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How to Disrupt Enablers of Mass Atrocities

BLUEPRINT FOR THE NEXT ADMINISTRATION

Released December 2012

Updated February 2013

BLUEPRINT
FOR THE NEXT U.S.
ADMINISTRATION

ABOUT US

On human rights, the United States must be a beacon. Activists fighting for freedom around the globe continue to look to us for inspiration and count on us for support. Upholding human rights is not only a moral obligation; it's a vital national interest. America is strongest when our policies and actions match our values.

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 30 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

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“In the face of a potential mass atrocity, our options are never limited to either sending in the military or standing by and doing nothing. The actions that can be taken are many; they range from economic to diplomatic interventions, and from non-combat military actions to outright intervention. But ensuring that the full range of options is available requires a level of governmental organization that matches the methodical organization characteristic of mass killings.”

Presidential Directive on Mass Atrocities,
August 2011

Introduction

Successive administrations have recognized that preventing genocide and crimes against humanity is in the national interest of the United States. The Obama Administration put this rhetoric into action in 2011 by issuing Presidential Study Directive 10, which elevated mass atrocities prevention to a “core national security interest and a core moral responsibility of the United States” and ordered the creation of a standing atrocities prevention structure in the U.S. government. With far-reaching atrocities prevention efforts now underway in the U.S. government, Human Rights First offers an additional, innovative approach that broadens the scope of current atrocities prevention efforts and opens up new avenues for tackling this persistent and complex problem.

Mass atrocities are complex, organized crimes, and perpetrators are rarely able to carry them out alone. They rely on “enablers”—governments, commercial entities, and individuals—to provide the goods and services (such as weapons, money, fuel, and training) necessary to commit their crimes. Together, enablers form a supply chain that fuels violence against civilians. If governments disrupt these supply chains, they can complicate and, in some cases, prevent the commission of mass atrocities.

The United States is well-positioned to target enablers and their global networks. Its political, economic, and military reach provide the government with unique influence and leverage over several elements of atrocity supply chains, such as manufacturers, exporters, insurers, and transporters. The United States has military and intelligence capabilities in every region of the world, and the U.S. dollar, as the world’s primary reserve currency, affords the government substantial leverage over a wide array of global financial transactions. From arms brokers and transportation companies to financial institutions and insurance providers, enablers largely operate in jurisdictions where the U.S. government exercises either control or substantial influence.

Adopting a comprehensive interagency strategy to target enablers holds the potential to prevent or mitigate atrocities across a number of regions by uncovering licit and illicit transnational networks that channel money, guns, and other material resources into numerous conflict zones and fuel mass atrocities. For example, there are only 13 cooperatives, or “mutual clubs,” in the world that provide insurance to shipping vessels. This means that the same insurers that provide coverage to ships carrying arms from Russia to Syria might also be providing coverage for similar arms shipments to other countries where mass atrocities are imminent or ongoing. The U.S. government and its allies should make such actors prime targets in the supply chain in order to disrupt arms flows to avert atrocities in multiple situations.

In some cases, enablers of mass atrocities may already be of interest to the United States for their role in other illicit transnational networks, such as drug smuggling, human trafficking, money laundering, and terrorism. For

example, a recent Human Rights First-Conflict Awareness Project study uncovered an ongoing illicit arms trafficking network led by associates of Viktor Bout, believed to be transporting weapons into Syria. Members of the network had been flagged by the U.S. Departments of Treasury and State for their links to terrorist activities.

Enablers can be identified at the earliest warning signs of a pending atrocity or throughout its commission. The U.S. government can use diplomatic and economic leverage over enablers, including positive incentives, to negotiate a change in behavior. It should also work with nongovernmental organizations and partner countries with jurisdiction over the region or resources, before the materials reach the perpetrators. If these measures fail, the U.S. government often has leverage to impose targeted sanctions and other financial levers to disrupt supply chains and should use this leverage at the earliest opportunity.

There are several agencies in the U.S. government that should play an active role in disrupting enablers. First and foremost is the newly created Atrocities Prevention Board (APB), which prioritizes combating mass atrocities as a national security interest and is tasked with creating comprehensive mass atrocities prevention strategies for the U.S. government. The APB offers a promising platform to advance new, creative tools for fighting mass atrocities, and the forthcoming Executive Order laying out the board's structure, functions, priorities, and objectives should include a formal strategy for tackling enablers.

