



# Department of Justice

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**STATEMENT OF**

**DAVID RYBICKI  
DEPUTY ASSISTANT ATTORNEY GENERAL  
CRIMINAL DIVISION  
DEPARTMENT OF JUSTICE**

**BEFORE THE**

**TOM LANTOS HUMAN RIGHTS COMMISSION**

**AT A HEARING ENTITLED**

**“PURSUING ACCOUNTABILITY FOR ATROCITIES”**

**PRESENTED**

**June 13, 2019**

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Thank you for inviting the Department of Justice to testify at this hearing. Pursuing justice on behalf of victims of atrocity crimes is a mission of great and manifest importance. As the Deputy Assistant Attorney General in the Criminal Division who supervises a key participant in that mission – the Human Rights and Special Prosecutions Section – I am pleased to address the Justice Department’s ongoing efforts against the perpetrators of atrocity crimes and other human rights and humanitarian law offenses.

It is especially fitting that this hearing on the subject of the U.S. Government’s efforts to hold accountable the perpetrators of atrocity crimes and other human rights violations is being held before a commission named after the late Tom Lantos, the only Holocaust survivor ever to serve in the Congress of the United States. His life was saved in wartime Budapest, Hungary, through the legendary efforts of Raoul Wallenberg, a courageous American-educated Swedish diplomat. Wallenberg’s herculean efforts to rescue Hungarian Jews were significantly funded by the United States government and, in recognition of his extraordinary heroism in the face of evil, he was posthumously made an honorary United States citizen by Act of Congress in 1981 – an action that was endorsed by the Reagan Administration in part based on the recommendation of the Department’s Criminal Division. Congressman Lantos, one of the thousands of Hungarian Jews whose lives were saved by Wallenberg and his team, devoted his postwar life to pursuing the tragically still-elusive goal of making the post-Holocaust imperative “Never Again” a reality. For many years, Congressman Lantos co-chaired this Commission’s predecessor, the Congressional Human Rights Caucus, with former Congressman Frank Wolf. It is a privilege to appear before a body with such a remarkable history of distinguished leadership.

Bringing the perpetrators of atrocity crimes and other human rights violations to justice has been a high priority and a time-honored commitment at the Department of Justice for more than four decades, ever since the former Office of Special Investigations (“OSI”) was created in 1979, to identify, investigate, and take legal action against participants in World War II-era acts of persecution sponsored by Nazi Germany and its allies. The Department’s enduring commitment to seeking justice in these cases can be traced back to the immediate postwar

period, when former Attorney General Robert H. Jackson and his staff, which included a sizeable cadre of Justice Department prosecutors, tried surviving Nazi leaders at Nuremberg.

Today, as I will describe in some detail, the Criminal Division's human rights enforcement efforts are centered in the Division's Human Rights and Special Prosecutions Section ("HRSP"), which was formed as a result of the 2010 merger of OSI and the Division's Domestic Security Section ("DSS") in order to maximize the impact of the Division's human rights enforcement efforts and promote efficiency. HRSP also prosecutes international violent crime cases, principally under the Military Extraterritorial Jurisdiction Act ("MEJA") (18 U.S.C. § 3261) and the special maritime and territorial jurisdiction of the United States ("SMTJ") (18 U.S.C. § 7). Those cases sometimes involve human rights crimes.

The Department pursues human rights violators and war criminals because respect for human dignity is fundamental to who we are as a nation and because impunity for these perpetrators puts at risk the lives of countless innocent persons abroad, including the brave men and women of our armed forces who serve in conflict zones overseas. In the words of President Trump's National Security Strategy, "America's core principles, enshrined in the Declaration of Independence, are secured by the Bill of Rights, which proclaims our respect for fundamental individual liberties...." "We will," the Strategy continues, "continue to champion American values and offer encouragement to those struggling for human dignity in their societies." In keeping with those core principles, the President declared in his 2018 International Holocaust Remembrance Day statement that "[e]very generation must learn and apply the lessons of the Holocaust to prevent new horrors against humanity from occurring..." "We will bear witness," he said on that solemn day of remembrance, and added: "[W]e will act." Consistent with this pledge, the National Security Strategy sends a stern warning to the perpetrators of atrocity crimes and anyone who would dare even to contemplate committing such offenses: "We will hold perpetrators of genocide and mass atrocities accountable."

