

THE SENSE OF CONGRESS THAT THOSE WHO COMMIT OR SUPPORT ATROCITIES AGAINST CHRISTIANS AND OTHER ETHNIC AND RELIGIOUS MINORITIES . . . ARE COMMITTING, AND ARE HEREBY DECLARED TO BE COMMITTING, "WAR CRIMES", "CRIMES AGAINST HUMANITY", AND "GENOCIDE"; CONDEMNING THE GROSS VIOLATIONS OF INTERNATIONAL LAW AMOUNTING TO WAR CRIMES AND CRIMES AGAINST HUMANITY BY THE GOV'T OF SYRIA, ITS ALLIES, AND OTHER PARTIES TO THE CONFLICT IN SYRIA, AND ASKING THE PRESIDENT TO DIRECT HIS AMBASSADOR AT THE U.N. TO PROMOTE THE ESTABLISHMENT OF A WAR CRIMES TRIBUNAL WHERE THESE CRIMES COULD BE ADDRESSED

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

H. Con. Res. 75 and H. Con. Res. 121

MARCH 2, 2016

Serial No. 114-149

Printed for the use of the Committee on Foreign Affairs



Available via the World Wide Web: <http://www.foreignaffairs.house.gov/> or
<http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PUBLISHING OFFICE

98-948PDF

WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON FOREIGN AFFAIRS

EDWARD R. ROYCE, California, *Chairman*

CHRISTOPHER H. SMITH, New Jersey
ILEANA ROS-LEHTINEN, Florida
DANA ROHRABACHER, California
STEVE CHABOT, Ohio
JOE WILSON, South Carolina
MICHAEL T. McCAUL, Texas
TED POE, Texas
MATT SALMON, Arizona
DARRELL E. ISSA, California
TOM MARINO, Pennsylvania
JEFF DUNCAN, South Carolina
MO BROOKS, Alabama
PAUL COOK, California
RANDY K. WEBER SR., Texas
SCOTT PERRY, Pennsylvania
RON DeSANTIS, Florida
MARK MEADOWS, North Carolina
TED S. YOHO, Florida
CURT CLAWSON, Florida
SCOTT DesJARLAIS, Tennessee
REID J. RIBBLE, Wisconsin
DAVID A. TROTT, Michigan
LEE M. ZELDIN, New York
DANIEL DONOVAN, New York

ELIOT L. ENGEL, New York
BRAD SHERMAN, California
GREGORY W. MEEKS, New York
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
THEODORE E. DEUTCH, Florida
BRIAN HIGGINS, New York
KAREN BASS, California
WILLIAM KEATING, Massachusetts
DAVID CICILLINE, Rhode Island
ALAN GRAYSON, Florida
AMI BERA, California
ALAN S. LOWENTHAL, California
GRACE MENG, New York
LOIS FRANKEL, Florida
TULSI GABBARD, Hawaii
JOAQUIN CASTRO, Texas
ROBIN L. KELLY, Illinois
BRENDAN F. BOYLE, Pennsylvania

AMY PORTER, *Chief of Staff* THOMAS SHEEHY, *Staff Director*
JASON STEINBAUM, *Democratic Staff Director*

CONTENTS

| | Page |
|---|------|
| MARKUP ON | |
| H. Con. Res. 75, Expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandean, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, and are hereby declared to be committing, "war crimes," "crimes against humanity," and "genocide" | 2 |
| Amendment in the nature of a substitute to H. Con. Res. 75 offered by the Honorable Edward R. Royce, a Representative in Congress from the State of California, and chairman, Committee on Foreign Affairs | 8 |
| H. Con. Res. 121, Expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed | 14 |
| LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE RECORD | |
| APPENDIX | |
| Markup notice | 38 |
| Markup minutes | 39 |
| Markup summary | 41 |

THE SENSE OF CONGRESS THAT THOSE WHO COMMIT OR SUPPORT ATROCITIES AGAINST CHRISTIANS AND OTHER ETHNIC AND RELIGIOUS MINORITIES . . . ARE COMMITTING, AND ARE HEREBY DECLARED TO BE COMMITTING, "WAR CRIMES", "CRIMES AGAINST HUMANITY", AND "GENOCIDE"; CONDEMNING THE GROSS VIOLATIONS OF INTERNATIONAL LAW AMOUNTING TO WAR CRIMES AND CRIMES AGAINST HUMANITY BY THE GOV'T OF SYRIA, ITS ALLIES, AND OTHER PARTIES TO THE CONFLICT IN SYRIA, AND ASKING THE PRESIDENT TO DIRECT HIS AMBASSADOR AT THE U.N. TO PROMOTE THE ESTABLISHMENT OF A WAR CRIMES TRIBUNAL WHERE THESE CRIMES COULD BE ADDRESSED

WEDNESDAY, MARCH 2, 2016

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. This committee will come to order.

Pursuant to notice, we meet today to mark up two bipartisan resolutions concerning grave challenges to humanity, and without objection all members may have 5 days to submit statements or extraneous materials for the record.

As all members were notified yesterday, we intend to consider the two resolutions en bloc and so without objection the following items previously provided to members will be considered en bloc and considered as read.

House Concurrent Resolution 75, which expresses the sense of Congress that ISIS' atrocities against Yezidis, Christians and other minorities constitute war crimes, crimes against humanity and genocide. Royce Amendment 97 in the nature of a substitute and House Concurrent Resolution 121, which condemns the war crimes and crimes against humanity by the government of Syria, its allies, and other parties and urges the establishment of a war crimes tribunal.

[The information referred to follows:]

114TH CONGRESS
1ST SESSION

H. CON. RES. 75

Expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandaeans, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, and are hereby declared to be committing, "war crimes", "crimes against humanity", and "genocide".

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2015

Mr. FORTENBERRY (for himself, Ms. ESHOO, Mr. FRANKS of Arizona, Mr. LIPINSKI, Mr. DENHAM, and Mr. VARGAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandaeans, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, and are hereby declared to be committing, "war crimes", "crimes against humanity", and "genocide".

Whereas those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandaeans, Kaka'e, and Kurds, and who target them specifically for ethnic or reli-

gious reasons, intend to exterminate or to force the migration or submission of anyone who does not share their views concerning religion;

Whereas Christians and other ethnic and religious minorities have been an integral part of the cultural fabric of the Middle East for millennia;

Whereas Christians and other ethnic and religious minorities have been murdered, subjugated, forced to emigrate and suffered grievous bodily and psychological harm, including sexual enslavement and abuse, inflicted in a deliberate and calculated manner in violation of the laws of their respective nations, the laws of war, laws and treaties forbidding crimes against humanity, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris on December 9, 1948 (in this concurrent resolution referred to as the “Convention”);

Whereas these atrocities are undertaken with the specific intent to bring about the eradication and displacement of their communities and the destruction of their cultural heritage in violation of local laws, the laws of war, laws and treaties that punish crimes against humanity, and the Convention;

Whereas local, national, and international laws and treaties forbidding “war crimes”, “crimes against humanity”, and the Convention condemn murder, massacre, forced migration, extrajudicial punishment, kidnapping, slavery, human trafficking, torture, rape, and persecution of individuals because of their religion and shall be punished, whether committed by “constitutionally responsible rulers, public officials or private individuals” as provided by

local laws, international laws and agreements, and the Convention;

Whereas Article I of the Convention, international, and local laws confirm that genocide and crimes against humanity, whether committed in time of peace or in time of war, are crimes which government authorities are obligated to prevent and to punish;

Whereas Article II of the Convention declares that “In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”;

Whereas Article III of the Convention affirms that “The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide.”;

Whereas, on July 10, 2015, Pope Francis, Supreme Pontiff of the Roman Catholic Church, declared that Middle Eastern Christians are facing genocide, a reality that must be “denounced” and that “In this third world war, waged piecemeal, which we are now experiencing, a form of genocide—and I stress the word genocide—is taking place, and it must end.”;

