

Senate Committee On Foreign Relations
Chairman Senator Richard G. Lugar
Opening Statement for Hearing On
Law Enforcement Treaties
June 17, 2004

The Foreign Relations Committee meets today to hear testimony on a series of law enforcement treaties. These are the Council of Europe Convention on Cybercrime, the Inter-American Convention Against Terrorism, the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures, and the United Nations Convention Against Transnational Organized Crime. In addition, the latter treaty is accompanied by two protocols addressing trafficking in persons and alien smuggling. All of these agreements are designed to enhance our ability to join with other countries in fighting crime internationally.

Within the Congress, the Senate Foreign Relations Committee is charged with the unique responsibility of reviewing treaties concluded by the Administration. Our colleagues in the Senate depend on us to make timely and judicious recommendations on treaties. This is a serious responsibility, and I know that all members of this Committee understand the importance of our role in this process.

In advance of this hearing, the Committee has worked hard with the Administration to prepare this set of law enforcement treaties for Committee consideration. The Committee staff has reviewed these treaties carefully, we have held two formal Committee briefings covering these treaties, and Administration representatives have been available to answer questions. I appreciate the support and cooperation of Senator Biden and his staff during this process.

The Council of Europe Cybercrime Convention is aimed at improving the capacity of parties to fight computer crime. This Convention was negotiated under the auspices of the Council of Europe. The United States participated in these negotiations in its capacity as an observer to the Council of Europe. The Convention establishes a number of substantive crimes that parties agree to prohibit under their domestic law; it requires parties to adopt improved procedures for investigating computer crimes; and it provides for international cooperation in the investigation of such crimes.

The Inter-American Convention Against Terrorism was adopted by the Organization of American States in the aftermath of the September 11 terrorist attacks on the United States. It calls on parties to accede to a number of pre-existing international conventions addressing various forms of terrorism. It also obligates parties to track and prevent the financing of terrorist activities and to enhance the effectiveness of law enforcement efforts aimed at preventing terrorism. These tools will improve cooperation among countries in this hemisphere to fight terrorism.

The Customs Harmonization Protocol is the product of a longstanding multi-lateral effort to harmonize national customs procedures. It incorporates the many developments in trade and customs processing that have occurred since the conclusion of the 1973 Convention on Customs Simplification and Harmonization. The Protocol complements U.S. initiatives to promote homeland security. It promotes the use of advanced customs procedures that will enable officials in the United States and abroad to identify high-risk cargo that may be headed for the United States. Wide adherence to the Protocol would also benefit U.S. business by creating more predictable, efficient, and standardized customs procedures worldwide.

The United Nations Convention Against Transnational Organized Crime and two Protocols – the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Protocol Against Smuggling of Migrants by Land, Sea and Air – are the first multilateral treaties to address the phenomenon of transnational organized crime. The Convention requires parties to criminalize certain conduct, such as participation in an organized criminal group, money-laundering, bribery of public officials, and obstruction of justice. The Convention also strives to improve cooperation among parties on extradition and mutual legal assistance in relation to these crimes. It would enhance the United States’ ability to render and receive assistance on a global basis in the common struggle to prevent, investigate, and prosecute transnational organized crime.

The two Protocols require parties to criminalize trafficking in persons and the smuggling of migrants. They provide standardized definitions for a number of trafficking and smuggling related offenses, which parties undertake to criminalize. They also contain provisions calling on parties to make available certain protections and assistance to victims of such crimes.

I commend the U.S. officials who have worked on these agreements for negotiating documents that command wide support. Some of these agreements are the product of years of dedication and patient negotiations. Prompt ratification of these agreements will help the United States continue to play a leadership role in international law enforcement and will advance the security of Americans at home and abroad.

We are pleased to have with us today a panel of Administration witnesses with deep expertise on these treaties. We will hear from Mr. Michael Schmitz, Acting Assistant Commissioner for International Affairs at the Bureau of Customs and Border Protection; Mr. Bruce Swartz, Deputy Assistant Attorney General in the Criminal Division at the Department of Justice; and Mr. Samuel Witten, Deputy Legal Adviser at the Department of State. We look forward to their insights on these treaties.

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