The federal government pursues this accountability mission on multiple fronts. Our first goal is to prevent perpetrators from gaining entrance to our country. This is accomplished primarily by attempting to identify such individuals before they try to enter the United States and by adding their names to the interagency border control system. In addition, the government takes proactive measures targeted at identifying any such persons who have already gained entry, so that criminal prosecution or other appropriate law enforcement action can be taken in this country. In cases in which domestic prosecution is not possible or is not the most desirable course of action, we seek to denaturalize, arrest, extradite, or otherwise transfer suspects to stand trial abroad or accomplish their departure through removal proceedings. Lastly, the Justice Department, acting in conjunction with the Department of State, continues to take important initiatives aimed at enhancing the capacity of foreign governments to investigate and prosecute criminal cases against participants in genocide, war crimes, and crimes against humanity – including investigations and prosecutions of suspects the U.S. Government removes.

The Department of Justice vigorously pursues this multifaceted mission, in cooperation with our domestic and foreign law enforcement partners, as part of a coordinated, whole-of-government, interagency effort to deny safe haven in this country to human rights violators. To that end, HRSP and the FBI employ specialists on the model of the investigative approach that has enabled the Department to win more cases against World War II Nazi criminals over the past 40 years than has any other country in the world. HRSP and FBI are also part of the Human Rights Violators and War Crimes Center. Hosted by ICE's Homeland Security Investigations ("HSI"), the Center brings together a select group of Special Agents, attorneys, intelligence specialists, historians, and criminal research specialists to work collaboratively on human rights and war crimes investigations. Working together in this setting facilitates the provision of mutual assistance among the participating Homeland Security and Justice Department components in developing cases.

Our work principally targets human rights abusers who have engaged in such acts as genocide, torture, war crimes, the recruitment or use of child soldiers, female genital mutilation, and immigration fraud relating to concealing these kinds of abuses. At the Department, human rights enforcement matters are handled primarily by HRSP, the FBI, and United States Attorney's Offices around the country. Important work is also done by, among others, the Criminal Division's Office of International Affairs, International Criminal Investigative Training Assistance Program, Office of Overseas Prosecutorial Development, Assistance and Training, and Office of Enforcement Operations ("OEO"), the Department's National Security Division, and the Civil Division's Office of Immigration Litigation. Our principal interagency partners include ICE HSI and components of the Department of State here and overseas.

HRSP develops these cases in partnership with U.S. law enforcement agencies, principally ICE HSI and the FBI. Since ICE is represented at this hearing, I will not duplicate the testimony that the Department of Homeland Security is presenting, but I would like to briefly describe the FBI's important role. HRSP works closely with FBI's International Human Rights Unit ("IHRU"). IHRU's mission is to mitigate the most significant threats posed by international human rights violators through intelligence collection and targeted enforcement action in collaboration with domestic and international accountability efforts. The IHRU grew out of the Genocide War Crimes Program, which was created in 2009 by the FBI's Counterterrorism Division. In November 2014, the unit was realigned under the Bureau's Criminal Investigative Division and renamed the International Human Rights Unit. The IHRU leverages the law enforcement and intelligence efforts of all 56 FBI field offices and 63 FBI legal attaché offices throughout the world in order to investigate and hold perpetrators of mass atrocities and serious human rights violations accountable to the rule of law in the U.S. or a foreign country's judicial system. FBI Special Agents and analysts have investigated numerous cases involving human rights violators, including torture prosecutions, MEJA prosecutions, and immigration fraud prosecutions.

Next, I would like to elaborate on the key areas I have mentioned – identification, exclusion, criminal prosecution, international extradition, denaturalization, removal, and foreign

capacity-building – and to provide examples of important recent successes. As I will explain, the legal authorities available to the Department in these cases are both criminal and civil, and the tools we employ depend upon the facts of each case.