Whereas a March 13, 2015, report of the United Nations Committee on Human Rights prepared at the request of the Government of Iraq stated “[e]thnic and religious groups targeted by ISIL include Yezidis, Christians, Turkmen, Sabea-Mandean, Kaka’e, Kurds and Shi’a” and that “[i]t is reasonable to conclude that some of the incidents [in Iraq in 2014–2015] . . . may constitute genocide.”; and

Whereas attacks on Yezidis included the mass killing of men and boys and enslavement and forcible transfer of women and children: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) the atrocities committed against Christians
4 and other ethnic and religious minorities targeted
5 specifically for religious reasons are, and are hereby
6 declared to be, “crimes against humanity”, and
7 “genocide”;

8 (2) each of the Contracting Parties to the
9 United Nations Convention on the Prevention and
10 Punishment of the Crime of Genocide, signed at
11 Paris on December 9, 1948, and other international
12 agreements forbidding war crimes and crimes
13 against humanity, particularly the governments of
14 countries and their nationals who are in any way
15 supporting these crimes, are reminded of their legal
16 obligations under the Convention and these inter-
17 national agreements;

1 (3) every government and multinational body
2 should call the atrocities being committed in the
3 name of religion by their rightful names: “crimes
4 against humanity”, “war crimes”, and “genocide”;

5 (4) the United Nations and the United Nations
6 Secretary-General are called upon to assert leader-
7 ship by calling the atrocities being committed in
8 these places by their rightful names: “war crimes”,
9 “crimes against humanity”, and “genocide”;

10 (5) the member states of the United Nations,
11 with an urgent appeal to the Arab States that wish
12 to uphold religious freedom, tolerance, and justice—

13 (A) should join in this concurrent resolu-
14 tion;

15 (B) should collaborate on measures to pre-
16 vent further war crimes, crimes against human-
17 ity, and genocide; and

18 (C) should collaborate on the establishment
19 and operation of domestic, regional and inter-
20 national tribunals to punish those responsible
21 for the ongoing crimes;

22 (6) the governments of the Kurdistan Region of
23 Iraq, the Hashemite Kingdom of Jordan, the Leba-
24 nese Republic, and other countries are commended
25 for having undertaken to shelter and protect those

1 fleeing the violence of ISIS (Da'esh) and other ex-
2 tremists until they can safely return to their homes
3 in Iraq and Syria; and

4 (7) all those who force the migration of reli-
5 gious communities from their ancestral homelands,
6 where they have lived and practiced their faith in
7 safety and stability for hundreds of years—including
8 specifically in the Nineveh Plain, a historic heartland
9 of Christianity in Iraq and Mount Sinjar, the his-
10 toric home of the Yezidis—should be tracked, sanc-
11 tioned, arrested, prosecuted, and punished in accord-
12 ance with the laws of the place where their crimes
13 were committed and under applicable international
14 criminal statutes and conventions.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.CON.RES. 75
OFFERED BY MR. ROYCE OF CALIFORNIA**

Strike the preamble and insert the following:

Whereas Christians and other religious and ethnic minorities have been an integral part of the cultural fabric of the Middle East for millennia;

Whereas the so-called Islamic State of Iraq and the Levant (ISIL) and associated extremists are committing egregious atrocities against ethnic and religious minorities in Iraq and Syria, including Christians (including Assyrian Chaldean Syriac, Armenian, and Melkite communities, among others), Yezidis, Turkmen, Shabak, Sabaeans-Mandaeans, and Kaka'i, among others;

Whereas ISIL specifically targets these religious and ethnic minorities, intending to kill them or force their submission, conversion, or expulsion;

Whereas religious and ethnic minorities have been murdered, subjugated, forced to emigrate, and subjected to grievous bodily and psychological harm, kidnapping, human trafficking, torture, and rape;

Whereas ISIL engages in, and publicly argues in favor of, the sexual enslavement of non-Muslim women, including pre-pubescent girls;

Whereas ISIL atrocities against Christians, Yezidis, and other minorities have included mass murder, crucifixions, beheadings, rape, torture, enslavement, the kidnaping of

children, and other violence deliberately calculated to eliminate their communities from the so-called Islamic State;

Whereas ISIL has deliberately destroyed and looted numerous cultural sites, religious shrines, churches, monasteries, and museums in order to eradicate the cultures of ethnic and religious minorities from the territory it attempts to control;

Whereas these atrocities have been undertaken with the specific intent to bring about the eradication of those communities and the destruction of their cultural heritage;

Whereas ISIL operations have in fact driven minority religious and ethnic communities from their ancestral homelands;

Whereas under applicable international law referenced in section 2441 of Title 18 of the United States Code, murder, torture, mutilation, rape, cruel treatment, and hostage-taking of non-combatants constitute war crimes;

Whereas crimes against humanity, as defined by the International Military Tribunal convened at Nuremberg in 1945, and in various international instruments since then, include murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, as well as persecution on political, racial, or religious grounds in connection with such crimes;

Whereas the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed and ratified by the United States, defines genocide as “any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the

group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”;

Whereas on August 7, 2014, Secretary of State John Kerry declared that “ISIL’s campaign of terror against the innocent, including Yezidi and Christian minorities, and its grotesque and targeted acts of violence bear all the warning signs and hallmarks of genocide”;

Whereas in August 2014, the United States conducted targeted airstrikes and humanitarian assistance operations to help break the siege of Mount Sinjar, saving the lives of thousands of Yezidi men, women, and children;

Whereas His Holiness, Pope Francis, has noted that “entire communities, especially – but not only – Christians and Yezidis have suffered and are still suffering inhuman violence because of their ethnic and religious identity” and that, for Christians being killed for their faith in the Middle East, “a form of genocide -- I insist on the word -- is taking place, and it must end”;

Whereas a March 13, 2015, report by the Office of the United Nations High Commissioner for Human Rights detailed “acts of violence perpetrated [by ISIL] against civilians because of their affiliation or perceived affiliation to an ethnic or religious group” and stated that “[i]t is reasonable to conclude that some of these incidents, considering the overall information, may constitute genocide”;

Whereas in testimony before the House Foreign Affairs Committee on May 13, 2015, Dominican Sister Diana Momeka, whose convent was driven from Mosul, Iraq, described the ISIL offensive as “cultural and human genocide” and stated that today “[t]he only Christians that remain in the Plain of Nineveh are those who are held as hostages”;

Whereas in December 2015, the United States Holocaust Memorial Museum’s Simon-Skjoldt Center for the Prevention of Genocide issued a report focused on the treatment of minorities in Nineveh from June to August 2014, which found that ISIL had “targeted civilians based on group identity, committing mass atrocities to control, expel, and exterminate ethnic and religious minorities” and, in that context, “committed crimes against humanity, war crimes, and ethnic cleansing against [Christian, Yezidi, Turkmen, Shabak, Sabaeen-Mandean, and Kaka’i] communities in Nineva” and “perpetrated genocide against the Yezidi people”;

Whereas on December 7, 2015, the United States Commission on International Religious Freedom called on the United States Government “to designate the Christian, Yezidi, Shi’a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL” and urged world leaders “to condemn the genocidal actions and crimes against humanity of ISIL that have been directed at these groups and other ethnic and religious groups”;

Whereas on February 3, 2016, the European Parliament expressed the view that ISIL “is committing genocide against Christians and Yezidis, and other religious and ethnic minorities”;

Whereas Syrian President Bashar al Assad's violence against the Syrian people has attracted foreign fighters from around the world, who have supported and committed ISIL atrocities; and

Whereas according to some estimates, the conflict among all parties to the Syrian civil war has killed 470,000 and displaced 11,000,000 people: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That it is the sense of Congress that—

1 (1) the atrocities perpetrated by ISIL against
2 Christians, Yezidis, and other religious and ethnic
3 minorities in Iraq and Syria constitute war crimes,
4 crimes against humanity, and genocide;

5 (2) all governments, including the United
6 States, and international organizations, including
7 the United Nations and the Office of the Secretary-
8 General, should call ISIL atrocities by their rightful
9 names: war crimes, crimes against humanity, and
10 genocide;

11 (3) the member states of the United Nations
12 should coordinate urgently on measures to prevent
13 further war crimes, crimes against humanity, and
14 genocide in Iraq and Syria, and to punish those re-
15 sponsible for these ongoing crimes, including by the

1 collection and preservation of evidence and, if nec-
2 essary, the establishment and operation of appro-
3 priate tribunals;

4 (4) the Hashemite Kingdom of Jordan, the
5 Lebanese Republic, the Republic of Turkey, and the
6 Kurdistan Regional Government in Iraq are to be
7 commended for, and supported in, their efforts to
8 shelter and protect those fleeing the violence of ISIL
9 and other combatants until they can safely return to
10 their homes in Iraq and Syria; and

11 (5) the protracted Syrian civil war and the in-
12 discriminate violence of the Assad regime have con-
13 tributed to the growth of ISIL and will continue to
14 do so as long as this conflict continues.