Other government agencies include the National Security Staff (NSS), the Treasury Department, the intelligence community, and the Departments of State, Defense, and Justice. The NSS is positioned to lead the interagency effort and should ensure that the separate departments of the government have the authorities, resources, and policy tools they need to carry out their missions. The Treasury Department should apply tools already used to combat supporters of terrorism, money launderers, drug traffickers, and some perpetrators of atrocities to freeze assets and isolate enablers from financial markets. The intelligence community, with sufficient capacity and mandate, should collect and analyze information in a timely manner, identifying third

parties and tracing supply chains to determine whether and where they can be interrupted. Through the State Department, the United States can both secure the cooperation of other nations in disrupting enablers and exert political and diplomatic pressure directly on enablers. The Department of Defense should incorporate a strategy to disrupt mass atrocity enablers into its contingency and operational response planning. And the Department of Justice will play a critical role in holding accountable both perpetrators and enablers of atrocities. All of these efforts would benefit from and should be supplemented by regular and ongoing collaboration with relevant NGOs, civil society organizations, and humanitarian groups.

A number of authorities already exist for the U.S. government to actively track and disrupt atrocity enablers. These include, among others:

- **The Presidential Study Directive on Mass Atrocities (PSD-10)**, issued on August 4, 2011, designed to institutionalize a coordinated, whole-of-government approach to atrocity prevention.
- **Sanctions Authority:** the International Emergency Economic Powers Act (IEEPA) of 1977, provides the president authority to declare a national emergency in response to an unusual and extraordinary threat to the United States, and allows the president to exercise broad authority to control U.S. financial transactions and exports with, issue travel and visa bans on, and freeze the assets of entities and individuals that threaten U.S. national security. Under this sanctions authority, there are a number of existing country-specific sanctions programs, along with sanctions programs targeting transnational criminal organizations, global terrorists, narcotics traffickers, and other classes of persons. The administration can use these sanctions programs, and existing authority under various public laws, to more effectively disrupt enablers of mass atrocities.

- **Asset Forfeiture Authority:** through a number of public laws, including the Racketeering Influenced and Corrupt Organizations (RICO) Act and the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), the Department of Justice can seek asset forfeiture in an array of federal cases, including cases involving organized crime, terrorism, and money laundering. The administration can seek asset forfeiture in cases involving enablers of atrocities, where those enablers' activities overlap with other federal offenses. The administration can also seek assets forfeiture under IEEPA for violations of international sanctions implemented under that act. For instance, an international financial institution that does not comply with U.S. sanctions while doing business in the United States may be required to forfeit assets. Through these laws, the administration can subject enablers of atrocities to asset forfeiture, thereby depriving perpetrators of assets and disincentivizing enablers from fueling atrocities.

The U.S. government has demonstrated its ability to successfully interdict enabling supply chains. For example, in June 2012, the United States cooperated

with British and E.U. officials to turn back a shipment containing repaired attack helicopters from Russia to the Syrian port of Tartus. The shipment reportedly contained repaired attack helicopters, which U.S. officials suspected would be used by the Syrian regime against civilians. While the exact interagency process remains classified, publicly available information indicates that British officials, at the prompting of the United States, invoked E.U. sanctions and called on the ship's British insurer to revoke coverage for the vessel, ultimately forcing the ship to return to Russia without delivering its cargo.

Such successes give reason to continue targeting the supply chains that enable atrocities. As yet, however, disruption of enablers has been ad hoc and often done for the purposes of other national security objectives, such as combating smuggling, counterterrorism, or counter-proliferation. Policy makers should make the disruption of enablers a systematic and regular action in its prevention and mitigation of mass atrocities.

This blueprint lays out steps, by agency, for how to maximize existing tools and authorities designed to combat other forms of transnational organized crime, such as drug trafficking, terrorism and human trafficking, systematically to prevent mass atrocities.

How to Disrupt Enablers of Mass Atrocities

SUMMARY

Successive administrations have identified genocide and mass atrocities as a threat to U.S. national security interests. Following are concrete steps that the Obama Administration should take to disrupt the supply chain that supports such crimes.

