conflict societies, accountability for war crimes is essential to laying the foundation for building respect for the rule of law and human rights. The often-heard argument that those who insist on accountability for heinous war crimes are the spoilers, the saboteurs of peace and stability, is illogical and has been proven wrong all too often.

For example, in a quick bid to end the first brutal Liberian civil war and in the face of massive crimes committed against civilians, U.N. and West African leaders agreed to a peace plan that dispensed with justice and rushed an election that installed warlord Charles Taylor as president in 1997. Not surprisingly, within a short time, the country was back at war. The six years of repressive rule by President Charles Taylor that followed and the next war were characterized by the same egregious abuses against civilians as the earlier war and further set the country back. Despite this reality, in the recent peace deal in Liberia, well known war criminals were given high-level ministry positions within the National Transitional Government of Liberia.

In another example, in Sierra Leone in 1999, the late RUF leader Foday Sankoh, allegedly responsible for some of the most brutal crimes committed against civilians, received not only an amnesty for previous violations, but was rewarded. In exchange for signing the Lomé peace accord he was given control of the ministry in charge of the nation's vast natural resources. Months later he went on to attack both the government and United Nations peacekeepers, taking hundreds hostage.

In the DRC, the recent abuses committed in Bukavu are an example of what results when past crimes committed by some of the same commanders are tolerated and go unpunished. In August 2002, Human Rights Watch reported on the massacres that took place in Kisangani in May 2002 when RCD-Goma soldiers brutally suppressed an attempted mutiny in their ranks. One of the commanding officers involved in these war crimes was Brigadier General Laurent Nkunda, who was never investigated nor charged for his role in these killings. To the contrary, he was proposed by the RCD-Goma as one of its officers to join the unified army. This sent the wrong message; that perpetrators of crimes and human rights abuses would be rewarded with government positions and could continue to commit atrocities with complete impunity, which he and his forces did in Bukavu in May and June of this year. As Nkunda's soldiers marched from Goma to Bukavu, they attacked numerous villages and civilians. In Bukavu, international and local organizations documented numerous cases of killing and rape, including the brutal rape by Nkunda's soldiers of at least six cases of children under five.

Impunity or a failure of accountability also characterizes the current situation of former Liberian president Charles Taylor, in exile in Nigeria. Despite having commanded troops who perpetrated war crimes in Liberia, Sierra Leone, Guinea and Cote d'Ivoire, and despite having been indicted by the Special Court for Sierra Leone on 17 counts of war crimes and crimes against humanity, Charles Taylor is being shielded from justice by the Nigerian government. In a deal brokered by the United Nations, the United States and ECOWAS, Taylor was offered asylum in exchange for leaving Liberia. The U.S. has failed to take a strong position on the need for Nigeria to hand Charles Taylor over to the Special Court. In February of this year, Secretary of State Colin Powell justified such inaction and characterized the issue as 'a matter between him [Taylor] and that tribunal.'

This U.S. position is not consistent with U.S. support for the Special Court for Sierra Leone and indeed the position of this committee which has been clear on the importance of Taylor being surrendered to the Special Court. In creating the Special Court, the international community and especially the United States, its biggest financial backer, made an important commitment to bring justice for the horrific crimes committed in Sierra Leone. This initiative to promote justice and respect for the rule of law will be significantly undercut if Taylor is shielded from the court. The same can be said for the U.S. commitment to combat war crimes in Africa or anywhere else.

This unsatisfactory state of affairs is unfortunately representative of other U.S. policy on war crimes in Africa more generally which has often lacked clarity and constancy. For example, the United States has pursued an aggressive and proactive policy in favor of arresting genocide suspects and bringing them to stand trial at the International Criminal Tribunal for Rwanda. The US conditioned support to the former Kabila regime on that regime demonstrating willingness to arrest genocide suspects hiding in the Democratic Republic of Congo (DRC), on supporting U.N. res-

olutions calling for the surrender of Rwandans to the Rwandan tribunal, and on pressuring Great Lakes countries to do the same. However, the United States has failed to actively confront Rwanda, Uganda and Burundi—often identified as the source of support of rebel factions in the DRC. This, added to the US position against the International Criminal Court, an institution strongly supported in DRC brings into questions the US's true commitment to bring justice for war crimes in an even-handed manner.