Amend the title so as to read: “A resolution express-
ing the sense of Congress that the atrocities perpetrated
by ISIL against religious and ethnic minorities in Iraq
and Syria include war crimes, crimes against humanity,
and genocide.”.



.....
(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. CON. RES. 121

Expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey submitted the following concurrent resolution; which was referred to the Committee on _____

CONCURRENT RESOLUTION

Expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed.

Whereas the Government of Syria has engaged in widespread torture and rape, employed starvation as a weapon of war, and massacred civilians, including through the use

of chemical weapons, cluster munitions, and barrel bombs;

Whereas the vast majority of the civilians who have died in the Syrian conflict have been killed by the Government of Syria and its allies, specifically the Russian Federation, the Islamic Republic of Iran, and Iran's terrorist proxies including Hezbollah;

Whereas the Government of Syria reportedly has subjected nearly 1,000,000 civilians to devastating sieges and manipulated the delivery of humanitarian aid for its own gain, thereby weaponizing starvation against populations, such as in Madaya;

Whereas the Government of Syria continues to target schools, water, electric, and medical facilities as a way to deny civilians access to critical infrastructure and basic services;

Whereas the Government of Syria has conducted massive and widespread enforced disappearances, systematic torture, and killing, amounting to what the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic recently described as "extermination" at the hands of the State;

Whereas the same Commission of Inquiry described these and other actions perpetrated by the Government of Syria as war crimes and crimes against humanity;

Whereas the Government of Syria and its allies, have carried out mass atrocities without regard for international norms or human decency;

Whereas the Government of Syria and its allies have attacked various religious and ethnic minority populations in Syria, including Christians, Turkmens, and Ismaelis;

Whereas the Russian Federation has not only enabled the Government of Syria's perpetration of these crimes but has committed its own violations of international law by leading deliberate bombing campaigns on civilian targets including bakeries, hospitals, markets, and schools, contrary to United Nations Security Council Resolution 2254, adopted on December 18, 2015, which demanded "that all parties immediately cease any attacks against civilians and civilian objects";

Whereas the attacks by the Government of Syria and its allies have focused on civilian targets and the United States-backed opposition, and have led to the expansion of the Islamic State in Syria;

Whereas other parties to the conflict in Syria, including the Islamic State of Iraq and the Levant and the al-Nusra Front, have engaged in torture, rape, summary execution of government soldiers, kidnapping for ransom, and violence against civilians;

Whereas these continued violations of international law, without any promise of accountability, jeopardize hope for establishing a meaningful and lasting peace through the Geneva and Vienna processes;

Whereas Syria is not a state-party to the Rome Statute and is not a member of the International Criminal Court;

Whereas the United States supports the collection and analysis of documentation related to the ongoing violations of human rights, the coordination of Syrian and international actors working on documentation and transitional justice efforts, and education and outreach on transitional justice concepts and processes, including efforts of the Syria Justice and Accountability Center

sponsored by the United States and various other states and multilateral institutions;

Whereas the international community has previously established ad hoc or regional tribunals through the United Nations to bring justice in specific countries where war crimes, crimes against humanity, and genocide have been committed;

Whereas ad hoc or regional tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone, have successfully investigated and prosecuted war crimes, crimes against humanity, and genocide, and there are many positive lessons to be learned from such tribunals; and

Whereas any lasting, peaceful solution to the conflict in Syria must be based upon justice for all, including members of all factions, political parties, ethnicities, and religions: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) strongly condemns the continued use of un-
4 lawful and indiscriminate violence against civilian
5 populations by the Government of Syria, its allies,
6 and other parties to the conflict;

7 (2) urges the United States and its partners to
8 continue to demand and work toward the cessation
9 of attacks on Syrian civilians by the Government of
10 Syria, its allies, and other parties to the conflict;

1 (3) urges the Administration to establish addi-
2 tional mechanisms for the protection of civilians and
3 to ensure consistent and equitable access to humani-
4 tarian aid for vulnerable populations;

5 (4) urges the United States to continue its sup-
6 port for efforts to collect and analyze documentation
7 related to ongoing violations of human rights in
8 Syria, and to prioritize the collection of evidence
9 that can be used to support future prosecutions for
10 war crimes and crimes against humanity committed
11 by the Government of Syria, its allies, and other
12 parties to the conflict;

13 (5) urges the President to direct the United
14 States representative to the United Nations to use
15 the voice and vote of the United States to imme-
16 diately promote the establishment of a Syrian war
17 crimes tribunal, a regional or international hybrid
18 court to prosecute the perpetrators of grave crimes
19 committed by the Government of Syria, its allies,
20 and other parties to the conflict; and

21 (6) urges other nations to apprehend and de-
22 liver into the custody of such a Syrian war crimes
23 tribunal persons indicted for war crimes, crimes
24 against humanity, or genocide in Syria, and to pro-

- 1 vide information pertaining to such crimes to the tri-
- 2 bunal.

Chairman ROYCE. After recognizing myself and the ranking member, I'll be pleased to recognize any member seeking recognition to speak on these measures.

So I appreciate members assembling this morning. This is a very consequential markup. The so-called Islamic State, or ISIS or ISIL, is committing war crimes and crimes against humanity, and they're committing genocide against religious and ethnic minorities, in particular, against the Christian community and the Yezidis. House Concurrent Resolution 75—led by Congressman Jeff Fortenberry, Congresswoman Anna Eshoo—and 200 bipartisan cosponsors states that fact clearly.

This committee has held multiple hearings on this group's brutal war to eliminate religious minorities and to bulldoze their histories. ISIS' tools include mass murder. It includes beheadings, as you know. As we've heard from the testimony, it includes rape and crucifixions and torture and enslavement and the kidnapping of children, among other atrocities. Churches and temples are destroyed. Put simply, their desire is to erase the existence of these groups from their self-proclaimed caliphate by any means necessary.

The crime of genocide is killing or inflicting other serious harm with the intent to destroy a religious or an ethnic group in whole or in part, and of this ISIS is guilty.

ISIS has clearly stated that it cannot abide the continued existence of the Yezidi community and has followed these statements up with the widespread killing and enslavement. The boys and men are killed, older women are killed, girls and younger women are enslaved. Last fall, members of this committee met with Bazi, a young Yezidi woman from Iraq, who bravely recounted her brutal captivity and abuse at the hands of the terrorist group, in particular at the hands of an American who had been recruited online into ISIS and who had taken her and others captive and enslaved her as a sexual concubine.

He explained to her why it was in his religion, or his interpretation of it, that they needed to be stamped out and why it was proper that all of the men in her family be killed and the women enslaved. She subsequently escaped.

ISIS has also made no secret of its—and I'm going to quote ISIS here—"hatred for the cross worshipers." In one of their gruesome videos addressed to Christians, an ISIS spokesman taunts the so-called "people of the cross," saying "you will have no safety, even in your dreams, until you embrace Islam" and then 15 Christians—they're captives before the video—are beheaded on camera.

