



**Statement by C. Dixon Osburn
Before the Tom Lantos Human Rights Commission
June 13, 2019**

What do a candy maker, Uber driver and school bus driver have in common? They are all individuals who lived or are living in the United States that the Center for Justice and Accountability has accused of committing atrocity crimes abroad.

Good morning Chairman McGovern, Rep. Omar and distinguished members of the Tom Lantos Human Rights Commission. Thank you for holding this timely hearing as we commemorate the 75th anniversary of D-Day and the 70th anniversary of the Geneva Conventions. World War II's clarion call of 'Never Again' has not yet been achieved. My name is Dixon Osburn. I am the Executive Director of the Center for Justice and Accountability.

The candy maker was Colonel Inocente Montano, one of 20 individuals CJA alleges is responsible for the 1989 Jesuits Massacre in El Salvador. In 2008, CJA and the Spanish Association for Human Rights filed criminal charges in Spain against the former President of El Salvador and 19 former members of the military for the massacre. The Spanish court issued indictments against all accused. All but one of the defendants live in El Salvador. The one who did not was Colonel Inocente Montano, the former Vice Minister of Public Security who had been living outside of Boston. As a result of the indictment in Spain and CJA's advocacy, the Department of Homeland Security filed immigration fraud charges against Montano and he was sentenced to 21 months in prison. Subsequently, the Department of Justice secured his extradition to Spain where Colonel Montano currently awaits trial. A special note of thanks to Rep. McGovern for his long-standing commitment to justice and accountability for the people of El Salvador.

The Uber driver was Virginia resident Colonel Yusuf Abdi Ali whom, on May 21, 2019, a Virginia jury found responsible under the Torture Victim Protection Act for the torture of our client Farhan Warfaa, who suffered barbaric torture as part of a systematic and widespread attack against his clan under the Siad Barre regime in Somaliland.

The school bus driver is Boston resident Jean Morose Viliena -- the current mayor of a town in Haiti whom we allege led an armed group of supporters in a campaign of terror against media activists and human rights defenders. That case is still ongoing.

The Center for Justice and Accountability is a nonprofit international human rights organization. Our mission is to deter torture, war crimes, crimes against humanity, and other severe human rights abuses around the world through litigation and other advocacy strategies. We litigate in the U.S. under the Alien Tort Statute, the Torture Victim Protection Act, and other civil statutes. We are part of a global movement of NGOs that play a critical role in ending impunity.

As of 2017, there were 68.5 million people around the world who had been displaced as a result of persecution, conflict, violence, or human rights violations. It is estimated that more than 1,300,000 survivors of politically-motivated torture currently reside in the United States. It is also estimated that there are 1,750 human rights violators in the United States from 95 different countries. Thousands of human rights abusers have found safe haven in the United States, including those with substantial responsibility for heinous atrocities. These abusers often live in the same immigrant communities as their victims.

What is at stake here, today, is ensuring a comprehensive response to impunity. It is imperative that Congress continue to expand legislation to strengthen efforts to hold human rights violators accountable through both civil and criminal avenues. To that end, we urge this Commission to consider the following:

1. *Expand the Torture Victims Protection Act* to close the atrocity loophole by including a civil cause of action for war crimes, genocide and crimes against humanity.
2. *Adopt a Crimes Against Humanity Bill*. “Crimes against humanity” was a crime charged at Nuremberg and has been supported by the United States since then in the crimes established at other tribunals. Nearly all NATO members prohibit crimes against humanity under national law.
3. *Modernize current atrocity crimes statutes* so that they:
 - *Apply to non-state actors and apply retroactively*
 - *Eliminate statute of limitations; and*
 - *Ensure consistent application of rules of jurisdiction.*

4. *Incorporate command responsibility as a basis for liability* in all existing criminal human rights laws to ensure decision makers are held responsible.
5. *Increase the Number of Mutual Legal Assistance Treaties Between the United States and Other Nations* to make investigations easier and less costly.
6. *Increase Funding for Agencies Responsible for International Criminal Accountability*, including the FBI International Human Rights Unit, DOJ's Human Rights Special Prosecutions Unit, ICE's Human Rights Violators Unit, and the State Department's Office of Global Criminal Justice. Reject proposed efforts to dismantle the FBI's International Human Rights Unit.

The United States must lead in the global effort to prevent mass atrocities and to hold accountable those responsible. If we do not want the United States to provide safe haven for war criminals, we must pass and enforce laws that hold them accountable. In short, pursuing accountability for mass atrocities is in our moral, legal, political, national security, and financial interests. Fortunately, ending safe haven for war criminals and confronting mass atrocities globally has received strong bipartisan support, including the recent passage of the Elie Wiesel Genocide and Atrocities Prevention Act. Yet, more can be done. More must be done.

Thank you very much for this opportunity to speak and I look forward to your questions.