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**“The Global Case for Justice:
Protecting Human Rights and Promoting the Rule of Law”**

Introduction

Thank you, Judge Lynch, for that kind introduction. And thank you, Dean Schizer and Dean Chapnick for inviting me to be with you today.

The mission of the Social Justice Program – to encourage every Columbia student and graduate to consider public interest work as part of their professional life – is a mission that I wholeheartedly embrace. I am extremely fortunate to have had an exciting and challenging legal career in both public service and private practice. Although I enjoyed private practice immensely, my time in public service has always been personally rewarding beyond measure.

I started my career in the mid-'80s and fell in love with practicing law right here in Manhattan, as an Assistant District Attorney under the legendary Bob Morgenthau. In the late '90s, I had the honor of serving as Special Counsel to President Clinton. These were dramatically different jobs, to be sure, but, at their core, both positions demanded my faithful service to the American people. I can think of no higher calling in the law.

In April of this year, I was privileged to join the government for a third time. As Assistant Attorney General for the Criminal Division, I have been given a remarkable opportunity by President Obama to lead a Division of more than 400 exceptional lawyers in enforcing the nation's federal criminal laws.

The Criminal Division has a unique and vital niche in criminal law enforcement. Whether it is combating gangs, international drug trafficking, public corruption, or fraud, the Criminal Division prosecutes some of the nation's most complex and significant cases. That much you probably could have guessed. But what may not be as obvious is that the Division also is, very importantly, a subject-matter and policy expert. Indeed, in everything from surveillance techniques, to computer crime, to child exploitation, to asset forfeiture, the Criminal Division offers its sophisticated and deep expertise as a resource each day to our partners in the U.S. Attorney's Offices around the country.

The work of the Criminal Division does not stop at our borders, however. It is often said that democracy is the United States' greatest export. Well, the core of democracy is the Rule of Law, and the Criminal Division is its greatest ambassador. Through Resident Legal Advisors stationed in 37 countries around the world, the Criminal Division provides the countries most in need of our help with advice and

guidance on how to establish and sustain fair and transparent justice systems. The importance of this work cannot be overstated; promoting the impartial administration of justice around the world protects our global community from the lawlessness that endangers basic human rights and our own national security.

In the fight to protect human rights, we also deploy more traditional law enforcement tools to bring to justice human rights violators who are found at or within our borders. For more than 30 years, the Criminal Division has worked to ensure that those who helped deny freedom to others in World War II through Nazi-sponsored acts of persecution are not allowed to enjoy the freedoms that this great country affords. The Department is now building on this long and proud tradition by denying safe haven to, and – where possible – prosecuting participants in modern-era human rights abuses around the world.

I am extremely proud of the dedicated public servants in the Criminal Division who do this important work at home and abroad. It is their outstanding achievements in promoting the Rule of Law and protecting human rights that I would like to share with you this evening.

Rule of Law

Let me start first with our global Rule of Law initiatives.

President Obama has said: “I do have an unyielding belief that all people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn’t steal from people; the freedom to live as you choose. These are not just American ideas; they are human rights. And that is why we will support them everywhere.”

Consistent with this ideal, since 1991, the Criminal Division has placed Resident Legal Advisors and other personnel in countries all over the world to support the global development of the Rule of Law. RLAs, as they are known, assist host countries – like Iraq in the Middle East; Liberia and Zambia in Africa; Afghanistan and Indonesia in Asia; Bosnia and Serbia in Eastern Europe; and Mexico and Colombia in South America, just to name a few – by assessing criminal justice institutions and procedures; reviewing and drafting legislation and criminal enforcement policy; and improving the skills of prosecutors, investigators, and judges.

By strengthening the transparency and professionalism of these institutions, we strengthen the Rule of Law in countries all over the world. And, lest we forget, we prepare our foreign counterparts to cooperate more fully and effectively with each other and with the United States in fighting crime. Indeed, our efforts overseas are critical – absolutely critical – in combating terrorism, human trafficking, organized crime, corruption, financial crimes, and other crimes with transnational dimensions.