Sister Diana Momeka, who testified here after fleeing the ISIS offensive against Mosul, described to us a cultural and human genocide and observed that today “the only Christians that remain in the Plain of Nineveh are those who are held as concubines or hostages.”

Most telling, ask how many of the ancient, indigenous Christian communities survive in the area where ISIS has consolidated its control. Experts inform me that the answer to that is zero.

ISIS brutalizes anyone whose beliefs conflict with its own narrow ideology, including fellow Muslims. It has torn the rich religious and cultural tapestry of this region to shreds.

At a hearing 3½ months ago when Ambassador Patterson was asked whether ISIS is committing genocide, she said we could expect “some announcements on that very shortly.” We, as a committee, are still waiting for that announcement.

In December, I wrote Secretary Kerry a bipartisan letter urging that any genocide determination must reflect the full reality of the situation faced by all groups—Yezidis and Christians and others. The State Department is facing a statutory deadline of March 17 to provide Congress with an evaluation of the genocide question.

The U.S. Commission on International Religious Freedom and the European Parliament have found their voices in this. Both have publically concluded that Yezidis and Christians are facing genocide at the hands of ISIS in Syria and in Iraq.

The House of Representatives—and this committee in particular—led the push to recognize genocide in Sudan in the late 1990s. I remember the critical role we played in that debate. I remember how long that took. I remember going up to the United Nations on this issue. We have recognized genocide in numerous other situations including in Rwanda, including in the former Yugoslavia. It is time that we do so again, to speak the truth about the atrocities of ISIS and hope that the administration and the world will do the same before it is too late.

But we cannot condemn ISIS’ atrocities without also denouncing the horrendous war crimes being perpetrated on a massive scale by Syria’s Bashar al-Assad. And so I want to thank Subcommittee Chairman Smith for reintroducing House Resolution 269 as House Concurrent Resolution 121, which expresses the sense of the Congress that the administration should promote the establishment of a Syrian war crimes tribunal. The committee passed a substantially similar measure last Congress and we appreciate what strong leadership Mr. Smith has shown on this issue.

For several years this committee has heard searing testimony regarding the terrible atrocities being committed by Syria’s Government against its own people—widespread torture, industrial scale murder, starvation as a tool of war, and the terror of unending barrel bombs and chemical bombs.

Two years ago, we heard from regime defector “Caesar,” if you’ll recall the testimony from the photographer, regarding Assad’s systematic use of torture. He was a former regime photographer and he smuggled out of his country 50,000 images showing the horrific fate of those Syrians who objected to Assad’s brutality. These were men, women, and children from all sects, all religions, all groups, who disappeared into his prisons and their mangled bodies were

numbered as each one was killed—tortured and killed—and he documented all of that. I don't know why totalitarian regimes have this obsession with documenting what they do but they do, and in this particular case he smuggled out the photographs.

We have also heard from the brave doctors treating the victims of Assad's barrel bombs—often filled with chlorine gas—as they recalled watching children suffocate on their makeshift operating tables. These same doctors and nurses have been targeted by the Assad regime and targeted by its allies, Russia and Iran. More than 500 of these doctors have been killed—500 of these doctors and nurses have been killed in these bombings since the start of the fighting.

The Assad regime and its allies have used starvation as a tool of war. We've seen images from cities showing the emaciated bodies of those dying under siege. Taken together, Assad and his allies have killed more than 18,500 children, among the hundreds of thousands, by the way, of victims of their terrible crimes.

At the same time, ISIS and other extremist-linked fighters like al-Nusra have carried out grave crimes against the local communities under their control—all in an effort to impose a violent radical ideology.

This resolution calls for the creation of an international tribunal to hold those responsible for these heinous crimes accountable. The resolution envisions a flexible regional tribunal like those established following brutal conflicts in Yugoslavia, Rwanda, and Sierra Leone.

This court would focus solely on the crisis in Syria. Congressional approval of this resolution will send a strong signal of support to the Syrian people that they are not alone, that the world sees their suffering and will not accept such brutality without consequences.

As David Crane, the former chief prosecutor of the special court for Sierra Leone, testified before this committee, we "have to seek justice for the people that have been destroyed by the Assad regime."

We now have 420,000 killed. We now have 4 million in exile and there are another 7 million displaced within Syria. So I urge members to support this resolution as well as our first House concurrent resolution on genocide and I urge members to do so so that the possibility of justice and accountability for these atrocities can give hope to those suffering today.

I will now turn to the ranking member for today's hearing, Mr. Brad Sherman from California.

Mr. SHERMAN. Mr. Chairman, I want to thank you for holding this markup.

Mr. Chairman, Syria and much of Iraq face two great evils. ISIS is well known to everyone in this room. Their evil is well known and was well described by the chairman in his opening statement.

The second evil is the extremist Shi'ite alliance, consisting of Iran, Assad, Hezbollah, the Houthi, and many forces that are powerful in Iraq including Shi'ite militias from Baghdad to Basra and the political forces of former Prime Minister Maliki.

That extremist Shi'ite alliance is, I believe, even more dangerous than ISIS since they include two state actors and a nuclear program, and they have killed more Americans than ISIS, whether it

be the Marines who died in Lebanon in the 1980s where so many of our soldiers and Marines died from IEDs manufactured in Iran and deployed in Iraq and Afghanistan.

There is a substantial difference in the style of the two evil forces. When ISIS kills 50 people, they put the beheading up on YouTube.

When Assad kills 1,000 with barrel bombs or even with chemical weapons there for a while, Assad has the good taste to deny it and lie about it.

Different styles of evil but two great evils and two resolutions before us. The first is H. Con. Res. 121, a resolution introduced by our colleague, Chris Smith.

The bill condemns the gross violations of international law perpetrated by the Assad regime and the forces supporting Assad that have amounted to war crimes and crimes against humanity.

We all hope that the current ceasefire holds, but during the 5-year civil war in Syria we have seen vicious acts of war that most of us hoped would be relegated only to the history books, including the use of chemical weapons against defenseless civilians by the Syrian Government.

Assad has also conducted deliberate bombings of schools, hospitals, and humanitarian sites for the purpose of expelling the civilian population.

Overall, he has conducted a brutal war to retain power that has killed hundreds of thousands of Syrians and displaced millions more.

Assad could not have done this without the support of the Iranian Government. Just yesterday, in Foreign Policy Magazine, an Iranian official goes on the record to boast that the Iran Revolutionary Guard Corps is sending advisors and troops to help Assad and that the Tehran government is financing Hezbollah and other Shi'ite militias assisting Assad.

The resolution we're considering today, H. Con. Res. 121, makes specific mention of the role that Iran and this extremist Shi'ite alliance have played, and I think that's an important part of the resolution.

The chairman and I have introduced legislation that would enhance sanctions on Iran's Islamic Revolutionary Guard Corps and in turn make it more difficult for the IRGC to support Assad and the Syrian Government and I urge my colleagues to co-sponsor H.R. 4312, if you have not done so already.

The other resolution we're considering today focuses on ISIS. It's H. Con. Res. 75, and it asks how we classify the violence that ISIS has carried out, especially on non-Sunni Muslim religious groups and ethnic minorities.

I want to thank Anna Eshoo and Jeff Fortenberry for their work in putting this resolution together. I have co-sponsored, as have so many others here today.

I also want to thank the chairman and ranking member for their hard work on the amendment in the nature of a substitute which I think strikes the right balance and I believe we should all support.

This resolution, H. Con. Res. 75, calls the violent acts of ISIS by the right name—war crimes, crimes against humanity and, where appropriate, genocide.

I support this resolution and its call on member states of the United Nations, which includes, of course, the United States, to coordinate urgently on measures to prevent further war crimes against religious and ethnic minorities in Iraq and Syria.