U.S. pressure for the surrender of indicted war criminals to the ICTR also stands in sharp contrast to its position on the surrender of indicted war criminal Charles Taylor to the Special Court for Sierra Leone. This reluctance to press Nigeria to hand over Taylor fosters a double standard that betrays the people of Sierra Leone and makes light of all that they have suffered. To promote justice and combat impunity, the United States must take a stand on the matter of Taylor's surrender to the Special Court.

The need for US action is particularly urgent given the May 31 historic ruling by the Special Court rejecting Taylor's claim that he enjoyed immunity from prosecution for war crimes and crimes against humanity as a sitting head of state at the time of his indictment. This landmark ruling affirms the principle that no one should be above the law for the most serious crimes. It is exactly this principle that must be enforced in West Africa to promote greater respect for the rule of law and combat war crimes in Africa.

But Taylor's surrender is also needed for a more practical reason. Human Rights Watch has received credible information that Charles Taylor's exile in Nigeria poses a continued risk to stability in West Africa. Sources inside Liberia report that Taylor remains in frequent contact with members of his former government and that an insurgency composed of fighters loyal to him, including combatants from the former Revolutionary United Front (RUF), Anti Terrorist Unit (ATU), and Special Security Service (SSS) as well as numerous Guinean dissidents are training in Liberia near the border with Cote d'Ivoire. We understand this insurgency is being supported by business ventures in which Taylor holds an interest that is not recorded publicly, and that the insurgency's activities may include destabilizing Guinea.

Nigeria's continued shielding of Taylor goes against international law, is an affront to his innumerable victims, and undermines the political and financial investment by the United States to combat impunity in Africa.

We assume U.S. involvement in the negotiations that led to Taylor leaving power in Liberia and obtaining asylum in Nigeria were aimed at stopping the bloodshed of innocent civilians being killed on the streets of Monrovia. We believe it is now time for the U.S. to intervene on behalf of different victims—those from Sierra Leone's war—and in so doing to take an unequivocal stand against impunity in West Africa. If the United States is serious about combating war crimes in Africa, it must take a stand now. The US must use public and private diplomacy to call on Nigerian President Obasanjo to surrender Charles Taylor to the court.

Combating systematic war crimes: 1) Control of arms flows 2) Corruption and 3) Monitoring and Control of Hate Speech Causing Incitement:

1) Control of Arms Flows:

Africa is a sad showcase of the human rights and humanitarian costs of the uncontrolled proliferation of small arms and light weapons. Quantities of arms have flowed to the region causing the rampant misuse of such weapons by state and non-state actors alike. The easy availability of small arms, conflict and human rights abuses in West Africa are interwoven. The spread and misuse of small arms helps fuel conflict, and conflict generates a market for more weapons. These weapons, in the hands of combatants who have a history of indifference for the principle of civilian immunity, lead to grave violations against innocent people. Mercenaries and arms traffickers make a tidy profit off their trades, and the combatants can often count on outside support to finance their wars. But, it is civilians who ultimately pay the highest price.

The United States can and should take steps to address these troubling trends including restraining U.S. arms exports to conflict regions, supporting disarmament measures, and promoting legally binding norms to prevent arms from being supplied to human rights abusers.

In West Africa, the ECOWAS small arms moratorium and its implementation need to be strengthened. In our view, the moratorium should be expanded to encompass all weapons categories, developed into an information-exchange mechanism, and made binding. These measures are particularly critical for the potentially disastrous situations in the Cote d'Ivoire, Burundi and the DRC where weapons coming in and out need to be closely monitored.