NATIONAL SECURITY STAFF

- Issue an executive order on the Atrocities Prevention Board that tasks agencies to provide adequate capacity to the APB and seek resourcing for that capacity.
- Include mass atrocities and enablers considerations (*i.e.*, material support in the commission of atrocities) in the APB Executive Order and in all Executive Orders related to national security and human rights situations.
- Task the intelligence community with regular briefings on situations where there is a risk of mass atrocities; such briefings should include analysis of possible enablers and supply chains. The national security advisor should also make warning of genocide or mass atrocities an automatic trigger of mass atrocity prevention policy review within the interagency process.

DEPARTMENT OF TREASURY

- Conduct a study for public release on patterns of funding of mass atrocities, best practices for disrupting such funding, and creative initiatives so that financial hubs do not inadvertently facilitate sanctioned activities.
- Exercise existing sanctions authorities to designate enablers for asset freezes and isolation from financial markets.

- Seek more authorities and resources for the Office of Financial Assets Control (OFAC).
- Develop relationships with NGOs, civil society organizations, and humanitarian groups to expand communication and information gathering on mass atrocity situations. Specifically, conduct outreach and education to groups seeking sanctions on perpetrators and enablers of atrocities.

INTELLIGENCE COMMUNITY

- Examine enablers and supply chains in the new Mass Atrocity National Intelligence Estimate.
- Examine enablers and supply chains in the annual Worldwide Threat Assessment.

DEPARTMENT OF STATE

- Leverage political and diplomatic pressure to publicly and privately pressure enablers. As part of this effort, direct embassies to share names of individuals and networks identified as enablers with foreign authorities who can aid in their interdiction.
- Exercise existing sanctions authorities, specifically the use of travel restrictions and visa bans, to target and constrict the movement and activities of identified enablers.
- Task embassies and the diplomatic corps to gather information on local individuals, commercial entities, or governments enabling mass atrocities.
- Examine enablers and supply chains in civilian missions to crisis regions and in conflict assessments.
- Incorporate tracking and interdiction methods in overseas rule of law and training programs for foreign government officials.

DEPARTMENT OF DEFENSE

- Integrate a focus on enablers and supply chains into mass atrocity prevention simulation exercises, including specifically tabletop exercises on contexts that could lead to atrocities. From these simulations, develop and integrate into DoD contingency planning strategies to disrupt enablers.
- Adopt a regulation in the Defense Acquisition Regulations System to prohibit activities with state-owned enterprises, commercial entities, and individuals that enable mass atrocities.

DEPARTMENT OF JUSTICE

- Investigate, apprehend, and prosecute enablers of mass atrocities through the Human Rights and Special Prosecutions (HRSP) office and the FBI's Genocide War Crimes Unit (GWCU).
- Deploy HRSP and GWCU resources to supplement information gathering capacity in the field and expand investigations of war crimes and perpetrators to include persons and supply chains that facilitate and enable atrocities.
- Exercise existing asset forfeiture authorities to seize assets of any U.S. entity moving money or assets to or from the United States to promote mass atrocities abroad.

How to Disrupt Enablers of Mass Atrocities

NATIONAL SECURITY STAFF

BACKGROUND

The Obama Administration has considerably strengthened the role of the National Security Staff to oversee and coordinate atrocities prevention initiatives in the U.S. government. In 2011, the NSS led the establishment of the Atrocities Prevention Board, an interagency decision-making mechanism responsible for developing atrocities prevention and response strategies for the U.S. government. The APB is intended to ensure that all relevant departments have the authorities, resources, and policy tools they need to carry out their roles in atrocities prevention.

RECOMMENDATIONS

The National Security Staff should:

- **Issue an Executive Order on the Atrocities Prevention Board that includes a tasking for member agencies to provide adequate capacity and resources to the APB.**

When the Obama Administration established the Atrocities Prevention Board in April 2012, it stated that “after six months of operations, the Chair (in consultation with the Board) will begin preparation of a draft Executive Order for consideration by the President that will, as appropriate, publicly set forth the structure, functions, priorities, and objectives of the Board, provide further direction for its work, and include further measures for strengthening atrocity prevention and response capabilities as identified in the course of the Board’s work.” The chair, currently held by the NSS Senior Director for Multilateral Affairs and Human Rights, should include in the executive order a tasking for each member agency to provide adequate capacity to

the APB and to seek resourcing, including fiscal support through Congress, for that capacity.