First, extensive efforts have been made to identify and exclude participants in genocide, war crimes, and other heinous violations of human rights and humanitarian law. For example, laborious investigations conducted in archives here and abroad over past decades have enabled the Department to identify and add to the border control system managed by the Departments of State and Homeland Security the names of many thousands of individuals suspected of complicity in World War II-era Nazi and Japanese crimes. Working with agents of U.S. Customs and Border Protection (“CBP”), our efforts succeeded in stopping more than 180 suspected Axis criminals at U.S. ports of entry. Many more were denied visas. Names of participants in post-WWII human rights violations have similarly been added to the border control system, and suspected human rights violators have been interdicted at the border. For example, in December 2017, Canadian authorities commenced citizenship revocation proceedings against Bozo Jozepovic, a Croatian immigrant from Bosnia, whose name had been added to the watchlist system by the Criminal Division as a suspected human rights violator and who was stopped trying to enter the United States at a Blaine, Washington, border crossing. In a removal proceeding litigated by ICE attorneys based on evidence largely amassed by the Criminal Division, a U.S. immigration judge found that Jozepovic committed or assisted in the murder of seven Muslim men in Poljani, Bosnia and Herzegovina, in 1993. The allegations in the Canadian government’s citizenship case track those that were proved in the U.S. proceeding.

Second, the Department is committed to bringing criminal prosecutions against individuals for substantive human rights-related violations, where we have jurisdiction to do so. Some of the statutes have significant jurisdictional, temporal, and evidentiary limitations. For example, jurisdiction over perpetrators of genocides committed prior to the 2007 amendment of the Title 18 genocide statute is limited to cases in which genocide has either been committed in the United States or committed abroad by a U.S. national. The war crimes statute can be employed only when either a victim or the perpetrator is a U.S. national or member of the U.S. armed forces. The torture statute does not provide jurisdiction based on the nationality of the victim, so even if a U.S. person was the victim of torture, the U.S. does not have jurisdiction unless the perpetrator is a U.S. citizen or present in the United States. In addition, some theories of liability, such as command responsibility, may be available in civil law but are generally not available in a criminal context. However, the Department makes extensive use of all of the tools that are available to us, including other criminal and civil charges, as well as extradition, in attempting to ensure that the perpetrators of war crimes and human rights violations do not continue to enjoy safe haven in the United States and that they are held accountable for their crimes.

When evidence is found implicating U.S. residents or citizens in such acts, we move to investigate and take legal action. Even when offenders are not subject to prosecution in the United States – for example, when the crimes were committed before applicable federal statutes

were enacted, as was the case with World War II-era Nazi criminals – the U.S. Government can often employ other effective enforcement tools, such as extradition to foreign countries or institution of criminal prosecutions for visa fraud, unlawful procurement of naturalization, and making false statements, or commencement of civil denaturalization actions as a prelude to removal actions by ICE.

For example, HRSP, in partnership with ICE HSI, developed a groundbreaking series of criminal prosecutions targeting former members of a Guatemalan special forces unit, the Kaibiles, that massacred nearly all of the inhabitants of the village of Dos Erres, Guatemala, brutally murdering at least 162 unarmed civilians in one of the most notorious atrocities in Central American history. Many of the female victims were raped before they were murdered. HRSP and, later, HSI, identified some of the perpetrators living in the United States. Several of them were prosecuted, convicted, and imprisoned for fraud offenses and others were deported by ICE to Guatemala. HRSP's criminal cases against former Kaibiles members were brought in partnership with United States Attorney's Offices and all yielded convictions. Two defendants were sentenced to the maximum term of ten years' imprisonment for unlawful procurement of naturalization – Gilberto Jordan, sentenced in 2010 in the Southern District of Florida, and Jorge Sosa, sentenced in 2014 in the Central District of California. The courts also entered orders revoking their U.S. citizenship. In 2017, in a third case prosecuted by HRSP and the United States Attorney's Office for Maryland, a participant in the Dos Erres massacre, Jose Ortiz Morales, a resident of Maryland and citizen of Guatemala, pleaded guilty and was sentenced for attempted unlawful procurement of naturalization.