Finally, as we focus our efforts against ISIS, this resolution is an important part of it. Another part is American air strikes. Our rules of engagement against ISIS, I think, have been far too constrained.

We should be bombing moving tanker trucks, not just those that are parked—moving ammunition trucks, not just those that are parked.

It is possible that the driver of the truck will be a civilian. But it is entirely appropriate for strategic bombing to hit ammunition and oil trucks as they are moving.

If we are going to defeat ISIS we're going to need to reach a settlement in Syria that does not cause Sunni Muslims to believe that they will be oppressed by this Assad regime as they have been in the past, and I look forward to the passage of these two resolutions.

Yield back.

Chairman ROYCE. Thank you, Mr. Sherman.

We now go to Mr. Chris Smith.

Mr. SMITH. Chairman, thank you so very much for calling this important markup and I want to thank you for your very pivotal and very important co-sponsorship of H. Con. Res. 121 and also Eliot Engel, thank him for his support for this.

You know, this has been a long time in the making. I introduced the first iteration of it in September 2013, continually have asked Secretary Kerry and others in the administration.

They have never said no but they haven't said yes about this idea of establishing a Syrian war crimes tribunal. We've had a number of hearings where they were dedicated in part and one in whole to this proposition.

We had Jeremy Rabkin, David Crane, as you pointed out, the Prosecutor for the Sierra Leone court, Alan White, the former Chief Investigator for the court for Sierra Leone, Steve Rademaker, who obviously gave some very, very good insights. He used to work on this staff, then worked in the administration and now he's the national security project advisor for the Bipartisan Policy Center, and all pulling on that same oar that the time has come to establish a Syrian war crimes tribunal.

And that's what the resolution seeks to do, that we immediately move to establish such a war crimes tribunal, get the U.N. Security Council to take it up, calls on the administration to pursue this policy goal including our voice and vote at the U.N.

Past ad hoc regional war crimes tribunals, including the courts for Sierra Leone, Rwanda, and the former Yugoslavia, have made significant differences in holding some of the worst mass murderers to account with successful prosecutions followed by long jail sentences.

I would note parenthetically that I have worked with the prosecutors of each of these tribunals and had many of them, including

the Yugoslav court, provide testimony and, as I mentioned, David Crane, as well.

These courts have worked. They're not perfect but they are flexible and they have had significant convictions of those who have committed these crimes.

Who can forget the picture, Mr. Chairman, of the infamous former President of Liberia, Charles Taylor, with his head bowed, incredulous that the Special Court for Sierra Leone in 2012 meted out a 50-year jail term for his crimes against humanity and war crimes.

You've given some estimates, and the estimates do vary from 420,000. The Center for Policy Research says that the 5 years of bloodshed, either direct or indirectly, perhaps has killed 470,000 people. The ranges are very, very large.

While the U.N. has long ago abandoned estimating the death toll to its inability to verify the numbers, the center's estimate nevertheless suggests massive loss of life, especially of women and children.

The International Syria Support Group, co-chaired by the U.S. and Russia, brokered a cessation of hostilities that kicked in on February 27 that applies to all parties except ISIS and al-Nusra.

While we all hope and pray that the ceasefire holds and humanitarian groups gain access to sick, frail, and at-risk people, the atrocities committed against Syria's population demand accountability and justice.

Rigorous investigations followed by prosecutions, convictions, and serious jail time for these perpetrators will hold all sides accountable and will send a clear message that barbaric behavior has dire personal consequences. The victims and their loved ones deserve no less.

Can the U.S. Security Council resolution establishing a Syrian war crimes tribunal prevail? I would respectfully submit yes. With a Herculean diplomatic push by the U.S. and other interested parties, past success in creating war crimes tribunals can indeed be prologue. And I remember the naysayers who said there was no way the Yugoslav court would come into existence.

Russia was too close to Slobodan Milosevic and their solidarity with Serbia during the Balkan War made that impossible. Yet, it was unanimously approved.

Ditto for the Special Court for Sierra Leone in 2002 and for the Rwanda tribunal that was created in 1994, China chose to abstain rather than exercise their veto.

At a Syrian war crimes court, no one on any side—and this has to be emphasized with exclamation points—who commits war crimes, genocide, or crimes against humanity would be precluded from prosecution.

An ad hoc regional court also has significant advantages over the International Criminal Court and our hearing with David Crane and others made that absolutely clear that this was the preferred venue for justice.

For starters, neither Syria nor the U.S. is a member of the ICC, although mechanisms do exist to push prosecutions there. The ICC has operated since 2002 but boasts only two convictions.

By way of contrast, the Yugoslav court convicted 80 people and those trials are still ongoing. Rwanda has 61 and Sierra Leone nine and, moreover, a singularly focused tribunal provides Syrians with a degree of ownership that would enhance its effectiveness.

And finally, I want to thank Jeff Fortenberry and Anna Eshoo for the resolution on declaring that not just the Yezidis but other minority groups, especially Christians, are the target of genocide.

I've had five hearings on the genocide that has been committed against Christians in Syria and I can tell you from those hearings, including the emergency one we had on December 9, it was made very clear by people like Dr. Gregory Stanton, president of Genocide Watch, who said "Weak words are not enough. Failure to call ISIS a mass murderer of Christians, Muslims, and other groups in addition to Yezidis by its proper name, genocide, would be an active denial as grave as U.S. refusal to recognize the Rwandan genocide in 1994."

Even the head of the Yezidi Human Rights Organization, Ismail, said that yes, the Yezidis are targeted for annihilation and he said so are the Christians.

So I would hope, again, that members would rally behind this resolution as well, and I yield back the balance of my time.

Chairman ROYCE. Any other members seeking recognition on this resolution?

Mr. Rohrabacher.

Mr. ROHRABACHER. I've got grave concerns about the wording of this resolution. We have—and no one has been a greater fan of Chris Smith and the great job he's been doing in human rights over the years than I have and we've been partners in most of his endeavors.

But the wording—I'm afraid the wording of this resolution will include—by including everyone that has been under attack in the Middle East we have diluted the fact that the Christians and Yezidis are specifically targeted for genocide.

By declaring people targets of genocide what we mean is that we will accept whoever is part of that faith into our country and give them refuge.

Obviously, the Christians from those countries and the Yezidis from those countries are targets of genocide. Turkmen are not. Other minorities—Kurds are not.

And we should have no obligation to bring in every group that is not engaged themselves in killing someone else but is targeted because they live in a village but they—the other villages they're not seeking to take everybody out in that country.

They're just in a war. That's what happens. But we do know that the Yezidis and the Christians have been specifically targeted for elimination.

Now, I have a resolution—this resolution, by the way, it's a House resolution. It's the sense of the House that these people be declared targets of genocide.

I have a—the actual—to make this have teeth into it you have to basically go through the Judiciary Committee and I have a bill that takes Christians and Yezidis and puts that bill through the Judiciary Committee where it belongs because that opens up our borders to bring in those people who are—who are targeted for

genocide—to give the Jews a way into our country rather than to declare everybody else when Europe was under attack that right, which then would have prevented us from doing that.

So I just have some problems here with the wording of this resolution and I would hope that we can condemn these atrocities that are being committed without necessarily using the word genocide for every one of the groups and—because if you dilute it—try to do everything for everybody you could end up doing nothing for anybody. And I'm afraid that the wording of this would lead to that outcome. So I'm concerned about it.

Chairman ROYCE. Yes. I will recognize myself here for a minute.

In the first instance, I think the impetus for this resolution is partly on behalf—I think what Mr. Fortenberry is thinking here when he's taking the idea of genocide is to try to rally the United States and the international community to take ISIS down.

That's the remedy that I think—the primary remedy he's seeking. But the second point I would make is on the Fortenberry resolution, and Mr. Rohrabacher, you and I are co-sponsors of the Fortenberry resolution.

Mr. ROHRABACHER. Yes.

