

**STATEMENT OF  
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**Before the**

**SENATE SUBCOMMITTEE ON INTERNATIONAL  
ORGANIZATIONS, DEMOCRACY AND HUMAN RIGHTS**

**“Closing Legal Loopholes: Justice for Americans Sexually Assaulted in  
Iraq and Afghanistan”**

**Wednesday, April 9, 2008**

**9:30 a.m.**

**SD-419 in the Dirksen Senate Office Building  
Washington, DC**

Good Morning Chairman Nelson and Members of the Subcommittee.

It is a pleasure to appear before you today. I would like to thank you and the Subcommittee members for your continued support and interest in the Bureau of Diplomatic Security's (DS) efforts to protect U.S. government personnel and our diplomatic missions abroad.

DS agents engage in or support and assist U.S. law enforcement activities, and also serve as a liaison with foreign government law enforcement authorities, at 268 State Department missions worldwide. There are nearly 1,500 DS Special Agents who are on assignment to these foreign missions in 159 different countries, assigned to 25 field and resident offices domestically, or serving on 27 Joint Terrorism Task Forces. DS agents serve around the world in embassy and consulate Regional Security Offices, managing the security programs that ensure the safety and security of U.S. personnel, facilities, and classified information.

The safety and security of all U.S. citizens living and working overseas, including those employed by the U.S. government or its contractors around the world, is a top priority for the Department of State. DS, in concert with the Bureau of Consular Affairs (CA), is committed to assisting U.S. citizens who become victims of crime while traveling, working, or residing abroad. DS and CA duty personnel are available 24 hours a day, 7 days a week, at embassies, consulates, and consular agencies overseas to provide assistance.

Whether a particular criminal matter overseas becomes the subject of an investigation by DS depends on the facts, the nexus of the facts to the U.S. Mission, whether there is a basis for asserting U.S. criminal jurisdiction, the nature of the investigation, the role of other investigative entities, and whether the matter is brought to the attention of embassy officials. DS often works closely with the Department of Justice (DOJ) in those cases where it appears there is a basis for assertion of U.S. criminal jurisdiction overseas, including some sexual assault cases. In other cases, DOJ, the Department of Defense (DOD), or other federal law enforcement agencies will conduct an investigation, and DS may provide support to the extent needed. Responsibility for particular investigative matters is decided among the relevant agencies on a case-by-case basis. Of course, in many cases, where there is no basis for assertion of U.S. criminal jurisdiction, any

criminal investigation would be conducted by local authorities. DS may assist those investigations as well where appropriate.

To date, there have been four allegations of sexual assault in Iraq and Afghanistan that have been reported to DS. All four of the reported incidents were investigated by DS, although in only two of these incidents were any of the persons involved State Department employees or contractors or otherwise subject to the authority of the Chief of Mission. Of the four allegations investigated by DS, three incidents were referred to DOJ. We defer to DOJ for further information on these incidents. The fourth incident was addressed administratively.

In Iraq and Afghanistan, there are unique challenges for DS and for consular officers seeking to assist U.S. victims of crime. There are a large number of U.S. civilians employed in Iraq and Afghanistan as contractors, but security conditions make it more difficult for Department officials to respond and provide assistance to crime victims to the same extent as they would in other parts of the world. The lack of strong local police and judicial systems in Iraq and Afghanistan also makes it more difficult for our personnel to help Americans get the same type of support as they would in other countries when they are victimized by crime. Moreover, regardless of where they occur, sexual assault crimes can be difficult to uncover. It is often difficult for victims to come forward, particularly when the perpetrator is the victim's supervisor, reporting officer, or colleague; such crimes may also be reported to other investigative authorities and not to the U.S. Embassy.

The Bureau of Consular Affairs has made efforts to address these challenges in Iraq and Afghanistan by reaching out to the companies known to the Department that employ U.S. citizens and encouraging them to provide a main point of contact with the consular staff to enhance communication; asking them to have their employees register with the Embassy in order to be able to receive warden messages; and providing information on the Department's or the Embassy's website. At the Bureau of Diplomatic Security, we are also committed to doing whatever we can to help Americans victimized by crime in these dangerous places, including victims of sexual assault or rape, and will continue to work with the Department of Justice on criminal investigations of such matters, as appropriate, and subject to jurisdictional constraints.

Chairman Nelson, I thank you and the other Members of the Subcommittee for being given the opportunity to appear here. I would now be happy to answer any questions you or the other Members may have.