

**WEAPONS OF MASS DESTRUCTION, TERRORISM,
HUMAN RIGHTS AND THE FUTURE OF
U.S.-LIBYAN RELATIONS**

HEARING
BEFORE THE
**COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES**

ONE HUNDRED EIGHTH CONGRESS

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WEAPONS OF MASS DESTRUCTION, TERRORISM, HUMAN RIGHTS AND THE FUTURE OF U.S.-LIBYAN RELATIONS

WEDNESDAY, MARCH 10, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 11:02 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order.

This morning the Committee convenes to discuss weapons of mass destruction, terrorism, human rights and the future of U.S.-Libyan relations. On December 19, 2003, Libya's leader took a bold and historic step in voluntarily agreeing to end his nuclear and chemical weapons programs and to permit on-site inspections by the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons. The United States is now working in close partnership with these agencies and the United Kingdom to help the government of Libya carry out these commitments.

Supported by large majorities in this Congress, the policies of the President pertaining to Afghanistan, Iraq and elsewhere have sent the strongest possible message: America and her allies will respond decisively to terrorism and threats to our people and our way of life. Libya's recent efforts to shed its pariah status and to turn over its weapons of mass destruction programs is the first sign that our message is being heard. It now is our hope that Libya's turn-about will resonate with other rogue nations and terrorist states, who see our fierce determination and are desperate to get out of the way.

As British Prime Minister Tony Blair has noted:

"Terrorism and the proliferation of weapons of mass destruction are two sides of the same coin."

By turning over its WMD capability Libya is helping us win the war on terrorism. To this end, and together with the United Kingdom and other like-minded states, the United States is forging new proliferation strategies and taking the preemptive measures needed to shut down the clandestine networks that supply these groups with weapons of mass destruction and the means to deliver them.

Clearly the world will be a safer place once Libya's commitments have been fulfilled and other nations will realize, as did Col. Gadhafi, that these weapons bring little in the way of security or

international prestige. The challenge now is to ensure that he makes good on his promises and that we can respond accordingly, so that other nations can see the benefits of change.

President Bush declared on December 19, 2003:

“Leaders who abandon the pursuit of chemical, biological and nuclear weapons and the means to deliver them will find an open path to better relations with the United States and other free nations.”

This policy is necessary and appropriate.

However, we must tread carefully. Despite the progress made on weapons of mass destruction, there continue to be serious concerns about the closed nature of the Libyan government and the lack of respect for human rights and rule of law. Furthermore, we cannot overlook Gadhafi’s previous meddling in Africa and the Middle East, and his close association with thugs like Liberia’s Charles Taylor and Zimbabwe’s Robert Mugabe. We cannot forget Libya’s past support for terrorism. We cannot forget the discotheque bombing in Berlin which claimed the lives of two American servicemen, and the many other attacks on U.S. officials throughout the 1980s.

We cannot forget the victims of Pan Am Flight 103 whose lives were taken without warning and without reason. Several of the families of the victims of Pan Am Flight 103 are with us here today. They will never forget those whom they have lost and neither will we, as we insist on full cooperation in the on-going investigation as the U.N. Pan Am 103 Resolutions require.

Mr. Gadhafi must continue to prove himself. Although repudiated by other Libyan officials, the recent remarks by Libyan Prime Minister Shukri Ghanem, denying responsibility for the bombing of Pan Am Flight 103, remind us we are dealing with an unpredictable regime.

But as Franklin Delano Roosevelt once said:

“There are many ways of going forward, but only one way of standing still.”

In dealing with Libya, as with other rogue nations, the United States cannot afford to stand still. We must consolidate our success, expand on it and replicate it. It is in this way that an axis of evil might someday be transformed into an axis of the reformed.

Mr. Omar Turbi, a Libyan American Relations Analyst, and several of the family members of the Pan Am Flight 103 victims have submitted written statements which, without objection, will be included in the record.

[The information referred to appears in the Appendix.]

Any Member wishing to make an opening statement will be given that opportunity shortly. I now turn to my esteemed colleague and friend Mr. Lantos for any remarks he might wish to make.

[The prepared statement of Chairman Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

The Committee will come to order.

This morning, the Committee convenes to discuss "Weapons of Mass Destruction, Terrorism, Human Rights and the Future of U.S.-Libyan Relations." On December 19, 2003, Libya's leader took a bold and historic step in voluntarily agreeing to end his nuclear and chemical weapons programs, and to permit on-site inspections by the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons. The United States is now working in close partnership with these agencies and the United Kingdom to help the government of Libya to carry out these commitments.

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As British Prime Minister Tony Blair has noted, terrorism and the proliferation of weapons of mass destruction are two sides of the same coin. By turning over its WMD capability, Libya is helping us win the war on terrorism. To this end, and together with the United Kingdom and other like-minded states, the United States is forging new proliferation strategies and taking the preemptive measures needed to shut down the clandestine networks that supply these groups with weapons of mass destruction and the means to deliver them.

Clearly, the world will be a safer place once Libya's commitments have been fulfilled, and other nations will realize—as did Colonel Ghaddafi—that these weapons bring little in the way of security or international prestige. The challenge now is to ensure that he makes good on his promise and that we can respond accordingly, so that other nations can see the benefits of change.

President Bush declared on December 19th, 2003, "Leaders who abandon the pursuit of chemical, biological and nuclear weapons, and the means to deliver them, will find an open path to better relations with the United States and other free nations." This policy is necessary and appropriate.

However, we must tread carefully. Despite the progress made on weapons of mass destruction, there continue to be serious concerns about the closed nature of the Libyan government and the lack of respect for human rights and rule of law. Furthermore, we cannot overlook Ghaddafi's previous meddling in Africa and the Middle East, and his close association with thugs like Liberia's Charles Taylor and Zimbabwe's Robert Mugabe.

We cannot forget Libya's past support for terrorism. We cannot forget the discotheque bombing in Berlin, which claimed the lives of two American servicemen, and the many other attacks on U.S. officials throughout the 1980s. We cannot forget the victims of Pan Am Flight 103, whose lives were taken without warning and without reason. Several of the families of the victims of Pan Am Flight 103 are here with us today. They will never forget those whom they have lost, and neither will we. We will insist on full cooperation as the UN Pan Am Flight 103 resolutions require.

Mr. Ghaddafi must continue to prove himself. Although repudiated by other Libyan officials, the recent remarks from Libyan Prime Minister Shukri Ghanem, denying responsibility for the bombing of Pan Am Flight 103, remind us that we are dealing with an unpredictable regime.

But as Franklin Delano Roosevelt once said, "There are many ways of going forward, but only one way of standing still." In dealing with Libya, as with other rogue nations, the United States cannot afford to stand still. We must consolidate our success, then expand on it and replicate it. It is in this way that an axis of evil might someday be transformed into an axis of the reformed.

Mr. Omar Turbi, a Libyan-American relations analyst, and several of the family members of the Pan Am Flight 103 victims have submitted written statements which, without objection, will be included in the record.

Any Member wishing to make an opening statement may submit it for the record, to allow as much time as possible for questions.

I now turn to my esteemed colleague and friend, Tom Lantos, for any remarks he might wish to make.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to thank you for calling this important hearing. It focuses on one of the most momentous developments of our time, the Libyan decision

to divest itself of weapons of mass destruction and to try to join the family of civilized nations.

Mr. Chairman, we just met again with families of the victims of the Pan Am 103 tragedy. As always, I was tremendously moved. They have suffered irretrievable loss.

Having visited Libya earlier this year as the first U.S. official to meet with Gadhafi in decades and having been fully briefed by our government of all developments there, I am pleased that Libya has moved forward with its new policy to rid itself of weapons of mass destruction. Even since my visit a few weeks ago there have been major new developments that testify to the current seriousness of this policy, such as the apparent removal from Libya of all nuclear weapons related materials this past weekend, Libya's declaration of 23 tons of mustard gas stockpiled, revelations apparently derived from Libyan documents about an international network of nuclear related sales, and Gadhafi's nationally televised declaration of Libyan government responsibility for that country's long-time pariah status.

We sent a small team of diplomats to establish a U.S. interests section in the Belgian Embassy in Tripoli. And we have proceeded to lift the ban on travel to Libya 2 weeks ago as I recommended to the Administration upon my return from Libya.

In light of recent Libyan actions on nuclear and chemical weapons activity it is now time for the United States to officially establish a diplomatic liaison office in its own building with the American flag proudly displayed. Based on recent developments I am convinced that the day when that office will be upgraded to Embassy status is not far off. And I look forward to further appropriate steps as Libya continues to adhere in a fully verifiable manner to its pledges both on weapons of mass destruction and cooperation with us on the subject of fighting global terrorism.

Gadhafi has made positive statements at his General People's Congress last week in which he recognized that Libya's own policies were the cause for its economic and diplomatic setbacks. In a speech telecast live to the Libyan people Gadhafi said, and I quote:

"No one isolated Libya in the past. Libya by its own will isolated itself."

That is exactly the case.

Regarding Libya's decision to divest itself of weapons of mass destruction and the means to deliver them, Gadhafi also made clear that he now understands that basic truth, as he said in the same speech:

"The security of Libya does not come from the nuclear bomb."

Libya has paid heavily for its isolation and now Gadhafi understandably seeks a prosperous Libya. That is a worthy goal, the pursuit of which would greatly benefit the Libyan people if continued.

For Libya to achieve that goal it must completely and verifiably fulfill its pledges related to weapons of mass destruction and cooperation on terrorism. As it does so it will reap rewards accordingly. This idea was captured perfectly by a drawing on a Libyan magazine cover I saw when I was in Libya a few weeks ago. The cover showed a missile being broken into two in midair with gold

coins gushing out and forming a huge pile below. Clearly designed to promote Gadhafi's new policies, the drawing demonstrated that the Libyan leaders now get it; they realize that both Libya's prosperity and Libya's security are a direct function of Libya's willingness to dismantle all of its non-conventional assets.

The reason and potential gains from the Libyan example are enormous. Terrorists will have one less refuge in the world. The Middle East will be made less volatile by diffusing Libya's weapons of mass destruction threat. The Muslim world will understand that we are engaged in a war on terror, not in a war on Islamic states. Countries and corporations selling weapons of mass destruction equipment and materials to rogue states will be intimidated by fear or exposure and punishment. And the United States will have demonstrated that historic changes for the better can be wrought by peaceful means. All these are preferred options.

Other rogue states may be encouraged to abandon terror and to shed weapons of mass destruction as they see that by doing so they can enhance their security and normalize ties with the United States. I would hope in particular that Syrian leader Bashar Al-Assad observes the Libyan example closely. Syria should follow that example in divesting itself of weapons of mass destruction and missiles, cutting all ties to terrorism and by withdrawing totally from Lebanon. Syria too has the opportunity of establishing constructive ties with the United States, although that opportunity will not last forever.

Mr. Chairman, the Islamic Republic of Iran is the other nation in the region that should think long and hard about the Libyan example. The new Libyan mindset represents a remarkable change in thinking. It is the very same type of forthrightness and sense of responsibility that I hope Libya will show regarding other policies that could enhance its ties with the United States such as human rights and particularly the continuing issue of Pan Am 103.

In accepting responsibility for the actions of its officials Libya has met the letter of the requirements of the U.N. Security Council. It is now time for Libya to fulfill the spirit of that decision as well by going one step further and publicly apologizing for the destruction of Pan Am 103 and the tragic loss of 270 lives. We are encouraged by recent Libyan behavior and we want to see Libya ultimately meet the conditions that will allow the United States to certify that sanctions are no longer necessary. But justice and humanity must be served, the feelings of families bereaved by the Pan Am 103 horror cannot be cast aside, nor can basic American values such as concerns for human rights in Libya.

Mr. Chairman, we are now entering a complex and in many ways delicate new era in our relations with Libya. In light of Libya's historic decisions we should move forward in developing our ties for mutual benefit and for the benefit of regional and global peace. At the same time, we must remain rooted in our traditional concerns about human freedom and dignity. We, as the American people, as the Congress and as this Committee must be up to meeting this subtle and unavoidable challenge and I have no doubt that we shall do so.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you very much, Mr. Lantos.

The Chair will entertain opening statements if any Members have them. The Chair does not encourage those, but I do not discourage them either.

Mr. Gallegly?

Mr. GALLEGLY. Mr. Chairman, I will try to be very brief. And I thank you for yielding.

The Chairman this morning, Mr. Lantos, Ms. Ros-Lehtinen and I met with a group of family members of the victims of Pan Am 103. At the meeting I was given a document by family members that I would like to submit for the record of this hearing.

The document lists the actions needed to be taken by the U.S. Government pursuant to the settlement agreement between the U.S. and Libya. Several of the family members brought to my attention that there is an April 24 deadline for these actions to be taken.

If our government is not able to meet the April 24 deadline the family members requested, and I support this request, that the United States Government ensure that that deadline, the deadline for the actions be extended beyond April 24. And I would ask that this document be made through unanimous consent a record of this hearing.

Chairman HYDE. Without objection it will be made a part of the record, and at this point in the record.

[The information referred to was not available at time of printing.]

Mr. GALLEGLY. I would just like to close, Mr. Chairman, by saying that I was a Member that visited Libya last month and met with Muammar Gadhafi. It was very clear to me that Mr. Gadhafi is not taking this action because of his love for the west or love for the United States. I firmly believe his action is out of fear that he does not want to become another Saddam Hussein or end up like Saddam Hussein. While the words have been very encouraging for world peace, peace in the region, actions always speak much larger or louder than words.

I would just ask my colleagues, as we methodically go through this process, that we remember the words of Ronald Reagan, "Trust, but verify."

I yield back.

Chairman HYDE. Thank you. Anyone on the Democratic side have an opening statement?

[No response.]

Chairman HYDE. Very well. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. I would like to take this opportunity to commend President Bush and his Administration for their commitment and the dedication to rid the world of the threats posed by dictators such as Libya's Gadhafi. U.S. policy and determination appears to have prompted Libya to modify its position regarding its support for terrorism, its non-conventional weapons program and its deplorable human rights record.

However, given the repeated refusals by Libya to accept responsibility for the Pan Am 103 attack and its continual denials prior to December of last year of its involvement in other threatening activities, can we really trust the Libyan regime? Should the U.S. be in any hurry to ease sanctions and other restrictions on Libya until

there is a greater body of evidence that Libya means what it says and it will follow through on its promises. There has to be more cooperation from the Libyans on getting all of the facts as required by the U.N. resolution lifting sanctions on Libya.

And so where do we go from here? Are we satisfied with Libya's statements on the destruction of Pan Am 103? Do we believe these to be sincere or are they merely an act of expediency to secure its reintegration into the international community and end its political and economic isolation by the U.S.?

What is the level of compliance that Libya will be required to meet in order to have the sanctions on Libya lifted? Are there a set of benchmarks? What is the time line? Will there be a gradual easing? And if so, what restrictions beyond travel are under consideration? And is there truth to reports that we have seen, statements by Gadhafi's son that the U.S. and the U.K. promised Libya political, economic and military gains?

Congress overwhelmingly adopted and the President is poised to soon implement the Syrian Accountability in the Lebanese Sovereignty Restoration Act. And this act includes language which I inserted which sets a forward looking threshold requiring not only certification on disarmament and dismantlement of current programs but, more importantly for this discussion on Libya, it calls for certification that credible assurances have been provided that such behavior will not be undertaken in the future and that the regime has agreed to ongoing verification of such commitments.

And within that context I hope our witnesses will address questions such as what would be the rationale for allowing Libya to keep some of its missiles? Is there any truth to a Libyan claim that it needs these missiles for self-defense? Self-defense from whom? Is the U.S. going to require continued verification and compliance beyond the removal of current equipment and materiel? And given President Bush's commitment to building democracy in the greater Middle East region are part of the requirements for normalization of relations with Libya that they release all political prisoners of conscience, abide by international human rights obligations and allow for free and fair internationally recognized elections?

I look forward to the testimony today. And I reiterate my appreciation to the Administration for maintaining pressure on the Libyan regime.

Thank you, Mr. Chairman.

Chairman HYDE. Mr. Ron Paul.

Mr. PAUL. Thank you, Mr. Chairman.

I would like to express my support for the direction in which we are going with a more open door policy with Libya. However, there is a great deal of reservations that should be expressed as well.

I believe at times that we have two foreign policies that we can follow: One where we literally bomb and kill our enemies and put on sanctions and we are in conditions of war, or the other is a more open door policy where we literally subsidize our so-called ally. And yet there is a third option, and that is the encouragement of free and open trade that is not subsidized. And already here that there is going to be promise of aid. So in a way we bribe these people to do our bidding.

And possibly Libya may get rewarded for divesting themselves of something that they don't even have or haven't had for years. But if subsidies are not given there is more pressure put on these countries to develop political and economic systems that are conducive for the businessman to invest money. But when we have to guarantee through OPEC insurance as well as Export-Import Bank money as well as literally subsidizing them with aid this distorts the whole notion.

So if you want to improve the internal conditions of Iraq, you remove all these subsidies. But opening up the doors and trading I think is good, because it is a truism that the more we trade with countries the less likely we are to fight with them.

So I would say that we are going in the right direction but we also must be cautious that in the past we have been allies with individuals like Osama Bin Laden and Saddam Hussein, Noriega and others that, you know, literally became our enemies. And whether they turned on us or we turned on them is up for debate. But I would like to just put in a pitch for real free trade, not subsidized free trade, not political free trade, but where we put pressure on them to make the conditions right to capitalism to work and for the businessman to spend money there because it is a good investment and not because of the political insiders who get to make the profits because of the political grants and loans.

I yield back the balance of my time.

Chairman HYDE. Mr. Smith.

Mr. SMITH OF MICHIGAN. Mr. Chairman, thank you.

I would just like to briefly report on the congressional codel that went to Libya and met with Col. Gadhafi last week. For me, it was a very interesting trip. We did not know what we were going to run into or the attitude of the people. We first visited Al-Fateh University, a university of about 70,000 students, who were very delighted to meet with Americans, that spoke very good English, attended classes where English was taught.

We were impressed at our meeting at the Gadhafi Foundation where we were briefed on the foundation's push for human rights. We were elated to learn of the foundation's support for the movement of Libya to observer status at the United Nations Human Rights Commission in Vienna, joining the dozens of other countries who have united in their ongoing struggle for basic human rights worldwide.

My impression was that it is a dramatic change. I think you are absolutely right when we say we need verification. The members of the delegation led by Curt Weldon, Representative Solomon Ortiz, Representative Silvestre Reyes, Representative Susan Davis, Chris Chocala, Thad McCotter and myself attended the 27th meeting of their legislative body. We were the only representatives of the United States. Curt Weldon was one of six who spoke at the convention. And representatives of about 100 other countries attended.

Mr. Gadhafi met afterwards with the American delegation first. We had lapel pins with the Libyan flag and the United States flag that everybody receives when we are on codel. Gadhafi sort of admired it, asked if he could have one. He put one on, and through

all of the rest of the interviews and pictures here was the American flag along with the Libyan flag.

Let me just conclude by saying that Gadhafi came in to the General People's Congress session. It wasn't a speech, really, but it was just a conversation for about an hour-and-a-half admitting the mistakes that he said he and Libya had made in supporting terrorist regimes. So he said now these other regimes are being invited to the White House, they are involved in free trade that is helping their country. He followed up by suggesting if they kept a bomb, who would they bomb? And he just emphasized very aggressively that if these weapons of mass destruction were to get into the hands of terrorists it would be a catastrophe for the world.

To me he sounded very absolute, very serious, looking out for the future welfare of his country. And like I mentioned earlier, I think we need verification. But on the other hand, I think we need aggressive cooperation. If, if he is serious, and if he is as aggressive as he appears to be in this effort, I would suggest he could have as great or even a greater influence on what happens to terrorism in Asia, in Africa and the Middle East as what is happening in Iraq.

So I am optimistic about this kind of change and what might result from it.

So thank you, Mr. Chairman.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE NICK SMITH, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MICHIGAN

I would like to add specifics. We attended the opening of the 27th session of the Libya's General People's Congress, called the Great Jamahiriya. Gaddafi spoke for an hour and a half, saying many encouraging things. He renounced his weapons programs. He said he recognized the dangers if terrorists got weapons of mass destruction, "For people such as the Taliban or a terrorist to come into possession [of weapons of mass destruction] would be a catastrophe for the world. If the Taliban got a bomb, they would not hesitate to use it."

Gaddafi used to call himself the Revolutionary Leader, but now he seems to understand that the revolution is over. "It used to be a serious crime just to have the Israeli flag in Egypt, and now things have changed . . . They have a peace with Israel," he said. "The IRA used to fight in the heart of London. This is no longer the case. Now the IRA and the Government of England have come to a resolution of their differences." And Libya is left out. Libya's allies in terror either made peace or were defeated. Gaddafi appears to be taking that lesson to heart.

How should the United States proceed? Ronald Reagan's policy toward the Soviet Union was "trust but verify." That is the way forward today also. When Libya accepted responsibility and made payments to the victims of the Pan Am 103 bombing, the UN lifted its sanctions. When Libya let our inspectors in to dismantle their weapons programs, we allowed American travelers and business to go to Libya. As long as Libya acts responsibly and fulfills its obligations, we will be open to improving relations. Gaddafi also recognized that we are not colonists. He pointed out that we left our Libyan military base in 1970 without objection after they asked us to leave.

Libya's change appears to be a great success in the War on Terror. Once it became clear that the United States intended to defeat terrorism everywhere, Libya agreed to cooperate with the international community. Libya can be a model for rogue states led by military leaders with weapons of mass destruction. Now they can all look to Libya as a way forward. Libya's example, if sincere, can be the catalyst for dramatic changes in Africa and the Middle East.

Mr. Chairman, again thank you for holding this hearing. I look forward to hearing from our witnesses. As Mr. Lantos has said earlier, Libya appears to demonstrate great progress in the War on Terror. It is our responsibility to help consolidate both Libya's return to the international community and our success.

Chairman HYDE. Thank you, Mr. Smith.

We are fortunate to have a distinguished group of witnesses here today. On the first panel we have the Honorable William Burns, who serves as Assistant Secretary of State for Near Eastern Affairs at the Department of State. Ambassador Burns has previously served during a long, distinguished career as Political Officer at the U.S. Embassy in Amman, Minister Counselor for Political Affairs at the U.S. Embassy in Moscow, and as U.S. Ambassador to Jordan, along with numerous other assignments both at home and aboard.

Ambassador Burns holds Master's and Doctoral Degrees in International Relations from Oxford University, has been awarded an honorary Doctor of Laws Degree by LaSalle University, and is the recipient of the Presidential Distinguished Service Award and several State Department awards.

Welcome, Ambassador Burns.

The second Administration witness is the Honorable Paula DeSutter, who serves as Assistant Secretary of State for Verification and Compliance. Previously, Ms. DeSutter worked in the Verification and Intelligence Bureau of the Arms Control and Disarmament Agency, where she served in numerous capacities over the years, including that of Special Assistant to the Assistant Director for Intelligence and Verification.

