

2020 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441)

BUREAU OF CONFLICT AND STABILIZATION OPERATIONS

AUGUST 7, 2020

I. Executive Summary

The Trump Administration is steadfastly committed to supporting the dignity of human lives and to the United States continuing to be a beacon of liberty around the world. The 2017 National Security Strategy states that we will not remain silent in the face of evil, that we will hold perpetrators of genocide and mass atrocities accountable and that we may use diplomacy, sanctions, and other tools to isolate states and leaders who threaten our interests and whose actions run contrary to our values. As such, U.S. whole-of-government efforts to prevent and respond to atrocities remain a key national security and foreign policy priority. This report follows the first report submitted by President Trump in 2019 (Tab 1) under the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (the Elie Wiesel Act) and covers the period from September 2019 to June 2020. It highlights the progress, accomplishments, and steps this Administration has taken to prevent and respond to atrocities during this period. The report also responds to feedback from civil society and congressional representatives and offers policy recommendations from the White House-led Atrocity Early Warning Task Force (the Task Force). The Task Force includes representatives from the National Security Council (NSC) staff; the Departments of State (State), Defense (DoD), Homeland Security (DHS), Justice (DoJ), the Federal Bureau of Investigation (FBI) and the Treasury (Treasury); the United States Agency for International Development (USAID); and the Intelligence Community (IC).

II. Global Assessment of Ongoing Atrocities and Countries at Risk of Atrocities

The Administration has taken a targeted approach to strengthen atrocity early warning. During this reporting period, State enhanced its existing data-driven, global atrocity early warning assessments of 99 countries by identifying ongoing atrocities and countries at risk of atrocities. The U.S. government uses State's Atrocity Early Warning Assessment alongside the U.S. Holocaust Memorial Museum's (USHMM) Early Warning Project and the IC's Annual Mass Atrocities Risk Assessment (Tab 2 – classified) to guide its engagements, develop actionable programs, and inform mitigation and accountability efforts. U.S. departments and agencies will continue to adapt, refine, and expand this assessment.

III. Multilateral and Other Diplomatic Engagements

State used multilateral and bilateral diplomatic engagements to reaffirm the U.S. commitment to atrocity prevention, publicly denounce perpetrators of atrocities, and raise the alarm on countries where there are ongoing atrocities or risks of atrocities. An important focus was the human rights crisis in the Xinjiang Uyghur Autonomous Region (Xinjiang) in China. These abuses include coercive population control through forced sterilization and involuntary birth control, family separation, physical and sexual abuse, forced marriage, and other violations. At the 74th United Nations General Assembly (UNGA), UN Security Council (UNSC) meetings, and various international commemorations, the U.S. publicly condemned China's ongoing and escalating abuses of the Uyghurs and other members of ethnic and religious minority groups in Xinjiang. The Deputy Secretary of State co-hosted a panel discussion on "The Human Rights Crisis in Xinjiang" for more than 30 UN member states, international partners, and 20 non-governmental organizations (NGOs) during the 2019 UNGA. The U.S. government also signed an unprecedented joint statement with 23 nations, calling attention to the situation in Xinjiang and urging China to demonstrate respect for the rights of members of ethnic and religious minority groups.

The U.S. government also worked with like-minded partners to create greater international awareness of atrocity risks and help prevent atrocities from recurring (See Tab 3 for additional State multilateral efforts to support transitional justice). Additionally, the Vice President's initiative to address relief and recovery efforts minority groups in Iraq and U.S. military operations against ISIS and other terrorist groups have helped prevent further atrocities by those groups. In Burma, the U.S. government used financial tools to address the link between illicit money laundering and human rights abuses. As a result of Treasury's meetings with Burma's Financial Intelligence Unit, Central Bank, U.S.-based Embassy, and Finance Ministry, Burma is working to improve its anti-money laundering regime so that it is more in line with international standards, which when fully implemented, can reduce the ability of perpetrators to profit from their crimes.

Effective atrocity prevention also requires coordination and burden sharing among like-minded partners. DoD implemented capacity building programs for foreign security forces (10 U.S.C. § 333) that help partner countries more effectively prevent and respond to atrocities. These programs include training on respecting the law of armed conflict, human rights and fundamental freedoms, the rule of law and civilian control of the military. DoD also developed common standards for military operationalization of Protection of Civilians (PoC) among partner countries. The U.S. Army Peacekeeping and Stability Operations Institute (PKSOI) – designated by DoD as the Joint Proponent for Stabilization and Peace Operations – advanced PoC principles and training to NATO personnel, the Finnish Defense Forces and contributed to the UN Infantry Battalion Manual (UNIBAM).

