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Chairman Kerry, Ranking Member Lugar, and Distinguished Members of the Committee:

I am honored to appear before you this afternoon. As you know, this is the first time I am testifying before a Congressional committee as Ambassador-at-Large for War Crimes Issues, and I am particularly gratified to do so on a subject that is of central importance to this Administration – the need for effective action to combat violence against women and girls on a global level.

As Ambassador-at-Large for War Crimes Issues, I am responsible for formulating U.S. policy responses to atrocities committed in areas of war and civil conflict throughout the world. One of my top priorities is ensuring that when rape and other forms of violence are committed against women and girls in conflict-related situations, those who are responsible for perpetrating these heinous acts are held accountable.

By ensuring justice for these crimes, we believe we can have a broader impact on countries torn apart by conflict by re-affirming core values of what is “right” and what is “wrong” in a context where these values have broken down. Prosecutions are also important for victims, recognizing their suffering and publicly holding the perpetrators accountable as criminals. While trials alone cannot end widespread violence, they can play an important part in re-establishing the rule of law in an environment of insecurity and impunity. As part of a comprehensive strategy, prosecuting those who commit acts of violence against women and girls in conflict-related situations can help restore the stability that is necessary for individuals, families, communities, and nations to develop and prosper.

My own work on these issues builds upon more than eight years of experience as an international prosecutor pursuing justice in cases of mass atrocities. Prior to my service as Ambassador-at-Large, I served from 2001 through 2006 at the International Criminal Tribunal for Rwanda (ICTR) leading prosecution teams in the trials of individuals who were alleged to have been responsible for genocide in Rwanda. These trials brought forth testimony from survivors of one of the greatest crimes of the 20<sup>th</sup> Century, the murder of an estimated 800,000 human beings in only 100 days in 1994. As the evidence developed, it became clear that these murders were accompanied by premeditated massive sexual violence against women and girls. As the pre-genocide propaganda had denigrated Tutsi women as a means to marginalize the ethnic group, the rape of Tutsi women became a means to destroy the Tutsi population.

Before my arrival to the ICTR, the court convicted Taba Commune Mayor Jean-Paul Akayesu of rape as a crime against humanity, and of even greater significance held that, when other elements of the crime are present, rape itself can be an act of genocide. But it soon became

clear that ending impunity for such crimes would be a challenging task. The ICTR found Akayesu guilty of inciting men to commit rapes of women when those rapes were committed at Akayesu's own town hall. However, as the trials of other leaders continued, we discovered that it was very difficult to obtain a conviction for a leader who commanded or incited his followers to commit acts of sexual violence unless the leader either committed the crimes or witnessed them in his immediate presence. It took further investigations and re-cast indictments, but we were able to meet this challenge. I am proud that one of the cases I investigated and indicted was recently convicted by ICTR for rape as a war crime and a crime against humanity: Tharcisse Renzaho, the former Prefet of Kigali-ville and essentially the most powerful governor in Rwanda in 1994. These convictions were based on his knowledge of sexual violence by those under his control and his failure to act to prevent or punish their conduct.

In December 2006, I was appointed Chief Prosecutor of the Special Court for Sierra Leone. The Special Court for Sierra Leone was set up jointly by the Government of Sierra Leone and the United Nations in 2002 to try those bearing the greatest responsibility for the atrocities committed between 1996 and 2002 during a period of civil war in that country.

Civilians, not soldiers, were the prime targets during the conflict in Sierra Leone. Thousands were mutilated, most commonly with amputations of hands and arms, tens of thousands were murdered, and hundreds of thousands were sexually violated. The rapes were sometimes accompanied by murders, mutilations, or other acts of violence, but they overwhelmed all other crimes in their sheer magnitude. The widespread and systematic nature of rape showed that sexual violence was not isolated conduct by out-of-control combatants, but instead the dominant tactic for terrorizing, punishing, and gaining power over the population.

The same pattern of violence targeting women and girls in Rwanda and Sierra Leone has also been seen during conflict in the former Yugoslavia, Liberia, Sudan and the Democratic Republic of the Congo (DRC).

All too often, rape has been used as an effective tool in breaking down societal ties, impacting entire communities for generations. Unfortunately, all too often victims of sexual violence are stigmatized and shunned by their own husbands, fathers and brothers. Many rape survivors are exiled from their own homes, tearing apart the ties that bind families and communities.

Of course, beyond the initial attack, there are also long-term psychological, physical, and economic consequences to the individual and the community. Given the high prevalence of HIV/AIDS and other sexually transmitted diseases, there is an increased risk of death and debilitation for women and girls long after the attack. Women often provide the backbone of a community – raising the children, tending the hearth, tilling the fields. When women are in peril, the entire community suffers.