She also has served as a professional staff member of the Senate Select Committee on Intelligence and as a professional staff liaison to Senator Jon Kyl. Among her many degrees she holds a Master of Arts in International Relations from the University of Southern California, a Master of Science in National Security Strategy from the National War College, and a Master of Arts in Economics from the University of Nevada, Las Vegas.

Welcome to you, Ms. DeSutter.

Ambassador Burns, please proceed with your statement.

STATEMENT OF THE HONORABLE WILLIAM J. BURNS, ASSISTANT SECRETARY, BUREAU OF NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. BURNS. Thank you very much, Mr. Chairman. And with your permission I will submit my written statement for the record and briefly summarize it now.

Chairman HYDE. Without objection.

Mr. BURNS. I appreciate very much this opportunity to discuss with you and your colleagues the dramatic developments in our relations with Libya. After decades of hostility, it is now possible to say that U.S.-Libyan relations are on a path of gradual, careful, step-by-step normalization. This historic possibility is predicated on good faith implement by Libya of its December 19 commitment to eliminate its weapons of mass destruction programs, and the missile systems to deliver them, as well as to adhere to its renunciation of terrorism and pledge of cooperation on the war on terrorism.

In the space of less than 3 months, as Assistant Secretary DeSutter will discuss in detail, Libya's declared nuclear capacity has effectively been dismantled; its chemical munitions have been destroyed; its chemical agents have been declared and consolidated,

awaiting destruction; and its SCUD-C missiles have been removed. More remains to be done, but Libya has already made great strides in voluntarily eliminating its WMD programs.

Libyan actions on WMD have been complemented as many of you have noted by unprecedented public statements by Libya's leader. In his March 2 speech, Col. Gadhafi recommitted himself publicly to the elimination of all weapons of mass destruction, which he described as a source of insecurity, not security, in today's world. He also repudiated Libya's past support for terrorist organizations and pledged to seek a new era in relations with the United States.

Libya also indicated at the African Union summit, which it hosted at the end of February, an interest in playing a more constructive role in Africa.

As the Committee knows, last fall Libya also addressed the U.N. Security Council requirements arising out of the bombing of Pan Am 103, including payment of up to \$2.7 billion to the families of the victims and submitting a formal, written acceptance of responsibility for the actions of its official. We were seriously concerned, therefore, when Libya's Prime Minister gave an interview on February 24 that raised doubt about Libya's commitment to its acceptance of responsibility. We believed a retraction was essential and, after we raised this with the most senior levels in Libya, that retraction came just a day later. But the episode underscored the importance of moving deliberately, establishing unambiguous benchmarks, and signalling clearly to the Libyan leadership the paramount importance we attach to fulfillment of its commitments.

Our policy toward Libya is performance-driven and will not be steered by artificial deadlines. Travel to Libya by Members of this Committee and others in Congress helps underscore the importance of our principled approach to engaging with Libya. Congressional delegations such as the path-breaking visit by Congressman Lantos provide us with unparalleled opportunities to highlight our values and to reinforce our interest in supporting home-grown efforts at political and economic modernization, as well as the importance for human rights.

As Congressman Lantos and many others of you have demonstrated very effectively, Members of Congress are often the best Ambassadors of the democratic values which are so important in our own society and which offer so much possibility to others around the world.

Later this month I plan to continue the political dialogue on the future of U.S.-Libyan relations that we began in London on February 6. I will review the range of remaining sanctions and the importance of continued Libyan performance if it wishes to seek further easing or lifting of sanctions.

With respect to Libya's designation as a state sponsor of terrorism, I will underscore our need to confirm that Libya has implemented fully a strategic decision to repudiate terrorism as a tool of foreign policy and to break any residual ties it may have to any terrorist organization. I look forward to consulting with Members of this Committee as this dialogue develops.

In my meetings with Libyan officials I will continue to emphasize the importance we place on Libya fully adhering to its Pan Am 103 commitments. I have had the honor of working with many of the

Pan Am 103 family members over the last 3 years. They have been an inspiration and their unity and determination have helped push Libya out of the terrorism business and helped prevent such tragedies in the future. The pain that they have suffered can never be eased entirely, nor should it ever be forgotten.

The presence of U.S. diplomats in Tripoli for the first time since 1980 allows us to sustain a dialogue on other issues, including Africa, where our objective is to seek constructive Libyan action in securing the peace and prosperity of the continent, as well as on human rights reform and other claims by Americans, including for past terrorist incidents.

As we augment our diplomatic personnel and transition from an Interests Section to a Liaison Office, we will broaden this agenda and deepen our dialogue.

Mr. Chairman, we are engaged in an unprecedented effort to rebuild a relationship shattered by terrorism and Libya's pursuit of weapons of mass destruction. As the President stated:

“Old hostilities do not need to go on forever.”

We will work with the Congress and with this Committee to ensure that as Libya fulfills the historical commitments it has made we take reciprocal steps to reinforce these extremely positive developments and foster the more hopeful world that we all seek.

Thank you very much.

[The prepared statement of Mr. Burns follows:]

PREPARED STATEMENT OF THE HONORABLE WILLIAM J. BURNS, ASSISTANT SECRETARY, BUREAU OF NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE

Thank you, Mr. Chairman, for this opportunity to discuss with you the dramatic developments in our relations with Libya. The process that we have begun with Libya constitutes a major success in our efforts to halt state-sponsored support for international terrorism and the proliferation of the world's most dangerous weapons. Over the last three years, I have worked closely with this Committee to ensure that our message was unified and unequivocal that Libya must repudiate its weapons of mass destruction programs, MTCR-class missiles, and reliance upon terrorism as a foreign policy tool before it could make its way back into the international fold.

After decades of hostility, it is now possible to say that US-Libyan relations are on a path of gradual, step-by-step normalization. This historic development is predicated on Libyan good faith implementation of its December 19 commitment to eliminate its weapons of mass destruction programs, and the missile systems to deliver them, as well as to adhere to its renunciation of terrorism and pledge of cooperation in the war on terrorism. Since December 19, Libya has taken significant and, in some cases, irreversible steps to implement these commitments.

In the space of less than three months, Libya has invited US and UK experts, along with personnel from the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, to assist it in destroying the dangerous legacy of its decades-long effort to obtain and deploy chemical and nuclear weapons, and longer range ballistic missiles. Overall, its cooperation has been excellent. As Assistant Secretary DeSutter will discuss in more detail, Libya's declared nuclear capacity is now effectively dismantled; its chemical munitions have been destroyed; its chemical agents are declared and consolidated, awaiting destruction; and its Scud C missiles have been removed. At the March 8 IAEA Board of Governors meeting, Libya signed the IAEA Additional Protocol and acknowledged its history of non-compliance, setting an example that we hope other nations will follow. More remains to be done, but Libya has already made great strides in voluntarily eliminating its WMD programs.

Libyan actions also have been complemented by unprecedented public renunciations of its support for terrorist groups and opposition to the United States. In a March 2 speech attended by seven members of this House, the Libyan leader recommitted himself publicly to the elimination of all weapons of mass destruction, which he described as a source of insecurity, not security, in today's world. Libya also indi-

cated an interest in playing a more constructive role in Africa at the African Union summit in Sirte, which it hosted at the end of February, declaring definitively that there is no place for WMD on the continent.

As the Committee knows, last fall Libya also addressed the UN Security Council requirements arising out of the bombing of Pan Am 103, including payment of up to \$2.7 billion to the families of the victims and submitting a formal, written acceptance of responsibility for the actions of its officials. We were concerned, therefore, when Libya's Prime Minister gave an interview on February 24 that raised doubt about Libya's commitment to its acceptance of responsibility. We believed a retraction was essential and, after we raised this with the most senior levels in Libya, the retraction came just a day later. But the episode underscored the importance of moving deliberately, establishing unambiguous benchmarks, and signaling clearly to the Libyan leadership the paramount importance we attach to its fulfillment of commitments.

Our policy towards Libya has been, and will remain, performance-driven and will not be steered by artificial deadlines. Our ability to keep moving down the path of better relations will be a function of the confidence we develop in the Libyan regime's implementation of its commitment to repudiate its past record of support for terrorism and pursuit of weapons of mass destruction. We also expect Libya to meet its other international commitments, such as respecting the human rights of its citizens. Allowing the recent visit of Amnesty International was a positive step, but it also underscored how much the Libyan government must change its past practices in order to improve its human rights record.

Travel to Libya by members of this Committee and others in Congress offers a very useful opportunity to meet with the Libyan leadership, and to underscore the importance of our principled approach to engaging with Libya. The pace of congressional visits to Libya is evidence of our willingness to respond positively to transformed Libyan policies. Congressional delegations, such as the path-breaking visit by Representative Lantos, also provide us with unparalleled opportunities to impart our values, to reinforce our interest in promoting political and economic reform, and to underline the importance of Libyan progress in these areas for the overall tenor of our bilateral relationship. The message delivered by Representative Weldon and Senator Biden to the 600-plus members of the Libyan People's Congress, exhorting them to unleash the potential of their people through freedom, openness, and democracy, highlights once again the ways in which members of Congress serve as very effective ambassadors for the promotion of the democratic values, which are so important in our own society and offer so much possibility for people around the world.

Later this month, I will continue the political dialogue on the future of US-Libyan relations that I began with representatives of the Libyan government in London on February 6. At that time, I previewed the initial US steps responding to concrete Libyan actions in implementing its WMD, missile, and terrorism commitments, which were announced by the White House on February 26. These steps included revoking the passport restriction, issuing a general travel license, approving executory contracts for American companies with pre-sanctions holdings in Libya, inviting Libya to open an Interest Section in Washington, and exchanging medical and educational delegations. The visit last week by our medical delegation put a human face on American foreign policy for a Libyan public that had been taught to see us as the enemy. The Libyans were generous and forthright hosts; from the information we learned, we hope to develop several humanitarian initiatives in the healthcare sector that will create and expand a network of people-to-people ties between our two countries.

When I next meet with Libyan officials, I will reiterate that progress in our bilateral relationship will depend upon continued, good faith implementation by Libya of its own public commitments on terrorism, WMD, and missiles. I will review the range of remaining sanctions and discuss the conditions under which we can further ease restrictions on trade and investment. With respect to Libya's designation as a State Sponsor of Terrorism, I will underscore our need to confirm that Libya has implemented fully a strategic decision to repudiate terrorism as a tool of foreign policy and to break any residual ties it may have to any terrorist organization.

At the same time, I will emphasize that we place the highest importance on Libya fully adhering to its Pan Am 103 commitments, including on terrorism. I have had the honor of working with many of the family members of the victims of Pan Am 103 over the last three years. They have been an inspiration and their unity and determination have helped push Libya out of the terrorism business. The Pan Am 103 families' commitment to justice has sent a strong warning to other states tempted by recourse to terrorism; their unwavering pursuit of justice has helped save innocent lives. In future discussions with Libyan officials, I will continue to emphasize

the importance of this issue for improving U.S.-Libyan relations. I will also continue to encourage the Libyans to settle all outstanding terrorism cases involving American citizens.

Our expanding diplomatic engagement with Libya, which includes the presence of US diplomats in Tripoli for the first time since 1980, allows us to sustain a dialogue on other issues, including Africa, where our objective will be to seek constructive Libyan engagement in securing the peace and prosperity of the continent. As we augment our diplomatic personnel and transition from an Interests Section to a Liaison Office, we will be better placed to broaden this agenda and deepen our dialogue.

Mr. Chairman, we are engaged in an unprecedented effort to rebuild a relationship shattered by terrorism and Libya's pursuit of weapons of mass destruction. As the President stated, "old hostilities do not need to go on forever." We will work with the Congress and this Committee to ensure that as Libya takes credible steps to rejoin the international community, we provide appropriate responses that help foster a more peaceful world.

Chairman HYDE. Thank you, Secretary Burns.
Secretary DeSutter.

STATEMENT OF THE HONORABLE PAULA A. DESUTTER, ASSISTANT SECRETARY, BUREAU OF VERIFICATION AND COMPLIANCE, U.S. DEPARTMENT OF STATE

Ms. DESUTTER. Mr. Chairman, Mr. Lantos, Members of the Committee, I am here today to tell you about a remarkable proliferation policy success. As a verifier in the world of mass destruction I don't often come bearing good tidings. As former congressional staff, I know that oftentimes the question that Members have to ask is what went wrong? What we need to do today is to focus on what went right.

Our challenge is to ensure not only that Libya's WMD programs are verifiably eliminated completely but also to ensure that it marks the beginning of a trend. I would like to offer a brief chronology, highlight some of the elimination accomplishments achieved thus far, identify what needs to be done still, and highlight the elements of the President's counter-proliferation policy that have made it possible.

In March of last year, as we were preparing to enforce U.S. Security Council resolutions on Iraq with a definite focus on weapons of mass destruction, Libya approached the United States and the United Kingdom intelligence services about a willingness to talk about their WMD programs.

In October, just after we interdicted a shipment of centrifuge equipment from A.Q. Khan to Libya, the Libyans permitted our experts unprecedented access to some of their most secret WMD sites. A second U.S.-U.K. visit occurred in December. And a quiet meeting, led on the U.S. side by the NSC's Ambassador Joseph, was held in London to close the deal.

On December 19, Libya agreed to publicly declare that they had WMDs and were going to rid themselves of these. The United States working in close partnership with our British allies then identified in writing the necessary steps that would be required for elimination and how the U.S. and the U.K. could assist in these efforts. The U.S. and the U.K. conveyed this information to Libyan representatives on January 9.

In answer to Ms. Ros-Lehtinen's question, in the U.S.-U.K. documents that we handed over, two of which were provided in both English and Arabic, we indicated that there would be a need for

ongoing steps to verify and monitor Libyan pledges on non-possession and non-assistance.

Undersecretary Bolton traveled to Europe on January 19 to join his British counterpart William Ehrman for discussions with the OPCW and the IAEA director general about how to best coordinate the trilateral Libya-U.K.-U.S. elimination and verification project with these organizations. The agreement formed the basis of a cooperative approach that has worked well on the ground in Libya.

The U.S.-U.K. joint efforts on the ground in Libya to assist with the WMD verification and elimination process began on January 20. We obtained detailed nuclear weapons designs that Libya had acquired from the nuclear black market network of Pakistani scientist A.Q. Khan as part of its weapons program. We removed several containers of uranium hexafluoride and centrifuges purchased from that network for the purpose of enriching uranium. We received detailed descriptions of the Libyan missile research and development activities, we removed five SCUD-C missile guidance sets, including their gyroscopes, and we began assisting the Libyans in the preparation of their Chemical Weapons Convention declaration and witnessed the first destruction of chemical munitions when three chemical munitions were destroyed.

Since January and finishing up just recently, we have done the following: Today the big news is that a ship is heading toward the United States and that ship contains more than 1,000 tons of WMD equipment that will no longer be a proliferation threat to the United States and its friends and allies. The shipment includes the remaining centrifuge components and equipment, the Libyan uranium conversion facility and all associated equipment, five SCUD-Cs and two partial missiles, and the SCUD-C launchers.

We took the first step in assisting Libya in the conversion of the Tajura reactor from highly enriched uranium into low enriched uranium by supporting the removal of their highly enriched uranium. We conducted site visits to explore the Libyan statement that it has no offensive biological weapons program. We continued to conduct site visits and assisted in the preparation of a Libyan CWC declaration which now has been submitted, as of March 6.

In that declaration Libya declared almost 24 metric tons of blister agent and 3,300 chemical munitions. All those munitions have now been destroyed.

Just today at the IAEA the board of governors passed a non-compliance resolution on Libya that sets the right standard for how to set these forth. In fact, we just got it faxed to us. I will read you the operative paragraph. It conveys a finding that under article 12(c) of the statute that past failures to meet the requirements of the relevant safeguards agreement identified by the director general constituted non-compliance. And in accordance with article 12(c) requests the director general to report the matter to the Security Council for information purposes only while commending the Socialist Libyan Arab Jamahiriya for the action it has taken to date and has agreed to take to remedy the non-compliance.

Moreover, I believe that by right now Libya will have adhered to the additional protocol for the IAEA in Vienna. Thus today, Mr. Chairman, Mr. Lantos, we can announce the complete dismantlement of Libya's nuclear weapons program, the complete dismantlement

ment of Libya's longest range and most sophisticated missiles and the elimination of their declared chemical munitions.

What remains to be done? While much has been done, more remains. Our teams returned from Libya recently, and we are planning the next step in assisting Libya in the full dismantlement in all four areas. We will continue to work to assist in the Libyan conversion of its Tajura reactor to LEU fuel. A team under U.K. leadership is in Libya now to begin our efforts to assist in the redirection of Libyan WMD personnel to more productive purposes. We will also continue to investigate the status of Libya's past efforts regarding biological weapons.

On the missile front, we are working with Libya to ensure that it meets the goal of not retaining MTCR class missiles or the capability to produce them. We will work with Libya and the OPCW to ensure the safe and efficient destruction of their chemical agents.

As this proceeds we will learn more. This knowledge, including information about the proliferation network that fed Libya's WMD program, will enable us to update and refine our previous non-compliance assessments regarding Libya and perhaps other nations, determine if additional sanctions are appropriate for the supplies of Libya's programs and determine how to best curtail other WMD programs.

Mr. Lantos, you recently stated that we must be relentless in verifying destruction of the Libyan WMD program. And I could not agree more. And we will continue the effort to live up to the model of trust but verify. Whenever anyone says that it is music to my ears.

I would highlight four things, some of which fall into the nuts and bolts category of things that have gone right. First, there has been a tremendous interagency process. Many dedicated individuals at the NSC, DoD, CIA and the State Department have worked hard, you might even say passionately, to make what we all knew would be an important and, hopefully, precedent setting project a success.

In addition to the passionate efforts of many, we have also drawn upon the quiet competence of some who beyond the long hours and lost weekends have solved seemingly unsolvable problems. And here I am thinking especially of Harry Heintzleman, who I will introduce in a moment. He has herded all of the packs.

I am especially proud speaking for those of us at the Department of State, to express our gratitude for the active engagement and absolute support from the Secretary, the Deputy Secretary and Under Secretary Bolton. I would also be remiss if I didn't note that, in addition to the support we have received in this effort from Assistant Secretary Burns and his staff, Assistant Secretaries Wolfe and Rodemaker and their staff have been part of the State Department leadership chain.

Second, while we have endeavored to have a small footprint on the ground in Libya, we have been fortunate to be able to send teams comprised of individuals with a wealth of expertise and with able leadership. If I may, since this is one of the rare moments when all of our teams are back in the country, I would like to introduce some of our leaders.

First, Ambassador Don Mahley, who is the senior WMD representative in Libya. Why don't you stand up so they can look at you.

Harry Heintzleman, who we refer to as our Washington mission leader.

Joe Pritchard is the nuclear mission leader. He is the guy that kept bringing back the big stuff moving. Amazing.

Tony Ryan is our chemical mission leader.

Gary Crocker is the biological mission leader.

And Tony Foley is our missile mission leader.

Anne Harrington, our redirection mission leader is, as I noted, not yet back from Tripoli. But I am sure you know her excellent work from her efforts in the former Soviet Union and Iraq.

Third, while we are examining how we can use the CTR non-Russia funding, we would not have been able to achieve all that we have thus far had it not been for the State Department's Non-Proliferation and Disarmament Fund, or the NDF. NDF has proven indispensable in that it is one of the few funds available with the requisite fiscal authority to enable us to move forward despite the economic and political sanctions the U.S. has on Libya.

You will be happy to note that the sanctions are working, that it is very difficult to do some of these things. As we were getting ready to send our first team in, going to go to London first, meet with our U.K. partners and U.K. team and then fly from there to Libya, it turned out that all of our airline reservations got kicked out because they said, whoops, U.S. passports, travel to Libya, cannot happen. So we had to scramble around and solve another one of those unsolvable problems.

But NDF has resources other than available funds that have contributed immensely to the success of the project. The NDF staff, led by Steve Saboe, has had a consistent "can do" attitude. They have accomplished what has appeared to be the impossible. The airplane chartered to take the nuclear team in on the very first mission and brought the nuclear weapon design documents out, was chartered by NDF. The plane that brought out the first set of nuclear equipment was paid for by NDF. And the boat that is steaming toward the United States right now was paid for by NDF.

Fourth, I would underscore the international cooperation we have received. Obviously we would not have been able to accomplish what we have if Libya had not made a strategic decision to implement the decision to eliminate their WMD. They have been more than cooperative. They have made clear not only in their words but in their deeds that this is their decision and their elimination.

Our British allies have been both leaders and close partners in this effort. And the first two phases of the process also illustrate the cooperative relationship we have developed with the OPCW and the IAEA on the ground.

One of the issues that I will flag as being very significant in this process is intelligence. One of the issues that everybody debates today is whether or not our intelligence in Iraq was right and, if not, why it was wrong. I am not here to discuss that issue, but I do want to discuss in broad terms the effectiveness of our intelligence in Libya.

We had extensive intelligence reporting on Libya's WMD programs prior to the December 19 announcement. There are always surprises in intelligence; it is not an exact science. And in Libya we were surprised on the one hand by the extent of some of the WMD programs and, on the other hand, that some of the programs were not as advanced as we had feared. The chemical weapons program had a large stockpile of munitions, blister agents and chemicals. Our chemical engineers have now walked through Rabta and they have seen well-maintained facilities. But we have also visited other chemical facilities that were decrepit.

Because Libya was forthcoming, we were taken to a turkey farm near Tripoli where Libya hid many of their chemical munitions. We would not have been able to find such a sight in any normal inspection or intelligence gathering effort. But in terms of being able to ask the right questions of the Libyans, of being able to understand the goals of the programs, and in understanding their procurement network, we were well served by the intelligence community. Without their excellent work I do not think that we would be having the success that we are having today in Libya.

Chairman HYDE. Ms. DeSutter, do you think you could wind up?

Ms. DESUTTER. I will.

Chairman HYDE. Thank you.

Ms. DESUTTER. I wanted to say that our efforts since last year consists of taking advantage of the situation that was created prior to the beginning of our planning last December and January. Libya's dismantlement is a partial culmination of a non-proliferation strategy and the policies that implement that strategy. The President has made it clear by words and deeds that the United States will use every tool at our disposal to halt the spread of these weapons. As he said at his recent speech in NDU:

"There is a consensus among nations that proliferation cannot be tolerated, yet this consensus means little unless it is translated into action."

The President and his team have steadfastly endeavored in the past few years to dramatically change cost/benefit calculations of proliferators and would be proliferators around the world. We have used the sanctions laws you have enacted and penalized proliferators by imposing sanctions.

