

# United States Senate

WASHINGTON, DC 20510

October 3, 2018

The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Pompeo:

We write to you regarding the *Syrian War Crimes Accountability Act*, which was enacted into law as Section 1232 of the *John S. McCain National Defense Authorization Act (NDAA) for Fiscal Year 2019 (P.L. 115-232)* on August 13, 2018.

The conflict in Syria has entered its eighth year, and hundreds of thousands of civilians have been killed at the hands of Syrian dictator Bashar al-Assad and his forces. The conflict has forced over 5.6 million people to flee Syria and has left 6.1 million internally displaced. Assad's violations of international human rights law are well-documented and amount to war crimes and crimes against humanity. These violations include attacks on hospitals and medical facilities, indiscriminate bombing, and use of cluster munitions targeted toward civilians, and—most abhorrent—the use of chemical weapons. To ensure justice for these grave violations of human rights and humanitarian law, the United States must lead in laying the groundwork for effective accountability in a post-war Syria.

Section 1232 of the Fiscal Year 2019 NDAA empowers the U.S. government to ensure investigation of and accountability for war crimes and other mass atrocities committed by the Assad regime. We look forward to receiving the mandated detailed report on war crimes, crimes against humanity, and genocide in Syria, including a description and assessment by the State Department and other appropriate agencies of programs that the U.S. government has undertaken to ensure accountability for such crimes, by the 90-day reporting deadline on November 11, 2018. We are also eager to review the findings and recommendations of the feasibility and desirability study of a potential transitional justice mechanism for Syria by February 19, 2019, 180 days after enactment of the provision.

In addition to the required reporting and assessment, the law authorizes (1) technical assistance for entities engaged in amassing and protecting the evidentiary records of these crimes, conducting investigations, and protecting witnesses; (2) transitional justice support, in consultation with Congress; and (3) utilization of the Rewards for Justice Program. A critical component of early recovery and stabilization in post-conflict contexts includes support for these accountability efforts.

We are therefore concerned about the Administration's August 17, 2018, decision to re-program approximately \$230 million in Fiscal Year 2017 foreign assistance funds planned for Syria stabilization activities, including these accountability efforts. While we welcome the \$300 million pledged by coalition partners, it is critical that the United States contribute meaningfully to this effort not just by supporting Syria's physical reconstruction, but also by leading the effort to hold Assad and his allies accountable for the grave atrocities committed against the Syrian people. We urge you to reconsider re-programming these funds, not only to sustain the United States' engagement and leverage, but also to ensure that resources exist to adequately implement this bipartisan law.

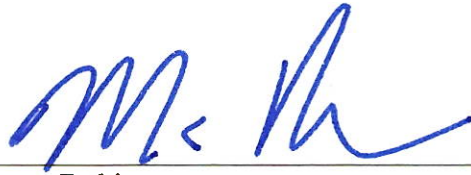
It is more important than ever that the United States lead by example in protecting human rights and utilize the tools provided by Section 1232 of the Fiscal Year 2019 NDAA to ensure perpetrators are held responsible. We look forward to working with you as you implement this critical provision.

Sincerely,



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Benjamin L. Cardin  
United States Senator



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Marco Rubio  
United States Senator

**Cc:** The Honorable James Mattis, Secretary of Defense

**Cc:** The Honorable Mark Green, Administrator of the United States Agency for International Development