

Key Questions for the Trump Administration's Senate Confirmation Hearings

Over the course of the campaign, President-elect Donald Trump expressed hostility to human rights norms and called into question whether the United States should continue to promote its values abroad.

This week, the Senate will hold confirmation hearings for eight of Trump's nominees. It is imperative that senators question these individuals on their commitment to fundamental principles of human rights. Americans—and the rest of the world—are seeking reassurance that the new administration will govern in accordance with laws and principles and leave behind the heated rhetoric of the campaign season.

Specific Questions

Questions for Senator Jeff Sessions, Nominee for Attorney General

- Waterboarding and so-called “enhanced interrogation techniques” are prohibited by domestic and international law, including legislation sponsored by Senators John McCain and Dianne Feinstein that passed on an overwhelming bipartisan basis in 2015 as part of the Fiscal Year 2016 National Defense Authorization Act (NDAA). Do you agree that such techniques are unlawful and will you commit to refrain from reinstating them?
- Many former military leaders and national security officials from both parties, have expressed their concern that a religious ban on refugees would actually undermine U.S. national security interests, send the wrong signal to countries like Jordan that the United States needs as allies, and actually play into ISIS rhetoric. Will you reject efforts to implement a ban or halt the resettlement of Syrian and/or other Muslim refugees?
- Are you prepared to treat people of different religions equally in immigration matters?
- The United States is a party to both the Refugee Protocol and the Convention Against Torture. The United States moreover has a long history of providing asylum to the persecuted, and has codified many of its commitments under these treaties into U.S. law and regulations. What steps will you take to make sure that U.S. immigration enforcement initiatives are conducted in ways that are consistent with U.S. treaty and legal obligations and ensure that refugees have access to the U.S. asylum process?
- Human trafficking is the fastest growing criminal enterprise in the world: there are 20.9 million victims globally. The business generates \$150 billion dollars in profits annually, but there are only 6,609 convictions reported worldwide. At home, the Department of Justice (DOJ) reported serving 3,889 victims last year, but it only filing 257 cases against perpetrators. How do you propose the DOJ increase accountability for those who enslave other people?

Questions for General John Kelly, Nominee for Secretary of Homeland Security

- Will you support and implement a ban or halt in the resettlement of Syrian and/or other Muslim refugees?
- Former officials and military leaders have explained that the resettlement of refugees is not only consistent with American ideals, it also advances U.S. national security interests including by supporting stability in volatile regions. Given the harm that a halt in resettlement would have on U.S. national security interests, will you urge that any review of current resettlement and security vetting procedures is conducted without halting or suspending resettlement?
- Will you direct that the vetting of refugees be conducted consistent with U.S. law, U.S. treaties and the U.S. Constitution, including the First Amendment's protections on freedom of religion?
- What steps will you take to make sure that U.S. immigration enforcement initiatives are conducted in ways that are consistent with U.S. treaty and legal obligations and ensure that refugees have access to the U.S. asylum process?
- In both Iraq and Afghanistan, the United States military has been supported by interpreters and others who put their lives on the line to work with our country. Due to a backlog of cases and an inadequate number of visas available, thousands of individuals are at risk due to their work with the United States. Will you commit to address unnecessary processing backlogs and delays including those that are hampering the resettlement of Iraqis and Afghans who are at risk due to their ties to our country?

- Will you conduct any review of vetting processes in ways that do not derail or further delay resettlement of vulnerable refugees including those who are at risk due to their work with the United States?
- Will you urge Congress to support a further increase in special immigrant visas for at-risk Afghans who have served the U.S. military?
- What steps will you ask Immigration and Customs Enforcement (ICE) to take to ensure that the Department of Homeland Security (DHS) does not overly rely on detention and uses a range of tools to manage migrants who are in removal proceedings?
- What steps will you take to ensure that ICE's use of administrative detention is consistent with U.S. treaty obligations under the Refugee Convention, its Protocol and the International Covenant on Civil and Political Rights (ICCPR)?

