

June 24, 2009

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

Dear Chairman Durbin:

We write to express our strong support for the Crimes Against Humanity Act of 2009. This legislation would fill an existing gap in U.S. law by allowing U.S. prosecutors to hold the perpetrators of mass atrocities accountable for their acts. While often less publicized than genocides, crimes against humanity are as devastating to their victims and as worthy of vigorous and unbending attention from the United States government. We must ensure that perpetrators of mass atrocities cannot evade justice by coming to the United States. We applaud your leadership in ensuring that the United States is well equipped to fight these grave crimes and we urge Congress to enact the bill with all due speed.

The United States government has long been at the forefront of global efforts to seek accountability for the perpetrators of the worst crimes known to humankind. In the years after World War II, the United States was an essential player in the formation of the Nuremberg Tribunal and the Genocide Convention, two key pieces of the foundation for all international justice efforts that have followed. Since then, in Bosnia, Rwanda, Cambodia, Sierra Leone, and Darfur, among others, the U.S. government has steadfastly supported justice for victims of crimes against humanity, war crimes, and genocide, whether by supporting national justice systems or by assisting in the creation of special tribunals.

The bill defines crimes against humanity as widespread and systematic attacks directed against a civilian population that involve murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, or ethnic cleansing. This category includes some of the most atrocious crimes committed in recent history—the campaigns of mutilation and murder of civilians in Sierra Leone and Uganda, the systematic rape of women in ethnic areas of Burma and in the Democratic Republic of the Congo, the ethnic cleansing in Bosnia and Kosovo. These crimes might look like genocide to a layperson, but they are a distinct category of crime and separate legislation is needed to provide United States courts with jurisdiction to prosecute those who commit them if they are present in the United States.

Such legislation has not existed before today, despite the U.S. government's sustained efforts to ensure accountability for crimes against humanity elsewhere. Alleged perpetrators of those crimes have therefore been able to escape prosecution in the United States. Though U.S. law prohibits grave human rights violations such as genocide and

torture, alleged perpetrators of crimes against humanity may escape accountability due not to their innocence of unforgivable acts but to loopholes in the U.S. criminal code.

The Crimes Against Humanity Act of 2009 would close this illogical gap in U.S. law. Just as they may pursue those who have committed related and similarly horrific crimes, U.S. prosecutors would have the authority to ensure that those in the United States who have committed crimes against humanity may not evade accountability merely by fleeing to our country.

The United States has provided a means to prosecute those who commit genocide and torture as well as those who use child soldiers in war. Those who commit the similar crimes that constitute crimes against humanity should face no better future. We therefore urge Congress to enact this bill without delay.

Sincerely,

The Advocates for Human Rights
Africa Action
AIDS-Free World
Armenian Assembly of America
Caring for Kaela
Center for Justice and Accountability
Center for Victims of Torture
Citizens for Global Solutions
EarthRights International
Enough Project
The Episcopal Church
Equality Now
Genocide Intervention Network
Harvard Immigration and Refugee Clinical Program
Human Rights First
Human Rights Watch
International Justice Mission
Jubilee Campaign USA, Inc.
National Immigrant Justice Center
National Immigration Forum
Open Society Policy Center
Physicians for Human Rights
Refugees International
Robert F. Kennedy Center for Justice & Human Rights
Rocky Mountain Survivors Center
Save Darfur Coalition
United Methodist Church, General Board of Church and Society
United Nations Association of the United States of America
U.S. Campaign for Burma
V-Day