The United States also should support monitoring of arms embargoes and accountability for sanctions-busters, and do so consistently. It should insist on compliance with arms embargoes by private actors and governments, even those allied to the U.S., as is the case with Guinea and Rwanda. The work of U.N. expert panels in Africa has been valuable and their recommendations should be taken up, which the United States can help ensure in concert with other members of the U.N. Security Council.

On the issue of mercenaries, militias, and roving fighters, the U.S., through its presence in West Africa, could help bring the problem under control by collaborating with relevant bodies to monitor and publicize their activities, especially with respect to how these rogue elements are armed and financed.

The United States also can exercise leadership on the global agenda to address some of the fundamental problems that contribute to human rights catastrophes in West Africa and elsewhere. One key area is the need for global measures to control the activities of arms brokers. Another is developing, adopting, and adhering to minimum global standards for arms exports, so that weapons are not furnished to known abusers. Strict human rights standards also must be upheld when granting military assistance. U.S. legislation circumscribing such assistance on human rights grounds offers a useful model that could be promoted abroad.

2) Corruption:

The second strategy for preventing conflict has to do with issues of good governance; of corruption. Sierra Leone is a case in point. In many ways, the jury is still out on whether that country will remain a nation at peace. The guns are silent, however, the deep rooted issues that gave rise to the conflict—endemic corruption, weak rule of law, crushing poverty, and the inequitable distribution of the country's vast natural resources—remain largely unaddressed by the government and the international community.

Corruption within both the public and private sectors in Sierra Leone remains endemic and a source of serious human rights abuses. Meanwhile, the state of the countries schools, hospitals and clinics are in complete disarray and public service employees often go for weeks without pay. Scandals involving the misappropriation of public and international donor funds to key ministries including health and education are common place.

In these countries, the institutions designed to represent and protect civilians; the government, the police and the military, have instead been the source of considerable instability, corruption, and human rights violations, yet they have enjoyed near-complete immunity from prosecution. Today unemployment is over 70 percent in Sierra Leone, the vast majority of the population survives on less than a dollar a day. Although some 40,000 combatants have been disarmed, thousands are part of youth organizations that have maintained their previously held military structures and are angry and disappointed as their lives have not yet improved.

Angola, where the government has consistently mismanaged its substantial oil revenues and, despite rhetorical commitments, has yet to demonstrate a meaningful commitment to reform, provides another striking example. In recent years, literally billions of dollars in oil revenues have illegally bypassed the central bank and remain unaccounted for. Such missing revenues reflect a failure of government accountability more generally and are directly linked to the Angolan government's continuing failure to foster institutions that uphold the rule of law and human rights. The sums involved are staggering. From 1997 to 2002, unaccounted for funds amounted to some U.S. \$4.22 billion.

Conditions in Sierra Leone and Angola are similar to many countries across the continent whether coming out of conflict or teetering on the brink of it. The United States can exert tremendous leverage over the policies of the many governments in Africa grappling with this insidious problem. The US must adopt a zero tolerance policy towards corruption and take every opportunity to both privately and publicly underscore the importance of combating it. In resource rich countries the US must press governments to publish financial reports so that a full account of revenues, expenditures, and debt is made public and transparent. The US must be willing to use its influence to press forcefully for change.

3) Monitoring and Control of Hate Speech Causing Incitement:

Too often African politicians who should be working to create societies based on tolerance, equality and the rule of law, have instead openly engaged in the political exploitation of ethnicity to both eliminate political rivals and, in time of war, to claim military victory in conflict.

Rwanda is an extreme example. There, a radio station incited fear and hatred against the Tutsi, and gave specific orders on how to carry out such killings, including identifying individuals to be attacked and specifying where they could be found.

Silencing these radio broadcasts would not only have ended this particularly effective form of incitement and delivery of specific orders; it would have shown that the international community rejected the legitimacy of the genocidal message and those who were delivering it. The United States considered jamming the broadcasts from an airplane, but found the cost—about \$8,000 an hour—too high.

While mindful of balancing the importance of freedom of expression as a core value of human rights, we believe that any restriction on the content of expression must address speech that is likely to incite violence, discrimination or hostility against an individual or clearly defined group of persons in circumstances in which such violence, discrimination or hostility is imminent and alternative measures to prevent such conduct are not reasonably available.