- **Include mass atrocities and enablers considerations (i.e., material support in the commission of atrocities) in executive orders related to threatening national security and human rights situations.**

In certain instances, such as the crisis in Syria, events on the ground can overtake the conditions outlined in an executive order. Policy makers cannot always accurately predict the trajectory of a growing national security crisis. Nor is it easy to assess whether simmering tensions will erupt in violent conflict, lead to widespread and systematic attacks on civilians, or both. To obviate issuing a new executive order each time large-scale human rights considerations arise during a national security crisis, the president and his national security staff should regularly include considerations of atrocities and facilitation of atrocities in *all* executive orders related to national security crises.

- **Task the intelligence community with regular briefings on threatening mass atrocity situations.**

As noted above, intelligence collection and analysis are key to identifying threats of mass atrocities and developing effective responses to prevent or mitigate violence against civilians. Specific and clear taskings by the client, whether it is the NSS or the Atrocities Prevention Board, will be critical to focus and prioritize the intelligence collection and analysis. In its tasking, the NSS should explicitly direct the intelligence community to include in its assessments thorough and regular examination of enablers and supply chains that fuel mass atrocities. To ensure that the information is used effectively, the national security advisor should make warning by the intelligence community of genocide or mass atrocities an automatic trigger of policy review within the interagency process.

DEPARTMENT OF TREASURY

BACKGROUND

If the U.S. government seeks to disrupt enablers, the Treasury Department must apply to those actors its extensive experience using economic tools to attack other global threats, including terrorism, narcotics trafficking, and money laundering. Targeting the assets and financial transactions of individual persons, companies, or other entities has, in other contexts, effectively disrupted their malignant activities. Identifying and implementing methods for combatting mass atrocities will also require tailored, in-depth studies on patterns of funding of mass atrocities, best practices for disrupting such funding, and creative initiatives to engage financial hubs at risk of inadvertently facilitating sanctioned funding.

RECOMMENDATIONS

The Department of Treasury should:

- **Conduct a study for public release on patterns of funding of mass atrocities, best practices for disrupting such funding, and creative initiatives so that financial hubs do not inadvertently facilitate sanctioned activities.**

Perpetrators rely on a number of sources and conduits to fund their crimes. Understanding how they go about raising money and procuring resources is essential to disrupting the organization of mass atrocities. Previous studies by the Treasury Department into sophisticated illicit financial networks behind transnational threats have led to effective and actionable recommendations. Examples include the Financial Action Task Force (FATF) “40 Recommendations” for interdicting money laundering and the FATF “IX Special Recommendations” on terrorist financing. The Treasury Department should request a similar task force report examining the funding of mass atrocities. To carry out the recommendations, Treasury should consider creating a working group that focuses on atrocities and reports to the APB, and—similarly to the Financial Crimes

Enforcement Network (FinCEN)—signs information-sharing agreements with state and commercial entities found to serve as financial hubs for atrocities financing.

- **Exercise existing sanctions authorities to designate enablers for asset freezes and isolation from financial markets.**

The U.S. government has a number of financial levers it can use to target enablers, the bluntest of which is sanctions. The president has broad authority to impose sanctions, either pursuant to declaring a national emergency and then invoking powers vested in his office in the IEEPA, or by exercising other statutory authorities. In cases of gross human rights abuses, executive orders often order sanctions against persons or entities found to materially assist in the commission of abuses; enablers fall under this category. Other executive orders targeted at specific categories of actors can also be applicable to enablers, including, for example, Executive Order 13581 “Blocking Property of Transnational Criminal Organizations,” and Executive Order 13608 “Prohibiting Certain Transactions With and Suspending Entry into the United States of Foreign Sanctions Evaders with Respect to Iran and Syria.”

- **Seek more authorities and resources for the Office of Financial Assets Control (OFAC).**

OFAC implements sanctions once it is given authority, typically in one of two ways. Congress may give OFAC standing authority directly, as it did through the Kingpin Act. The president may also give OFAC standing authority under IEEPA by declaring an emergency in a particular country or region with respect to “any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States...” Congress or the president should give OFAC authority to designate not only those who perpetrate atrocities, but also enablers of atrocities,

wherever those crimes occur. To ensure that OFAC can maximize this expanded authority, the Department of Treasury should seek from Congress greater resources for the office to carry out its mission.