IV. Civil Society and Other Engagements

The Administration recognizes the importance of engaging with civil society to be effective in preventing, mitigating, and responding to atrocities. Civil society often has greater access to local communities and can help identify countries at risk of atrocities and inform appropriate responses. To strengthen U.S. efforts to denounce atrocities in

Xinjiang and promote accountability for the Chinese government, State held consultations with civil society organizations and regularly communicated with Uyghur survivors and their family members around the world. Secretary Pompeo issued a statement about the harassment, imprisonment, or detention experienced by family members of Uyghur Muslim activists and survivors of Xinjiang internment camps. Secretary Pompeo also issued a statement condemning the Chinese Communist Party's (CCP) coercive population control practices, which include forced sterilization and involuntary birth control methods. He urged all countries to join the United States in pressing for an immediate end to the Chinese Government's repressions. Additionally, State honored Sayragul Sauytbay – an ethnic Kazakh born in Xinjiang and a victim of Chinese repression – as one of the recipients of the 2020 International Women of Courage Award for her efforts to bring international attention to the CCP campaign of repression. This Administration reinforced its high-level messaging on atrocities in Xinjiang at the President's Global Call for Religious Freedom event at the 2019 UNGA and at the 2019 Ministerial to Advance Religious Freedom, the largest religious freedom event of its kind in the world, with more than 1,000 civil society and religious leaders and more than 100 foreign delegations in attendance. Uyghur survivors of internment camps in Xinjiang and family members gave powerful testimonies of the Chinese Government's escalating repression against members of religious groups in China.

To address long-term recovery and preserve historical memory of atrocities, the U.S. government also engaged with civil society to respond to rising anti-Semitism globally, including attacks against Jewish populations and infrastructure and Holocaust distortion. A cabinet-level delegation traveled to Auschwitz-Birkenau Nazi death camps on January 27, 2020 to commemorate the 75th anniversary of their liberation. President Trump signed into law the bipartisan Never Again Education Act on May 29, 2020 to help ensure future generations never forget the Holocaust and that they condemn hatred and bigotry against any group of people. The White House released a corresponding statement and Secretary of State Pompeo made a statement on International Holocaust Remembrance Day in 2020, announcing the U.S. government's

intention to contribute an additional \$2 million to the Auschwitz-Birkenau Foundation in Poland, bringing the total U.S. contribution to \$17 million. State engaged with foreign governments and civil society worldwide to combat anti-Semitism through initiatives such as improving the physical security of Jewish communities, increasing the efficacy of hate crimes prosecutions, encouraging the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism, addressing the proliferation of hate through the internet and social media, and helping to advance philo-Semitic narratives that promote understanding and appreciation of Jewish contributions to society.

DHS and FBI ongoing outreach with civil society organizations and university partnerships supported justice and accountability for atrocities by generating leads and advancing investigations and prosecutions of human rights violations. Additionally, State briefed members of the Senate Foreign Relations Committee (SFRC) and House Foreign Affairs Committee three times on its efforts to implement the Elie Wiesel Act and USAID briefed members of the SFRC in April 2020 on its atrocity prevention programs and training.

V. U.S. Government and Civil Society Recommendations To Improve Atrocity Prevention, Mitigation and Response Efforts

The U.S. government made three new recommendations in 2020 to improve U.S. atrocity prevention efforts: 1) clarify the role of the Task Force in pursuing country-level efforts in line with existing national security priorities and regional policy processes; 2) define success and impact to improve monitoring and evaluation of atrocity prevention efforts; and 3) enhance public messaging on the U.S. government's atrocity prevention work. This effort must balance the benefits of publicly identifying countries with ongoing, or who are at risk of, atrocities with the possible political implications of this labeling, which could be counterproductive to civilian protection efforts. It is also necessary to develop metrics to monitor, evaluate, and message the impact of our

atrocities prevention efforts. The implementation status of 2019 U.S. government and civil society recommendations are included under sections IV, VI.a., VI.b., and VII.