Chairman ROYCE. I think the reason that you and I originally signed on to the resolution was because when we read the resolved clauses of genocide in the original resolution, it speaks of genocide against Christians and then we added Yezidis—against Christians and Yezidis and other ethnic and religious minorities.

So we are co-sponsors of that text. I don't see an operative difference between our base text and the text you co-sponsored.

In the text we originally co-sponsored, yes, it does reference Turkmen and some other specific religious minorities that are coming under attack.

But when we get down to the resolved clauses in that resolution and in this resolution deal with, in their resolution Christians, in ours Christians and Yezidis.

Why? Because those are the specific ethnic groups that we have the documented evidence that are being targeted by ISIS or Daesh or ISIL on the videos and in which we have the witnesses.

Now, there's a secondary reason why the Fortenberry language I think should be passed as is and that is because in the European community this language mirrors what they have passed as well. They also recognize that it is the Yezidis and the Christians that are being targeted.

And so for those reasons I think that especially given what is propelling this resolution, which is the desire to get the European community, the American—you know, this hemisphere and the rest of the world involved in the basic strategy of taking down ISIS and ending a genocide, this is a call to action and in that respect I think it's a resolution we could all support.

Mr. CONNOLLY. Mr. Chairman.

Mr. ROHRABACHER. Would the gentleman yield?

Chairman ROYCE. I will yield.

Mr. ROHRABACHER. I would be—I'm satisfied with—if we have put on the record in this debate that it is not your intent nor the intent of this committee to in some way include all groups under attack in the Middle East as targets of genocide.

But that specifically we do, while this resolution does specifically mention Christians and other ethnic—basically, it does mention Christians and it says and other ethnic religious minorities targeted specifically for religious reasons are thereby to be crimes against humanity.

The word “and” would not necessarily mean that all groups are part of the “and” but instead that we have—there’s a bifurcation there.

Chairman ROYCE. I think we resolve it this way, for your—we allow that other groups may be being targeted for genocide.

But what we are stating specifically in the resolution clause, in the resolve cause, what we are stating is that it is Yezidis and it is Christians that are being targeted for the purpose of genocide by ISIS. That is what is pushing the resolution.

Mr. ROHRABACHER. Okay, and that—and that when we say crimes against humanity and genocide that means we can understand some of those groups are being victims of crimes against humanity where other groups within that are not necessarily targets of genocide.

Chairman ROYCE. And then let me yield to Mr. Smith. He wanted to have a word.

Mr. SMITH. I thank the chair and thanks for the very good explanation. I think that, hopefully, clears up—

Mr. ROHRABACHER. Yes, it does.

Mr. SMITH [continuing]. Any concerns that the gentleman from California has.

One of the reasons why this is so urgent, in December we learned that the President was about to declare that the Yezidis were the targets of genocide and that the genocide was being committed against the Yezidis.

It’s absolutely true. There is a genocide against the Yezidis. But omitted from that declaration from what we had heard, and it was very reliable, was that the Christians were going to be left out.

That’s why I convened an emergency hearing on December 9. We heard from a broad section of people concerned—experts I mentioned earlier—Dr. Stanton, who heads up Genocide Watch. And they made it absolutely clear including the head of Yezidi Human Rights Organizational-International, Ismail, that you can’t have one without the other. The Christians are targeted for annihilation.

I mean, the definition in the Genocide Convention couldn’t be clearer. In whole or in part, we’re talking about annihilation. That’s whole, so the total definition is, obviously, being fulfilled in a horrible way.

And so I asked Secretary Kerry when he testified here respectfully and politely, because I do believe he’s an honorable man, and he said he was seriously looking at this now.

So the hope is the administration will get it right and make that joint declaration.

Mr. ROHRABACHER. Would the gentleman yield? Would the gentleman yield?

Of course, which I agree totally with the sentiment and let me just note the reason why we need to be concerned about this wording is that if we are indeed declaring all of these groups that are—that are victims of crimes against humanity, we declare that all of

them are also targets of genocide, we then have the obligation to require safe haven in the United States for any person who is a target of genocide.

That would include, if we do not make that bifurcation, we have actually included all the Kurds, included all the Turkmen, and Turkmen, by the way, reflect a huge number of people in that area including, I think, large, large portions of these countries where we recognize they are crimes against humanity, against these people, which we condemn.

But as I say, you try to do everything for everybody you end up doing nothing for anybody and we do need to reach out to the Christian communities and the Yezidis to make sure they are protected against what is an attempt to annihilate them from the planet, and that's the reason for my concern.

Thank you for yielding.

Chairman ROYCE. Thank you.

We go to Mr. Brad Sherman.

Mr. SHERMAN. I think this resolution means to say that we've determined that Christians and Yezidis are subject to genocide, that other groups are subject to terrible crimes and whether any other particular group faces such terrible egregious action that it rises to the level of genocide would have to be established in some other form on some other day. I don't know, and this resolution doesn't say, whether Baha'is or Turkmen or anyone else is facing genocide.

But I don't think it can be used to argue that Congress has concluded or that this committee has concluded that they do. Let's look at the individual clauses.

Second whereas clause on Page 1 mentions a whole group—many different groups but simply uses the word egregious atrocities.

Page 4, whereas clause number three quotes the United States Commission on International Religious Freedom and uses the word genocide, mentions other groups, but that's just an accurate quote from the commission.

It does not mean that Congress agrees with every single word of the quoted material. The most operative part of the resolution is on Page 5 lines one through four, once we get to the resolve clauses. And there we identify Christians, Yezidis, and other religious and ethnic minorities as being subject to war crimes, crimes against humanity and—it doesn't say "and/or," it says "and"—genocide.

So we are saying that Christians face all three things including genocide. Yezidis face war crimes, crimes against humanity, and genocide.

But as to any other group, they would have to come forward and say and our group too faces genocide because there is certainly no implication here that every religious and ethnic minority in Syria and Iraq is facing genocide but, rather, that the Christians do, the Yezidis do, and perhaps there's some other group that does as well. I know the Baha'is have been mentioned.

So if somebody was Turkomen or Kurd or any other religious or ethnic minority and wanted to say their group faces genocide at the hands of ISIS or ISIL. They would have to prove and make that case.

This—the text of this resolution does not embrace that conclusion and I yield.

Chairman ROYCE. The Chair concurs with Mr. Sherman's reading of the resolution.

Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman.

First of all, I take my friend from California's point. His concern, I think, is that we not dilute something, with the best of intentions, and I absolutely take that point and look forward to seeing his resolution come out of the Judiciary Committee so that we can look at that resolution on its face.

But I think Mr. Sherman just very ably laid out the actual meaning of the words in front of us, which I don't think contradicts in any way the legitimate concern of our friend from California.

A word of caution on the other side, if I may. I am concerned that this is a fast-moving dynamic. There could be other groups that end up being targeted.

I mean, my friend from California says well, the Kurds aren't subject to genocide. Well, what if they are tomorrow? I mean, what if the situation on the ground changes and our friends who are actually the only ones winning on the battlefield and doing the fighting have an adverse situation and suddenly they're in this category?

We've precluded them. We're going to have to write a new resolution. And I think it was just prudence the way this was drafted so that we're not precluding the situation on the ground changing and we're not—we're also not prejudicing who may or may not find refuge here or in the West, even if they're not directly targets of genocide.

You know, when you're on the ground and your village is being bombed, I don't know that you distinguish between well, this is a bomb because of genocide or this is a bomb because I'm on the wrong side of the civil war.

I'm still a victim, and we don't want to lose sight of that either. There are terrible victims being created every day on the ground and I think this resolution is all encompassing in that regard but at the end of the day does explicitly address the concern of our friend from California.

I thank the chair.

Chairman ROYCE. Other members seeking—Judge Poe.

Mr. POE. I thank the chairman.

I did want to mention on a different note in as much as this is the Foreign Affairs Committee that 180 years ago today Texas declared its independence from Mexico, remained an independent country for almost 9 years and then it joined the United States, and I just wanted to mention that because it's a special day for Mr. Weber and Mr. McCaul and myself and others.