- **Develop relationships with NGOs, civil society organizations, and humanitarian groups to expand communication and information gathering on mass atrocity situations. Specifically, conduct outreach and education to groups seeking sanctions on perpetrators and enablers of atrocities.**

To build a case for sanctions against a particular entity, OFAC needs specific information that often is not available through U.S. governmental assets alone. Human rights NGOs, local civil society organizations, humanitarian groups, and others with a presence on the ground where atrocities are impending or ongoing can collect and provide needed information to OFAC. In order to be effective, these groups need guidance on what information is useful. The Treasury Department should initiate an outreach and education campaign targeting NGOs to explain Treasury's role in preventing and addressing mass atrocities and to promulgate clearer guidelines on how NGOs can best engage OFAC and support the case for sanctions on perpetrators and enablers of mass atrocities.

INTELLIGENCE COMMUNITY

BACKGROUND

Intelligence collection and analysis are key to identifying threats of mass atrocities and developing effective responses. Better intelligence on third-party enablers of atrocities would reveal additional policy options to prevent or mitigate violence against civilians. Mapping the actors and dynamics in atrocity situations will clarify the identities of the enablers, their specific roles, and the actors or connections in the supply chain that may be particularly susceptible to pressure.

RECOMMENDATIONS

The intelligence community should:

- **Examine enablers and supply chains in the new Mass Atrocity National Intelligence Estimate.**

With the creation of the Atrocities Prevention Board, the Obama Administration ordered the intelligence community to issue a new National Intelligence Estimate on genocide and other mass atrocities. The APB will monitor the National Intelligence Council's preparation of the NIE, which will examine the multiplicity of existing early warning assessments and forecast trends related to atrocities over the next five to seven years. The administration also ordered the intelligence community to "work internally and with our foreign partners to increase the overall collection, analysis, and sharing of information relating to atrocity threats and situations." As part of this expansion of intelligence collection and analysis, the intelligence community should include regular and close examination of enablers and supply chains that fuel atrocities. Specifically, the intelligence community should work with foreign partners to identify supply chains that transcend national boundaries and nodes along those supply chains that are susceptible to political, public, or economic pressure. Findings should be published in the NIE.

- **Examine enablers and supply chains in the annual Worldwide Threat Assessment.**

In 2011, following the issuance of PSD-10, the Director of National Intelligence James Clapper included in his congressional testimony on the annual threat assessment a short but notable passage on mass atrocities. The Obama Administration's order to the APB to work with the DNI to include information about mass atrocity threats *regularly* in the DNI's testimony is a welcome one. Mass atrocities should become a regular priority focus for the intelligence community, and resource allocation and re-organization in the IC must be adapted to

meet this added mission. As part of this development, the APB and the DNI should also include information on supply chains in the DNI's testimony, so that the resources fueling mass atrocities become a regular feature in the intelligence community's collection and analysis.

DEPARTMENT OF STATE

BACKGROUND

Tackling enablers of mass atrocities requires the assistance and cooperation of partners around the world. The State Department should lead diplomatic measures to inform, work with, or pressure foreign governments that are either unaware of, allow for, or even facilitate the commission of mass atrocities. The State Department should, as part of its bilateral and relevant multilateral discussions with other governments, raise concerns about those governments' transfers of arms, ammunition, and other goods to potential or actual perpetrators of atrocities.

Additionally, the State Department possesses a number of resources developed for conflict prevention and mitigation that can be deployed for mass atrocity prevention efforts. These tools and lessons learned should be expanded to include the examination of supply chains and actors that facilitate the commission of widespread and systematic human right abuses.

RECOMMENDATIONS

The Department of State should:

- **Leverage political and diplomatic pressure to publicly and privately pressure enablers. Direct embassies to share names of individuals and networks identified as enablers with foreign authorities who can aid in their interdiction.**

In simmering atrocity situations in which local governments are cooperative, U.S. diplomats should raise cases of individual and commercial enablers quietly with local counterparts to try to secure cooperation and generate action to disrupt the enablers' activities. As part of this effort, the secretary of state should direct

embassies to share names of individuals, entities, and networks identified as enablers with foreign authorities who can aid in their interdiction.