VI. U.S. Government Efforts on Atrocity Prevention, Mitigation, and Response

a. Atrocity Early Warning Task Force

The efforts of the Task Force demonstrate the Administration’s actionable approach to preventing, mitigating, and responding to atrocities. During the reporting period, the Task Force^[4] conducted numerous meetings at the working and principal levels, including several joint regional meetings to implement the Elie Wiesel Act across the U.S. government’s foreign policy. As a result, the Task Force completed an internal implementation plan to guide its work, agreed to develop a public-facing policy framework on Atrocity Early Warning and Risk Mitigation, identified for relevant U.S. departments and agencies the countries at risk of atrocities and assessed options for timely interventions.

b. Early Warning Assessments of Atrocity Risk

To inform and guide the Task Force’s efforts, State worked closely with the IC and used civil society findings to enhance data-driven early warning atrocity assessments. State produced additional analytic products including heat maps of violence targeting civilian in multiple countries and is expanding its datasets to include the specific impacts of violence on women and girls. Similarly, the IC revised the methodology supporting its Annual Mass Atrocities Risk Assessment over the past 12 months.

c. Funding and Programs

In Fiscal Year 2019, State and USAID allocated approximately \$10.5 million towards atrocity prevention programming globally, including \$2.5 million in Economic Support Funds and \$2.5 million in International Narcotics Control and Law Enforcement (INCLE) funding earmarked for programs to prevent atrocities. State used foreign assistance

funding earmarked for atrocity prevention to conduct programming on: electoral violence-related human rights investigations; local community leader trainings to promote justice and reconciliation; locally-led protection efforts to enhance the resilience of at-risk communities, and promote conflict mitigation, reconciliation, and advocacy strategies; building the capacity of community leaders' to lead effective mediation and prevention activities; and enhance the capacity of criminal justice institutions and actors to mitigate violence and hold perpetrators accountable. State also funded programs to strengthen and reform police forces and train criminal justice practitioners in leadership approaches for mitigating atrocities. State also allocated \$1 million to address issues of repression in Xinjiang. State utilized the INCLE Relief and Recovery Fund to support accountability programs for atrocities, including those involving war crimes, genocide, and crimes against humanity. This includes \$4 million to develop actionable case files against perpetrators of atrocities in Iraq and Syria, including ISIS and the Assad regime. State also provided \$1 million to support UNITAD's ongoing efforts to gather evidence on ISIS crimes in the Ninewa Plain. State mechanisms that provide flexible and/or rapid response funding include support to: survivors in the immediate aftermath or imminent threat of gender-based violence; survivors and victims of religious persecution; human rights defenders and civil society organizations under threat or attack due to their work to protect the human rights of lesbian, gay, bi-sexual, transgender, and intersex (LGBTI) persons; and efforts to promote justice and accountability for human rights violations and abuses. USAID also integrated atrocity prevention and transitional justice efforts into its programs globally, including programs on human rights, rule of law, peacebuilding, and conflict management, mitigation, and transition initiatives. These programs supported early warning-early response systems, trauma assistance, and civil society advocacy to address atrocity risks; conflict mediation and intercommunal and interfaith dialogue to reduce violence; and social cohesion, legal reform and justice sector and non-judicial transitional justice and accountability efforts. USAID's Center for Democracy, Human Rights, and Governance is working to integrate atrocity prevention across the agency more effectively. USAID mechanisms for rapid response funding include its: Human

Rights Support Mechanism, Human Rights Grants Program, Complex Crisis Funds, and a new fund specifically for religious freedom programs. As a result of these efforts, State and USAID have placed greater attention on enhancing metrics to assess and publicly communicate the impact of atrocity prevention programming.

d. Financial, Diplomatic, and Transitional Justice Tools

The U.S. government addressed the long-term consequences of mass violence necessary to stabilize, heal, and rehabilitate post-atrocity societies. The Department of State (State) used technical and foreign assistance to support transitional justice measures, including criminal prosecutions, truth commissions, reparations, and institutional reforms. For example, State is providing technical advice and feedback to the Truth and Reconciliation Committee preparatory process in Kosovo, which will assist in pursuing a victim-centered transitional justice approach. In addition, over the past year, State pursued additional accountability and mitigation efforts in China, Burma, Syria and Iraq.