But discussing the issue at hand, these resolutions are important. It is important we take a stand on this issue of persecution of people because of their religious beliefs, and we need to take a stand so there's no doubt about it where we stand, not only with Americans but with people throughout the world and especially the religious communities that are being persecuted.

ISIS has specifically and intentionally targeted Christians and other minorities for the last 5 years for extermination to remove them from the face of the earth.

The definition of genocide is clear. It is the deliberate and systematic destruction of a racial or cultural group.

Genocide is what ISIS is doing and they want to destroy anyone that does not conform to their way of belief. ISIS has forced hundreds of thousands of Christians to leave their ancestral homes. For the first time since Jesus, there are almost no Christians left in some of these areas of the world where they have been for hundreds of years and it's because of ISIS.

Some of those who could not get out before ISIS came in have been tortured, crucified, and executed. ISIS has also targeted, as mentioned, the Yezidi community of Iraq.

It slaughtered almost all of the men in one community on Mount Sinjar and sold the women and girls to satisfy their evil desires for their deranged fighters. They sold them into slavery.

ISIS is proud of these atrocities. ISIS fighters post videos online of their barbaric beheadings of Christians and others who refuse to bow to their ideology. They are not ashamed of the murder of religious minorities. They hate, kidnap and murder because Christians and other ancient minority communities will not renounce their religious faith.

The world, including the United States, needs to be clear about what ISIS is doing. America must denounce murder because of a person's religious belief no matter where that person is in the world.

I'm proud to be a co-sponsor of H. Con. Res. 75. I support its passage, and Mr. Chairman, justice demands ISIS be held accountable. Justice is what must be done because justice is what we do in America.

And that's just the way it is. I yield back.

Chairman ROYCE. Thank you, Mr. Poe.

We welcome Texans to the United States on its 180th anniversary.

Mr. POE. Not everybody did, though. Not everybody voted for Texas.

Chairman ROYCE. Mr. Trott. Oh, do we have anybody else on this side of the aisle?

Mr. Trott.

Mr. TROTT. Thank you, Mr. Chairman.

Thank you for bringing up this measure for consideration and also to my colleague, Mr. Fortenberry, for his leadership on this issue.

Mr. Chairman, I'm proud to represent a vibrant district rich with many religious minorities. In southeast Michigan, we have the Syrians, Caldeans, and Armenians, among other religious minorities.

They are my neighbors, my friends, and my colleagues and their contribution to Michigan and to America have been tremendous.

But today, they and their families back home face a new unprecedented challenge. Ten years ago, Iraq had over 300 churches. Now, you can't even find 40.

The city of Mosul was once a Christian stronghold and now no longer is home to any Christian communities. Every week at home

I hear about the atrocities committed against religious minorities in the Middle East, some of them against family members of my constituents.

If you spend a day in my district you will see dozens of Help Iraq bumper stickers and rosaries in people's cars, and I'm proud to say that my constituents have advocated tirelessly on behalf of the Yezidis, working and praying that they are not forgotten.

Mr. Chairman, I think it's very clear that the atrocities perpetrated by ISIS against Christians, Yezidis, and other religious and ethnic minorities in Iraq and Syria can only be described as a genocide.

Ten months ago I took my first trip as a Member of Congress to Yerevan to commemorate the 100-year anniversary of the Armenian genocide and I saw firsthand how painful and somber the memory of those atrocities are even today.

We have failed to recognize the Armenian genocide and I urge my colleagues not to make the same mistake again. The administration has shown they will not take serious action to destroy ISIS, let alone designate the atrocities committed against religious minorities as genocide which is why the people's house must take action.

I'm a proud supporter of this resolution as are 200 bipartisan members of the House and I look forward to seeing the resolution advance to the floor for a vote in front of the full House.

Mr. Chairman, it is time that the lawyers at the State Department stop hiding behind legal niceties and nuances as an explanation for their insouciance. It's time for them to make a decision, a decision to call what's happening for what it is, a genocide.

I yield back my time.

Chairman ROYCE. I thank you, Mr. Trott, and I take your point. I think we can't afford the same negligence that we saw in the Armenian genocide with respect to this genocide against Yezidis and Christians.

And other members seeking recognition? Hearing no further request, Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman. I'll be brief.

I commend you for bringing this legislation to the committee and I rise in support of both measures.

The Syrian Government has continued to commit atrocities against its own people and little has been done to address this affront to civilization. Nearly 1 million Syrian civilians have been deprived of basic humanitarian aid and there's been systematic starvation.

It appears to be a calculated effort to eradicate portions of the Syrian population. There's little doubt that the Syrian Government and its allies are not only perpetrating war crimes but committing crimes against humanity.

The Obama administration says sympathetic things but it does very little and its responses to ISIS' barbarism has continued to be too little too late.

Maybe these two pieces of legislation will spur the administration to act finally. But I doubt it.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. CHABOT. I'd be happy to yield.

Mr. ROHRABACHER. I'm a bit concerned because these two resolutions are both important and deserve a serious discussion. When I did support the chair's call for bringing them up together I was under the impression we would have debate on both of them. But we would have a vote together. And there are some things that need to be said about the Syrian resolution as well.

Chairman ROYCE. I recognize the gentleman.

Mr. ROHRABACHER. Thank you very much.

I think this resolution, while of course well intended and I certainly recognize that, makes about as much sense as in 1942 demanding that we have to have a resolution condemning Joe Stalin and the Communist Party in Russia and calling them up and letting them know that we would expect them all to be brought on trial as victims or people who had committed crimes against humanity.

We are at war with radical Islam terrorism under ISIL, which we have just now discussed in great detail and yes, we have imperfect partners in this war and some of the partners are even heinous in their approach to governing their own people and heinous in their murder of their own people.

Just as Joseph Stalin was against Nazism when Nazism was the number-one threat to our national security, when we take the Government of Syria, which yes, has committed atrocities against its people, when we take that in the middle of the war against ISIL we are undermining the fight against ISIL.

And the fact is that the Syrian Government they have under this Assad and his father, both have committed atrocities over the years. They're not the same atrocities. They're atrocities aimed at staying in power in the face of insurrections. They have committed crimes against humanity while trying to stay in power against insurrections.

But let us note the Syrian Government at the same time, while fighting insurrections and many of the people expected to win in those insurrections are people who might commit the same type of genocide against Christians that we now just condemned.

In fact, Syria is known under Assad as giving safe haven to Christians in the middle of the carnage that has swept that region. And I'm in no way suggesting that Assad is not guilty of these crimes.

But this is not the time to be trying to tell him, number one, that he will and anyone supporting his regime are going to be put on trial for crimes against humanity and this could also be interpreted is that we are telling Russia that it will now be—the Government of Russia will now be put on trial for crimes against humanity.

This isn't the time to do that. Our enemy is now radical Islam. Let's face it. Let's act like what we are in and which is war with people who would annihilate Western civilization and are trying to do so whenever they can.

And yes, governments like General Sisi's in Egypt are imperfect in a lot of ways. We are at war with radical Islam. They mean to destroy us and destroy Western civilization and kill people by the millions if they can.

Let's face this reality. I do not believe that this hostility toward Assad and toward Russia at this time, which are very—it's very le-

gitimate for some reasons for that hostility and that they are both human rights abusers.

But let us face—again, face reality. You try to do everything for everybody you end up not accomplishing anything for anybody.

In this case, we undermine the position of the anti-ISIL forces in that part of the world and I know this analysis is contrary to the analysis which prevails here in Washington.

But my common sense tells me that and tells me that we should not be engaged in focusing on someone who at this time gives safe haven to Christians and while guilty of certain things we would never condone certainly at this point assisting us in the—as is Russia in defeating radical Islam.

I yield back my time.

Chairman ROYCE. I will recognize myself on this issue.