As an example of how effective export controls and sanctions can be, even when the U.S. and U.N. sanctions were circumvented and Libya actually succeeded in getting some dual use chemical equipment, they had two problems with this equipment. First, what they got was not effective. Secondly, in the WMD black market there is no customer service department to complain to.

We have used diplomacy to organize the President's proliferation security initiative led by Undersecretary Bolton, in which like-minded friends have gathered together to improve our collective abilities to interdict WMD related shipments. The October interdiction is a striking example of this and also highlights the intelligence capabilities that are represented by those interdictions. And we have shown ourselves more than willing to take dramatic action, even to the point of deposing a dictator in Iraq who was intent on developing such weapons.

A moment ago I said that the elimination of Libya's WMD program is a partial culmination. We hope that others are watching. Col. Gadhafi made the right decision to bring his country into compliance with treaties. And states considering pursuit of WMD should observe Libya's example. Libya has shown that proliferation is riskier and more uncertain. And Col. Gadhafi seems to understand this. But as he also understands, countries who have abandoned dangerous pursuits of these weapons can enjoy the prospect of improved relations with the United States and our friends.

I am sorry to take so much time but we wanted to—

Chairman HYDE. That is all right. I should have suggested a condensation at the beginning because what you have to say is terribly important. Your full statement will be made a part of the record. I commend it to all of us to read this and that of Secretary Burns.

[The prepared statement of Ms. DeSutter follows:]

PREPARED STATEMENT OF THE HONORABLE PAULA A. DESUTTER, ASSISTANT SECRETARY, BUREAU OF VERIFICATION AND COMPLIANCE, U.S. DEPARTMENT OF STATE

Mr. Chairman, Representative Lantos, members of the committee, thank you for the opportunity to discuss the U.S. Government's assistance to Libya in the elimination of its Weapons of Mass Destruction (WMD) and MTCR-class missile programs.

On December 19, 2003, Libya issued a pathbreaking statement, announcing that it had been conducting talks with the United States and the United Kingdom about weapons of mass destruction, and had already shown U.S. and UK experts "the substances, equipment and programs"—including centrifuges for uranium enrichment and "equipment to carry chemical substances"—Libya possessed that "could lead to the production of internationally banned weapons."

The Libyan government announced that it had, of "its own free will," agreed "to get rid of these substances, equipment and programmes and to be free from all internationally banned weapons." Libya also declared that it had "decided to restrict itself to missiles with a range that comply with the standards of the [Missile Technology Control Regime]" (a range of at least 300 km and a payload of at least 500 kg). Libya declared its intention to comply in full with the Nuclear Non-Proliferation Treaty (NPT) and the Biological Weapons Convention (BWC), and that it intended to sign the IAEA Additional Protocol and adhere to the Chemical Weapons Convention (CWC). Libya also announced that all of these remarkable steps would be undertaken "in a transparent way that could be proved, including accepting immediate international inspection."

I am pleased to report that this past weekend, we removed over 1,000 tons of WMD and MTCR class missile program parts by ship. The items removed include centrifuge components used to enrich uranium, all of Libya's longest-range missiles, including five SCUD-C's, other partial missiles and associated equipment including launchers. In addition, we arranged the removal of more than 15 kilograms of fresh high-enriched uranium reactor fuel to Russia. These removals are the strongest evidence yet of Libya's intention to fulfill its unprecedented commitment to eliminate its WMD and MTCR-class missile programs. These removals signal the complete dismantlement of Libya's nuclear weapons program. They are to be commended for this achievement.

By last Friday, Libya had completed destruction of more than 3,200 chemical bombs. That very day they delivered to the Organization for the Prohibition of Chemical Weapons (OPCW) their initial Chemical Weapons Convention (CWC) declaration.

I have been involved in verification for a long time, and the opportunity presented by Libya's decision is unique. This is one of those rare times that a state has volunteered to rid itself of its WMD programs—and it is a first for a state sponsor of terror to do so without regime change. Helping Libya to achieve success in fulfilling these commitments is an excellent step in its own right. Perhaps even more importantly, we must do our best to ensure that Libya's courageous decision stands as a model for others to restore themselves to international legitimacy.

As President Bush declared on December 19 just after the Libyan announcement, Colonel Gadhafi had made a decisive commitment that, when fulfilled, would make the world a safer place. The President pledged that as Libya fulfills its commit-

ments and demonstrates its seriousness, the path would be open to better relations with the United States and other free nations. President Bush expressed his hope that Libya would thereby be able to help regain a secure and respected place among nations. But let me emphasize this one point: improvement in Libyan-American relations is linked to continued progress on the WMD dismantlement front.

Before I get into the details of this project let me just say that Libya's efforts reflect very substantial progress in meeting its commitment to rid itself of its WMD and MTCR-class missile programs. To date, Libya has cooperated closely with our teams, with our British partners and international organizations. With Libya's agreement, we removed all significant and dangerous elements of its nuclear weapons program and its most advanced missiles and stand ready to remove more still. Some questions still remain regarding certain aspects of Libya's WMD programs, but we are working with Libya to resolve these questions as quickly as possible.

Assistant Secretary Burns will discuss the political and diplomatic track and our plans for diplomatic relations with Libya. I am here to describe our efforts in assisting Libya in dismantling its Weapons of Mass Destruction and MTCR-class missile programs.

BACKGROUND: U.S. COUNTER-PROLIFERATION POLICY

It may be helpful if I begin, however, by putting the Libya effort into the context of this Administration's counter-proliferation policy. With an eye to the terrible threat to U.S. national security interests—and to the lives and well-being of thousands or perhaps millions of innocent people—posed by the proliferation of weapons of mass destruction (WMD) around the world, the President has developed a bold strategy to use every tool at our disposal to halt the spread of these weapons. We use diplomacy at all times, economic pressure when we can, military pressure when we must. The President, indeed the entire U.S. Government, has demonstrated a strong commitment to the goal of nuclear, chemical and biological nonproliferation. This commitment has had a galvanizing effect on the world's views on the trade of WMD.

We have made steadfast efforts over the past three years to dramatically change the cost-benefit calculations of proliferators and would-be proliferators around the world. We have penalized proliferators by imposing sanctions on them far more aggressively than during the previous administration; we have organized like-minded friends to improve our collective abilities to interdict WMD-related shipments; and we have shown ourselves more than willing to take dramatic action—even to the point of deposing a cruel dictator in Iraq who was intent upon developing such weapons.

We have isolated and pressured outlaw states dedicated to developing WMD, and engaged our friends and allies in a range of multinational diplomatic, economic, and even military coalitions to combat this danger. Thanks to our efforts proliferation is today becoming riskier and more uncertain, and we are now sending the message that the pursuit of WMD brings not security but insecurity. Colonel Gadhafi for one seems to understand this. In a speech to the African Union last week, he said that “the security of Libya does not come from the nuclear bomb, the nuclear bomb represents a danger to the country which has them.” But, as Colonel Gadhafi also understands, countries that abandon such dangerous pursuits can enjoy the prospect of improved relations with the United States and our friends.

ORIGINS OF THE PROJECT

In March of 2003, Libya made quiet overtures to the UK and U.S. intelligence services about “clearing the decks” with regard to WMD. This matter was handled as a matter of the utmost secrecy within the U.S. and UK governments. In the U.S., in fact, the secret discussions that began in March involved only a handful of officials.

Even as the discussions continued in October 2003, the U.S., UK, German and Italian governments worked together to arrange the diversion of a shipment of centrifuge components bound for Libya. These components had been secretly purchased on the international nuclear black market from the illicit Pakistan-based nuclear smuggling network headed by Abdul Qadeer Khan. It was clear, at that point, that we knew a great deal about Libya's secret nuclear weapons program. To its credit, Libya increased its cooperation with us in October, and permitted joint U.S. and UK teams to secretly visit a number of WMD and missile-related facilities in Libya.

During two visits to Libya by these teams—in October and then December of 2003—Libya made available a great deal of information about its clandestine programs. The substantial knowledge of the Intelligence Community regarding Libya's WMD and missile programs was invaluable during these discussions. These visits

laid the groundwork for all the successes we are pleased to report since Colonel Gadhafi's groundbreaking announcement on December 19.

THE ROLE OF THE STATE DEPARTMENT

After the Libya effort became public in December, we began an effort under the direction of the interagency Proliferation Strategy Policy Coordinating Committee, that quickly came to involve not only multiple bureaus within the Department of State but also a range of interagency participants including the Department of Energy, the Defense Department, and the CIA. The Department's non-proliferation role has been overseen by Under Secretary John Bolton, under whose leadership I am coordinating the day-to-day effort.

Within the Department, the Nonproliferation (NP) and Arms Control (AC) Bureaus have also played instrumental roles, and we have worked hand in glove with the Bureau of Near Eastern Affairs (NEA). Our effort has also enjoyed the close personal involvement and support of Secretary Powell and Deputy Secretary Armitage—who have been instrumental in our success so far. The Department of Energy's National Nuclear Security Administration (NNSA) and the Defense Department's Defense Threat Reduction Agency (DTRA) have also contributed vital personnel and expertise to our in-country operations.

It is also worth emphasizing how cooperatively we have been working with our British allies in this important project. From the very beginning—in the secret Libyan discussions in 2003—the U.S. and UK have worked together very closely. The successes achieved to date stand as a testament to our two governments' shared counter-proliferation goals and firm commitment to the Libyan elimination and verification effort. Our partnership in this project has been crucial to its success.

ESTABLISHING THE FRAMEWORK

The basic architecture for our approach to the Libyan elimination and verification project was established in late December of last year. By early January we had developed a series of papers approved by the U.S. interagency process and carefully coordinated with our British partners. These papers spelled out in some detail our proposals for how to help Libya fulfill its December 19 commitments with respect to nuclear, chemical, biological, and missile programs.

I'd like to take a moment to sketch the basic contours of this program. Our program is aimed to assist Libya in promptly identifying and securing proliferation-sensitive items, eliminating all elements of its nuclear and chemical weapons programs, restricting its missile efforts in accordance with MTCR standards, and helping it demonstrate effective transparency of its biological activities. We also proposed to help Libya with its declarations to the International Atomic Energy Agency (IAEA) and the OPCW. To facilitate this work, and to help provide confidence that declaration and elimination activities are based upon complete and accurate information, we also proposed to conduct surveys and other activities to evaluate the extent of Libya's programs. We also proposed a tentative timeline for the first portions of the elimination and verification effort.

This was an ambitious program, but our detailed papers outlining our nuclear, chemical, biological, and missile proposals—along with an overarching “common elements” paper, which was translated into Arabic—were presented to the Libyans by U.S. Government officials at a meeting in London on January 8. At that meeting, the three parties agreed upon a “checklist” of priority items to be removed during the first visits of the bilateral and interagency teams assisting Libya with elimination and verification. That was also the same week that Libya made its first legal step toward WMD elimination, by acceding to the Chemical Weapons Convention.

U.S. ORGANIZATION FOR THE LIBYA EFFORT

Organizationally, we have established a structure that revolves around a Washington-based non-proliferation coordination effort centered in my bureau but closely involving experts from the NP and AC bureaus, as well as interagency participants. We quickly set up experts' groups in the various subject-matter areas—nuclear, chemical, biological, and missile—to provide the overall technical guidance and advice needed to direct corresponding subject-matter teams in Libya. We have since created additional teams to work on the conversion of Libya's Tajura research reactor to low enriched uranium (LEU), and on developing ways to redirect Libyan WMD and missile scientists, engineers, and technicians to productive civilian pursuits. These groups work through a small coordination cell in the VC bureau, which also oversees the work of our in-country personnel. Ambassador Donald Mahley of the Arms Control Bureau has served as our Senior WMD Representative in Libya,

where he coordinates the work of the technical assistance teams and works closely with his Libyan hosts as part of our diplomatic team on the ground.

I should also emphasize the importance in this process of the State Department's Nonproliferation and Disarmament Fund (NDF). Libya has long faced some of the most severe economic and political sanctions the U.S. has ever imposed. But the same restrictions that have so successfully imposed pressure on Libya greatly restrict our ability to conduct operations there in order to implement the trilateral elimination and verification program. NDF has proven indispensable in that it is one of the few funds available with the requisite fiscal authority. It is hard to express just how central NDF has been to our successes so far. We have spent around \$2.5 million in NDF funds so far in support of our activities in Libya, and NDF personnel have been instrumental in working through the innumerable logistical and paperwork problems that inevitably arise when doing such complicated things under such unusual circumstances. With NDF, I can assure you, Congress has been getting huge value for its nonproliferation dollar.

FIRST WMD ELIMINATION PHASE

Pursuant to the January 8 London agreement, the State Department-led teams arrived in Libya for the first time on January 18. We enjoyed outstanding cooperation from our Libyan counterparts, who took very good care of our personnel. They allowed our teams to visit any location, and they were forthcoming about the myriad aspects of Libya's WMD and missile development programs.

It was, in fact, remarkable how much the Libyan, U.S., and UK effort accomplished during its first month. By the time our first teams left Libya on January 29, we had already eliminated some of the most proliferation-sensitive aspects of Libya's WMD and missile programs.

Our first step was to remove detailed nuclear weapons designs Libya had acquired as part of its weapons program. These designs had been obtained from the nuclear black market network of Pakistani scientist A.Q. Khan. The weapons designs were handed over to the joint U.S./UK team on January 20, and flown out of Libya aboard a chartered aircraft in the custody of State Department personnel on January 22.

Later that week we also removed several containers of uranium hexafluoride (UF₆), centrifuges from Pakistan's Khan Research Laboratories—some of which, of the advanced "P-2" variety, were still in their original packing containers—a large number of additional centrifuge parts and equipment, and centrifuge documentation.

On the missile front, we received a detailed description of a range of Libyan missile research and development activities, and removed from Libya five SCUD-C guidance sets, including their gyroscopes, thereby making inoperable all of Libya's existing SCUD-C missiles produced with extensive assistance from North Korea.

All these items and materials were loaded aboard a large cargo aircraft in Tripoli and flown safely and securely on January 26 to Knoxville, Tennessee. The Department of Energy has stored the sensitive nuclear materials at Oak Ridge.

During this U.S./UK team visit, at our suggestion, Libya began consolidating its stockpile of CW agent at a more secure location in order to better safeguard it against theft by terrorists and make its eventual destruction easier. U.S. and UK experts have also worked closely with Libya to help it prepare its initial CWC declaration that was delivered to the OPCW within treaty timelines on March 5. As part of that effort, Libya allowed U.S. and UK chemical engineers complete access to the former chemical weapons production plant at Rabta and other priority sites of concern. As noted earlier, Libya recently completed the destruction of over 3,200 unfilled munitions under the monitoring of the OPCW.

COOPERATION WITH INTERNATIONAL AGENCIES

This first phase of the process also illustrated the cooperative relationship we developed with the International Atomic Energy Agency (IAEA). Under Secretary Bolton traveled to Vienna on January 19 to join his British counterpart, William Ehrman, for discussions with IAEA Director General Mohamed ElBaradei about how best to coordinate the trilateral Libya/U.S./UK elimination and verification project with the Agency. Their agreement formed the basis of a cooperative approach that has worked well on the ground in Libya.

The IAEA sent two officials—nationals of nuclear weapons states—to be present as U.S. and UK experts examined the weapon designs in Libya. These IAEA officials, with agreement of the U.S. and UK teams, placed the designs under IAEA seal before the U.S. and UK team flew them out of the country. The documents are in U.S. custody.

IAEA officials also accompanied our U.S. and UK experts while they inventoried, packed, and moved nuclear-related items out of Libya. The IAEA took environmental swipe samples of many items. At the request of the IAEA, some items of centrifuge equipment and the centrifuge documentation were placed under seal. These items were segregated and stored separately upon their arrival in the United States. The IAEA also facilitated the shipment of fresh reactor fuel from Libya. The IAEA has continued its in-country safeguards activities and reported its initial finding to the IAEA Board of Governors on February 20.

We have worked with the IAEA in order to help them preserve their own investigatory interests in acquiring a full understanding of Libya's handling of safeguarded nuclear material and related activities. Pursuant to Under Secretary Bolton's agreement in Vienna with Director General ElBaradei on January 19, the IAEA was invited to be present when the seals were broken on the Libyan nuclear weapons designs a couple of weeks ago here in Washington. Two IAEA officials attended. The IAEA will also be invited to be present when seals are removed on other equipment or items removed from Libya, including the UF6 containers and some centrifuge components.

In addition, we have been cooperating closely with the OPCW, which recently sent its first Technical Secretariat (TS) delegation to begin working with Libya. Under the terms of the CWC, of which Libya is now a State Party, the OPCW Executive Secretariat will have to approve plans for the destruction and verification of Libyan Chemical Weapons stockpiles, as well as for the elimination of dual use equipment connected with past chemical weapons efforts. We have been working closely with Libya to facilitate this effort.

WHAT'S NEXT?

While much has been done, much remains to be completed. Our teams returned to Libya on February 14 and returned just a few days ago. While we have assisted Libya in dismantling its nuclear weapons program, we continue to have serious questions and concerns about how Libya procured its nuclear weapons infrastructure. Along this line, we are particularly concerned about what role A.Q. Khan and others played in Libya's nuclear weapons efforts. While we try to answer these and other questions, we are also working to help Libya convert its Tajura reactor to LEU fuel and to "redirect" Libyan WMD personnel to more productive ends.

On the chemical weapons front there remains a stockpile of almost twenty-four metric tons of CW agent and a sizable stockpile of CW agent precursor chemicals and CW related equipment—still to be destroyed. As I noted earlier, we assisted Libya in preparing their initial CWC declaration, which was given to the OPCW on March 5. We will be working closely with Libya and the OPCW to determine how best to destroy Libya's CW and precursor agent stockpiles. We will also investigate the status of Libya's past efforts regarding biological weapons. As I stated earlier, much progress has been made in the elimination of Libya's MTCR class missile programs including the delivery of all of Libya's longer-range missiles, including five SCUD-Bs, and associated equipment including launchers to U.S. shores.

We continue to work closely with the Libyan government to identify and destroy all aspects of its WMD and MTCR class missile programs.

SUMMARY

A/S Burns will describe the other aspects of our relationship with Libya as the elimination and verification program progresses. Permit me to emphasize, however, that progress in eliminating WMD and missiles is the sine qua non for further progress in the political realm.

As a professional verifier and the coordinator of the U.S. interagency effort, it's my hope to assist and to verify Libya's fulfillment of its courageous and commendable commitments as rapidly as we can. I'm happy to say that so far, Libya's work to implement its December 19 commitments has been outstanding, and every indication so far has been that these commitments are indeed sincere.

Colonel Gadhafi made an historic decision to bring his country into compliance with crucial treaties banning weapons of mass destruction. This was not an easy decision for him to make and he deserves credit for doing so. The United States, the United Kingdom, and Libya have worked together as a team to eliminate Libya's WMD programs and to normalize relations between Washington and Tripoli. We only hope that states with even more worrisome nuclear weapons programs like Iran and North Korea will learn from Libya's positive example and agree to rejoin the community of civilized nations and give up these terrible weapons that do nothing except undermine their stability.

Thank you for inviting me here today.

Chairman HYDE. We have three more witnesses, and I have been trying to figure out the best way to do this. I think I am going to call the three remaining witnesses so that when we ask the questions, we don't have two rounds of questions but just one. Then maybe we can get everybody to ask their questions and get you all to answer them.

So before I introduce the next panel, I would like to ask both of you a question. Maybe you can answer this. You are professionals and you are experienced. Do you think that all of this that is happening in Libya would have happened without the intervention in Iraq?

Mr. BURNS. I think the resolve, Mr. Chairman, that the President has shown in Iraq, and more generally since September 11, has been a critical ingredient in the results that we have seen. Of course, I can only guess about the calculations of the Libyan regime.

Chairman HYDE. The calculations, certainly.

Mr. BURNS. But I would also say, sir, that the United States worked with the U.N. Security Council and others over a long period of time to impose the sanctions we have seen on Libya which I think over time drove home its isolation. So I think it is the reality of the President's resolve, the resolve shown by the United States in Iraq and in the war on terrorism combined with the impact of sanctions and the long isolation of Libya combined. As I said, with the truly admirable perseverance and courage shown by the families of the Pan Am 103 victims throughout that period convinced the Libyan leadership to take the positions that it has on terrorism and WMD.

Chairman HYDE. Do you share those views, Ms. DeSutter?

Ms. DESUTTER. Yes, I do, Mr. Chairman. I think it had to have been a factor. I think it will be one of those things that many will debate for a while. But I think that the timing is probably suggestive. And I think that it is also sanctions. It is a number of pieces that all comprise the proliferation strategy that has made it very clear there is a price to be paid for WMD, and that WMD stands in the way of good relations with the United States.

Chairman HYDE. Thank you very much.

If you folks want to sit down, yield your position but hang around, and then we will get to questions. Thank you.

For our second panel, we are joined by experts on Near Eastern affairs, weapons proliferation and human rights. Our first witness on this panel is Patrick Clawson, who serves as Deputy Director of the Washington Institute for Near East Policy. Previously Dr. Clawson served as Senior Research Professor at the Institute for National Security Studies of the National Defense University and as the Senior Economist at three different organizations: The Foreign Policy Research Institute, the World Bank and the International Monetary Fund.

Dr. Clawson is widely published and is Senior Editor of the *Middle East Quarterly*. He holds a Ph.D. from the New School for Social Research and a B.A. from Oberlin College.

Dr. Ray Takeyh is a Professor of National Security Studies and Director of Studies for the Near East and South Asia Center at the National Defense University. He also serves as an Adjunct Scholar

at the Center for American Progress. Previously he was a Fellow in International Security Studies at Yale, a Fellow at the Washington Institute for Near East Policy, and a Resident Fellow at the Center for Middle East Studies at the University of California, Berkeley.

Dr. Takeyh is widely published and holds a Ph.D. in modern history from Oxford University.

And finally, Krista Riddley joins us today to share the observations and recommendations of her colleagues from Amnesty International, London, who recently traveled to Libya to conduct a human rights assessment. She serves as the Advocacy Director for the Middle East and North Africa at Amnesty International USA, where she is responsible for Amnesty's initiative to influence policy on human rights issues in that region.

Prior to her association with Amnesty International, she was Regional Representative for Central and Southern Africa at Catholic Relief Services. Having traveled to or lived in 25 countries in Africa, Ms. Riddley also served in Africa as a CRS Country Representative in Zimbabwe and Niger and managed relief and development programs in Burkina Faso, Liberia and the Gambia.

Ms. Riddley was a Rotary Scholar at the University of the Côte d'Ivoire and holds a Master of International Affairs degree from Columbia University in New York.

We thank each of you for appearing before our Committee, and we ask that you begin a summary. Hopefully you can condense it to 5 minutes, and your full statement will be made a part of the record. Then we will get to questions of both panels.

And we will start with you, Dr. Clawson.

STATEMENT OF PATRICK CLAWSON, PH.D., DEPUTY DIRECTOR, WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Mr. CLAWSON. Thank you, Mr. Chairman. Thank you for having me here. And I indeed have submitted a statement for the record.