United States Attorney's Offices throughout the country also prosecute human rights violator cases, often with HRSP providing assistance. For example, in April 2018, Mohammed Jabbateh, a former Liberian warlord also known as "Jungle Jabbah" who had been living in East Lansdowne, Pennsylvania, was sentenced to 30 years in prison by a U.S. district judge in the Eastern District of Pennsylvania. Jabbateh was found guilty in October 2017 on two counts of fraud in immigration documents and two counts of perjury. During the height of Liberia's first civil war from 1992 to 1995, Jabbateh, while serving as commander of a warring faction known as the United Liberation Movement of Liberia for Democracy, committed various acts of horrific brutality including rapes, sexual enslavement, slave labor, murder, mutilation, and ritual cannibalism. He also used children as soldiers.

The United States Attorney's Office for Massachusetts has brought a number of human rights cases, including against persons who lied about their activities in the Rwandan genocide that occurred 25 years ago and resulted in the killings of hundreds of thousands of people. Most recently, in April of this year, Jean Leonard Teganya was found guilty by a jury of immigration fraud and perjury. Teganya illegally entered the U.S. in 2014 and later applied for asylum, failing to disclose his involvement in the Rwandan genocide. He awaits sentencing.

A recent example of an HRSP criminal prosecution is the case of Milan Trisic, a Bosnian Serb who was residing in Charlotte, North Carolina. In March 2018, Trisic was sentenced to 18

months in prison following his criminal conviction for obtaining a Permanent Resident Card (I-551), commonly referred to as a “green card,” by making materially false statements on his initial application for refugee status, which served as the basis for his obtaining permanent resident status. As part of his guilty plea, Trisic admitted that he served in the Army of the Serb Republic as a member of the Bratunac Brigade when Bosnia and Herzegovina was in the midst of a civil war. Trisic further admitted that he engaged in various unlawful activities while serving with the Bratunac Brigade, such as the unlawful beating, detention, and transportation of Muslim prisoners. Additionally, Trisic admitted that the Bratunac Brigade was one of the military units responsible for the notorious 1995 Srebrenica massacre that resulted in the deaths of between 7,000 and 8,000 Bosnian Muslim men. Upon completion of his term of imprisonment, Trisic will be transferred to ICE custody for removal to Bosnia and Herzegovina. The case was prosecuted by HRSP in partnership with U.S. Attorney’s Office for the Western District of North Carolina.

Another example is the case of Mergia Negussie, a naturalized U.S. citizen residing in Alexandria, Virginia. On May 23, he was sentenced to 37 months in prison for having fraudulently obtained U.S. citizenship. The case was prosecuted jointly by HRSP and the U.S. Attorney’s Office for the Eastern District of Virginia. According to admissions set forth in his plea agreement, Negussie participated in the persecution of detainees in his native Ethiopia from roughly 1977 to 1978 during a period known as the “Red Terror.” As part of actions led by a council of military officers in power at the time, Negussie injured and abused detainees on account of their political opinion by beating them with weapons including belts, rods and other objects, causing permanent scarring and injury to some of the detainees. During these beatings, Negussie questioned the detainees about their affiliation with the regime’s political opponents. At his plea hearing, Negussie specifically admitted that, during his sworn naturalization interview, he falsely stated that he never persecuted persons because of their political opinion, and that he failed to disclose that he had committed a crime or offense for which he had not been arrested. In fact, as Negussie admitted, he had participated in persecution and assaults against individuals incarcerated because of their political opinion. In addition to sentencing Negussie to prison, the court revoked his U.S. citizenship.