And I will just express some of my observations about how Assad's actions contribute to ISIS' survival because from my perspective in seeing the reports that come across our desk on the targeting of civilians on the torture, he keeps—Assad keeps the death toll rising.

He's one of the original attractions actually for foreign fighters and radical groups, and it is specifically because of what are his war crimes, attempts to target not just hospitals but to target schools.

To target hospitals, by the way, over and over again, I mean this isn't a case with an accidental targeting. This is how you end up with a situation with 500 doctors and nurses who have gone to the region to work with the NGO community slaughtered.

And at the same time, if Assad were the protector of minority groups then why are members of every minority group fleeing Assad's Syria? Why are Christians seeking refuge in Turkey, in Jordan? Why are Alawites applying as refugees?

Part of the problem, as I talk to the Alawite community, is that he's lost all reason in terms of carrying out reprisals.

His secret police, in picking up so many tens of thousands of people and killing them, is on a spree here which doesn't even distinguish anymore by religion or nationality. That police state is creating a tremendous amount of adverse reaction in terms of laying the foundation for further mayhem.

Now, when we look at Russia's actions also, it has claimed to attack ISIS. But it's doing very little. Less than 10 percent of Russian air strikes ever hit ISIS. Instead, its strikes have been largely on U.S.-backed opposition.

It hits ISIS occasionally. That's useful. That's useful for the Russian air force in its cover for its attacks on the regime's opponents.

But Russian attacks have actually done more to help ISIS than hurt it, and I would give you one example—a clear example. It's Russian air strikes that are pounding the Free Syrian Army, pounding forces north of Aleppo in February and that is what allowed ISIS to take additional territory.

This is not unlike the strategy deployed by Assad and it is for these war crimes—it is for these murderous actions on the part of the Assad regime, especially the barrel bombs and the chemical weapon that, again, allows ISIS to flourish.

In testimony before this committee we heard and saw in graphic detail how Assad's prisons with their torture break down members of every sect, every religion, every ethnic group.

You know, all are alike when you're begging for mercy, and we've heard enough testimony to the results and we've seen the millions upon millions upon millions displaced.

And, frankly, the bombing by Assad and by Russia include minorities from across Syria and it is the opposition groups who are dedicated to establishing a transnational pluralistic government in service to all Syrians regardless of ethnicity or religion or sect.

Assad is only interested in maintaining a grip on power regardless of how much and whose blood is spilt. That is my concern in this. That is why we cannot ignore his role or his crimes here.

I will recognize Mr. Sherman.

Mr. SHERMAN. There are those who say we should just fight ISIS and be in alliance with Assad to do so. I think that would be a road to defeat because Sunni Arabs who make up the vast majority of the Syrian population even now with so many of them fleeing the country will never accept a totally Assad-dominated Syria.

One could imagine a deal with Assad. One could imagine the overthrow of Assad. But one can never imagine that Assad will have total power in Syria and the Sunni Muslims will accept it.

And if we abandon the Sunni Muslims of Syria and say we're with Assad because we just are focused on ISIS, then the Sunni Muslims of Syria will join radical groups such as al-Nusra, such as even ISIS.

The only way to defeat ISIS is to stop Assad from killing thousands of Sunni Muslims every month.

I yield back.

Chairman ROYCE. Mr. Smith, without objection.

Mr. SMITH. I want to associate my remarks with yours. I think you made a very, very cogent case.

And just let me say to my very good friend from California it's never a good time. The argument in 2013 when I first proposed it in September, not a good time. Next year, not a good time. Never a good time.

And let me also remind everybody that the Syrian war crimes tribunal will prosecute all those who commit these atrocities whether they be with ISIS, or al-Nusra, or any other, or Assad and his people. It goes after perpetrators of heinous crimes.

Chairman ROYCE. Hearing no further requests for recognition, the question occurs on the items considered en bloc.

All those in favor say aye.

All those opposed, no. In the opinion of the Chair the ayes have it and the measure is considered en bloc, or agreed to, and without objection the measure is considered en bloc or ordered favorably reported as amended.

Staff is directed to make any technical and conforming changes. Also without objection the Chair is authorized to seek House consideration on these measures under suspension of the rules.

And that concludes our business for today. I want to thank our ranking member today, Mr. Sherman, and all of our committee members for their contributions and assistance with today's mark-up.

The committee is adjourned.
[Whereupon, at 10:30 a.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE RECORD

**FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Edward R. Royce (R-CA), Chairman

March 2, 2016

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN meeting of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Wednesday, March 2, 2016

TIME: 9:15 a.m.

MARKUP OF: H. Con. Res. 75, Expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandean, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, and are hereby declared to be committing, "war crimes", "crimes against humanity", and "genocide," and

H. Con. Res. 121, Expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE MARKUP

Day Wednesday Date 3/2/2016 Room 2172

Starting Time 9:30 Ending Time 10:30

Recesses 0 (to) (to)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

See attached.

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

none

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

See markup summary.

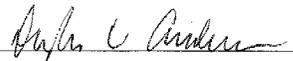
RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

| <u>Subject</u> | <u>Yeas</u> | <u>Nays</u> | <u>Present</u> | <u>Not Voting</u> |
|----------------|-------------|-------------|----------------|-------------------|
|----------------|-------------|-------------|----------------|-------------------|

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 10:30



Doug Anderson, General Counsel

HOUSE COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP

| <i>PRESENT</i> | <i>MEMBER</i> |
|----------------|--------------------------|
| X | Edward R. Royce, CA |
| X | Christopher H. Smith, NJ |
| | Ileana Ros-Lehtinen, FL |
| X | Dana Rohrabacher, CA |
| X | Steve Chabot, OH |
| | Joe Wilson, SC |
| | Michael T. McCaul, TX |
| X | Ted Poe, TX |
| X | Matt Salmon, AZ |
| | Darrell Issa, CA |
| | Tom Marino, PA |
| | Jeff Duncan, SC |
| X | Mo Brooks, AL |
| | Paul Cook, CA |
| X | Randy Weber, TX |
| | Scott Perry, PA |
| X | Ron DeSantis, FL |
| X | Mark Meadows, NC |
| | Ted Yoho, FL |
| | Curt Clawson, FL |
| | Scott DesJarlais, TN |
| | Reid Ribble, WI |
| X | Dave Trott, MI |
| X | Lee Zeldin, NY |
| | Dan Donovan, NY |

| <i>PRESENT</i> | <i>MEMBER</i> |
|----------------|------------------------|
| | Eliot L. Engel, NY |
| X | Brad Sherman, CA |
| | Gregory W. Meeks, NY |
| X | Albio Sires, NJ |
| X | Gerald E. Connolly, VA |
| X | Theodore E. Deutch, FL |
| | Brian Higgins, NY |
| | Karen Bass, CA |
| X | William Keating, MA |
| X | David Cicilline, RI |
| X | Alan Grayson, FL |
| X | Ami Bera, CA |
| X | Alan S. Lowenthal, CA |
| X | Grace Meng, NY |
| | Lois Frankel, FL |
| | Tulsi Gabbard, HI |
| | Joaquin Castro, TX |
| X | Robin Kelly, IL |
| | Brendan Boyle, PA |
| | |
| | |

3/2/16 Foreign Affairs Committee Markup Summary

By unanimous consent, the Chair called up the following measures and amendment, to be considered *en bloc*:

- 1) H. Con. Res. 75 (Fortenberry). A resolution expressing the sense of Congress that the atrocities perpetrated by ISIL against religious and ethnic minorities in Iraq and Syria include war crimes, crimes against humanity, and genocide.
 - a. Royce 97, an amendment in the nature of a substitute to H. Con. Res. 75
- 2) H. Con. Res. 121 (Smith). Expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed.

The measures considered *en bloc* were agreed to by voice vote.

By unanimous consent, the measures were ordered favorably reported, as amended, and the Chair was authorized to seek House consideration of the measures under suspension of the rules.

The Committee adjourned.