In ongoing atrocity situations in which the local government is either the enabler (e.g., Russia's arming of the Syrian regime) or evidently condones enablers' activities within its borders, U.S. diplomatic staff at every level should publicly and privately and at every relevant opportunity – bilateral meetings, ambassador- or embassy-level meetings, multilateral forums and summits, and in public statements – pressure the local government to immediately cease its activities.

- **Exercise existing sanctions authorities, specifically the use of travel restrictions and visa bans, to target and constrict the movement and activities of identified enablers.**

The president has broad authority to impose sanctions, either pursuant to declaring a national emergency and then invoking powers vested in his office in the IEEPA, or by exercising other statutory authorities. In cases of gross human rights abuses, executive orders often direct the secretaries of state and treasury to sanction persons or entities found to be materially assisting in the commission of abuses. Enablers fall under this category. In such cases, the secretary of state should order the designation of individuals and entities enabling mass atrocities for visa bans in order to restrict their movement and activities.

- **Task embassies and the diplomatic corps to gather information on individuals, commercial entities, or governments enabling mass atrocities.**

Embassy and diplomatic staff are often the first or second source of information for the U.S. government when atrocity situations develop. With direct exposure to conditions and access to information sources on the ground, embassy staff are well situated to gather information on

both perpetrators and enablers, as they monitor and report developments and any escalation of tensions. Timely information from the ground is necessary for disrupting supply chains.

- **Examine enablers and supply chains in civilian missions to crisis regions and in conflict assessments.**

Over the last several years, the State Department under the leadership of Secretary Hillary Clinton, has bolstered or established new tools to elevate American civilian power to prevent and resolve violent conflicts. Central to these tools are conflict assessments, such as the Interagency Conflict Assessment Framework, which examine the drivers and potential consequences of large-scale violent crises. Given the high correlation between conflict and mass atrocities, incorporating an evaluation of enablers into these assessments would contribute to a more systematic analysis of conditions that could lead to widespread and systematic attacks on civilians, and can feed into an overall strategy to disrupt supply chains.

- **Incorporate tracking and interdiction methods in overseas rule of law and training programs for foreign government officials.**

The State Department funds and designs overseas rule of law and training programs, including the Overseas Prosecutorial Development and Training section (OPDAT) and International Criminal Investigative Training Assistance Program (ICITAP). These programs assist prosecutors, judicial personnel, and governments in other countries to develop and sustain effective criminal judicial systems that respect the rule of law and human rights. Programs such as these can play an important role in mass atrocities prevention. The State Department should incorporate mass atrocities prevention, including a focus on enablers, into training programs for officers and officials in local judicial systems and help countries still developing effective justice systems craft

atrocities-related legislation that targets both perpetrators and enablers.

DEPARTMENT OF DEFENSE

BACKGROUND

The Department of Defense, through the Office for Partnership Strategy and Stability Operations, is implementing the recommendations of Presidential Study Directive 10 and working to incorporate atrocity prevention and response into Department of Defense plans, strategy, doctrine, training, and policy. The office should use innovative tools, such as simulation exercises, to inform its policies and approaches to atrocities prevention and include enablers in contingency planning exercises. The Department of Defense can also leverage its position as a consumer to ensure that the U.S. government maintains procurement practices that support atrocities prevention principles.

RECOMMENDATIONS

The Department of Defense should:

- **Integrate enablers and supply chains into mass atrocity prevention simulation exercises, including specifically tabletop exercises on contexts that could lead to atrocity situations. From these simulations, develop and integrate strategies to disrupt enablers into DoD contingency planning.**

Simulation exercises help policy makers identify ways to improve their approaches to some of the most complex challenges, and such exercises can assist military leaders in identifying gaps in their strategic and tactical approaches to mass atrocity prevention and response. The mass atrocity simulation exercise “Shrouded Horizons,” designed by Human Rights First, in collaboration with the Department of Defense, the U.S. Institute of Peace, and the Kroc Institute for International Peace Studies at Notre Dame University, offers one effective model that brings together decision makers across the interagency to respond to an escalating atrocity situation.