In another case prosecuted since the Department last appeared before this Commission, in 2016 HRSP prosecuted Mladen Mitrovic, a Loganville, Georgia, resident who failed to disclose to U.S. immigration authorities his involvement in vicious abuses committed at a detention camp in Bosnia in 1992. At trial, one victim testified that Mitrovic had clubbed him into unconsciousness with a table leg. When the victim regained consciousness, Mitrovic then used his military knife to carve a Christian cross into the Muslim victim’s chest, telling him that from then on, he was “going to be a Serb.” Another detainee testified that Mitrovic had beaten him into unconsciousness on one occasion, and then targeted that victim for further violence such as kickings and beatings over the course of the several months the victim had been detained. Two other witnesses who knew Mitrovic before the war testified that they saw him march five young men over a hill near the camp. They subsequently heard automatic rifle fire and, later, Mitrovic returned to the camp, but the five young men were never seen again. Two additional witnesses

at trial were a doctor and a veterinarian who had also been prisoners in the camp and had treated beating victims there. They identified Mitrovic as one of the guards who beat the prisoners, and their testimony was corroborated in part by photographs they took of one of Mitrovic's beating victims and the blood-spattered room where Mitrovic had administered the beating. The jury convicted Mitrovic and the court sentenced him to 57 months' imprisonment, a significant departure from the sentencing guidelines range of 0-6 months. The Department argued for a significant sentence to ensure that this kind of egregious violation of our immigration laws is taken seriously. The court also revoked Mitrovic's U.S. citizenship. The case was prosecuted by HRSP in partnership with the United States Attorney's Office for the Northern District of Georgia.

In the WWII-era Nazi cases, the U.S. Government has never possessed domestic jurisdiction over the underlying crimes that were committed in Europe. These cases thus demonstrate the utility of civil denaturalization – i.e., revocation of citizenship – and removal strategies. The burden of proof on the government in civil denaturalization cases is substantially identical to the criminal beyond-a-reasonable-doubt standard, but there are no statutes of limitations applicable to the civil proceedings, unlike in criminal naturalization fraud and visa fraud prosecutions. As a result of the tenacious work of HRSP and its predecessor OSI component, Criminal Division prosecutors have won cases against scores of participants in Axis-sponsored acts of persecution. Those persons have been denaturalized and/or removed or extradited to stand trial abroad. The most recent extradition victory was a decision rendered in 2014 by a federal magistrate in the case of a Philadelphia man, Johann Breyer, who had been charged in Germany with serving as an accessory to the murders of some 246,000 Jewish men, women, and children while serving as an SS guard at the infamous Auschwitz-Birkenau death camp. The case was a collaborative effort among HRSP, the Division's Office of International Affairs, and the U.S. Attorney's Office for the Eastern District of Pennsylvania.

The Division's enforcement program in the Nazi cases is widely considered to be the most successful law enforcement operation of its kind in the world, earning praise and awards from numerous Jewish organizations and Holocaust survivor groups. HRSP's work in these cases continues, but since the vast majority of the perpetrators of Nazi crimes – and most of the potential survivor-witnesses – are no longer alive at this very late date, the section's WWII-related workload is now only a small part of its human rights accountability portfolio. Our most recent success in the Nazi cases occurred just this past August, when the U.S. Government accomplished the removal to Germany of previously denaturalized Nazi persecutor Jakiw Palij, a landmark accomplishment that was the product of a highly effective inter-agency effort by DOJ, ICE, and the Department of State. The quality of our ongoing, though necessarily diminishing, work in the Nazi cases is reflected by the fact that the United States was one of only two countries (along with Germany) to win the coveted "A" rating of the Simon Wiesenthal Center in its annual report last year on worldwide law enforcement efforts in the Nazi cases.

Civil denaturalization, followed by removal, remains an important tool in post-WWII human rights violator cases as well. For example, the Civil Division's Office of Immigration



Litigation brought a civil denaturalization case in Washington, D.C., last year against Edin Dzeko. The suit was brought in partnership with the U.S. Attorney's Office for the District of Columbia. HRSP provided important assistance in the development of the case. In August, a U.S. district judge denaturalized Dzeko, based in part on his admission that he had misrepresented and concealed his military service on immigration forms and lied under oath at his naturalization interview. Dzeko was part of an elite unit of the Army of the Republic of Bosnia and Herzegovina that attacked the village of Trusina in 1993, in what is known as the Trusina massacre. The unit allegedly targeted Bosnian Croats who resided in the village because of their Christian religion and Croat ethnicity, killing 22 unarmed individuals including women and the elderly. Dzeko is currently serving a prison sentence in Bosnia and Herzegovina where, in 2014, he was convicted of war crimes. The Bosnian court found that Dzeko played a key role in the Trusina massacre, serving as part of a firing squad that executed six unarmed prisoners of war and civilians and that he shot and killed a crippled elderly couple.