Questions for Rex Tillerson, Nominee for Secretary of State

- Will you maintain sanctions on Russia for its violations of international law, breach of U.S. national security, violations of human rights, and any congressionally-imposed sanctions that may be added in the future?
- How will you address emerging evidence of Russia's efforts to undermine international organizations such as the Organization for Security and Cooperation in Europe (OSCE) and its meddling in other countries to disseminate inflammatory, fake, and or hacked information to undermine democracy?
- Are you prepared to prioritize threats to civil society as a global foreign policy problem and maintain U.S. leadership in combating the problem? Will you commit funding at least 2016 levels support to global civil society—without restrictions based on ideology?

- Will you call out governments or exert pressure for serious human rights violations? Are you willing to uphold standards of international law as an important part of U.S. leadership overseas?
- Will you continue the American legacy of addressing issues of mistreatment of marginalized communities, such as women, racial and ethnic minorities, and LGBT people as integral to U.S. foreign policy?
- National security experts from across the political spectrum agree that any new authorization for use of military force (AUMF) should be tailored to the threats we face today and should not provide open-ended authority for the current or a future president to wage unbounded war. They also believe that a new AUMF should enable meaningful oversight of the war effort by Congress. Do you agree?
- As corporations increasingly expand their operations in the global marketplace, how can the State Department incentivize companies to protect their supply chains from forced labor?
- For several years, anti-trafficking activists have raised concerns about the politicization of the annual State Department Trafficking in Persons (TIP) report—namely that countries are sometimes upgraded undeservedly when it serves other political interests for the U.S. government. Each time this happens, it sends a strong signal overseas that politics is more important than combatting human trafficking. Given the perception that several countries were undeservedly upgraded in the past two reports for political reasons, what will be done to rebuild the credibility of the TIP report and ensure that human trafficking doesn't take a back seat to other U.S. political interests in diplomatic relationships?

Questions for General James Mattis, Nominee for Secretary of Defense

- Numerous military and intelligence leaders, including the current chairman of the joint chiefs of staff, have said that torture and other forms of detainee abuse are against American values, ineffective as interrogation tools, and harm the United States' national security. So-called "enhanced interrogation techniques," including waterboarding, are also unlawful under domestic and international law. Do you agree that it is unlawful and unwise to use such techniques?
- The current executive branch process for evaluating Guantanamo detainees to determine whether they can be transferred or ought to remain detained is conducted by a Periodic Review Board (PRB)—a parole-style board comprised of senior officials from the Departments of Defense, Homeland Security, Justice, and State; the Joint Chiefs of Staff, and the Office of Director of National Intelligence. The process represents the best thinking of our national security agencies and departments, and is important for ensuring that the disposition of detainees is in our national security interest. Will you commit to continuing the PRB hearings and transferring detainees who are cleared for transfer through the process?
- President George W. Bush originally tried to close the detention facilities at Guantanamo because he determined that it "became a propaganda tool for our enemies and a distraction for our allies." Five secretaries of defense, eight secretaries of state, four national security advisors, five chairmen of the joint chiefs of staff, and dozens of retired generals and admirals have supported closing Guantanamo for similar reasons. Do you agree with these national security leaders from both sides of the aisle that closing Guantanamo is in our national interest?

- Do you agree that while civilian casualties are a tragic and at times unavoidable consequence of the use of force, minimizing civilian casualties can help further mission objectives, particularly in the context of counterterrorism and counterinsurgency operations?
- National security experts from across the political spectrum agree that any new AUMF should be tailored to the threats we face today and should not provide open-ended authority for the current or a future president to wage unbounded war. They also believe that a new AUMF should enable meaningful oversight of the war effort by Congress. Do you agree?

Questions for Congressman Mike Pompeo, Nominee for Director of Central Intelligence Agency

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