State continued to finance efforts to gather evidence and to hold accountable perpetrators of atrocities and other human rights abuses in Iraq and Syria, including against Christians, Yezidis, and members of other minority groups. This support included financial and technical assistance to the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) and the International, Impartial and Independent Mechanism in Syria (IIIM) to collect evidence following appropriate chain of custody, develop actionable case files, digitize collected data from Syria and Iraq, and train Iraqi Government institutions to develop a comprehensive, digitized inventory of ISIS crimes. State's like-minded partners have shared their documentation and analysis of human rights violations and abuses with prosecutors across Europe that are leading investigations into atrocity crimes committed in Syria. Similarly, State collaborated with institutions such as the International Residual Mechanism for Criminal Tribunals and the Hybrid Court for South Sudan to strengthen justice and accountability mechanisms. It worked through the UNSC to address abuses

by armed groups and government forces in Burundi, the Central African Republic, and the Democratic Republic of the Congo (DRC).

The Department of Homeland Security (DHS) supported transitional justice efforts to identify, investigate and prosecute human rights violators under U.S. criminal and immigration law, which are critical to promoting accountability for atrocities. To ensure our territory does not become a safe-haven for perpetrators of atrocities, DHS arrested more than 30 individuals for human rights violations, facilitated the removal of more than 62 known or suspected human rights violators and stopped more than 19 human rights violators and war crimes suspects from entering the United States. DHS is actively investigating more than 180 cases and 1,600 leads involving persons suspected of human rights violations and war crimes from 95 countries. DHS continues to conduct capacity-building programs for partner governments, resulting in in-depth assessments and training for local law enforcement to stabilize border areas and inhibit illicit financial flows, collect evidence, and conduct witness interviews following suspected atrocities.

The Federal Bureau of Investigation (FBI) plays a vital role in the U.S. government's coordinated efforts to identify, locate, investigate, and prosecute perpetrators of genocide, war crimes, and other related mass atrocities. Since October 2019, there has been a 31 percent increase in the number of FBI international human rights investigations. The FBI continues to partner with DHS at the Human Rights Violators and War Crimes Center (HRVWCC), which facilitates a whole-of-government approach to combating human rights violations. In addition to its traditional investigative methods in the field and its role at the HRVWCC, FBI aggressively pursues human rights law enforcement through intelligence-driven initiatives and coordinated efforts with both civil society and domestic and foreign law enforcement partners.

The U.S. government successfully applied financial tools in conjunction with other actions to prevent or mitigate atrocities. The Department of the Treasury (Treasury) Office of Foreign Assets Control (OFAC) used sanctions to target atrocity perpetrators,

deny them the means to commit atrocities, and promote accountability for their actions. For example, pursuant to Executive Order (E.O.) 13818, which builds upon and implements the Global Magnitsky Human Rights Accountability Act, OFAC sanctioned 18 individuals in Burma, Pakistan, Libya, Slovakia, DRC, and South Sudan for their roles in serious human rights abuses. OFAC designated an additional six entities for being owned or controlled by one of these individuals. These public sanctions, as well as U.S. government outreach and information sharing with international partners, increased awareness of past or ongoing atrocities and reinforced U.S. leadership on the global stage as an example for our likeminded partners to follow.

The U.S. government imposed export controls on 21 Chinese government entities and 16 Chinese companies for their complicity in human rights abuses, detention orders against three Chinese companies using Uyghur forced labor, and placed visa restrictions on Chinese Communist Party officials responsible for gross human rights violations in Xinjiang. Notably, although outside the reporting period, OFAC also announced economic sanctions against four Chinese Communist Party officials and a government entity in Xinjiang in connection with serious human rights abuses in Xinjiang, pursuant to E.O. 13818.

Treasury works with the interagency to use a range of economic and financial pressure tools to disrupt and deter atrocities and human rights violations and abuses. Treasury conducts extensive outreach to foreign governments, U.S. and foreign financial institutions, civil society organizations, and international organizations. This outreach highlights the risks of financial instability resulting from human rights abuses and promotes relevant best practices. In addition to the bilateral and civil society engagements highlighted in the report, Treasury, in consultation with the Department of State and the Department of Justice, uses its economic sanctions authorities to isolate, deter, and deprive foreign actors of the resources necessary to commit atrocities.