Our successes in these prosecutions notwithstanding, experience has consistently shown that investigations of suspected perpetrators of genocide, war crimes, or crimes against humanity is extremely complex, whether the investigations concern those offenses directly or instead involve immigration-related violations prosecuted criminally or civilly. This is not surprising, as the activities at the heart of these cases occurred in foreign countries, often many years ago, and they frequently took place in the context of complex political instability, war, or social upheaval. Moreover, access to crime scenes may be limited or even non-existent and our ability to gather evidence typically relies significantly on the cooperation of foreign governments. Witnesses – if any survive – may face reprisals for testifying or may themselves be perpetrators as to whom precautions must be taken to ensure that if they are brought to the United States to testify, they do not gain an opportunity to seek safe haven here themselves. In the unlikely event that pertinent written records were prepared by the perpetrators, they may have been destroyed, be otherwise inaccessible, or present vexing chain-of-custody problems. Obtaining sufficient evidence that is admissible in a U.S. court of law therefore is a time-consuming and challenging undertaking, and it typically requires highly specialized prosecutorial, historical, and linguistic expertise.

Third, the Justice Department helps facilitate the criminal prosecution abroad of the perpetrators of genocide, war crimes, and crimes against humanity found in this country. For example, in 2012, Sulejman Mujagic, a citizen of Bosnia and Herzegovina residing in Utica, New York, was charged by a federal grand jury with physical and mental torture committed during the armed conflict that followed the breakup of the former Yugoslavia. The case was handled by HRSP and the U.S. Attorney's Office for the Northern District of New York. Before the torture case proceeded to its conclusion in the United States, Bosnia sought Mujagic's extradition, after charging him with having summarily executed an unarmed Bosnian Army soldier and tortured a second soldier after the two prisoners had been captured by Mujagic and his men while he was serving as a platoon commander in the Army of the Autonomous Province of Western Bosnia. The Department litigated the extradition case to achieve Mujagic's extradition to Bosnia and sought dismissal of the torture indictment. Because the crimes took

place in Bosnia, that country had the ability to prosecute for both the alleged torture and murder. A federal district judge in the Northern District of New York ruled that Mujagic could be extradited to Bosnia to stand trial and, after his extradition, he was convicted in Bosnia.

The United States has also extradited other accused human rights violators to stand trial abroad, both in WWII Nazi cases and others. The Division's Office of International Affairs ("OIA") has played a central role in these extraditions. Extradition matters are coordinated within the Justice Department by that office, which also responds each year to thousands of requests and inquiries from foreign law enforcement authorities for assistance in their investigations and prosecutions. The U.S. Government works diligently to locate international fugitives and return them to the countries in which their alleged crimes were committed. Extradition, however, is contingent upon receipt of a request from a foreign government with which the United States has an extradition treaty.

Finally, in cooperation with the State Department, the Department of Justice has long devoted considerable resources to enhancing the capacity of foreign governments to investigate and prosecute serious crimes, including atrocities. Components of the Criminal Division provide much of DOJ's assistance to foreign law enforcement and justice authorities. As noted, OIA takes the lead in executing foreign requests for evidence or other legal assistance and has responded to dozens of requests for assistance in matters relating to genocide, war crimes and crimes against humanity. Similarly, the Office of Overseas Prosecutorial Development, Assistance and Training ("OPDAT") and the International Criminal Investigative Training Assistance Program ("ICITAP") take the lead for the Department in providing capacity-building and security-sector assistance to foreign partners.

OPDAT was established to harness the Department of Justice's resources to develop foreign justice sector institutions and to enhance the administration of justice abroad. OPDAT builds strong foreign partners who can work with the United States to enhance cooperation in transnational cases and fight crime before it reaches our shores. OPDAT has Resident Legal Advisors ("RLAs"), Intermittent Legal Advisors ("ILAs"), and International Computer Hacking and Intellectual Property Advisors ("ICHIPs") posted around the world, providing expert assistance and case-based mentoring to foreign counterparts to develop justice systems that can combat transnational crime, corruption, and terrorism consistent with international human rights standards and in furtherance of U.S. national security.