At the Special Court for Sierra Leone, the Office of the Prosecutor placed the highest priority on investigating and charging crimes of sexual violence and in developing the international humanitarian law that defines these offenses. In February 2009, we won the first convictions in history for sexual slavery and forced marriage as crimes against humanity. This

latter crime had never been recognized before we included it in our indictment as an “inhuman act” of equal gravity to recognized crimes against humanity. We also achieved the first convictions against leaders of an armed group for crimes of sexual violence by persons acting with them as part of a common scheme or plan. These convictions recognized that the victimization of women and girls can be a horrific part of a leadership’s overall military strategy to terrorize a population. With our successful convictions, we sent a signal that those who use sexual violence as a strategy of conflict risk prosecution and imprisonment.

We have seen the results that ending impunity can have in healing a broken society and building gender equality. Rwanda, a country plagued by widespread and systematic gender-based violence only 15 years ago, is now the first country where female legislators outnumber male legislators in Parliament.

Despite some gains, sexual violence committed in conflict zones is rarely prosecuted locally. The United Nations estimates approximately 40 women are raped each day just in the DRC’s eastern province of South Kivu, where members of the DRC military, Congolese militia groups and the Democratic Forces for the Liberation of Rwanda (FDLR) have raped and victimized local women and girls with absolute impunity. However, in spite of these alarming numbers, Human Rights Watch has reported that in 2008 only 27 soldiers were convicted for crimes of rape and sexual violence.

Silence is acceptance and as Secretary Clinton has stated, the United States “will not tolerate this continuation of wanton, senseless, brutal violence perpetrated against girls and women.” We are committed to ending impunity for the perpetrators of such horrific acts and ensuring that those who commit sexual and gender based violence crimes in conflict-related situations are prosecuted.

In my new position, I will build upon the work the Office of War Crimes has accomplished in supporting and engaging multiple international tribunals and governments around the world. I will continue to fight for accountability and justice for those employing these brutal strategies against women and girls.

In pursuing accountability, we will first look to the states themselves to try those responsible and to end the impunity gap. This is the preferred approach: justice by and among those most affected by violence. In situations where states may need additional support or capacity to provide justice, we will work together with those governments and other members of the international community to examine ways to enhance or build a state’s domestic capacity to ensure justice. Still, there may be situations where a more internationalized mechanism is needed as well. I will continually examine the range of accountability options, always seeking proceedings where due process and fairness will be guaranteed but that are also as accessible as possible to the victims and affected communities.

An integral aspect of accountability is ensuring that women and girls who have been victimized by these crimes are respected and protected by the justice system. Victims or witnesses of these crimes may be intimidated by direct or perceived threats of violence or by fear of stigmatization from reporting these crimes or testifying against the perpetrators in a public

setting. We need to work with local governments and NGOs to provide protection and services that combat physical, social, and psychological barriers to justice.

Moving forward, the United States should aim to be proactive in preventing violence against women and girls perpetrated in conflict zones. Under the ADVANCE Democracy Act of 2007, the Ambassador-at-Large for War Crimes Issues, among others, now assists the President in collecting information regarding incidents that may violate international humanitarian law. I am deeply committed to upholding my responsibility in this area so that the United States can recognize and report early warning signs, which is a key component in preventing widespread atrocities against women and girls before the violence reaches epidemic levels.

Secretary Clinton has demonstrated her deep commitment to these concerns as well. On September 30<sup>th</sup>, the Secretary addressed the United Nations Security Council urging the support of a U.S.-introduced Security Council resolution on sexual violence in conflict. The proposed resolution seeks to implement Security Council Resolution 1820 (2008), which calls attention to the horrific acts of rape and other forms of sexual violence perpetrated against women and girls in situations of armed conflict and strengthens the United Nation's ability to respond to this violence. The resolution requests the Secretary General (SYG) appoint a Special Representative to lead, coordinate, and advocate for efforts to end violence against women and girls during conflict-related situations. It also requests the SYG to establish a team of experts—which will include experts in the rule of law, judicial systems, fair trial standards, security, and witness protection—to monitor implementation of resolution 1820 and to work with governments to help them take measures to end sexual violence in conflict and improve accountability.

My colleague Ambassador Melanne Verveer and I look forward to utilizing our offices to raise awareness of violence against women and girls and to restore rule of law and accountability in conflict zones plagued by these serious atrocities.

Mr. Chairman and Members of the Committee, once again I want to thank you for the opportunity to appear before you today and for your continued leadership on these difficult and important issues. I would be pleased to answer any questions you may have.