Let me confine myself to two issues: First, how to consolidate Libya's apparent decision to give up weapons of mass destruction and, second, how to replicate that success in other Middle Eastern countries.

On consolidating the Libya apparent success the major worry is whether Libya will in fact follow through on its promise to give up weapons of mass destruction. We cannot be sure what Libya will do because all decisions in Libya are made by one erratic man, Muammar Gadhafi. When Gadhafi's mood changes Libya's policies can switch overnight for the simple reason that he holds all power in his hands.

And so long as he alone determines what are Libya's policies, we cannot be certain whether he will stick to his renunciation of WMD or change his mind tomorrow. We have reason to be concerned that his policies are moderate when necessary but radical when possible.

In other words, the key problem that we face with a Libya WMD agreement is a very different problem than verification as traditionally understood. Verification activities generally focus on whether a government is cheating, that is is it clandestinely pursuing WMD activities at some undeclared site? Verification will

certainly be a concern in Libya but the greater concern is the Libyan government may be completely scrupulous today but tomorrow may change its mind.

The only way to address our concerns about Gadhafi's fickle mood swings is for political decision-making to become more systematic and less personalized in Libya. Broader political participation will be a confidence building measure, and so to would greater transparency.

The only way that we can be sure that this WMD deal sticks is if Libya engages in political reform. To formulate the problem this way is to understand that political reform in Libya is a geostrategic interest of the United States. Some commentators have argued against the Libyan deal on the grounds that a bargain with a vicious dictator is unjust and incompatible with our long-term interest in spreading democracy. I am making a different argument: I am saying that we cannot have confidence in the WMD deal unless Libya opens up its politics, because we cannot have confidence in Gadhafi's whims.

Operationally, the U.S. government cannot bring democracy to Libya. Our aims should be much more modest, namely, to promote a gradual opening of Libyan society and politics. And there is much that I think we should be able to do in this regard.

Let me turn to the question of replicating the apparent success with Libya. Let me confine myself to just one issue, namely economic sanctions.

The debate about the relative role of sanctions and the Iraq war in persuading Libya to give up its WMD misses an important point: Namely, that the sanctions that mattered were the U.S. unilateral sanctions, not the U.N. sanctions. The U.N. sanctions were lifted permanently in September 2003, before Libya took its decision in December 2003 to give up its weapons of mass destruction. If Libya's concern were the multilateral sanctions, then Tripoli would have no reason to give up its WMD: The multilateral sanctions were gone before Libya took that action.

The Iran-Libya Sanctions Act or ILSA was enacted in 1996 for the purpose of "ending all support for acts of international terrorism and efforts to develop or acquire weapons of mass destruction," to quote from its statement of "policy with respect to Libya." The core of this approach was to discourage investment in the oil and gas industry in the targeted countries. ILSA has been widely criticized as being ineffective or counterproductive. Yet it is precisely the lack of access to international investment in the oil and gas industry which is widely acknowledged to have been at the heart of Libyan concerns about sanctions.

To the extent that economic pressure had an impact on Libya's decision ILSA has to be judged remarkably effective. ILSA was the correct approach for Libya and I would argue it is the right approach for Iran. Like Libya, Iran has aging oil fields which require foreign technology and financing if the oil and gas industries are going to generate the revenue the country so badly needs to address its mushrooming unemployment problem. In short, I am optimistic we can use the Libyan experience to good effect with other proliferators.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Clawson follows:]

PREPARED STATEMENT OF PATRICK CLAWSON, PH.D., DEPUTY DIRECTOR,
WASHINGTON INSTITUTE FOR NEAR EAST POLICY

I am no Libya expert, so I will confine myself to two issues: first, how to consolidate Libya's apparent decision to give up weapons of mass destruction (WMD) and second, how to replicate that success in other Middle Eastern countries, particularly Iran. Indeed, I will restrict my analysis to one major suggestion on each of those two fronts.

CONSOLIDATING THE LIBYA APPARENT SUCCESS: POLITICAL REFORM IS THE KEY

The major worry about whether Libya will in fact follow through on its promise is that all decisions in Libya are made by one erratic man, Mu'ammarr Qaddafi.

Qaddafi is known as a mercurial leader for good reasons. In addition to his erratic domestic policy, he has made several sudden and temporary jumps in foreign policy. After making pan-Arabism the centerpiece of his foreign policy for twenty years, he turned sharply towards Africa in the 1990s, claiming, "I have no time to lose talking to Arabs. I now talk about pan-Africanism and African unity." But then he re-emphasized the Arab world in recent years. There are disturbing signs that his foreign policy is moderate when necessary but revolutionary when possible. For instance, when he was courting African states in the 1990s to secure their support in undermining the UN sanctions, he played a reasonably positive role, brokering the departure of Chadian forces from Congo and working for a reconciliation between Kinshasa and Kampala as well as between Ethiopia and Eritrea. But once the UN sanctions were suspended, he went back to his old radical ways, including providing arms to his old ally Liberian president Charles Taylor in contravention of an arms embargo imposed by the UN Security Council. Qaddafi's record in Africa raises serious doubts about how committed he will remain to the WMD renunciation if the pressure on him eases.

When Qaddafi's mood changes, Libya's policy can switch overnight for the simple reason that Qaddafi holds all power in his hands. The situation is quite extreme, as described in the State Department's *Country Report on Human Rights Practices—2003*:

Qadhafi and his inner circle monopolize political power. Qadhafi is aided by extragovernmental organizations, the Revolutionary Committees, that exercise control over most aspects of citizen's lives. . . . The country maintains an extensive security apparatus, . . . a multilayered, pervasive surveillance system that monitored and controlled the activities of individuals . . .

By law, the Government may hold detainees incommunicado for unlimited periods. . . . The private practice of law is illegal. . . .

The Government owned and controlled the media The Government did not permit the publication of opinions contrary to its policy. . . .

Public assembly was permitted only with Government approval and in support of the Government's position. The Government restricted the right of association; it grants such a right only to institutions affiliated with the Government."

So long as Qaddafi alone determines what are Libya's policies, we can never be certain whether he will stick with his renunciation of WMD or change his mind tomorrow. In other words, the key threat to the Libya WMD agreement is that Qaddafi will renounce it. That is a very different problem than verification as traditionally understood. Verification activities generally focus on whether a government is cheating, e.g., is it clandestinely pursuing WMD activities at some undeclared site? Verification will of course be a concern in Libya, but the greater concern is that the Libyan government is today completely scrupulous about carrying out the agreement but tomorrow changes its mind.

The only way to address our concerns about Qaddafi's fickle mood swings is for political decision-making to become more systematic and less personalized in Qaddafi's hands. So long as his moods determine policy, we cannot be confident that decisions will not be lightly reversed. Broader political participation, even by a political elite, would be a confidence-building measure. So too would greater transparency. If we could learn what Libyans—or at least the elite—are thinking about their country's security situation, we would have greater assurance that we could predict what Tripoli will do.

In short, the only way we can be sure that the Libya WMD deal sticks is if Libya engages in political reform. To formulate the problem this way is to understand that political reform in Libya is a geostrategic interest of the United States. Some com-

mentators have argued against the Libyan deal on the grounds that a bargain with a vicious dictator is unjust and incompatible with America's long-term interest in spreading democracy.¹ I am making a different argument: I am saying that we cannot have confidence in the WMD unless Libya opens up its politics, because we cannot have confidence in Qaddafi's whims.

President George W. Bush understated the importance of political reform when he argued, at Whitehall in November 2003,

The peace and security of free nations now rests on three pillars: First, international organizations [; second] the willingness of free nations, when the last resort arrives, to restrain aggression and evil by force[; and third] the global expansion of democracy, and the hope and progress it brings, as the alternative to instability and to hatred and terror. . . .

We must shake off decades of failed policy in the Middle East. Your nation and mine, in the past, have been willing to make a bargain, to tolerate oppression for the sake of stability. [This] did not bring stability or make us safe. It merely bought time . . . No longer should we think tyranny is benign because it is temporarily convenient.

All that is true, but there is also a much more immediate reason why the United States has an interest in pressing for political reform, namely, that so long as decision-making is in the hands of one man, be it Qaddafi or Saddam Husayn, there is a high risk that some of the decisions will be dangerously destabilizing.

Operationally, the U.S. government cannot bring democracy to Libya. Our aims should be much more modest, namely, to promote a gradual opening up of society and politics. Even if Qaddafi were so minded (which he is not), Libya is in no position to hold free and fair elections tomorrow: there are none of the essential building-blocks of democracy, such as a free press, political parties, or confidence that one can speak openly without being punished. What the United States can point out to Libya is the advantages of opening up society. The economy would benefit if private enterprise were freer to operate, if the rule of law was established, and if there were free access to the internet and other modern communications means. Qaddafi's own government would benefit if people were able to express discontent within the framework of establishment politics, rather than turning to the radical violent Islamist opposition groups which have been gathering strength. Washington should be able to press Tripoli to start the long process of liberalization with the modest steps that are appropriate at this stage.

REPLICATING THE LIBYA APPARENT SUCCESS: U.S. SANCTIONS WORK

Replicating the apparent success with Libya requires use of many policy instruments, but let me confine myself to one, namely, economic sanctions.

The debate about the relative role of sanctions and the Iraq war in persuading Libya to give up its WMD misses an important point: the sanctions that mattered were the U.S. unilateral sanctions, not the UN sanctions. After all, the UN sanctions were lifted permanently in September 2003, before Libya took the decision in December 2003 to give up its WMD. If Libya's concern were the multilateral sanctions, then Tripoli would have had no reason to give up its WMD: the multilateral sanctions were gone. The UN sanctions were only targeted on Libya's support for terrorism; they had no counter-proliferation component. There was no need for Libya to change its proliferation stance to get the UN sanctions lifted: the UN had never sanctioned Libya over proliferation concerns. Former Undersecretary of State Stuart Eizenstat has it exactly backwards when he writes, "In marked contrast to U.S. unilateral sanctions on Iran and Libya, United Nations (UN) sanctions on Libya—combined with U.S. unilateral measures—seem to have had their desired effect."² If indeed Libya shows that sanctions work, it shows that unilateral U.S. sanctions work. To be sure, the UN sanctions appear to have been effective at their stated goal of ending Libyan state support for terrorism, but those sanctions had nothing to do with counterproliferation.

The Iran-Libya Sanctions Act (ILSA) was enacted in 1996 for the purpose of "ending all support for acts of international terrorism and efforts to develop or acquire weapons of mass destruction," to quote from its statement of "policy with respect to Libya." The core of ILSA's approach was to discourage investment in the oil and gas industry in the targeted countries. ILSA was widely criticized as being ineffec-

¹Most notably, Thomas Donnelly and Vance Serchuk, "Beware the 'Libyan Model,'" American Enterprise Institute, March 2004 (available at www.aei.org).

²Stuart Eizenstat, "Do Economic Sanctions Work? Lessons from ILSA and Other U.S. Sanctions Regimes," The Atlantic Council of the United States, February 2004, p ix.

tive or counterproductive. Yet it is precisely the lack of access to international investment in the oil and gas industry which is widely acknowledged to have been at the heart of the Libyan concerns about sanctions.

The critics of ILSA said it would have no impact on the target countries because they would be confident that the U.S. government would not apply the sanctions on European firms, for fear of harming trans-Atlantic relations, in light of the strong European objections that ILSA intrudes on European sovereignty by threatening a secondary boycott. In fact, however, ILSA was a clear expression of American opposition to foreign involvement in the Libyan oil and gas industry. To the extent that one says sanctions were the cause for the Libyan renunciation of WMD, one is saying that this American opposition was effective—that the price it imposed was high enough to cause Libya to change its policies.

In his recent analysis of the impact of sanctions, Stuart Eizenstat argues, “ILSA looks like an exhausted and toothless tiger.”³ Quite the contrary, to the extent that economic pressure had an impact on Libya’s decision, ILSA has to be judged remarkably effective. Eizenstat’s judgement is typical of the confusion about how to judge the impact of ILSA. ILSA’s effectiveness should be evaluated by its record at achieving its stated goals (reducing proliferation and state sponsorship of terrorism), not by the number of times sanctions have been imposed on offending investors. Indeed, the more effective ILSA, the fewer times sanctions will be imposed.

ILSA was the correct approach for Libya, and I would argue ILSA is the right approach for Iran. Like Libya, Iran has aging oil fields which require foreign technology and financing if the oil and gas industries are going to generate the revenue the country so badly needs to address its mushrooming unemployment problem. Iran has had even less success than Libya at attracting international investment into its energy business. Despite periodic announcements of large deals, the realities on the ground are that few investments are proceeding, and that few international oil companies other than the French firm Total are active in Iran.

CONCLUSIONS

I am optimistic we can use the Libyan experience to good effect with other proliferators. As we learn more from Libya about international clandestine procurement networks, we can generate greater international pressure on Iran to come clean about its WMD programs and to live up to its obligations under international counter-proliferation treaties. However, we should not underestimate the impact of unilateral U.S. sanctions, which were the sanctions that mattered in the Libyan case. Nor should we regard a WMD deal as somehow ending our concerns about political reform and democratization in odious countries. We cannot be certain that the WMD deal is being fulfilled so long as Tripoli’s policies are subject to the whims of one man; only broader participation in Libyan decision-making will create the confidence that the WMD renunciation is irreversible.

Chairman HYDE. Thank you, Dr. Clawson.
Dr. Takeyh.

STATEMENT OF RAY TAKEYH, PH.D., PROFESSOR OF NATIONAL SECURITY STUDIES AND DIRECTOR OF STUDIES, NEAR EAST AND SOUTH ASIA CENTER, NATIONAL DEFENSE UNIVERSITY

Mr. TAKEYH. Thank you, Mr. Chairman. I have submitted testimony for the record and I will be very brief.

The December 19 agreement by Libya not only stunned the international community but has raised a legitimate question regarding the durability of that commitment. As Patrick said, this is an erratic, in some ways unpredictable Libyan leadership and, therefore, there are no certainties.

However, I would suggest that in the past decade there have been fundamental changes in Libya that suggests that the Libyan regime has altered its international perspective. I would actually attribute the events to the 1990s when a series of events took place within Libya and outside Libya that pressed Muammar Gadhafi to-

³Eizenstat, “Do Economic Sanctions Work?,” p. 21.

ward tempering his revolution. First of all, 1990s Libya's economy was in dire straits: Double digit inflation, at least 30, 40 percent unemployment rates. Data is very difficult to come by in Libya. And the primary result if that was Libya's own managerial inefficiency and inability to deal with its economic problems. This is a country where the median age is 22 years old. Therefore, suddenly the Libyan regime was confronted with an explosive demographic problem and dwindling financial resources to deal with those problems.

Libya's economic problems were undeniably compounded by the Lockerbie sanctions. The process of multilateral sanctions had both economic costs but also, I think, psychological costs on Libya. It is very difficult to estimate and quantify the cost of sanctions, but World Bank and others estimate that Libya suffered about \$18 billion in costs as a result of the Lockerbie process.

The psychological aspect of that was also real in the sense that Muammar Gadhafi had always convinced himself that no matter how egregious his behavior, the United States would not be able to multilateralize its economic sanctions. And with the Lockerbie sanctions the United States did just that. Some of Libya's most important trading partners, commercial partners, Japan, France, Italy accepted multilateral sanctions. And suddenly Libya was confronted with the inability to import technology, financial transfers and so on to explore and export its oil resources.

However, I would suggest the internal changes that were taking place with Libya coincide with some of the external changes and some of the monumental developments in the 1990s that affected the international system. There was no more Soviet Union. Suddenly the Libyan regime no longer had a counterblock to the United States, it was isolated largely in the international community. And we increasingly began to see some changes in Gadhafi's own perspective in the sense he begins to recognize that in the aftermath of the Cold War, in the aftermath of the bilateral confrontation between the United States and Libya—the United States and the Soviet Union, for a small country such as Libya to survive and indeed prosper it has to be part of large group. And much to the chagrin of Africa, the African continent was the grouping that Gadhafi selected.

However, before Gadhafi could become part of the African roundtable and have a voice in the political transition of Africa, he had to dispense with some of his previous policies. Increasingly instead of subverting its neighbors, plotting assassination of other African leaders, Gadhafi began to try to influence development on the continent through mediation diplomacy, at times divisive, and also offering developmental aid which at times advances Libya's own parochial interests as opposed to the interests of the African continent.

Let me deal with two issues of concern that have brought us here, terrorism and weapons of mass destruction. Firstly, in this particular case there has been a great degree of pain. Terrorism has been one of Gadhafi's most pernicious practices. The Libyan military camps trained a generation of terrorists that cost thousand of lives. However Gadhafi tried to refurbish his image increasingly he began to disown terrorism as an institute of state. As 1990 with

the expulsion of the Abu Nidal group and increasingly as Libya turns it back on the Middle East it severs its relationship with the rejectionist Palestinian groups. There has been some degree of cooperation between Libya and some of its neighbors, particularly Jordan, Yemen and Egypt in combating Islamic terrorism and Islamic militancy. And, of course, in the aftermath of 9/11 there was some degree of discussion and cooperation between the United States and Libya.

Last summer Libya finally came to terms with the legacy of its terrorist portfolio by offering compensation and acknowledgement to the victims of Lockerbie bombing. As Libya sought to gain international respectability, it had also come to terms and exhibited a more pragmatic approach to proliferation. Even prior to its December announcement, Libya had intimated and offered in a variety of meetings a willingness to sign onto the Chemical Weapons Convention.

And, of course, with the December agreement, Libya has largely divested itself, as we have come to know, of its weapons of mass destruction depository. Libya seems to have learned a lesson that many other countries have not, particular rogue countries, that stemming the proliferation and arms race is the best manner of ensuring its security as a post-engaging and divisive and debilitating costly weapons program.

Despite these important changes, as Patrick said, Libya is an autocratic society whose policies are conditioned by the whim of a despot. Given the increasing unpredictability of the regime, any process of normalization has to be gradual and careful, rewarding Libya for good behavior by pressuring the Gadhafi regime to live up to its declared commitments. A process of gradual incremental normalization, I say, is the best manner of approaching a leader whose dramatic shifts often confound both his supporters and his critics.

And I will stop there.

[The prepared statement of Mr. Takeyh follows:]

PREPARED STATEMENT OF RAY TAKEYH, PH.D., PROFESSOR OF NATIONAL SECURITY STUDIES AND DIRECTOR OF STUDIES, NEAR EAST AND SOUTH ASIA CENTER, NATIONAL DEFENSE UNIVERSITY

On December 19, the Libyan regime stunned the international community by agreeing to end all its weapons of mass destruction programs. "Libya will co-operate with the [UN nuclear] agency with complete transparency," pledged Foreign Minister Abdel Rahman Shalgham. In a typically melodramatic gesture, the official newspaper *al-Jumhuriya* declared, "The Libyan move is a declaration of war against the diplomacy of death." Since then, Tripoli's cooperation with the US and IAEA's inspectors has revealed much not only about its program, but also about the shadowy international network that has trafficked in sale of illicit nuclear equipment.

The Libyan case raises important questions regarding how to address rogue regimes seeking reintegration into the global community. How did one of the most militant Third World leaders come to abandon his ideological struggle and temper his revolutionary designs? Does the Libyan case offer any lessons for dealing with an Iranian theocracy that has long indulged in both sponsorship of terrorism and pursuit of weapons of mass destruction?

LIBYA LOOKS AHEAD

By the late 1990s, Libya's economy lay prostrate as the reduction of oil prices and lack of managerial efficiency led to the decline of Tripoli's financial fortunes. A prolonged recession resulting in an estimated 30 percent unemployment and 50 percent inflation rates confronted the regime with problems it could neither resolve nor con-

tain. In the meantime, the inevitable austerity program led to a further reduction of salaries and subsidies forcing many Libyans to take second jobs to maintain basic subsistence.

The debates regarding the direction of the state and its policies that emerged at this point took place under an ominous demographic shadow. Historically, many revolutionary regimes have benefited from the support of the youth, a segment of the population that has proven receptive to their ideological exhortations and pledges of anti-imperialist emancipation. In Libya, the opposite was becoming the reality, as the demographics were overwhelming the regime's development plans and providing Qaddafi with an important source of opposition. At the time when the median age in Libya is 22, the inability of the regime to provide a meaningful future undermined its prospects among an increasingly disillusioned and volatile constituency.

Libya's problems were further compounded by economic sanctions resulting from its complicity in the Lockerbie bombing. The Lockerbie process proved a watershed, as it constituted not just an economic setback, but also a psychological one for the Libyan strongman. Throughout his tenure, Qaddafi remained confident that, despite his behavior, the lure of Libya's oil wealth and its commercial appeal would obstruct any American attempt to craft an international consensus behind a policy of isolating and coercing Libya. The Lockerbie sanctions enacted by the United Nations in 1992 irrevocably shattered that perception. The United States managed to convince even states such as Italy and Germany that enjoyed close economic ties with Libya to support sanctions until Qaddafi complied with America's requests. For the first time, Qaddafi's militancy had incurred a palpable cost. The UN sanctions prohibited sale of oil equipment, technology and financial transfers to Libya, limiting its ability to extract and export its oil. The reality remains that the colonel's domain is most vulnerable to multilateral sanctions, as its economic vitality is contingent on access to international petroleum market. Confronted with international isolation, internal dissent, economic distress, Qaddafi had to move on many fronts and defuse multiple internal and external crises.

THE REVOLUTION'S FADING ÉLAN

In the late 1990s, Qaddafi's economic advisors began to press him on the need to rapidly rejuvenate the economy. However, given the failure of a liberalization program launched earlier in the decade, the notion of deep-seated structural reform was not widely entertained among Libyan planners. The reality remains that Libya lacks the foundation for a successful privatization policy: as the basic elements of such an initiative, including rule of law, transparency and coherent administrative institutions, are markedly absent. Moreover, any successful liberalization drive mandates that the central authorities relinquish control over key segments of society, a proposition that was utterly unacceptable to a despotic ruler seeking to control all levers of power. Given such restraints, Tripoli settled on reviving the economy through international investments as opposed to domestic reform. The long-time Minister of Planning, Omar al-Montasser stressed, "We must invest \$35 billion in 2001-2005 period." Although some of the funds would be generated internally, much "will come from foreign investors." All of this necessitated coming to terms with the international community.

The minister's advice coincided with Qaddafi's own increasing preference for tempering the revolution. The demise of the Soviet Union not only deprived Qaddafi of a potential counter-weight to the United States, but also caused him to perceive new international alignments requiring different policies. In a September 2000 speech commemorating the Libyan revolution, Qaddafi even declared the end of the old anti-imperialist struggle and stressed that the focal point of the evolving global order was economic wealth and technological prowess. "Now is the era of economy, consumption, markets and investments. This is what unites people irrespective of languages, religion or nationalities," the colonel mused. The previous policies of subsidizing rebellions and plotting the overthrow of sovereign leaders seemed out of place in an era of economic interdependence. The aged revolutionary seemingly recognized that it was time to abandon his exhilarating confrontation with the dominant West, acknowledging, "there is a common interest that binds Libya and the world politically and financially."