OPDAT supports the Department's and the U.S. Government's interests by promoting the rule of law and respect for human rights, by preparing foreign counterparts to cooperate more fully with the United States in combating transnational crime and terrorism, and by improving foreign judicial assistance to the investigative and prosecutorial elements of the Department of Justice. As a general rule, internationally accepted standards are a primary focus of OPDAT programs. In areas such as human rights, trafficking in persons, public corruption, gender-based violence, and transnational organized crime, international and regional conventions and

agreements are routinely explained and the need for compliance with international obligations is emphasized.

Working with funding from the State Department and the Department of Defense, OPDAT uses a best practices methodology to develop effective criminal codes and procedures, improve institutional structures and relationships, and enhance the professional capabilities of prosecutors, judges, defense attorneys, and select law enforcement officers to establish more responsive and responsible criminal justice systems abroad. OPDAT has approximately 65 RLAs, ILAs, and ICHIPs posted in approximately 50 countries at any given time.

OPDAT has provided capacity-building assistance in the investigation and prosecution of war crimes to the various countries and jurisdictions of the former Yugoslavia. This has included provision of training; advice on legislation; assistance in the development of witness protection programs and witness exchange agreements; capacity-building in the area of victim-witness assistance; videoconferencing equipment (to allow witnesses in criminal cases, including war crimes cases, to testify safely from one country to another); and assistance to promote the exchange of information and cooperation between and among the countries and jurisdictions in the region.

ICITAP has similarly provided assistance directly to foreign law enforcement authorities in the former Yugoslavia. Equipment, software, and training that ICITAP supplied has significantly enhanced the capacity of local authorities to identify and investigate complex and politically charged crimes. In Croatia, ICITAP, in coordination with OPDAT, provided specialized training to members of the criminal justice system who are directly responsible for the investigation and prosecution of war crimes cases. That training focused on evidence collection, courtroom presentation, and witness protection. The work undertaken in this field by OPDAT and ICITAP draws extensively on the resources of federal investigating agencies and U.S. Attorney's Offices. It is an integral part of the Justice Department's commitment to assisting cognizant authorities abroad. The assistance that we have provided in the former Yugoslavia, as elsewhere, is focused on increasing the ability of these countries and jurisdictions to prosecute cases involving genocide, war crimes, and crimes against humanity.

OPDAT has provided assistance in the area of war crimes and crimes against humanity in other regions of the world as well. For example, OPDAT assigned a Resident Legal Advisor to Rwanda to provide assistance to the Rwandan criminal justice sector. The program focused on investigations and prosecutions involving the most serious genocide-related offenses. The Resident Legal Advisor provided advice and support to the prosecution sector in its efforts to evaluate and prosecute those detainees who were alleged to have planned and orchestrated the 1994 genocide. The OPDAT program in Rwanda provided advice, support, and technical assistance to improve the capacity of Rwandan justice officials to gather evidence and prosecute cases based on rule of law principles.

In Colombia, the Justice Department has provided assistance to the Colombian Prosecutor General's Human Rights Unit, which consists of a National Unit in Bogota and 15 regional units in the Colombian cities of Medellin, Cali, Bucaramanga, Villavicencio, Neiva, Cucuta, and Barranquilla. This Unit is responsible for the investigation and prosecution of violations committed either by illegally armed groups or government officials.

## **Conclusion**

In our extensive work on human rights cases, we never forget that the lives of innocent persons around the world remain imperiled by the threat of genocide and other atrocity crimes. We know that succeeding in deterrence through enforcement of laws applicable to perpetrators of such crimes is one important means of affording vulnerable populations a measure of protection from such cruelties. As we investigate and prosecute these cases, we remain ever-mindful of the words famously spoken by former Attorney General, and later Supreme Court Justice, Robert Jackson, in his opening address at the Palace of Justice in Nuremberg in 1945: "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

Thank you for affording me this opportunity to testify today. I would be pleased to respond to your questions.