As part of its contingency and operations planning efforts, the Department of Defense should run new exercises or reframe scheduled exercises on mass atrocities prevention and response to incorporate a focus on third-party enablers and supply chains. Specifically, participants can assess logistical arrangements behind mass violence, identify vulnerable points in perpetrators' supply chains, and test the efficacy of kinetic and non-kinetic tools to disrupt these supply chains. Military officials should share lessons learned and best practices from these exercises with foreign military partners.

- **Adopt a regulation in the Defense Acquisition Regulations System to prohibit activities with state-owned enterprises, commercial entities, and individuals that enable mass atrocities.**

The United States cannot be seen as a leader in mass atrocity prevention if its policies, deliberately or inadvertently, enable attacks on civilians. To reduce the chance and incidents of the U.S. government becoming an enabler, it must enhance preventive and due diligence measures in its procurement, acquisition, and sales processes. Similar to requiring companies to be certified that they are not involved in human trafficking, the Department of Defense should adopt a regulation in its acquisition rules that bar it from purchasing from commercial entities that materially support mass atrocities.

Such a move would not be unprecedented. In 2012, Human Rights First uncovered a billion-dollar contract between the Department of Defense and Rosoboronexport, which had been supplying weapons to the Syrian regime to carry out systematic attacks on civilians. Upon learning of DoD's financial support to an enabler of the Syrian atrocities, Congress passed amendments prohibiting funding of Rosoboronexport and ordering an investigation into the contract. Such embarrassments could be avoided by adopting stronger due diligence measures as government agencies first consider such contracts.

DEPARTMENT OF JUSTICE

BACKGROUND

Through its Human Rights and Special Prosecutions office (HRSP) and the FBI's Genocide War Crimes Unit (GWCU), the Department of Justice investigates and tracks down perpetrators of mass atrocities. Their investigations, which take place both abroad and within the United States, offer additional information-gathering capacity in the field and should be expanded to include investigations into persons and supply chains that facilitate and enable atrocities, with the ultimate goal of holding these enablers accountable. Within U.S. jurisdiction, the Department of Justice can disrupt the activities of enablers by using its asset forfeiture authorities to seize assets of any U.S. entity moving money to or from the United States to promote crimes abroad.

RECOMMENDATIONS

The Department of Justice should:

- **Investigate, apprehend, and prosecute enablers of mass atrocities through the Human Rights and Special Prosecutions (HRSP) office and the FBI's Genocide War Crimes Unit (GWCU).**

The Genocide and War Crimes Unit focuses on the apprehension of internationally wanted war criminals. As part of this work, the GWCU not only works with other U.S. federal agencies, but also legal attachés abroad, foreign counterparts, and INTERPOL, giving the GWCU access to extensive resources. The GWCU also offers law enforcement and forensic training to foreign partners. The scope of the GWCU's mission – to use these capacities to identify, locate, and apprehend perpetrators – should be expanded to include holding accountable those who aid and abet perpetrators by providing material resources and support. The GWCU should include in its training programs for analysts and law enforcement in foreign countries a focus on enablers.

- **Deploy GWCU resources to supplement information gathering capacity in the field and expand investigations of war crimes and perpetrators to include persons and supply chains that facilitate and enable atrocities.**

Given GWCU's expansive geographical reach and ongoing cooperation with other U.S. agencies abroad, the unit is in a good position to supplement U.S. government information gathering on atrocities. Once collected and analyzed for its specific purposes (*i.e.*, specific cases), the GWCU can feed information into other, relevant U.S. government intelligence centers. Relatedly, the GWCU should expand its information collection to include not just perpetrators, but also enablers of mass atrocities.

- **Exercise existing asset forfeiture authorities to seize assets of any U.S. entity moving money or assets to or from the United States to promote mass atrocities abroad.**

The FBI and other relevant offices should use their asset seizure and forfeiture authorities to target enablers. This authority can be used to seize assets of any U.S. company or entity moving money to or from the United States to promote crimes against humanity. The FBI can rely on its authority under various laws to use asset forfeiture to combat criminal enterprises. The FBI can seek asset forfeiture in a host of cases, including those involving violations of sanctions or export controls, connected to terrorism, or related to money laundering or a host of other federal offenses. Working in conjunction with the Department of Justice's Asset Forfeiture and Money Laundering Section, OFAC, and other related offices, the FBI should use its asset seizure and forfeiture authority to target enablers.



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