The first hint of Qaddafi's change of heart came in April 1999, when Libya finally accepted UN calls for the trial of the Pan Am 103 suspects in Netherlands. After he had resisting the demands of the international community for years, Qaddafi's sudden move confounded both his critics and supporters. The colonel justified his decision by simply noting, "the world has changed radically and drastically. The methods and ideas should change and being a revolutionary and progressive man.

I have followed this movement.” It would take Qaddafi another four years to meet the demands of the international community, however, as the compensation of the Lockerbie victims and the colonel’s penchant for weapons of mass destruction continued to obstruct Tripoli’s pathway to international respectability.

LIBYA’S NEW WORLD

The altered international landscape and internal pressures finally led Qaddafi to usher in a new foreign policy. As Libya entered the twenty-first century, it began to look away from the Middle East and shift its focus on Africa. Qaddafi began to emphasize that for small states to survive, much less prosper, they had to be integrated into cohesive continental political and economic frameworks. But for Libya to assume a prominent position on the African roundtable, it had to abandon its previous practice of financing rebellions and destabilizing the local states. By mediating African crises and offering developmental aid, Qaddafi sought to prove that he had dispensed with his radical heritage and deserved a voice the continent’s political transition. After decades of subverting the African state system, Qaddafi finally sought to make a positive contribution to the region’s political cohesion and economic rehabilitation.

Even more momentous, was Qaddafi’s gradual acceptance of the need for a more rational relationship with the United States. Soon after the election of President Bush, Libya left the door ajar to a potential dialogue over issues of common concern. Libya’s UN envoy, Abu Zayad Umar Durdah claimed, “I expect that we will sit down with Americans and put the past behind us.”

Ironically, the events of September 11th facilitated a greater degree of dialogue between the United States and a charter member of the State Department’s list of state sponsors of terrorism. Libya went beyond mere condemnation and actively shared information with the United States on the Libyan Islamic Fighting Group, known to have links with al-Qaeda. In a series of meetings between Assistant Secretary William Burns and head of Libyan intelligence Musa Kusa, Libya proved helpful and forthcoming. The meetings provided a catalyst for resolution of two of thorniest concerns of the United States, namely, Libyan sponsorship of terrorism and its pursuit of weapons of mass destruction.

Terrorism has been one of Qaddafi’s most pernicious practices, Libyan military camps trained a generation of terrorists that cost the lives of countless innocent victims. However, as Qaddafi began to refurbish his international image and reconcile with erstwhile Arab foes, he abandoned terrorism as an instrument of his policy. In 1999, Libya expelled the notorious Abu Nidal organization from its territory and severed ties with radical Palestinian groups such as Popular Front for Liberation of Palestine and Palestinian Islamic Jihad. In a sign of the times, the former head quarters of the Abu Nidal organization now seats the Arab Language Institute. In addition, in the context of the Arab League’s Interior Ministers’ agreement, Libya has cooperated with Egypt, Yemen and Jordan in terms of extraditing Islamist militants and suspected terrorists that had taken refuge in its territory. Finally, Tripoli came to terms with the legacy of its conduct and offered compensation for the victims of the Lockerbie bombing, ending one of the darkest chapters in the annals of terrorism. At a time when Libya is mediating civil conflicts and promoting investment opportunities, terrorism no longer serves its national interests.

As Libya sought international respectability, it began to exhibit a more pragmatic approach to the issue of proliferation. Even prior to its recent announcement, Tripoli had hinted at the possibility of accommodating the United States on this critical issue. In private meetings with Nelson Mandela, Qaddafi had intimated a desire to accept the Chemical Weapons Convention. With its December 19 announcement, Tripoli finally took its much-contemplated step. The economic motivation behind its policy was all too evident, as Prime Minister Shukri Ghamen noted, “Our priority is to improve our economy, to improve the standard of living, through peaceful means, to make the whole area clear from the weapons of mass destruction.” Unlike many rogue state, Libya seems to have realized that the best manner of securing its national interests is stemming a potential arms race and the necessity of accepting international treaties limiting such weapons.

During the past three-decades, Qaddafi has embarked on a quixotic mission of transforming the Afro-Arab bloc into a cohesive anti-Western unity. After a prolonged struggle, the colonel failed to achieve his ambition. In a sense, Qaddafi’s altered international orientation reflects that one of the Third World’s last revolutionary leaders has finally accepted the verdict of history.

The confluence of events that led Libya to its recent decisions were unique and not easily replicated elsewhere. Nonetheless, a more forthcoming US policy can signal to the remaining rogue regimes that American hostility is not immutable and

should they alter their policies, they can garner the benefits of engagement. The Bush administration would be wise to reward Libya for its momentous concessions. Easing sanctions and lifting the travel restrictions will not only reinforce Libya's newfound moderation, but also offer a salutary example to the recalcitrant regimes in Tehran and Damascus.

Chairman HYDE. Thank you very much, Doctor.
Ms. Riddley.

**STATEMENT OF KRISTA RIDDLEY, ADVOCACY DIRECTOR FOR
THE MIDDLE EAST AND NORTH AFRICA, AMNESTY INTER-
NATIONAL**

Ms. RIDDLEY. Thank you, Mr. Chairman.

Honorable Chairman, distinguished Members of the House International Relations Committee, on behalf of Amnesty International USA, I would like to thank you for this opportunity to testify at this important and timely hearing. The human rights situation in Libya has been of serious concern for Amnesty International for many years. As the United States Congress and the Bush Administration debate the future of U.S.-Libya relations at this key crossroads, I am sure you share the view of Amnesty International that human rights should be at the forefront.

For the first time in 15 years, an Amnesty International delegation conducted a 2-week visit to Libya from February 14 to the 29. The four person delegation was granted unprecedented access to Libyan authorities including Col. Muammar Gadhafi, as well as others, particularly prisoners. Amnesty International will shortly publish a report based on its findings and any further responses it receives from the Libyan government to a memorandum presented at the beginning of the visit. I want to personally thank those at the Department of State who expressed concern and interest and used their good offices to encourage the Libyan government to allow the visit. I would also like to thank the Libyan government for taking the step of inviting Amnesty International to carry out this mission.

In this testimony, I will provide a preliminary assessment of the human rights situation based on firsthand information obtained by Amnesty International delegates during their visit. I will include initial recommendations as well to the U.S. government and the Libyan government. In a climate where the United States and the international community are poised to provide an increasing number of rewards to the Libyan government for their cooperation on weapons of mass destruction and anti-terrorism, Amnesty International recommends that serious consideration be given to the ongoing human rights issues. The organization also suggests concrete steps be taken to ensure that meaningful changes in law and in practice occur in Libya.

A.I. welcomes the possibility to visit Libya as a positive development and has also welcomed measures taken by the authorities in the past, including the release of political prisoners in 2001 and 2002. However, hundreds of political prisoners continue to be detained.

Delegates met individually with a number of prisoners in various prisons in Tripoli and Benghazi. In Tripoli, delegates were given access to Abu Salim Prison, a notorious prison run by Internal Security with guards in military uniform. This prison is known to

have been for decades the main location for detention of political prisoners and prisoners of conscience, including two academics sentenced to death by a People's Court in February 2002. However, other prisoners were not made available to Amnesty, and it was unclear why.

Talks between Amnesty International and the Libyan authorities: The delegation held high level meetings with Col. Gadhafi and others in his government, including the Justice and Public Security Minister, Minister of Foreign Affairs, Women's Affairs Minister, members of judiciary including the attorney general, judges of the Supreme Court, and lawyers. Libyan authorities assured Amnesty that they would consider its recommendations. However, Amnesty International has not received a written response to its concerns, and so far there has been no indication of concrete measures that would be taken in the immediate future to implement the most pressing recommendations.

Some of the most pressing recommendations are as follows:

Despite the positive atmosphere of the talks with the authorities, delegates were disturbed to hear statements, including at the highest level, which may condone a continued policy of repression of political dissent in the Libyan society. They were particularly concerned to hear that the promotion of the direct democracy system continues to justify that those daring to express their ideas or form associations outside the Basic People's Conferences would be treated as criminals and could be sentenced to harsh sentences, including the death penalty. Delegates were also extremely concerned that a new anti-terrorist policy be used to further justify political imprisonment.

Amnesty would like to emphasize the following areas of concern:

Continued restriction to the right of freedom of expression and association;

Prolonged incommunicado detention and torture;

And lack of accountability for past human rights violations.

Amnesty is aware of provisions of Libyan law which guarantee to a certain degree the right to Freedom of Expression and Association. However, other laws continue to criminalize activities amounting to the right to freedom of expression and association. For example, Law 71 of 1972 which bans any form of group activity based on a political ideology opposed to the principles of the revolution of 1969. Article 3 of that law provides the death penalty for forming, joining or supporting groups prohibited by law.

Amnesty hoped that the draft penal code announced by the Libyan authorities in 2003 would provide an improvement in the legislation. However, it continues to provide very harsh punishment for undertaking political, peaceful social or political activities.

Amnesty is concerned that no visible, concrete steps seem to have been taken to prevent the continued violations to the basic rights of detainees, after their arrest, during their detention or during trial. Although there are safeguards in law, in practice these safeguards are ignored. Most of the political cases fall under the jurisdiction of a separate exceptional judicial system. And this is where the most blatant violations occur. They usually culminate with unfair trials before the People's Court, which is an exceptional court. Amnesty has joined others to call for abolition of this court.

Prolonged incommunicado detention exists, particularly when people are arrested by the Internal Security. Detainees can in practice be denied for months their right to contact their family or have access to legal counsel. In recent years many Libyans who returned from abroad have been subjected to arbitrary arrests and prolonged incommunicado detention.

Torture: The practice of incommunicado detention facilitates torture. Delegates collected detailed testimony of allegations of torture, including the case of the Bulgarian and Palestinian medics accused of having infected over 400 children with the HIV virus. Methods of torture, also heard from other testimonies, reportedly include the use of electric shocks, detainees being left blindfolded and handcuffed in a room with dogs, detainees hanged at a door for hours, beatings on the soles of the feet and beatings with electric cables.

Mr. ROYCE [presiding]. Summarize at this point if you would.

Ms. RIDDLEY. Surely.

The last category was lack of accountability for past human rights violations. We were pleased to note that the authorities acknowledged that there were past violations, but there continues to be a need for increasing accountability for those violations.

I just want to give you the conclusions and recommendations.

Amnesty's upcoming report will include detailed findings of the visit and a set of recommendations aimed at contributing to effective and durable human rights protections. In the meantime, Amnesty calls on the U.S. Government to ensure that human rights concerns are fully on the agenda in their ongoing discussions with the Libyan authorities.

Amnesty would particularly like to stress the following points:

A renewed call for the release of those imprisoned solely for their peaceful political activities;

The necessity to end the practice of prolonged incommunicado detention;

The need to consider abolishing the People's Court;

The establishment of mechanisms to carry out independent and impartial investigations into the fate of prisoners and those who have been feared to be disappeared;

A clear policy to ensure that Libyan nationals are able to actively work on human rights issues, and communicate their findings to the authorities and the outside world without fear of retaliation;

The declaration of a moratorium on all death sentences;

And, finally, the Libyan government should issue a standing invitation to the independent human rights experts of the United Nations at the 2004 session of the U.N. Commission on human rights.

[The prepared statement of Ms. Riddley follows:]

PREPARED STATEMENT OF KRISTA RIDDLEY, ADVOCACY DIRECTOR FOR THE MIDDLE EAST AND NORTH AFRICA, AMNESTY INTERNATIONAL

INTRODUCTION

Honorable Chairman, distinguished members of the House International Relations Committee, on behalf Amnesty International USA, I would like to thank you for the opportunity to testify at this important and timely hearing. The human rights situation in Libya has been of serious concern for Amnesty International for many years. As the United States Congress and the Bush Administration debate the

future of US-Libya relations at this key crossroads, I am sure you share the view of Amnesty International that human rights should be at the forefront.

For the first time in 15 years, an Amnesty International delegation conducted a two-week visit to Libya from February 14 to 29.¹ The four person delegation was granted unprecedented access to Libyan authorities including Colonel Mu'ammār al-Gaddafi, as well as others, particularly prisoners. Amnesty International will shortly publish a comprehensive report based on its findings during the visit and any further responses it receives from the Libyan authorities to a detailed memorandum presented to them at the beginning of the visit.² I want to personally thank those at the Department of State who expressed concern and interest and used their good offices to encourage the Libyan government to allow the visit. I would also like to thank the Libyan government for taking the step of inviting Amnesty International to carry out this historic mission.

In this testimony, I will provide preliminary assessment of the human rights situation based on first hand information obtained by delegates during the visit. In addition I will provide initial recommendations to the US and Libyan governments aimed at ensuring the promotion and protection of human rights. In a climate where the United States and the international community are poised to provide an increasing number of "rewards" to the Libyan government for their cooperation on weapons of mass destruction and anti-terrorism, Amnesty International recommends that serious consideration be given to the ongoing human rights issues. The organization also suggests concrete steps be taken to ensure that meaningful changes, in law and in practice, occur in Libya.

1. UNPRECEDENTED ACCESS: A POSITIVE DEVELOPMENT

First of all, Amnesty International would like to stress that it welcomes the possibility to visit Libya as a positive development. The organization has also welcomed measures taken by the authorities in the past few years, including the release of political prisoners in 2001 and 2002, some of whom had been imprisoned since 1973 solely for the exercise of their right to freedom of expression and association³. However hundreds of political prisoners continue to be detained.

1.1. Access to political prisoners

Delegates were able to meet individually with a number of prisoners in various prisons in Tripoli and Benghazi. For example, in the Kuweifiya prison of Benghazi, Amnesty International delegates met with supporters of a local football club (Ahli Benghazi) who were arrested in July 2000 and sentenced to death for taking part in unauthorized demonstrations in the streets of the town after a football match.

In Tripoli, delegates were given access to Abu Salim prison, a prison run by the Internal Security with guards in military uniform. This prison is known to have been for decades the main location for the detention of political prisoners and prisoners of conscience. In Abu Salim prison, delegates met, among other detainees, Salem Abu Hanak and Abdallah Izzedine two academics sentenced to death by a People's Court in February 2002: their testimony illustrates the fate of all those in Libya who face repression under the legislation prohibiting the formation of political parties.

However, it was unclear why other prisoners were not made available. They included:

- Long-term prisoner Ahmed 'Abd al-Qadir al-Thulthi, arrested in 1986 and met by Amnesty International in 1988; his family has received no news about him since 1996.
- Mahmud Hamed Matar, brother of Jaballah Matar who 'disappeared' in Cairo in 1990 and whose fate remains unknown.
- Fathi al-Jahmi, a civil engineer, married with seven children, arrested on or around 26 October 2002, and sentenced by a People's Court to five years' imprisonment after he reportedly stated during a session of the People's Con-

¹The organization made public its very first findings in a press release issued on March 1, 2004. Amnesty International Press Release, Index: MDE 19/005/2004 (Public) *Libya: Towards ensuring human rights protection Initial findings of Amnesty International visit*, March 1, 2004.

²In this memorandum, the organization urged the adoption of concrete measures to address long-term concerns and bring both law and practice in Libya fully into compliance with international human rights standards. Issues addressed in the memorandum and discussed with the authorities and others during the visit include legal reform, detention and trial practices breaching Libyan law and international standards and accountability for past violations.

³Amnesty International Press Release, Index: MDE 19/003/2002 (Public), *Libya: The release of prisoners, a positive step*. September 3, 2002.

ference in Bin Ashour (a suburb of Tripoli), that reform within Libya would never take place in the absence of a constitution, pluralism and democracy.

1.2. Talks between Amnesty International and the Libyan authorities

The delegation had the possibility to hold high level meetings with Colonel al-Gaddafi, Muhammad al-Misrati (Secretary of the General People's Committee for Justice and Public Security—Minister of Justice and Security) as well as Abdurrahman Shalgam (Secretary of the General People's Committee for Foreign Liaison and International Cooperation Minister of Foreign Affairs)⁴. They also met Karima al-Madani, responsible for Women's Affairs at the General People's Congress. The delegation had also the possibility to discuss at length with members of the judiciary, including the Attorney General, judges at the Supreme Court and lawyers.

During the official meetings and upon return, Amnesty International was assured by Libyan authorities that they will consider its recommendations. For instance, Abd al-Rahman Shalgam, Secretary of the General People's Committee for Foreign Liaison and International Cooperation told Amnesty International: "*I assure you that the direction of enhancing human rights protection in Libya is irreversible.*" The organization urged Libya to undertake a meaningful program of human rights reform to address long-standing concerns and make human rights protection a reality for all.

However, at the time of writing this testimony, Amnesty International had received no written response from the authorities to the memorandum. Furthermore, there has been so far no indication that concrete measures would be taken in the immediate future to implement the most pressing recommendations.

2. OVERVIEW OF THE MOST CRITICAL HUMAN RIGHTS CONCERNS

Despite the overall positive atmosphere of the talks with authorities and the apparent readiness to listen to recommendations we offered for protecting and promoting of human rights, Amnesty International delegates were disturbed to hear statements, including at the highest level, which may condone a continued policy of repression of political dissent in the Libyan society. They were particularly concerned to hear that the promotion of the 'direct democracy' system continues to justify that those daring to express their ideas or form associations outside the Basic People's Conferences would be treated as 'criminals', and could be sentenced to harsh sentences, including death penalty. Delegates were also extremely concerned that a new 'anti-terrorist' policy is used to further justify the political imprisonment of those considered as 'heretics', and deny them basic rights, including the right to a fair trial⁵.

In the following section, Amnesty International would like to emphasize the following areas of grave concerns:

- 1) Continued severe restriction to the right of freedom of expression and association
- 2) Prolonged incommunicado detention and torture
- 3) Lack of accountability for past human rights violations

2.1. Continued severe restriction to the right of freedom of expression and association

Amnesty International is aware of provisions of Libyan law, including the Great Green Charter of Human Rights of the Jamahiriyan Era, adopted in June 1988, and the Law on the Promotion of Freedom, adopted in 1991, which guarantee to a cer-

⁴After a government reshuffle reported on 6 March 2004, the post of Secretary of the General People's Committee for Justice and Public Security previously held by Muhammad al-Misrati was replaced by the creation of two new posts, one in charge of Justice held by Ali Omar Abu Bakr and one in charge of National Security held by Nasser al-Mabruk.

⁵English translation for *zanadeq. Zendaqa* ('heresy') is a terminology used by the Libyan authorities to discredit all those who disagree with the ideology promoted by the authorities. It is worth recalling a statement made already in 2002 by Colonel Mu'ammarr al-Gaddafi, Leader of the Revolution. During his annual address to the nation on 31 August 2002, Colonel al-Gaddafi argued that, following the 2002 releases, those who remain in Libyan prisons, with the exception of those sentenced for "ordinary crimes" have links to *al-Qa'ida* or the *Taliban* and as such the Libyan authorities would, ". . . treat the heretics just like America is treating [the *Qa'ida* or *Taliban* detainees] . . . America said, these people do not have the right to defend themselves, it will neither provide them with lawyers nor respect their human rights". In this respect, the organization expressed its concerns with the Libyan authorities that "counter-terrorism" arguments may be used to further justify the violation of the rights of those who have been arrested, detained and tried.

tain degree the right to freedom of expression and association⁶. However, other laws continue to criminalize activities amounting to the right to freedom of expression and freedom of association. They include:

- Law 71 of 1972 bans any form of group activity based on a political ideology opposed to the principles of al-Fateh Revolution of 1 September 1969. Article 3 of Law 71 provides the death penalty for forming, joining or supporting groups prohibited by law.
- Article 206 of the Penal Code states that “*execution*” is the punishment for those who call “*for the establishment of any grouping, organization or association proscribed by law,*” and even for those who belong to or support such an organization⁷.
- Article 175 and 178 of the Penal Code prescribe imprisonment (life imprisonment in the case of Article 178) for the dissemination of information considered to undermine the nation’s steadfastness or its reputation⁸.

Amnesty International has called for years for these laws to be either repealed or amended to conform to the ICCPR to which Libya is state party. Amnesty International hoped that the draft Penal Code announced by the Libyan authorities in 2003 would provide an improvement in the legislation. However, delegates, who obtained a copy of the draft code during their visit, were concerned to find out that the new text continues to provide very harsh punishment for undertaking peaceful social or political activities⁹.

During its visit to Libya in February 2004, Amnesty International delegates were also able to observe the practical implications of the severe restrictions on these fundamental rights, notably in the field of human rights monitoring. Some associations manage to operate, including the Human Rights Society, an association working under the umbrella of the Gaddafi International Foundation for Charitable Associations headed by Saif al-Islam al-Gaddafi, son of Colonel al-Gaddafi. However, delegates were able to sense the obstacles faced by those willing to form independent human rights associations. They particularly heard the testimony of lawyers of the Tripoli Bar Association who said that they continue to fear contact with the outside world for fear of retaliation. Some lawyers expressed their willingness to constitute a Freedom Committee as an independent association, outside the Bar Association, but they have been so far unable to do so because of the restrictions in law and in practice.

2.2. *Prolonged incommunicado detention and torture: blatant violations to the procedures of arrest and detention*

Amnesty International is concerned that no visible and concrete steps seem to have been taken to prevent the continued violations to the basic rights of detainees, after their arrest, during their detention and trial. Violations of the procedures of arrest and detention defined by Libyan law and international standards are the root to continued practice of political imprisonment.

Through discussions with the Attorney General and other members of the judiciary, Amnesty International delegates had confirmation of the safeguards guaranteed by Libyan law in terms of arrest and detention.

⁶According to Article 6 of the Great Green Charter of Human Rights of the Jamahiriyan Era, adopted in June 1988, “*the members of the Jamahiriyan society are free to form associations, trade unions and leagues in order to defend their professional interest*”. According to the Law on the Promotion of Freedom, adopted in 1991, “*Every citizen has the right to express his opinions and ideas and to publicise them at people’s congresses and through jamahiri media [. . .]*” (Article 8 of Law 20 of 1991).

⁷Forming or joining an international association is banned under Article 208 of the Penal Code which states that: “*The punishment is imprisonment for whoever sets up, establishes, organizes or directs international non-political organizations, associations or bodies, or a branch thereof, without government authorization, or where such authorization is based on false or insufficient information*”.

⁸Article 207 states that “*The punishment is execution for whoever spreads within the country, by whatever means, theories or principles aiming to change the basic principles of the Constitution or the fundamental structures of the social system or to overthrow the state’s political, social or economic structures or destroy any of the fundamental structures of the social system using violence, terrorism or any other unlawful means*”.

