ESTABLISHING A SYRIAN WAR CRIMES TRIBUNAL?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. SMITH of New Jersey. Mr. Speaker, the two-year-old Syrian civil war has produced increasingly horrific human rights violations, including summary executions, torture and rape. Most recently, both government and rebel forces have targeted medical and humanitarian aid personnel. Snipers are reportedly targeting pregnant women and children. Since the Syrian civil war began, more than 100,000 people have been killed and nearly seven million people have been forced to leave their homes. By December of this year, it is estimated that neighboring countries such as Turkey, Lebanon and Iraq could see as many as 3.5 million Syrian refugees.

Those who have perpetrated human rights violations among the Syrian government, the rebels and the foreign fighters on both sides of this conflict must be shown that their actions will have serious consequences.

H. Con. Res. 51, introduced on September 9th, calls for the creation of an international tribunal that would be more flexible and more efficient than the International Criminal Court to ensure accountability for human rights violations committed by all sides. This hearing will examine the diplomatic, political, legal and logistical issues necessary for the establishment of such a court. Today's hearing will examine controversial issues such as sovereignty, the ICC versus ad hoc regional tribunals and the sponsorship of such a tribunal.

Perhaps the most famous war crimes tribunals were the Nuremburg and Tokyo trials—the post-World War II trials of Axis military officers and government functionaries responsible for almost unimaginable crimes against humanity. The Cold War rivalry between the United States and the former Soviet Union prevented the international cooperation necessary for war crimes tribunals to be convened by the United Nations. After the end of that international political conflict, there have been three particularly notable international tribunals to hold accountable those guilty of genocide or crimes against humanity: in the former Yugoslavia, in Rwanda and in Sierra Leone.

Each of these tribunals has achieved a level of success that has escaped the International Criminal Court. The Yugoslavia tribunal has won 69 convictions, the Rwanda tribunal has won 47 convictions and the Sierra Leone tribunal has won 16 convictions. Meanwhile, the ICC—costing about $140 million annually—has thus far seen only one conviction.

The ICC process is distant and has no local ownership of its justice process. It is less flexible than an ad hoc tribunal, which can be designed to fit the situation. The ICC requires a referral. In the case of the President and Deputy President of Kenya, it was Kenya itself that facilitated the referral. That is highly unlikely in the case of Syria. Russia in the UN Security Council would likely oppose any referral of the Syria matter to the ICC, but might be convinced to support an ad hoc proceeding that focuses on war crimes by the government and rebels—one that allows for plea bargaining for witnesses and other legal negotiations to enable such a court to successfully punish at least some of the direct perpetrators of increasingly horrific crimes. And Syria, like the United States, never ratified the Rome Statute that created the ICC, which raises legitimate concerns about sovereignty with implications for our country which this panel will also address.

There are issues that must be addressed for any Syria war crimes tribunal to be created and to operate successfully. There must be sustained international will for it to happen in a meaningful way. An agreed-upon system of law must be the basis for proceedings. An agreed-upon structure, a funding mechanism and a location for the proceedings must be found. There must be a determination on which and how many targets of justice will be pursued. A timetable and time span of such a tribunal must be devised. And there are even more issues that must be settled before such an ad hoc tribunal can exist.

David Crane, one of today's witnesses, has suggested five potential mechanisms for a Syrian war crimes tribunal: An ad hoc court created by the United Nations; a regional court authorized by a treaty with a regional body; an internationalized domestic court; a domestic court comprised by Syrian nationals within a Syrian justice system; or the ICC.

Each of these first four models have some benefits—some more than others. The ICC can be ruled out, and a domestic court in the near future seems highly unlikely. However, we are not here today to decide which of these models will be chosen. Rather, our objective in a hearing I held last month was to promote the concept of a Syria war crimes tribunal whatever form it eventually takes.

Again, those who are even now perpetrating crimes against humanity must be told that their crimes will not continue with impunity. Syria has been called the world's worst humanitarian crisis. According to the World Health Organization, an epidemic of polio has broken out in northern Syria because of declining vaccination rates. One might reasonably also consider it the worst human rights crisis in the world today. Therefore, the international community owes it to the people of Syria and their neighbors to do all we can to bring to a halt the actions creating these crises for Syria and the region.

At last month's hearing, we assembled a distinguished panel to discuss the pros and cons of creating and sustaining a Syrian war crimes tribunal. This was not an academic exercise. We must understand the difficulties of making accountability for war crimes in Syria a reality. Therefore, we must understand the challenges involved so that we can meet and overcome them and give hope to the terrorized people of Syria. Their suffering must end, and the beginning of that end could come through the results of last month's proceeding.

CONTINUING TO PUSH FOR MEDICAID EXPANSION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. CONYERS. Mr. Speaker, I rise today to talk about the healthcare benefits low-income residents of Michigan can now access because of the state's expansion of Medicaid. I strongly encourage my colleagues to ask their respective governors to take similar measures to expand Medicaid.

In Michigan, this expansion will provide health insurance for thousands of Michiganders who need it most, while saving money and improving care for all of our citizens.

In 2014 alone, 320,000 individuals will be able to access Medicaid benefits, and by 2021, 470,000 Michiganders will be covered—dropping Michigan's uninsured population by nearly 50 percent.

Perhaps most beneficial is the fact that the state will actually save money since federal funds will cover 100 percent of the costs of this expansion for the first 3 years. Next year, the savings will be $206 million and much of these savings will be put in a fund to cover Michigan's future health care liabilities, meaning there will be no net cost to the state for the next 21 years. Further, this expansion will save the state $320 million in uncompensated care by 2022.

This means tax savings for every single taxpaying Michigander, as they will no longer be responsible for paying the medical bill of uninsured individuals who used to seek services at expensive emergency room facilities.

While many states are recognizing the irresistible benefits of Medicaid expansion, 25 states have yet to do so—apparently for ideological reasons. This summer, the Kaiser Family Foundation calculated that the Medicaid expansion would have twice the impact in the states that are leaning against expansion than those embracing it, exhibiting how incredibly positive it would be for those states to adopt expansion. If a state like my home of Michigan can recognize the benefits, I know others can as well. This is a common sense decision that will benefit every person, and even small businesses, in the states that have not yet expanded coverage.

Mr. Speaker, I strongly encourage the 25 governors to see past the ideology and recognize the overwhelming benefit their constituents will reap by their actions to expand Medicaid.

TRIBUTE TO DICK MORGAN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 18, 2013

Mr. CLAY. Mr. Speaker, Dick Morgan, who began his professional musical career as a child and spent decades as one of Washington's leading jazz pianists, died Oct. 20 in hospice care at the Village at Rockville retirement facility. He was 84 and resided in Silver Spring.

He had prostate cancer, his wife, Sylvia Morgan, said.

Since his arrival in Washington in 1960, Mr. Morgan had a long and steady career as a pianist in nightclubs, hotels and concert halls, including Blues Alley and the Kennedy Center. He recorded more than a dozen albums and performed over the years with many top singers and musicians, including Etta Jones, Joe Williams and Keter Betts.

He was known as a versatile, crowd-pleasing pianist who could embellish a large repertoire of tunes with improvised flourishes that