The U.S. must pay close attention to the media in situations of potential ethnic, religious, or racial conflict and must be willing to use all leverage to pressure governments to act more responsibly. In this regard, the current situation in Cote d'Ivoire demands particular attention. In cases of impending genocide, the US must be prepared to silence broadcasts that incite or provide directions for violence.

Thank you for the opportunity to share this testimony with you today. On behalf of so many millions of Africans whose lives have been torn apart by war, I urge Congress to pressure the U.S. government to do all that it can to provide accountability for the perpetrators of egregious violations, and act with vision to adopt preventative strategies to combat future violations and senseless loss of life.

Mr. ROYCE. Thank you, Ms. Dufka, for your testimony here today.

I am going to begin by asking a question of Mr. Jeter with regard to your assessment on the situation, and I maybe am looking at this from a little different perspective. In Italy, there is a warning about acting with honor toward dishonorable men; it can be deadly. And if President Obasanjo turned over Taylor, I think everybody would understand that he was doing so for very honorable motives, and that is to protect his country and region, and I would say that he would be justified at this time in turning over Taylor to the court for this reason: Taylor himself has now broken the conditions. And so I think this gives us maybe, Howard, a little different vantage point to look at the situation.

The reason I say that is because Taylor claimed that he is going to return to Liberia, and he basically stated this not only on his departure but on Nigerian television. He said he is going to return, and that is in clear violation of the terms of his asylum. The NGO, Global Witness, has reported that Taylor maintains his substantial financial interests in Liberia itself. He has cell phone contacts with his allies. It is also unclear how well contained he is in Nigeria. And based on our past experience, in 1985, he made that dramatic escape from prison in Massachusetts.

And lastly, I met with Jacques Klein earlier this week, and I just want to quote something that the top U.N. official overseeing the peacekeeping force in Liberia said recently in frustration about Taylor:

“His house is in Liberia. His suits are in Liberia. He could come back into the country and right up to our doorstep, and no one would arrest him. We do not have the authority. There are no police who would do it.”

I understand your testimony, but looking at this from this perspective that Taylor himself is breaking the agreement, are you concerned that we could see Taylor back in the country?

Mr. JETER. Thank you, Mr. Chairman. No, I am not. I think that the decision on Charles Taylor, as someone said, the decision to “cage” Charles Taylor led to the cessation of hostilities in Liberia, an end to the civil war. I had worked as a special envoy on Liberia for many years, and everyone was making humongous efforts to end that conflict. Taylor was the problem. Taylor has been taken out of the equation.

It is my understanding that the Government of Nigeria has resolved the problem of Taylor’s being able to communicate from his base in Cross River State in Nigeria, and it is my understanding that Charles Taylor is pretty isolated and pretty miserable. Many of his handlers and his retainers have effectively left his entourage, and I understand that the financial resources available to them may not be as large as you suggest, Mr. Chairman, in your statement.

Mr. ROYCE. Well, I would hope that we could seize those resources in Liberia and turn them over to the Liberian people in order to make certain that Charles Taylor does not have the wherewithal. I think Ambassador Prosper was right in his testimony that we should turn Taylor over now. I just think the time is at hand.

We only have time for a little more questioning, and so let me go to Don Payne, and then we are going to have to adjourn this Committee hearing.

Mr. PAYNE. Thank you, Mr. Chairman. I thank both of the witnesses. I appreciate your work, Ambassador Jeter. I read quickly through your testimony when I was completing the radio interview, and I could not agree with you more that there were circumstances, I think, rather than to condemn Nigeria, there were sanctions brought as soon as Taylor was sent to Nigeria, that we should have thanked the Nigerians, as you have indicated, and brought out that, in many instances, troublemakers were taken out of the country.

In many instances, we do not think of life and liberty. Even in Sierra Leone, there were people in the bush that were being hacked to death, and to have a final solution to end that war, one thing started: The hacking and the killing and the maiming stopped. Now, I think we have to then deal with the second step.