⁹For example, Article 173 of the draft Penal Code imposes the death penalty on anyone who calls for the establishment of any association or party which is against the Revolution in purpose and means, or which aims to harm its public authorities, or anyone who establishes, joins, administers or funds such association or party. Article 174 imposes imprisonment for no less than ten years on anyone who promotes in the country, in any way, principles or theories that aim at changing the governing system.

However, Amnesty International also received confirmation that most of the political cases fall under the jurisdiction of a separate exceptional judicial system, quite apart from the ordinary judiciary system. This is where the most blatant violations occur. The organization was able to confirm the pattern of prolonged incommunicado detention, particularly when people are arrested by the Internal Security. Up to now, detainees can in practice be denied for months the right to contact their family or to have access to legal counsel, let alone legal counsel of their choice. In recent years, many Libyans who returned from abroad, sometimes voluntarily, have been subjected to arbitrary arrest and prolonged incommunicado detention.

The practice of incommunicado detention in Libya facilitates torture. Delegates collected detailed testimony of allegations of torture. Delegates had the opportunity to get a full account of the methods of torture used in the case of the Bulgarian and Palestinian medics accused of having infected 426 children with the HIV virus¹⁰. Methods of torture, also heard from other testimonies, reportedly include: the use of electric shocks, detainee being left blindfolded and handcuffed in a room with dogs, detainee hanged at a door for hours, *falaqa* (beatings on the soles of the feet) and beatings with electric cables.

The breaches in the proceedings in political cases usually culminate with unfair trials before exceptional courts, specifically the People's Court. While welcoming the opportunity offered to defendants in financial need to use court-appointed lawyers before the People's Court, the delegates pointed out that they had learned of many instances where court-appointed lawyers were imposed on defendants seeking to use lawyers of their own choice. On the basis of this and other breaches to the right to a fair trial, Amnesty International supports the calls made by lawyers and others in Libya to consider abolishing this court and transferring its jurisdiction to the ordinary criminal justice system.

2.3. Lack of accountability for past human rights violations

In their memorandum to the authorities as well as during official talks, Amnesty International insisted on the necessity of accountability for past human rights violations. Delegates were pleased to hear that the authorities do acknowledge at least the fact that human rights violations occurred in the past. When asked regarding the fate of those who 'disappeared' or the long term political prisoners whose fate is unknown, Colonel al-Gaddafi stated that the families have a right to know. However, delegates were concerned to note that no concrete step seems to have been taken to make this a reality:

- Scores of families were informed in the course of 2001 and 2002 that their relative had died in detention, sometimes years before: the circumstances of the death were however not disclosed, the body never returned.
- Many families continue to enquire regarding the fate of prisoners about whom they have had no news for years; they include the family of Ahmed 'Abd al-Qader al-Thulthi (see above) and the family of Belqassem al-Furtiya, an electric engineer, born in 1965 in Mesrata about whom there is no news since his arrest in 1989.
- The inquiries of the families of Libyan nationals who disappeared abroad, including Jaballah Hamed Matar, 'Ezzat Youssef al-Maqrif and Mansur al-Kikhia have yielded no result to date.

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International's upcoming report will be based on the memorandum presented to the Libyan authorities as well as the detailed findings of the visit and will include a set of recommendations aimed at contributing to effective and durable human rights protection in the country.

In the meantime, Amnesty International calls on the US Government to ensure that human rights concerns are fully on the agenda in their ongoing discussion with Libyan authorities, at political, economic, and security levels. Amnesty International would particularly stress the following points:

¹⁰ On 16 February, Amnesty International delegates attended a hearing before the Benghazi Criminal Court in the trial relating to 426 children infected with the HIV virus while in the care of al-Fateh Children's Hospital in Benghazi. The organization met lawyers for all parties. After the hearing, it also met families and children of the Association for Child Victims of Aids in Benghazi. The delegates heard the Bulgarians and the Palestinian accused in this case. In addition, they interviewed officers currently being tried on charges of torture in relation to the same case. The next hearing is scheduled for March 15, 2004.

- 1) A renewed call for the release of those imprisoned solely for their peaceful political activities, including members of the Muslim Brotherhood convicted under Law 71 of 1972;
- 2) The necessity to put an end to the practice of prolonged incommunicado detention which is known to facilitate torture;
- 3) The need to consider abolishing the People's Court and transferring its jurisdiction to the ordinary criminal justice system to prevent a repetition of the pattern of widespread political imprisonment;
- 4) The establishment of mechanisms to carry out independent and impartial investigations into the fate of prisoners about whom there has been no information for several years and those who "disappeared" inside or outside Libya;
- 5) A clear policy, endorsed in a reformed legislation, to ensure that Libyan nationals are able to actively work on human rights issues in the country, set up independent bodies specializing in this task, and are able to communicate their findings to the authorities and to the outside world without fear of retaliation;
- 6) The declaration of a moratorium on all death sentences pending a review of the death penalty, as its abolition remains a objective confirmed by Colonel al-Gaddafi;
- 7) As further evidence to the readiness of the Libyan authorities to open to the outside world, a standing invitation to the independent human rights experts of the United Nations (UN) at the 2004 session of the UN Commission on Human Rights.

Mr. Chairman and distinguished members of the committee, as you can see much still needs to be done in Libya to ensure the sustained protection and promotion of human rights. Amnesty International reiterates its call on the US government prioritize human rights in its ongoing dialogue with the Libyan government.

Thank you very much for inviting Amnesty International to this important hearing.

Mr. ROYCE. Thank you, Ms. Riddley. We appreciate your testimony. We appreciate all the witnesses.

I am going to ask Secretary Burns if you would come forward and join the panel. And Secretary DeSutter, would you take the microphone here to the right. There will be room for everyone.

There you go.

If I could begin, I just have a couple of questions that I wanted to ask. The Africa Subcommittee, which I chair, has spent a tremendous amount of time focusing on instability in West Africa, chiefly on Sierra Leone and Liberia. We have the cases of Charles Taylor and of Foday Sankoh who were in fact trained in Libyan terror camps.

Earlier this week, the chief prosecutor at the Special Court for Sierra Leone, David Crane—who many on this Committee, including the Ranking Member and myself, have strongly backed, and the Chairman has as well—laid out the blame for the past decade of war in West Africa, and he said that blame lies on Col. Gadhafi's shoulders.

I am just going to read to you quickly what he told the BBC in an interview yesterday, speaking of Libya. He said:

"We know that specifically up until last year there was a 10-year plan to put down the government of Liberia, of Sierra Leone, of Ivory Coast, and then move to Guinea and then elsewhere, . . ."

collapsing these governments and basically to put in place Col. Gadhafi's surrogates.

What evidence do we have that this behavior has stopped? Are these concerns at the top of the agenda that we have for this new and very welcome dialogue with Libya? We have a verification process, if I understand it now, to ensure that WMD is dismantled. How do we verify that meddling throughout the continent is ceased?

That is my first question.

Mr. BURNS. Congressman Royce, first just as you said, there is no question but that Libyan behavior in the past has created significant problems for the stability of the continent, and for our interests. In recent years we have seen, as you know, some more encouraging signs. In Sierra Leone in the last few years, to the best of my knowledge, the Libyans have stopped support for—

Mr. ROYCE. Secretary Burns, let me just say that we are at a point of disagreement about Libyan involvement in the last few years in West Africa. But my question is verification going forward; how do we ascertain that Libya intends, and what steps will you take to make certain that they intend, to cease this engagement in West Africa?

Mr. BURNS. I think two things, Congressman Royce. First, we have seen as I said some more encouraging indications, and they are only indications on the part of the Libyans. What the Libyans had to say at the African Union Summit which they hosted a couple of weeks ago suggested at least some interest in playing a more constructive role. That has to be weighed against the backdrop which you described before.

It is a part of our dialogue with the Libyans. We began a discussion of these issues when we met in London last month. It will remain an important part of our dialogue as you and I have discussed before. And we will consistently seek to address those concerns as well as the human rights concerns that some of my colleagues mentioned earlier.

It is very important to try and encourage those constructive indications that I mentioned, but also for the Libyan leadership to understand that a healthier relationship with the United States depends upon movement in a more positive direction in those areas.

Mr. ROYCE. Thank you, Secretary Burns.

Another point I wanted to make is that diplomatic contact between the United States and Libya is now moving at a very rapid pace. I was pleased to see the travel ban on U.S. citizens finally lifted. Many Libyan-Americans are now very anxious to return and to visit there.

What safeguards, if any, are in place for protecting Libyan-Americans now looking to travel to Libya? Are we advising travel? And I would add as a caveat, it is my understanding that Libya's new cabinet contains two individuals who are responsible for killings on student campuses in the past. So I think the concern is somewhat justified on the part of Libyan-Americans in terms of their security and what steps are being taken?

Thank you.

Mr. BURNS. Mr. Royce, in terms of travel, as you rightly said, the travel ban as well as the restriction on the use of American passports has been lifted. There is also a statement that our Bureau of Consular Affairs puts out, which we would encourage anyone

considering travel to Libya to consult, which described the situation on the ground and appropriate cautions for people to pay attention to.

We also have six diplomats working in our interests section in Tripoli right now. And so I would encourage anyone planning to travel to Libya to consult with us in the State Department, look at that statement that has been put out, and then stay in touch with our people on the ground as well, because they can provide the most up-to-date sense of the situation, of conditions and anything that people should be especially alert to.

Mr. ROYCE. The last question I would ask for you or Secretary DeSutter—reports indicate that a real turning point for Gadhafi was when the German ship carrying centrifuge components bound for Libya was intercepted. That operation, of course, was carried out under the new Proliferation Security Initiative. I would simply like to recognize the success and to encourage the same type of activity, especially with respect to North Korea. But it would seem to me that the pictures of Saddam Hussein's regime being toppled, Iraqi people rejoicing at him being deposed, that that would have probably some effect on Gadhafi's psyche.

Secretary DeSutter, do you have any views on the culmination of these events with respect to the ship being caught actually with the WMD in process, in transit, and the other events that were simultaneously occurring in that part of the world?

Ms. DESUTTER. Yes, there certainly was—the time coincidence is interesting. It is difficult, you know, but logically you can say the time coincidence is significant.

When the interdiction took place in October, it was shortly before they became very much more forthcoming about the extent of their nuclear program and were willing to show us more sites.

Mr. ROYCE. And basically they had been caught red-handed by this particular program.

Ms. DESUTTER. Yep.

Mr. ROYCE. Well, thank you. Any other comments?

I will go then to the Ranking Member, Mr. Lantos from California, for his questions.

Mr. LANTOS. Thank you very much, Mr. Chairman.

Let me first suggest that dealing with the current situation in Libya will require an enormous degree of maturity on the part of all of us. And maturity in this case means living with ambivalence, because many of the horrendous historical facts must be firmly kept in mind while not being blind to the new developments which are dramatically different.

And in talking to a wide range of people in and out of government and with people in other countries, I think this is the single most difficult thing that most have in approaching the new Libya situation. People do not like to live with ambivalence, and we have to live with ambivalence in this case.

We also need to understand that even though we are in an election year, we should all rejoice in an American success story. And I for one am rejoicing in this success story. It is clearly a bipartisan success story. The Iran-Libya Sanctions Act, which played a critical role in bringing about the change in Gadhafi's behavior and policies, was a bipartisan piece of legislation. So I think it is important

to recognize that over a number of years lots of Democrats and lots of Republicans have contributed to the creation of conditions that we see unfolding before our eyes.

I also think it is important to spend a moment on the concept of what we mean by regime change. We saw what regime change means in Iraq. This for the time being at least is a regime change in the sense that the regime is changing itself. And we have stated on a bipartisan basis publicly, ad nauseam, that we are interested in regime change either by changing the regimes or regimes changing themselves.

With this as a prefatory note, I would like to ask Secretary Burns what specific response, if any, official or otherwise, do we have from Syria and Iran with respect to their view of the changes in Libya?

Mr. BURNS. The public response that we have seen has been generally negative, as reflected in the media in those two countries—and dismissive in some ways of the steps that the Libyans have taken.

What the private response will be as people digest this reality is, could be a different story over time. As we have discussed before, it seems to me important to drive home not just our resolve with regard to the insecurity that weapons of mass destruction and their proliferation create, the price of isolation in terms of sanctions regimes, but also the possibilities that exist without any shortcuts if regimes make dramatic changes and begin to move in a different direction. I think it is the combination of all of those things over a number of years, but particularly focused in recent months, that helped produce the decisions that the Libyan leadership made. And I can only hope that other regimes will draw similar conclusions over time.

But the public response, to answer your question, has been generally negative.

Mr. LANTOS. It has been negative in the sense that these governments in Damascus and Teheran are regretful that Libya has given up its weapons of mass destruction or that it is cooperating with the United States and the United Kingdom?

Mr. BURNS. Mr. Lantos, what I meant was more in the sense of not indicating a particular interest in following down the path of those decisions. And dismissive of the decisions that the Libyan regime has made.

Mr. LANTOS. Dr. Clawson, would you care to comment?

Mr. CLAWSON. Certainly with regard to Iran, I think that is a very accurate characterization. What we have seen at the International Atomic Energy Agency just last week is that Iran is going to provide only grudging cooperation with its international commitments. And there is no indication whatsoever that the Iranian leadership is interested in being more forthcoming than the absolute minimum necessary to avoid condemnation at that international agency.

Mr. LANTOS. Dr. Takeyh?

Mr. TAKEYH. I would actually suggest that the confluence of events that pressed Libya toward its current decision are unique and not easily replicated. They had to do with internal changes in

Libya, the perception of the Libyan regime of its regional and international security requirements.

The factors that propel Iran toward its proliferation practices are very different from those of Libya. And, therefore, I don't anticipate the Iranian government to essentially follow the Libyan model any time soon. For a variety of reasons the Iranian government sees a nuclear weapons program as important for its deterrence capabilities, territorial integrity, regime survival. And, therefore, I don't think they are necessarily going to take lessons from what happened in Tripoli as a means of following that path.

Mr. LANTOS. How about Syria?

Mr. TAKEYH. I can't really comment on Syria. I am not that informed on it. Patrick may even know more about it than I would.

Mr. LANTOS. Would the two remaining witnesses care to comment on this?

Ms. DESUTTER. Mr. Lantos, I, certainly I would comment that it is a bipartisan success. It is a national success. It is an international success absolutely. And the sanctions laws that were passed on a bipartisan basis absolutely had, I believe, an effect.

I would not have guessed a year ago that Libya would have done what it has already done. And so as skeptical as I am, I am a little bit timid about being too skeptical about others following suit. I mean this is the first case that we know of in the absence of a change in a regime that we have seen this kind of WMD elimination. I don't think that it would be foolish of us not to hope that it will be followed by others, especially exactly as Assistant Secretary Burns said. As the fruits of this decision come forward into Libya and as they understand the benefits of moving toward the West and toward the United States become clear, it would appear to me, it would seem logical that the people in those countries would say, "Why not us, too?"

Mr. LANTOS. May I just raise one more question? I noticed that a number of you made observations about the mercurial character of Libyan leadership, hoisting flags of caution that this can be reversed overnight—it is a matter of one person's whim. And I have some questions about this, because it seems to me that much of the things we have seen unfold are not easily reversible.

I mean the nuclear programs, the chemical programs took years and years to develop. And if there is a change of heart tomorrow morning in Tripoli, I have difficulty seeing how instantaneously this course can be reversed. I would be grateful if, beginning with Secretary Burns, you could comment on this?

Mr. BURNS. Yes, sir. And Assistant Secretary DeSutter I am sure will add to this. But I think what is significant about a number of the steps in the last 2 or 3 months that the Libyans have taken on the WMD side is that many of the most significant steps are, as you said, very hard to reverse. What you have seen is the Libyans following through in a very dramatic way on commitments that the leadership made to dismantle WMD programs. And it is not easy to move in another direction, nor have we seen any indication of backsliding on those commitments. In fact, there has been a very clear intention and determination to follow through at a rapid pace.

Commitments with regard to terrorism obviously bear very careful scrutiny. That will be a very important part of our attitude and

our approach over time. But, again, the record over a period of years has been one in which we have seen some fairly significant, not irreversible, but fairly significant steps in a consistent direction moving away from the terrorism business.

Mr. LANTOS. Dr. Clawson?

Mr. CLAWSON. Libya's scientists and engineers have acquired a great deal of knowledge about how to proceed on these weapons programs. That knowledge will not disappear even though the physical equipment disappears. And we simply do not have a very good idea about how quickly these things can be reconstituted.

I would hope that, indeed, you are correct that we will have learned from the techniques that Libya used the first time around on how to keep a better watch on them if they were to try to restart these programs. But I would be concerned that the knowledge that these scientists and engineers have and the information that they have acquired about who has these materials around the world and might be prepared to sell them could allow Libya to speedily reconstitute the programs if it were so minded.

Mr. LANTOS. But is it not true that as, for instance, diplomatic relations resume trade resumes, tourism resumes, movement of people dramatically accelerates, the closed nature of that society undergoes fundamental change, and hiding such programs becomes much more difficult?

Mr. CLAWSON. I would hope that indeed that Libyan society opens up and that the kinds of political reforms that we would like to see that open the country up would indeed make it much more difficult to hide these things. But, unfortunately, it is possible to have a substantial amount of economic trade and yet still retain a very repressive political system. I hope that Libya does not go down that route.

Mr. LANTOS. Dr. Takeyh?

Mr. TAKEYH. I would suspect that would be difficult, under the inspections regimes that are going to continue, for Libya to reconstitute the technological apparatus and infrastructure without detection, or at least some form of acknowledgement by the inspection committee.

And I would suggest the same thing about terrorism. For Libya to reconstitute its link with terrorist organizations, particularly the Palestinian rejectionist groups, reimpose and reestablish the camps, that is also going to be something that can be rather easily detected. For the foreseeable future I suspect that Libya's mischievous policies will take place on the continent of Africa, as Congressman Royce was suggesting.

And I think today Libya's policies in Africa are driven not so much by any sort of an ideology, anti-Americanism or anti-imperialism or what have you, but by opportunism in the sense that Libya perceives opportunities on a continent that is resource rich and largely neglected by the international community. Libya's developmental aid to African countries is not just in aid that Libyans give but it comes in the form of a joint venture corporations in the sense that Libyans demand access to Congo's diamond reserves and diamond mines and so on.

So in that particular sense the Libyans are making a great deal of intrusion in those African countries' lives. And in some cases for

better, in most cases for the worst. And of the question of Libya's mischievousness on the continent of Africa, I am not sure what priority that has for the United States at this particular point, but that is where you watch Libya's behavior toward some of its commitment.

Mr. LANTOS. Secretary DeSutter?

Ms. DESUTTER. Mr. Lantos, we, because we were aware of Gadhafi's changeable nature we have sought to make sure that all of the most proliferation-sensitive equipment was removed first, followed by the rest of the equipment that we could get out. The OPCW will be present. The IAEA will be present in Libya. And we will have some mechanism for ongoing dialogue on the verification side on WMD.

I believe that, given where we are today, I think we can feel fairly confident that it would be difficult for them to get back to where they were even today, even in December, I should say, in any time frame that we would not be able to detect. The reason for that is because there was a strategic decision to eliminate and to rapidly fulfill that elimination commitment.

That is not a commitment that we have seen from Iran. It is not one that we have seen from North Korea. So this is a huge achievement that they have undertaken. And I think it will not be readily reversed. I cannot speak for terrorism, but on the WMD front I think we have crossed a major red line.

Mr. LANTOS. Ms. Riddley, do you have any comment?

Ms. RIDDLEY. I would just like to say clearly the opening up of Libya to human rights monitors like Amnesty International is a positive sign. However, we still are concerned about many things, including what I mentioned in the testimony, the detentions and the continued laws that oppress political opposition. So basically we need to see some proof that there are changes.

In the late 1980s we received assurances—that was AI's last visit there in 1988—and little changed in the subsequent years. Though there were some releases of political prisoners in 2001 and 2002, it is still unclear what happened. To many prisoners and many people, many families do not know what happened to their loved ones or did not receive bodies, et cetera. So there are past violations to account for as well as a need for changes in law for the future.

So we want to see more before we decide what we think about the assurances.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to commend all of our witnesses. I think they all have done an outstanding job.

Chairman HYDE. Mr. Chairman.

Mr. ROYCE. Yes, Mr. Chairman?

Chairman HYDE. I just want to add to what Mr. Lantos has said. This has been one of the best panels we have had. You are all great contributors to our store of knowledge about this very critical area. All of you made a great contribution, and we thank you very much.

Mr. ROYCE. We will now go to Mr. Delahunt from Massachusetts.

Mr. DELAHUNT. Thank you. And let me preface my questions by extending my sympathies to the families of those that were on Flight 103. Many of the sons and daughters of those families were

college students from the northeast, and some of whom were known to members of the Massachusetts delegation. So again, our profound and continuing condolences and our prayers.

I find this, and again I concur with everyone, this is a success, certainly something that I think does make the world truly safer. I think as you said, Mr. Secretary, we can expect a gradual step-by-step process toward normalization. In terms of the conditions prerequisite to that ultimate conclusion, it seems we are heading there rather quickly, given the establishment of a Liaison Office. Are we going to require that Libya allow free and fair elections?

Mr. BURNS. Well first, Mr. Delahunt, I agree with you that our approach is a very careful step-by-step, gradual approach. We reciprocate for steps that the Libyans have taken.

Our focus, as I mentioned earlier, is on the Libyans following through on their commitments with regard to WMD programs, missiles and terrorism.

Mr. DELAHUNT. But that is not my question, Mr. Burns.

Mr. BURNS. I know, sir.

Mr. DELAHUNT. I do not have a lot of time, and I respectfully request if you could just simply answer.

Mr. BURNS. A number of other issues: Economic modernization, human rights, behavior in Africa, political openness, are going to be an important part of our dialogue. So the answer to your question, sir, is yes that is going to remain an important part of our dialogue as we move ahead. Those are important ingredients in a healthy relationship.

Mr. DELAHUNT. I understand. But my specific question was, will free and fair elections in Libya be a prerequisite to normalization? I think that is susceptible to a yes or no.

Mr. BURNS. Sorry.

Mr. DELAHUNT. It is susceptible to a yes or no.

Mr. BURNS. I think it is an important, it is an important ingredient in Libya's—

Mr. DELAHUNT. So it is a maybe, is that right, Mr. Secretary?

Mr. BURNS. It is an important ingredient.

Mr. DELAHUNT. It is an important ingredient.

Well, we know Libya is still a dictatorship. Of course, we have relationships with dictatorships all over the world, some with whom we are allied. Uzbekistan, Turkmenistan come to mind. Even single party states such as Egypt, where I do not think we consider Egypt as having free and fair elections, do we, Mr. Secretary?

Mr. BURNS. There are a lot of countries in the region, including Egypt, which have a ways to go.

Mr. DELAHUNT. Right.