In direct response to the potential for renewed large-scale violence in South Sudan, Treasury supported an escalatory pressure campaign against key South Sudanese leaders who were playing an active role in undermining the peace process. Beginning in September 2019, Treasury engaged with South Sudanese leaders to explicitly link progress on the peace process, respect for human rights, and access to the international financial sector. This effort, in conjunction with diplomatic engagement and targeted sanctions, helped pressure the leaders of the Government of South Sudan and Sudan People's Liberation Movement-in-Opposition to form a national unity government in late February 2020, in accordance with the 2018 peace agreement. In support of USG engagement, Treasury designated Minister of Cabinet Affairs, Martin Elia Lomuro, and Minister of Defense and Veteran Affairs, Kuol Manyang Juuk, under Executive Order (E.O.) 13664, for actively perpetuating the conflict for their own personal enrichment. Pursuant to E.O. 13818, which builds upon and implements the Global Magnitsky Human Rights Accountability Act, Treasury closely followed these designations with a January 8, 2020, designation of South Sudanese First Vice President Taban Deng Gai (Deng) — the most senior South Sudanese official designated to date — for his role in serious human rights abuses. The designations publicly underscored the U.S. government's commitment to promoting accountability for those who seek to undermine the South Sudanese peace process, as well as the U.S. government's continuing commitment to promote and protect human rights globally.

In December 2019, OFAC sanctioned four Burmese military commanders, pursuant to E.O. 13818, for being leaders or officials of entities that engaged in, or whose members engaged in, serious human rights abuse in Burma's Rakhine State relating to the leader or official's tenure. Designations of the Commander-in-Chief of the Burmese military, Min Aung Hlaing; the Deputy Commander-in-Chief, Soe Win; the commander of the 33rd Light Infantry Division (LID), Aung Aung; and the commander of the 99th LID, Than Oo; demonstrated the United States' leadership in promoting accountability for high-level military officials responsible for serious human rights abuse in Burma.

e. Integration With Related Thematic Priorities

The Task Force integrated its atrocity prevention efforts with other Administration priorities. These include the U.S. Strategy on Women, Peace, and Security (WPS), efforts to combat anti-Semitism, International Religious Freedom, and the Global Fragility Strategy, mandated by the Global Fragility Act (Div. J, P.L. 116-94). These efforts support the most at-risk communities and victims of atrocities, including ethnic and religious minorities, women and girls and other marginalized groups. The U.S. government has directly supported more than 1,400 survivors of extreme forms of gender-based violence, including conflict-related sexual violence (CRSV) which assisted hundreds of individuals who were survivors of ISIS violence. It worked with U.S.-funded multilateral entities such as the UN Special Representative of the Secretary General on Sexual Violence in Conflict, UN Women and the UN Trust Fund to End Violence Against Women to enhance data collection for sexual violence.

VII. Atrocity Prevention Training for U.S. Government Personnel

To enhance U.S. government capacity to anticipate, prevent, mitigate and respond to atrocities, State launched its first online Mass Atrocity Prevention course in February 2020 and delivered a virtual version of its annual in-person training, Preventing Genocide and Mass Atrocities through Multilateral Diplomacy in June 2020. As a result, Foreign Service Officers and other State personnel trained in atrocity prevention increased by twenty-fold in the past year. State also delivered the first-ever regional atrocity prevention training in South Africa for personnel from 28 U.S. embassies across Africa in conjunction with the Auschwitz Institute for the Prevention of Genocide and Mass Atrocities. Similarly, USAID developed an atrocity prevention curriculum in consultation with the Auschwitz Institute and trained more than 50 staff, including foreign service nationals in Cote d'Ivoire, Burkina Faso, DRC, Guinea, Senegal, Ghana, and South Sudan. State and USAID will share portions of the curriculum with civil society to enhance future iterations and pursue opportunities for joint training events with likeminded partners. USAID also continues to offer its online atrocity prevention course (available to all USAID staff). DoD personnel continue to receive

training on the Law of War, Ethics and Combating Trafficking in Persons as required under DoD policies and regulations. Additional training and materials exist for PoC and Mass Atrocity Response Operations. The FBI conducted a nationwide training initiative for its field offices regarding human rights investigations, violations, and case management. As of June 2020, its International Human Rights Unit (IHRU) had provided training to 11 FBI field offices with over 200 total participants composed of special agents, supervisors, and intelligence analysts.