I think, and I probably will not ask any questions because time is out, I think that what should happen is the same people that were involved in asking Nigeria who were involved in the decision to send Charles Taylor,—our government, the Government of Nigeria, the heads of ECOWAS—those people that you have mentioned who were consulted to urge him to go to Nigeria, should be reconvened, and I think that they should come up with a solution.

I think that he should stand trial. I think that he should be held accountable for the accusations and have a trial and let the tribunal decide. But I think that it should be done by the same people who asked Nigeria to take him that should be the ones that come up with a way. I think he should certainly be contained. I think his cell phone—I am sure whatever he is saying certainly can be picked up by all of the surveillance that we have available, so nothing he is saying is confidential. That is for sure, and I am sure that we have surveillance to know where he is going and so forth.

So that does not solve the problem of him standing trial, I think he should. And to you, Ms. Dufka, I agree with you. We need to get the United States to ratify the Convention on the Proliferation of Conventional Weapons. Thirty-six billion were sold last year. Nineteen billion were sold by United States merchants who sell conventional weapons to countries around the world. We cannot say we want this to stop when we are still the biggest providers of weapons to people around the world. They say, well, if we stop, someone else will do it. That is still not a good answer. They are probably right, but that does not condone us doing it. We have the land mines treaty that we cannot get approved. We have got the children soldiers, simply saying that no one under 18 should be in combat. We cannot get that convention, and we can go on and on.

So we have a lot to do to show the leadership. Once again, I commend you for your statement. I am an admirer of you, as you know, Ambassador Jeter, for the outstanding work that you have done in 27 years as a career diplomat. I wish you were still in the Service.

Mr. JETER. Thank you.

Mr. ROYCE. Thank you, and just in closing, let me say that, Ms. Dufka, your testimony, that was very powerful testimony, and we have sent that testimony to our colleagues, and you summed up so many different issues that we think are key to this hearing and key to our long-term strategy with Africa.

I want to say to Ambassador Jeter we thank you not only for your testimony and being here today, but Don Payne and I thank you for your friendship to us over the years during your service in which you did so much for Western Africa and so much in service to your government, the United States of America. We appreciate it, Howard, and we appreciate the fact that we can still talk and get information from you in your new position. Thanks for being with us today.

Mr. JETER. Thank you.

Mr. ROYCE. This hearing stands adjourned.

[Whereupon, at 3:05 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE GREGORY W. MEEKS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK

As we sit here today and speak about war crimes, I cannot help but mention Darfur. Whether we choose to call it war crimes or even ethnic cleansing, the fact is that, to date, reports cite 30,000 persons have died and that a quarter of a million may die of hunger if we do not act. Along with the massive displacement of over 1.2 million and death, the environment is in ruins and water sources are contaminated. The mass rape of both women and children has also been widely documented with the Khartoum government baring responsibility for the atrocities.

To truly address this situation, we must first begin by openly naming the atrocities in Dafur a GENOCIDE, which under the requirements of the 1948 UN Convention means that the world is obligated under international law to act. Second, we must insist that the Sudanese government cease support for and disarm the Janjaweed militias and if it cannot, the UN Security Council must be persuaded to authorize military force to do so Third, we must call upon the Sudanese government to provide immediate and full access for aid operations, including opening the rail line so the UN can make massive deliveries of food and medicine. Lastly, we and the world must target sanctions such as travel bans and the freezing of assets of Khartoum government officials responsible to ensure speedy compliance. And, we must act now, if we are to prevent another Rwanda!

Darfur illustrates a glaring example of what constitutes war crimes and their tragic results. However, governments such as that of Sierra Leone demonstrate that there is still a future even after the atrocities have been committed if accountability is a utilized as a tool of reconciliation. I commend Sierra Leone for its great strides in setting up a special court to address the crimes of the brutal civil war that plagued it for a decade. I also call on all those responsible to allow for reconciliation to take place by participating so that the country and region can truly begin to heal itself.