Mr. BURNS. As they themselves point out, and as you know some very thoughtful people throughout the Arab world point out, including in Libya.

Mr. DELAHUNT. Will we require the release of all political prisoners prior to normalization?

Mr. BURNS. Mr. Delahunt, if what you mean by that is this a condition prior to moving ahead beyond a Liaison Office, that is not a point that we have come to yet. But that whole range of issues

has been and will remain a very important part of the dialogue that we have with the Libyans.

Mr. DELAHUNT. And what about insisting as a condition that the freedoms we enjoy here, such as freedom of speech, be allowed? Will that also be a prerequisite in and of itself to establishing normal diplomatic relations with Libya?

Mr. BURNS. To have a healthy relationship between our societies, those are the kind of changes that we think are in the best interest of Libya, the best interest of that relationship.

Mr. DELAHUNT. But would that be an impediment to diplomatic relations?

Mr. BURNS. Well, sir, we have diplomatic relations now. We have an Interests Section.

Mr. DELAHUNT. Well, let me restate that then. Would that be an impediment to full diplomatic relations with an exchange of Ambassadors?

Mr. BURNS. I am not sure, sir. I mean it is an issue that we are going to continue to discuss with the Libyans. What we are going to encourage them to do is move ahead in a direction which serves the self-interest of Libyans. That is true of economic change. It ought to be true as well in terms of political openness, respect for human rights.

Mr. DELAHUNT. My understanding is, of course, that Libya is still on the list of state sponsors of terrorism.

Mr. BURNS. Yes, sir.

Mr. DELAHUNT. What will it take to have Libya removed from that particular list?

Mr. BURNS. It is a judgment the President will have to make.

Mr. DELAHUNT. What would your recommendation be, Mr. Secretary, to the President?

Mr. BURNS. Well, as I said in my opening remarks, what we need to do is take a very thorough look at the strategic decision which Libya says it has made and for which there is a fair amount of evidence in recent years about moving out of the terrorism business. Look very carefully to be able to confirm that that decision has been implemented. Look carefully, for example, at the issue of residual ties to terrorist organizations so that we can make a recommendation to the President and then he can be in touch with the Congress.

Mr. DELAHUNT. And, of course, Libya's economy itself is still primarily a command economy, a socialist economy. We will not impose any conditions precedent on them changing their economic system, I take it?

Mr. BURNS. Well, the interesting thing, and if my colleagues can comment on this is that—

Mr. DELAHUNT. The Chair is indulging me I think with another minute or so. Correct, Mr. Chairman?

Mr. ROYCE. Just under another minute, Mr. Delahunt.

Mr. DELAHUNT. Okay. If you can answer yes or no?

Mr. BURNS. Libyans themselves, the current Prime Minister, others in the government and outside the government have expressed a clear interest in opening up their economy, modernizing it—

Mr. DELAHUNT. What I find particularly interesting is that all that was required for this government to remove travel restrictions

on Americans going to Libya, I think it is significant obviously, was eliminating the weapons of mass destruction program and renouncing terrorism. I take it that has become a clear precedent as far as this Administration is concerned in terms of removing travel restrictions. Is that a fair and accurate statement?

Mr. BURNS. Certainly in the case of Libya.

Mr. DELAHUNT. Well, I presume that we would embrace a universal standard as far as restrictions on travel.

Mr. BURNS. Well, Congressman, Libya was the only country in the world where we restricted the use of American passports. So it was kind of a unique case at that time. We did lift that particular restriction.

Mr. DELAHUNT. Well, we do have currently restrictions on travel to Cuba.

Mr. BURNS. Yes, sir.

Mr. DELAHUNT. Correct.

Mr. BURNS. Yes, sir.

Mr. DELAHUNT. All right. If Cuba should renounce terrorism and eliminate its weapons of mass destruction, I presume we would do the same for Cuba. Is that the position of the Administration?

Mr. BURNS. Congressman, Cuba is blessedly outside my area of responsibility.

Mr. ROYCE. All right. We are going to move to Mr. Engel of New York. Thank you, Mr. Delahunt.

Mr. ENGEL. Thank you, Mr. Chairman.

Secretary Burns, I know we have touched on this, but I would like to talk specifically about how other states in the region have reacted to Libya's declaration to rid itself of weapons of mass destruction and the means to deliver them, particularly Syria. I am wondering if you could tell me, has there been anything from the Syrian government with regard to Libya's declaration to rid itself of weapons of mass destruction?

Mr. BURNS. Mr. Engel, as I mentioned, public commentary out of Syria has tended to be dismissive and negative. I think it is going to take time for the impact of the decisions that the Libyan leadership made and, more importantly, their following through on those decisions to be digested by people. And it is going to be a function of their follow-through on those commitments and what it produces.

And I think the lesson for countries elsewhere in the region and around the world is that the steps that the Libyan leadership has taken are ones that we hold them to and that they truly do produce more security, more opportunities for Libyans, that they move away from a waste of resources on WMD programs and the insecurity that they produce, then hopefully it is going to have an impact on people over time.

Each regime, as Dr. Takeyh said, is going to make its own judgments and the calculus is going to be different. I do not think there is a kind of cookie cutter approach. But I think over time our hope at least is that the impact of the Libyan decision and what it produces for Libyans is going to have a positive impact on the calculations of other regimes.

Mr. ENGEL. So there is no sign at all that the Syrians have seen the light and are considering similarly divesting themselves of

weapons of mass destruction and MTCR class missiles? We have not seen anything out of Syria that would indicate that?

Mr. BURNS. No, sir.

Mr. ENGEL. Okay. Well, in view of that could you comment on when the Administration will implement the Syrian Accountability and Revenue Sovereignty Restoration Act? Secretary Powell was before our Committee several weeks ago and I questioned him on that. As you know, I was the lead sponsor of the bill which the President did sign into law. And I just think we have seen no positive change from Syria at all. I am wondering if you could shed some light on when the Administration will begin implementing it?

There have been all kinds of rumors and reports, the next week or 2. I am wondering if you could comment on that?

Mr. BURNS. Mr. Engel, I think you will see the implementation very shortly. And I think it will be a very firm implementation of the Syrian Accountability Act and the intent behind it.

Mr. ENGEL. Okay, thank you. I am happy to hear that, because I think that it is very important how we react to legislation on which $\frac{2}{3}$ of both the House and Senate were co-sponsors and passed overwhelmingly. I think there were only eight or nine negative votes and 400 some odd votes in favor of it. I am happy to hear that and I look forward to seeing the President implement that.

Thank you. Thank you, Mr. Chairman.

Mr. ROYCE. Thank you, Mr. Engel.

We are now going to go to Ms. Berkley from Nevada.

Ms. BERKLEY. Thank you, Mr. Chairman. I appreciate you taking time to have this hearing. I think it is very important.

I was in a Veterans' Affairs Committee hearing prior to coming here, so I did not have an opportunity to hear your testimony but I am looking forward to reading it later this morning.

I want to thank all of you for being here on an issue that I think is extremely important. I have a few paragraphs that I would like to enter into the record and then a couple of follow-up questions.

Mr. ROYCE. Without objection.

[The information was not available at the time of printing.]

Ms. BERKLEY. Thank you.

Libya's stated desire to join the family of nations may present the United States with a unique opportunity. A major enemy of peace has expressed what appears to be an interest and a desire to rehabilitate and to reform its behavior. Mr. Gadhafi seems to have turned away from sponsorship of terrorism and a nuclear program, finding them too expensive and too risky in today's diplomatic environment.

Before we rush to commend Libya's recent efforts at reform I would like to call your attention, Secretary Burns, to another matter, the plight of the Libyan Jewish community. I hope the Administration will choose to pursue this issue in its ongoing negotiations with the Libyan government. In 1948, there were approximately 40 to 50 thousand Jews living in Libya. Many of these individuals could trace their family roots back over 2,000 years.

In 1931 there were over 21,000 Jews in Libya. That is 4 percent of the total population and many were influential merchants and officials. As a result of the U.N. vote in 1948 granting the state of

Israel independence, approximately 30,000 Jews fled Libya and arrived as refugees in Israel.

In 1953 after gaining independence, the new government of Libya instituted a number of restrictions against the Jewish community. Among these were restricting immigration to Israel and ending postal service between the two nations.

By 1957 travel by Jews was restricted and a boycott against Israel was put in place. In 1960 Jewish schools were closed in Libya.

Following the outbreak of the Six Day War in 1967, life for the remaining Jews in Libya became untenable. Attacks against the community increased in frequency and severity. Rioting, looting and murders slowly forced the remaining Jewish population out of Libya. Unfortunately, as they left, the Jews were not permitted to sell their property, claim assets or settle financial affairs.

Col. Gadhafi came to power in September 1969. Under his government, the state confiscated lands and properties left behind when the Jews were forced to flee. Libyan law recognizes the right of those with assets and properties confiscated by the state to receive compensation. As recently as this past January, the Libyan government reiterated they had recognized the need to provide compensation to the Jewish community for assets and property that was taken as Jews fled in fear of prosecution and death.

Libya's recent actions, including its overtures to the west, are clearly aimed at a number of goals. Included among these are the removal of Libya from the State Department's list of states supporting terrorism and the removal of economic sanctions. There are currently 2,000 former Libyan Jews who are American citizens. Before we restore full normalized relations between our two nations, the lawful and legitimate claims of these Americans and others like them must be resolved.

And if I could ask the following questions. Under Gadhafi, the state confiscated always, as you are well aware, under the color of law lands, properties and assets left behind when Jews were forced to flee. Have you and any other State Department officials discussed this matter with the Libyans?

Mr. BURNS. Ma'am, we have had contacts with representatives of the Libyan Jewish community. My colleagues have. And we will follow up on this issue. We have not yet discussed this issue in our dialogue with the Libyans, but we will have other opportunities in the weeks ahead.

Ms. BERKLEY. Does the Administration intend to press the Libyan government? That is nice that you have met with the remaining Libyan Jews, but I think it would be the government that would make these decisions. Are you going to be pressing the Libyan government to follow up on their current as well as previously stated intentions and statements to compensate the Jews for their losses?

Mr. BURNS. We will look for opportunities as our dialogue continues to do that. There are a range of other claims concerns affecting Americans which we will also encourage the Libyan authorities to address.

Ms. BERKLEY. At what point in our discussions with the Libyans, since now we are beginning to have ongoing talks with the Libyan

government, at what point will we find these openings, toward the beginning or closer to the end of our discussions?

Mr. BURNS. No, I think we will have opportunities in the very near future to address those issues. As I said, in the past there have been other kinds of claims, not this one in particular, that we have raised and where we have encouraged the Libyans to address the concerns of claimants.

Mr. ROYCE. Reclaiming my time if I could because time has expired.

Ms. BERKLEY. I have one other, one quick question.

Mr. ROYCE. And I am going to let you ask it.

Ms. BERKLEY. I appreciate it.

Mr. ROYCE. Congresswoman, be my guest.

Ms. BERKLEY. Thank you.

Will Libya's cooperation—when we have these opportunities—will Libya's cooperation in this matter affect its relationship with the United States? And to what extent will it affect U.S. support for Libyan inroads into the international community, lifting sanctions, other things that they are really anxious for? I mean, how important is this to our Nation, or are we just going to gloss over it and pretend that the Jews did not lose anything?

Mr. BURNS. No, we are certainly not going to gloss over that issue or any of a number of the other claims that I mentioned. Our core concerns as we look at the relationship are WMD commitments and terrorism; but there are a range of other issues, and we have talked about most of them in the course of this hearing, that are going to be very important to any hope that either of us have for a healthier relationship. It is going to take time. It is not going to be easy to work through them. But we are determined on our side to continue to raise them and continue to engage on them, and hope for action to follow that so it is not just a discussion.

Ms. BERKLEY. Well, I would hope their actions would determine what the United States's actions are. Thank you very much.

Mr. ROYCE. I am sure it will be a factor. But I am certain also that one of the other core concerns is going to continue to be what we are doing to ensure that Libya further cooperates to get to the bottom of who ultimately in Libya was responsible in their government for the Pan Am 103 terrorist attack. That is additionally a core concern for our government and our people here in the United States. I want to ask, in conclusion, what steps are being taken to find out who that key decision maker was?

Mr. BURNS. Mr. Royce, first as you know, that investigation is open. Second, the Libyans did make a commitment in the course of the Lockerbie settlement to cooperate further in providing information in the course of this investigation. The State Department is going to work very, very closely with the Department of Justice on this. And beyond that I cannot speculate because it is an open investigation, as I said.

Mr. ROYCE. Thank you. Thank you, Secretary Burns.

I am going to finish with one question of Secretary DeSutter. As you know, I chair the Africa Subcommittee—did the Libyan nuclear program depend on uranium from some of the African producers like Central African Republic, Chad, Niger? Do we know whether

there were contacts made with an intent to bring in uranium from those sources that manufacture it?

Ms. DESUTTER. Mr. Royce, I do not have that answer for you right now. We can go back and look at it. We do know that they have pretty significant quantities of yellowcake right now that we are going to have to decide how those should be disposed of. But—

Mr. ROYCE. Before you do, given the differences in yellowcake, could you get back to me with an answer on the source? If you could take some samples and compare that to different producing, uranium producing sites I would be intensely interested in knowing the source of that yellowcake. And also, how does this yellowcake move on the black market across Africa and through the nether world of trading in this type of WMD material?

Ms. DESUTTER. We'll take it back and take a hard look at it.

Mr. ROYCE. All right. If you would get back to me on that I would appreciate it.

Again, I want to thank all of the witnesses for their testimony today and for coming up here to share their time with us. Thank you so much.

[Whereupon, at 1:05 p.m., the Committee was adjourned.]

A P P E N D I X

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PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. CHAIRMAN: I wish to thank you and the distinguished Ranking Minority Member for the opportunity to place a statement in the record about an issue which evokes great passion in me. As Ranking Member of the Judiciary Committee, I feel compelled to speak about justice and fairness in the Libyan normalization process. Most of America does not know of the 80 servicemen and women who were killed or maimed during a terrorist bombing planted by Libyan agents in 1986 in the La Belle Discotheque in Berlin, Germany.

The Libyan plan, if it had succeeded, would have killed hundreds of U.S. servicemen and women. As it were, much of the bomb's energy dispersed through the floor when it collapsed, and caused two deaths and scores of badly injured and maimed servicemen and women. This incident of terrorism is what prompted President Ronald Reagan to institute much of the current sanctions regime against Libya as well as to authorize the bombing of Tripoli. It is amazing to me that this Administration is rushing to lift the burden of sanctions from Libya when the Libyans have not made any effort to address the claims of those it killed and maimed in 1986. I prefer to believe that the Administration and the State Department, in failing to act to obtain justice for these men and women, are guilty merely of some degree of oversight. No matter what the reason for their failure to support our Armed Forces members, it is time for both the Bush Administration and the State Department to treat each and every American victim of terrorism with fairness and equality. The status of members of the Armed Forces of the United States should not make this Government less likely to demand justice for any victim, but more likely.

This Administration is setting the pace for the normalization of relations. At the outset, the Administration made it clear to Libya that negotiations could not begin until the families of the Pan Am 103 bombing had been compensated; \$2.7 billions dollars later, the process of normalization is well underway. On Feb 26, the White House announced that the Secretary of State would begin issuing licenses so that businessmen could travel to Libya. U.S. oil companies have begun to negotiate with Libya about their reentry into Libya's vast oil market. While money has already begun to change hands, this Administration appears to have forgotten that in 1986, young men and women volunteered to serve their country and in so doing have every right to expect that their country would stand in support of them. President Reagan recognized the same principle when he ordered the bombing of Libya in response to this cowardly attack.

The Administration has made numerous pronouncements about the absolute, non-negotiable requirement for Libya to compensate the victims of the Pan Am 103 bombing, yet no public pronouncements have been made on behalf of the servicemen and women killed or injured in the La Belle Discotheque bombing. How can this Administration allow the business of oil to take precedence over obtaining justice for eighty of our finest young Americans?

Assistant Secretary William Burns of the Department of State is shortly traveling to Libya. In so doing, without first requiring that justice be done for the La Belle victims, the Administration and State Department, either intentionally or by incompetence, sends a message that the lives of U.S. service personnel count for little in the eyes of their Government. And if the U.S. government doesn't think the suffering of these victims of Libyan terror matter, the Libyan government isn't going to think so either. These service personnel do not ask for a handout from American taxpayers. They ask for justice. They ask only that they be compensated for what they have lost by those who harmed them. This is the manner in which a just, civ-

alized, humane society fights terrorism. Removal of Libya from the terrorist list will very likely deprive these Americans of justice.

The Administration and the Department of State should proceed on the basis that the lives of U.S. service personnel are no less valuable than the lives of those onboard Pan Am 103. Secretary Burns should postpone his trip to Libya until all American victims of terrorism have obtained justice, whether by trial of their claims or settlement of them. Mr. Chairman, we are attempting to reach out to the world with the open arms of democracy to stop terrorism. I only ask that we stand for a principle which is embodied in the preliminary jury instructions in nearly every court proceeding in America when we say, "All persons stand equal before the law and must be treated as equals. . . ." ¹

PREPARED STATEMENT OF JOAN L. DATER, MOTHER OF GRETCHEN JOYCE DATER, A
VICTIM OF PAN AM FLIGHT 103

Dear Committee members:

I am one of the victim families of Pan American Flight 103. My husband and I lost our only daughter, Gretchen, 20.

I urge the Committee to do all in its power to encourage the administration to lift the appropriate sanctions on Libya. The particular sanctions are listed as an addendum in the court settlement that I signed as a plaintiff in the civil suit against Libya.

In the settlement agreement, Libya has to compensate the families for the remainder of the money owed to us. The money is tied up with the United States lifting the U.S. sanctions imposed on Libya by the deadline of April 23. There is a window of opportunity for the deadline to be extended to August 23.

This arrangement is most distressing since Libya holds the purse strings and, at the same time, it is Libya, itself, that must change its behavior. Libya claims that it is no longer a state sponsor of terrorism and that it has changed its ways and has conformed to U.S. demands.

The families are particularly distressed to learn that more requirements above and beyond the requirement involving Pan Am 103 have been placed on Libya. The U.S. State Department has imposed the issue of weapons of mass destruction and Libya's meddling in African affairs as additional requirements. This action places an undue burden on the families who have lobbied and advocated for justice in the whole affair for 15 years now.

Most of us would prefer a regime change in Libya. But being realistic, we have worked with and cooperated with our government all along. It is time for these issues to be resolved once and for all. Fifteen years is long enough. I believe that the administration should now advocate for us and I encourage our government officials to lift the appropriate sanctions so that the families receive the compensation we rightly deserve.

PREPARED STATEMENT OF JOHN AND BARBARA ZWYNENBURG, PARENTS OF MARK
ZWYNENBURG, A VICTIM OF PAN AM 103

Since we are unable to attend the hearing on Wednesday, March 10, 2004, we are offering this means to express our views.

The Libyan government is moving rapidly toward satisfying U.S. and UN requirements for lifting of sanctions. Having been involved with many of the families of the Pan Am 103 bombing and a former and current Board Member of the VPAF103 group, I offer the observation that victims' families generally fall into one of three groups: (1) Many are uninvolved in the issues; (2) other families seek a regime change and/or a trial for Colonel al-Ghadafi; and (3) others feel we've accomplished some measure of justice for the bombing of Pan Am 103. Accountability and responsibility have been determined, one of the guilty punished, compensation offered, renouncement of terrorism established, and we should move forward to close the issue by establishing positive relations with Libya. Speaking for ourselves, we support the latter position. Why?

The reason is the difference between what can idealistically be accomplished and the practicality of where we stand today. It is going on 16 years since the Libyan terrorist attack against the USA and the bombing of Pan Am 103. It was a mass murder of 270 innocent souls, just because the victims were flying an American airline (citizens of 21 nations were murdered, including 169 from the U.S.A.). The

¹Standardized Civil Jury Instructions of the District of Columbia (1998), No. 1-12.

USA, the UN and the victims of Pan Am 103 have rigorously pursued justice. Libya by its actions has admitted guilt and accept responsibility. Even more recent events have caused the U.S. State Department to recognize that Libya no longer wishes to be involved in State-sponsored terrorism and is willing to give up its WMD. In our view, a "bloodless" regime change is underway in Libya. Thankfully!

Would we like to see Colonel al-Qaddafi and others in his regime be brought to trial for murder? Of course. Would we like to receive compensation that would serve as a real penalty and a severe deterrent (as opposed to the pittance of \$10 million) to further deter acts of terrorism? Of course. But, in all probability, these actions will never take place.

What has taken place is that Libya (again by its actions) has complied with the UN resolutions, UN sanctions have been lifted, air travel to Libya has been lifted, business negotiations between USA business firms and Libya are underway. WMD are being dismantled (supported by U.S. and UN inspectors) and so on. Libya has exhibited strong leadership in their actions to meet their obligations in the bombing of Pan Am 103, to renounce terrorism and to rejoin the nations of a civilized world. It is time for the USA to reciprocate.

We commend the U.S. government for their actions over the past 15-plus years and suggest that it continue to exhibit a leadership position in bringing the Pan Am 103 matter to a close. Thank you for permitting us to express our views.

PREPARED STATEMENT OF KATHLEEN AND JACK FLYNN, PARENTS OF JOHN PATRICK FLYNN, A VICTIM OF PAN AM FLIGHT 103

Thank you for the opportunity to meet with you this morning. It is of the greatest importance to the families of Pan Am 103 to engage the members of this committee in a dialogue that might help us understand your new found "love affair" with Libya that has resulted in an inordinate amount of praise and adulation of Muammar Qaddafi, one of the world's top ten terrorists of all time. This is the very same leader behind the largest single act of terrorism against innocent civilians before 9/11. The remarks of some of our congressional leaders that have visited Libya have been filled with platitudes that have been an insult to the memory of my son and the 269 innocent victims killed on Pan Am 103 that dark December night 15 years ago. I come here today to take issue with your hypocrisy that the Qaddafi regime that ordered and executed the death of my son is now reformed.

I am no stranger to this committee. In fact, I testified before this committee on Thursday, July 28, 1994. And surprising, my message is still the same. Allow me to quote from my testimony in 1994: "It is my understanding that this hearing will finally expose our incredibly inadequate and immoral foreign policy or better yet, a lack of policy with regard to this act of war against America and ultimately construct a foreign policy based on intrinsic moral values, not political expediency."

As the old adage goes: "Some things never change" and or "History repeats itself." For my family this present rendezvous with Libya is probably the worst-case scenario that we could ever have imagined. Not in our wildest most frightening dreams did we ever think that our own countrymen would sell us out. We have spent the last fifteen years fighting for justice. We have walked the Halls of Congress demanding action, we have picketed the UN for tighter sanctions, we had badgered the State Dept. and the White House for action and for movement and finally we won tightened sanctions. Eventually, two low-level Libyans were turned over to stand trial in a foreign land. Megrabi was convicted of the bombing. Fhimah walked and was embraced by your newfound friend, Qaddafi as a hero. The chants of "Down with America" were heard throughout the world from the Libyan regime of M. Gaddafi. The Libyan's conviction of this crime was affirmed in appeal. However, denial of this act of terror was still the official Libyan response.