The hard work and dedication of the Criminal Division personnel on the front lines of these assignments – many of whom are faced with difficult and often dangerous conditions – has never been more important. In an age in which crime and terrorism has become globalized, failed or failing States are threats not only to their own citizens, but to ours as well. It is therefore essential that we remain steadfast in our mission to promote the Rule of Law across the globe.

Human Rights

Respect for the Rule of Law must be coupled with an absolute intolerance for those who violate human rights. The Department of Justice has played a leading role in the fight for human rights since the late 1940s, when former Attorney General Robert Jackson led a team of federal officials in the creation of international tribunals before which surviving Nazi and Japanese war criminals were tried. Sixty years later, just a few weeks into my tenure as Assistant Attorney General, we saw one of the final chapters in the Criminal Division's tireless efforts to bring Nazi war criminals to justice, in the case of John Demjanjuk.

Demjanjuk was a Nazi death camp guard who immigrated to the United States in 1952 by concealing from U.S. immigration authorities his true whereabouts during World War II and his Nazi camp guard service. In 2002, after a trial prosecuted by the Criminal Division's Office of Special Investigations, a federal judge in Cleveland revoked Demjanjuk's naturalized citizenship and found that Demjanjuk participated in the murder of thousands of Jews in gas chambers. In December 2005, Demjanjuk was ordered removed from the United States.

Notwithstanding the order, over the ensuing three years, Demjanjuk continued to fight -- but so did we. Finally, in March of this year, a German judge issued an order directing that Demjanjuk be arrested to stand trial for the murder of at least 29,000 Jews at the Sobibor extermination center. In May, after more than 30 years of litigation, Demjanjuk was removed to Germany, where he is now set to stand trial for his alleged crimes. In this case, justice was delayed, but it was most certainly not denied.

Sadly, atrocities similar to those perpetrated by the Nazis continue to be committed around the world. In the context of such atrocities, the Department of Justice's human rights law enforcement mission is not only of immense importance, it is a moral and ethical imperative. If evidence is found that implicates residents of this country in genocide or crimes against humanity, we will move swiftly to investigate and take legal action.

For example, last year, Department prosecutors, including attorneys from the Criminal Division's Domestic Security Section, tried the first case charging an individual with violations of the U.S. statute prohibiting torture. The defendant was a U.S. citizen named Roy Belfast, also known as Chuckie Taylor – the son of former Liberian dictator Charles Taylor. Between 1999 and 2003, in his role as commander of a Liberian paramilitary organization, Belfast participated in numerous and varied forms of torture.

In October 2008, Belfast was convicted of, among other things, five counts of torture. He was sentenced earlier this year to 97 years in prison.

Of course, there are circumstances in which a particular perpetrator cannot be reached through the use of human rights-based criminal statutes, such as the federal torture, genocide, war crimes and child soldier statutes. In those instances, the Criminal Division gets creative. We use all tools at our disposal to bring human rights offenders to justice, whether that means charging under other criminal statutes or looking at immigration-related offenses. Indeed, that's exactly how we approached several individuals involved in atrocities during the Bosnian conflict, including two defendants who pled guilty to having concealed from federal immigration authorities the fact that they served in a military brigade in Bosnia that participated in killing some 8,000 Muslim men and boys in the largest mass murder perpetrated in Europe since World War II. We are similarly investigating and taking action against individuals who we believe committed atrocities in Rwanda.

Our resolve in this area could not be greater. We simply will not allow those who commit unspeakable atrocities abroad to enter or remain within our borders.

Conclusion

As the Department of Justice looks ahead with a renewed sense of purpose and determination to combat human rights offenses and promote the Rule of Law around the world, we are ever mindful of just how great the need is. Each day, countless men, women, and children across the globe lack the security that we enjoy in this country – the security of knowing that institutions exist in their countries to protect them from violence and to ensure the fair and impartial administration of justice. And, so, it falls on us. It falls on us to help our foreign partners build their own effective and sustainable institutions that promote the Rule of Law. And it falls on us to work tenaciously within the American criminal justice system to bring human rights violators to justice however we can. We in the Department of Justice will continue to do just that.

Thank you again for the privilege of being with you today. I would be happy to take a few questions.