Somehow, somehow, Qaddafi has again outsmarted the leadership of this country. His devious, devilish ways have now convinced the esteemed leaders of the USA that he has reformed. He has complied with some of the UN Security Council sanctions, but he has certainly not met with all the requirements: the most obvious being his lack of information of what really happened that led to the bombing of Pan Am 103 and what other countries/operatives were involved. You just don't let a rogue terrorist nation blow up an American plane and take his word that he has reformed and it won't happen again.

The Epiphany of one of the most celebrated terrorist who was touted by Ronald Reagan as a "Mad dog" and who had nothing but hatred for our country has shocked all of us Qaddafi watchers. It was even more surprising to us that this administration fell for the act of contrition by Qaddafi on Dec. 19 of 2003.

Yes, the families of Pan Am 103, Lockerbie were thrilled that the Libyans had taken a step forward in disarming. But this act does not excuse the destruction of the Pan Am flight 103 and the UTA flight. In our justice system we don't let a murderer off just because he gives up his guns and says he sorry. He still must serve his sentence. So why is there a different code of justice for international mass murderers?

We do not believe that this sudden conversion of the Qaddafi regime had anything to do with moral righteous on their part. They were caught with the "goods" (shipment of centrifuges) in October and their true confession came in December.

The double standard in our foreign policy with regard to fighting terrorism is really scary. Libya had WMDs. Iraq has none. Libya killed more Americans than Iraq prior to the Iraq War. Qaddafi is one of the world's greatest terrorists' and somehow, we declared war on Saddam and not on HIM. Saddam was found in a hole and Qaddafi belongs in the hole next to him. The same killers who ordered my son's murder are still in power in Libyano talk of regime change there and the ultimate insult to the families is the justification of the war in Iraq based on Libya's running scared behavior. Muammar has become the darling of the American lawmakers who are buying into the Qaddafi sainted rhetoric of reconciliation.

However, the Prime Minister of Libya, Shokri Ghanem, just this past week denied his country's guilt in the Lockerbie bombing and said Tripoli had only agreed to pay damages to victims in order to buy peace. (24 hr. delay before the US oil lobby kicked in to counter this Libyan mistake)

To quote the master of Libya (Qaddafi): "If there is any aggression against Libya now, the whole world will come to defend Libya".

Please count the Flynn family out! We would never, ever defend the terrorists who killed our beloved JP nor should any American, for you not only defile the memory of our son, and the 269 other victims, but you betray the principles of American democracy and Justice.

To the elite members of congress who have bought into this Libyan package of respectability, I am ashamed to call you my representatives. Know that you can never fight a "War on Terror" and not include Libya. Live with the hard reality that the murderer may have given up his guns, but he walks free. How can this be Justice?

PREPARED STATEMENT OF THOMAS COKER, PARENT OF 20 YEAR-OLD TWIN SONS,
VICTIMS OF PAN AM 103

I write as the father of twenty-year old twin sons murdered on Pan Am Flight 103 by Libyans.

It is time to end the sanctions against Libya.

My sons were early sacrifices on the alter of a war I do not understand.

It is time to start bringing this ungodly war to an end.

It is time to end the sanctions and return the Libyan people to the community of nations.

Thank you for your attention,
Thomas Coker

PREPARED STATEMENT OF KARA M. WEIPZ, PRESIDENT, AND GLENN P. JOHNSON, JR.,
CHAIRMAN, VICTIMS OF PAN AM FLIGHT 103, INC.

Fifteen years ago, Colonel Muammar el-Qaddafi murdered our sons and daughters, our mothers and fathers, our husbands and wives, our brothers and sisters, our loved ones and our friends.

After 15 years, the families still long to know the reason why their loved ones were murdered. Colonel el-Qaddafi has admitted responsibility without contrition or apology. If we had our choice, we would rather that Colonel el-Qaddafi be brought to a criminal dock, as other war criminals have, or be subjected to a "regime change," as has Saddam Hussein. As he seeks an end to the economic sanctions that were imposed as a result of his treachery, we expect full disclosure of the facts.

We take some satisfaction in the fact, as stated by our Ambassador Burns, that Colonel el-Qaddafi's recent change of heart is the result of the actions of the families of Pan Am Flight 103. We are pleased that our actions may have helped assure that no other families endure what we have, at least from the hands of Colonel el-Qaddafi.

We are also pleased that the recent admission of WMD proliferation in Libya has encouraged other nations to permit inspections and removal of these weapons. If our

actions have influenced North Korea, Iran and Syria to follow the actions of Libya, then the legacy of our murdered loved ones is affirmed and enhanced.

While we cannot support the lifting of Libyan sanctions, we recognize that there is a message to be sent to other "Rogue Nations" whose conduct should be changed. If a nation such as Libya complies with all of the demands made for rejoining the community of peaceful nations, it makes diplomatic sense to reward those actions. We hope that this will encourage other nations to change their behavior.

We take Ambassador Burns at his word that the U.S. Government will not take Colonel el-Qaddafi's overtures at face value, and will carefully examine his actions over the next few months. If, at any time, it is determined that World Peace would be better served by lifting the economic sanctions against Libya, we would not object to our Government taking this action. We will never forget what happened on December 21, 1988, and neither should the world.

PREPARED STATEMENT OF A. OMAR TURBI, LIBYAN AMERICAN RELATIONS ANALYST

I am honored to have the opportunity to appear before your distinguished committee. I am happy to take part in these hearings as a strong supporter of the ongoing process of restoring our diplomatic relationship with the Libyan regime and the Libyan people.

When I had the distinct honor to testify before your subcommittee on Africa in July of 1999, then, I strongly advocated direct contacts with the Libyan regime through constructive engagement. That memorable moment of my life marked the beginning of a long journey with a wish list (see testimony before the subcommittee on Africa July 22, 1999) which I took to many members of congress, and to active and non active members of our administrations as well as to the Libyan regime and its President himself Colonel Mummar Qaddafi.

Our engagement policy with the Libyan regime has resulted in the recent remarkable turn of events.—The voluntary dismantling by the Libyan regime of its weapons of mass destruction (WMD), nuclear, and missiles programs and allowing weapons inspectors of the International Atomic Energy Agency (IAEA), US and British scientists, and finally the conclusion of the Lockerbie case for the bombing of Pan Am Flight 103 which exploded over Lockerbie, Scotland, in 1988.

In my opinion, it is a grave mistake to misinterpret Libya's decision with regard to doing away with WMD as due to the war we have undertaken in Iraq. It is a fallacy to assume that the Libyan regime feared that what happened in Iraq can happen in Libya. Those of us who followed the US government's engagement with the Libyan regime since early 2001 with respect to WMD, terrorism, and the Lockerbie case affirm otherwise. To make the wrong assumptions here would trivialize and poorly undermine the awesome power of dialogue and engagement. We must positively acknowledge the courageous steps taken by the Libyan regime and its leadership.

Ladies and Gentlemen: Without a shadow of a doubt, our interests have clearly been served and have been served very well. No one would have imagined so much progress just a short time ago. These accomplishments would, in my opinion, justify that we embark upon a more aggressive approach of an immediate and permanent lifting of trade sanctions, and the establishment of full diplomatic relations.

We must be reminded that UN sanctions and embargoes that were imposed on the Libyan people since 1981, crippled the economic structure, and social fabric of the Libyan people, who endured severe hardships. The UN sanctions degraded the quality of life and exasperated human rights efforts in Libya. Sanctions have inflicted serious damage and caused great economic losses in the billions of dollars in health, agriculture, oil and many other sectors of Libyan society.

Moving quickly to restore full diplomatic relations and lifting of sanctions would truly signal a policy based on *enlightened self-interest* which is far superior to one driven by strictly economic or political interests. Our foreign policy must stay consistent with American values and democratic ways. The requirements of civil society, moral and human elements must always supersede, narrowly defined endeavors.

The Libyan people were in a *quandary*: On one hand they suffered and barely recovered from under crippling UN sanctions, that lasted more than fifteen years, while, at the same time, they were oppressed by the Libyan regime.

It was an historic moment when Amnesty international was allowed to enter Libya late last month. Shortly after Amnesty International's findings, over one thousand political prisoners celebrated their re-union with their families.

The speed by which we restore full and total normalization of relations with the Libyan regime, would serve the interest of both, the American and Libyan people.

It would also make us more in harmony and consonance with the wishes of a broad sector of the world community.

I could not be more pleased at the flurry of activities between the two nations in the past 60 days from congressional delegation visits to scientific, medical and business exchanges. Today the first wave of Libyan business and civic leaders will be arriving in Washington DC. An exhibition soccer game between the Libyan national team and an American one, was only a wish for me a few years ago will become a reality in just a few weeks.

I am confident that the American business community as well as the Libyan American and Arab American communities can provide excellent academic, scientific and business resources and can play a positive and constructive role. It is an opportunity for genuine cooperation between Americans, Libyan Americans and their motherland.

Libya's unique and beautiful coast line, year long lush green mountains, its close proximity to Europe and the gates of Africa, its treasures of thousands of years of history, and most of all its wealth with natural resources place Libya as an important player on the world scene.

Let us open the flood gates for academic, scientific, cultural and business exchanges. In the process let us not impose our values but share them instead, and exercise sensitivity to the culture of the Libyan people, feelings and their sense of pride.

Let us combine our American enterprise and ingenuity and cooperate with the Libyan people to build the greatest railroad network spanning from North to the rest of Africa. A monument will be remembered for generations to come.

RESPONSES FROM THE DEPARTMENT OF STATE TO QUESTIONS ASKED BY THE HONORABLE BARBARA LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Question:

The January 18, 2004 Washington Post included a piece by former Senator Gary Hart describing efforts by the Libyan government to approach him as a first step in opening better relations with the US. Senator Hart described how he immediately reported these contacts to the State Department and also informed the Libyans that they should contact the Bush Administration in a more direct manner. Nonetheless, Libya apparently continued to pursue this line of approach, including discussing turning over the Pan Am bombers. Senator Hart concludes, "We might have brought the Pan Am bombers to justice, and quite possibly have moved Libya out of its renegade status, much sooner than we have. At the very least it calls into serious question the assertion that Libya changed direction as a result of our preemptive invasion of Iraq."

Senator Hart makes a compelling point about the long-term origins of the more recent developments and convincingly undermines any posturing that the US invasion of Iraq is the primary cause of these recent steps.

Did the Administration pursue this approach by Libya? If not, why not?

Response:

The first Bush Administration was aware of the Libyan approach to former Senator Hart. Libya sought assurances that the U.S. would begin negotiations on lifting sanctions and normalizing relations in return for handing over the Lockerbie bombing suspects. This fell far short of the Administration's position that Libya must fulfill all UN Security Council resolution obligations, of which handing over the suspects was only one, and address WMD-related concerns before the U.S. would enter into talks about lifting sanctions and normalizing relations. Thus, the Libyan approach to former Senator Hart was judged to be less than serious and was not pursued.

Question:

We are all pleased to see any progress towards the reduction of weapons of mass destruction. How can we build on these developments in Libya and elsewhere? How can we work multilaterally through the UN, the EU, and other nations to advance the cause of nonproliferation?

Response:

The United States and the European Union (EU) share the common goal of nonproliferation. At the June 2003 U.S.-EU Summit, U.S.-EU Leaders issued a joint declaration on nonproliferation which called the proliferation of weapons of mass destruction and their delivery systems a major threat to international peace and secu-

riety. The U.S. and the EU pledged “to use all means available to avert WMD proliferation and the calamities that would follow.” The declaration also describes areas of collaboration including the following:

- Making the International Atomic Energy Agency’s Safeguards Agreements and Additional Protocols a standard for nuclear cooperation and nonproliferation;
- Strengthening Export Controls on materials and technologies related to WMD;
- Strengthening identification, control, and interdiction of illegal shipments;
- Maintaining cooperative threat reduction programs; and
- Addressing specific proliferation challenges such as North Korea, and Iran.

We are now engaged in a process of implementing the commitments made by U.S.–EU Leaders in 2003. We meet routinely with representatives of the EU to discuss ways to enhance our cooperation.

On March 24, the United States, in cooperation with the other permanent members of the United Nations Security Council, circulated a resolution that would require all states to criminalize proliferation, enact strict export controls, and secure all sensitive materials within their borders. President Bush first proposed such a resolution during his remarks to the United Nations General Assembly in the fall of 2003. In his February 11 speech at the National Defense University on countering WMD proliferation, the President called for the passage of this resolution. This initiative responds to the very real and growing threat that rogue states and terrorist groups are seeking to acquire weapons of mass destruction, a threat that requires the immediate attention of the international community. The resolution is now under discussion in the Council. We hope to reach consensus soon.

Question:

Libya is both a dictatorial state and geographically and politically isolated within the region. What are we doing to promote actual democracy within the Middle East?

Response:

As President Bush outlined in his November 2003 speech at the National Endowment for Democracy, the U.S. has adopted the promotion of democracy as a key objective of U.S. policy. The Administration is actively supporting and encouraging individuals, organizations, and governments in the Middle East as they embark on the path of reform and positive change.

Through the Middle East Partnership Initiative (MEPI), which is administered by the Bureau of Near Eastern Affairs at the Department of State, we are promoting democratic change and political reform through a variety of programs across the Arab world. The Partnership Initiative is helping to develop democratic institutions, to provide training for emerging political parties, to reinforce civil society, to foster media professionalization, to strengthen the rule of law, to expand the role of women, and to facilitate free and fair elections throughout the region. MEPI is building partnerships with the private sector, non-governmental organizations, civil society elements, and governments to encourage the widest possible support across society for democratic reforms, and to make reforms relevant to the unique circumstances of each society in the region.

Most of the democracy programs combine regionwide and country specific aspects. The State Department would anticipate discussing including Libya in the MEPI democracy programs with the Libyans as soon as relations between the U.S. and Libya are normalized and the State Department can legally use Economic Support Funds.

RESPONSE FROM THE DEPARTMENT OF STATE TO QUESTION ASKED BY THE HONORABLE HOWARD L. BERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Question:

Members of the Dakhil family are my constituents in California who fled the dictatorial Gaddafi regime in 1976 and settled in the U.S. as political refugees. The Dakhils owned one of Libya’s largest business conglomerates before the regime suspended their businesses, froze their assets and seized real estate worth millions of dollars without compensation. To this day, the family maintains the legitimate legal paperwork proving ownership of the property and assets stolen from them. As the Administration takes steps to normalize relations with Libya, will it press Gaddafi’s regime to 1) return unlawfully seized property and assets to their rightful owners and

2) *ensure the safety, security and freedom of movement for all Libyan Americans traveling in and out of the country to follow up on the status of their personal and business affairs?*

Response:

We are in the beginning stages of a political dialogue with Libya. Our bilateral talks have not yet touched upon the issue of confiscated properties.

The United States supports the general principle of compensation for property confiscated by the state, particularly because it promotes the rule of law and respect for property rights. However, issues of compensation and restitution present many complicated concerns. We would like the opportunity to further review the matter, but we do not have any information regarding this claim. Therefore, Mr. Dakhil's family may contact the Office of Legal Adviser, International Claims and Investment Disputes. This office will be in a position to further review the claim and supporting documentary evidence.

We take very seriously the obligation to ensure the proper treatment of U.S. citizens traveling to Libya. At this time, however, the U.S. Liaison Office in Tripoli is able to provide only limited services to American citizens, and we urge anyone planning to travel to Libya to consult the Consular Information Sheet and current Travel Warning available at www.state.gov.

ARTICLE SUBMITTED FOR THE RECORD BY THE HONORABLE BARBARA LEE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

My Secret Talks With Libya, And Why They Went Nowhere

By Gary Hart, 18 January 2004

The Washington Post

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In February 1992, five years after I retired from the Senate and entered the world of international law, I was approached at my hotel while on a business trip to Athens by a man identifying himself as a "naval attaché" from the Libyan Embassy, who was almost certainly with the Libyan intelligence service. This was by no means the first time such a thing had happened to me since leaving the Senate. Nevertheless, there was an air of intrigue about the meeting, and it led to intensive contacts with the Libyan government over the next several weeks.

Although I have never felt the need to discuss these events before, I do so now because they relate to the argument being made by supporters of the current Bush administration that Libya has abandoned weapons of mass destruction as a direct result of the United States's preemptive invasion of Iraq. My experience of 12 years ago suggests a missed opportunity to curb Libya well before Iraq.

In response to that first approach by the Libyan official on Feb. 24, 1992, I discouraged the idea that I was an appropriate contact person for the first Bush administration; I also immediately notified senior State Department officials of the encounter. In a meeting in Washington on March 6, 1992, State discounted the approach on the grounds that it was one of several such approaches and none was being taken seriously. "We will have no discussions with the Libyans," was the answer, "until they turn over the Pan Am bombers." Intensive investigation of the bombing of Pan Am Flight 103 over Lockerbie, Scotland, on Dec. 21, 1988, in which 270 people died, had eventually focused on two Libyans.

I transmitted the State Department's answer through Greek intermediaries back to the Libyan Embassy in Athens and thought no further about it. After several days during which I had further indirect contacts from the same Libyan official, I was invited to meet with senior Libyan officials in Geneva—a traditional meeting place for such contacts—and was told that the Libyans were prepared to consider the U.S. demand on the Pan Am bombers. Once again I notified State Department officials and indicated that, if I went to Geneva, I would keep them immediately informed of developments.

Between March 18 and March 21, I met with Yussuf Dibri, who was then the head of the Libyan intelligence service, and two other senior Libyan officials in Geneva. The Libyans stayed at the Intercontinental Hotel, but our meetings were held at the Hotel Beau Rivage, where I was staying. Almost immediately, the Libyans said that they would turn over the two Pan Am bombing suspects, later named as Abdel Basset Ali Megrahi and Lamen Khalifa Fhimah, in exchange for a commitment from the first Bush administration that preliminary discussions would begin within a reasonable period of time regarding the lifting of sanctions and eventual normalization of relations between our two nations. I tested the bona fides of this

proposal in every way I could think of, then relayed it to Thomas Miller, who was deputy to then-Assistant Secretary of State Edward Djerejian, and who now, coincidentally, is U.S. ambassador to Greece. Miller had been my point of contact at State from the outset.

Within a few hours, Miller called back to say that State Department officials did not take this offer seriously. He discouraged further contacts. I relayed this response to the Libyans, who in turn relayed it to Tripoli. Yet they insisted on further discussions, which would confirm their seriousness. The next series of discussions, all relayed to Washington, concerned specific legal and logistical matters: Because the Libyan government was required to submit the Lockerbie bombing suspects to criminal prosecution either in the United States or in Scotland, we had lengthy discussions concerning the criminal justice systems in both countries (though I claimed no expertise in Scottish law), and I confirmed that under either system the suspects would have highly capable defense counsel and the full protection of traditional due process standards. The Libyans displayed a great deal of skepticism on this score, but I explained that political necessity (apart from the integrity of our justice system) would require that the trial process be open and fair, and that conviction could occur only after the presentation of persuasive evidence. In short, the trials would not be show trials, with foreordained results.

Finally, we got to logistics. I proposed that the suspects be flown to Geneva and then transferred to a U.S. or U.N. aircraft for travel either to New York or London. After consulting with Tripoli, the Libyans agreed. Late on the second day of the discussions I conveyed this fact to Miller. Though still skeptical, he said higher administration officials would have to decide. Hours went by. Then the response came back: The Bush administration (Miller suggested that a National Security Council meeting had been convened) had rejected the offer. The explanation was lame (and I suspected Miller thought it lame): If the bomber suspects stepped onto Swiss soil in transferring planes they would be subject to Swiss jurisdiction and would be apprehended and confined in Switzerland and perhaps never extradited to the United States or Scotland.

Several possibilities exist for the first Bush administration's lack of interest. Perhaps the Americans did not believe the Libyans were serious. Or they did believe, inexplicably, the legalistic argument about Swiss jurisdiction (though this still seems implausible). Or they did not find me an acceptable intermediary. Or, perhaps most likely, they simply were not prepared to discuss normalization of relations—even in exchange for the terrorist bombers. In any case, any potential deal was off.

But the Libyans did not take no for an answer. Several more days went by, and the original contact in Greece invited me to Tripoli for one more try. Using private (non-Libyan) aircraft, and avoiding Libyan immigration, I spent March 30 and March 31 in Tripoli. Because this trip occurred during Ramadan, discussions took place after sunset and, because Col. Moammar Gaddafi was observing the holy month in the desert, my principal discussions were with Abdul Salaam Jalloud, the prime minister (and vice chairman of the Revolutionary Council). These elaborate dinner meetings started late and lasted well into the early morning. The issues discussed were essentially a repeat of Geneva. The Libyan offer was confirmed: In exchange for releasing the Pan Am bombing suspects, the Libyans said, we ask for the opening of negotiations to suspend sanctions and normalize relations. I insisted that such discussion would have to include verifiable cessation of any support for terrorism and confirmed abandonment of weapons of mass destruction programs, to which Jalloud responded that "everything will be on the table."

I then flew, once again by private aircraft, to Venice to attend an election event for an old friend, Italian Foreign Minister Gianni De Michelis. I related these events to him at dinner on March 31, and he confirmed, based on his own contacts, that the Libyans were serious. I particularly asked about a tall, Westernized Libyan who then had the title of deputy foreign minister and who had been my constant escort in Tripoli. Gianni said: "This is Mussa Kusa. He is the most dangerous man in the world." Mussa Kusa is now head of Libyan intelligence and the principal contact between his government and the second Bush administration.

I immediately relayed the terms of these discussions to the State Department and was firmly told, once again, that there would be no discussions, even in exchange for the Pan Am bombers, with the government of Libya. Case closed.

I anticipate obvious questions in response to these facts. Why me? The only plausible explanation is that I had publicly condemned (based largely on my experience on the Church committee, which revealed previous assassination plots) President Reagan's attempt to assassinate Gaddafi by long-range bomber in 1986. Was I singled out? Not really; others had been approached. Do I believe the offer was rejected because the Swiss would demand jurisdiction over the bombers in the 40 feet be-

tween airplanes? Not in the least. Was the offer rejected because the intermediary was a Democrat? The first Bush administration will have to respond to that question.

In 2001, Megrahi was convicted of carrying out the bombing and sentenced to life in prison. Fhimah was acquitted.

This account suggests, and strongly so, only one thing: We might have brought the Pan Am bombers to justice, and quite possibly have moved Libya out of its renegade status, much sooner than we have. At the very least it calls into serious question the assertion that Libya changed direction as a result of our preemptive invasion of Iraq.

