



Human Rights Violators and War Crimes Center

February 9, 2022

Fiscal Year 2021 Report to Congress



**Homeland
Security**

U.S. Immigration and Customs Enforcement

Message from the Acting Director

February 9, 2022

I am pleased to present the following report, “Human Rights Violators and War Crimes Center,” which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to a requirement in the Joint Explanatory Statement, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security Appropriations Act (P.L. 116-260).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:



The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to the ICE Office of Congressional Relations at (202) 732-4200.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tae D. Johnson', written over a light blue circular stamp.

Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Executive Summary

ICE is providing this report to highlight its efforts to investigate, prosecute, and remove individuals who have committed human rights abuses, including persecution, genocide, severe violations of religious freedom, torture, extrajudicial killing, and the use or recruitment of child soldiers. This report includes statistics indicating the total number of investigations involving individuals believed to have committed human rights abuses from FY 2016 to FY 2020; ICE's efforts to increase the number of human rights investigations and prosecutions; and a discussion of the impediments to investigating and prosecuting additional human rights violators.

ICE's Homeland Security Investigations Human Rights Violators and War Crimes Unit and the Office of the Principal Legal Advisor are the primary components of the Human Rights Violators and War Crimes Center (HRVWCC) and work to identify, locate, prosecute, and remove human rights abusers and war criminals from the United States. Between FY 2016 and FY 2020, the HRVWCC began 89 new criminal investigations resulting in 37 indictments and 23 convictions. The HRVWCC has utilized funding allocations to increase staffing and in turn, to generate more case leads. It has established new relationships both domestically and abroad with foreign governmental partners and nongovernmental organizations to increase the number of human rights investigations and prosecutions.



Human Rights Violators and War Crimes Center Report to Congress

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I. Legislative Requirement

This report responds to the direction set forth in the Joint Explanatory Statement accompanying the Fiscal Year 2021 (FY) Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

The Joint Explanatory Statement states:

Human Rights Violators. – The agreement provides \$5,300,000 for the Office of the Principal Legal Advisor's Human Rights Law Section and for the Human Rights Violators and War Crimes Unit for training, transportation, and other related activities. ICE is directed to continue its efforts to investigate, remove, and prosecute individuals who have committed human rights abuses, including persecution, genocide, severe violations of religious freedom, torture, extrajudicial killing, use or recruitment of child soldiers, crimes against humanity, or war crimes. ICE shall report to the Committees not later than 180 days after the date of enactment of this Act on: (1) the total number of prosecutions and investigations of human rights offenses and other offenses committed and their outcomes, delineated by serious human rights violators within each of the last five fiscal years; (2) efforts to increase the number of human rights investigations and prosecutions; and (3) any organizational, resource, or legal impediments to investigating and prosecuting more human rights violators.

II. Background

A. Human Rights Violators and War Crimes Center

Homeland Security Investigations (HSI) is the investigative arm of U.S. Immigration and Customs Enforcement (ICE) and the largest investigative component under the DHS umbrella. ICE created the Human Rights Violators and War Crimes Unit (HRVWCU) to further its emphasis on the identification, investigation, prosecution, and removal of individuals who have committed human rights violations and war crimes, including acts of torture, genocide, extrajudicial killings, gender-based violence, and the use or recruitment of child soldiers. Under the Immigration and Nationality Act (INA), ICE has the authority to investigate, detain, remove, or deport individuals to their respective home countries, so that they may face justice in the jurisdictions in which these crimes were committed. HSI also investigates violations under Title 18 such as torture, genocide, recruitment and use of child soldiers, female genital mutilation (FGM), and visa and naturalization fraud.

HRVWCU works closely with ICE's Office of the Principal Legal Advisor (OPLA), which provides legal advice and litigation support to HRVWCU, among other ICE program offices, as well as to attorneys and case agents in ICE's various field offices, both domestically and internationally.

ICE created the Human Rights Violators and War Crimes Center (HRVWCC) in 2008 to establish a whole-of-government approach to identifying, investigating, and prosecuting those who commit human rights violations. HRVWCC's mission is to ensure that the United States does not become a haven for human rights violators by proactively preventing violators from entering the United States or from being issued immigration benefits, by providing case support to ongoing criminal investigations and administrative cases, and by generating leads to disseminate to ICE offices for investigation. HRVWCC leverages the expertise of a select group of special agents, attorneys, criminal analysts, and historians who direct the agency's broader enforcement efforts against those who are known or suspected to have participated in such atrocities. HRVWCC members' work has been honored by the Anti-Defamation League's SHIELD award and the Women in Federal Law Enforcement Leadership Award; and has been highlighted in the feature film *Finding Oscar*, and in the book *American Warlord*, as well as in media outlets such as the New York Times, Washington Post, Los Angeles Times, National Public Radio, and the British Broadcasting Corporation.

HRVWCC is led by the Chief of HRVWCU and comprises the following components:

- **ICE**
 - **HSI's HRVWCU:** HSI (and the former U.S. Immigration and Naturalization Service (INS)) has more than 30 years of experience in investigating modern human rights violations successfully. It was built on a foundation of investigations initiated by the legacy INS, which, along with the legacy U.S. Customs Service Office of Investigations, formed the basis of the creation of HSI subsequent to the founding of DHS and ICE. HRVWCU shares the

mission of HRVWCC – to ensure that the United States does not become a haven for individuals who commit war crimes, genocide, torture, and other human rights abuses.

- **OPLA:** OPLA provides the lead legal support for HRVWCU. In addition, it supports investigations in ICE’s various field offices, supports criminal prosecutions of human rights violators, and handles administrative litigation of human rights violator cases before the immigration courts.
- **Enforcement and Removal Operations (ERO):** ERO officially joined HRVWCC in 2019 and together with its fugitive operations program, leads HRVWCC’s Operation No Safe Haven initiative, an enforcement operation aimed at locating and arresting human rights violators with final orders of removal who have absconded.
- **U.S. Citizenship and Immigration Services (USCIS):** USCIS’s Fraud Detection and National Security Directorate works closely with HRVWCC’s regional support investigative teams to provide leads received from USCIS adjudicators. These leads are based on information obtained and developed by USCIS when, in its review of applications filed by those applying for immigration benefits, it identifies suspected human rights violators.
- **Federal Bureau of Investigation (FBI) International Human Rights Unit (IHRU):** In 2012, FBI’s IHRU agents and analysts joined HRVWCC and are co-located wholly within HRVWCC at HSI’s National Security Investigations Division office. The IHRU’s primary focus is on human rights violations under Title 18.
- **U.S. Department of State (DOS), Bureau of Consular Affairs:** In 2016, the Bureau of Consular Affairs joined HRVWCC, providing one full-time foreign service officer to support both the preventative and investigative missions of HRVWCC.
- **U.S. Department of Justice (DOJ), Human Rights and Special Prosecutions Section (HRSP):** In 2017, HRSP joined HRVWCC. HRSP is HSI’s primary partner in criminal prosecutions, with support from various U.S. Attorney’s Offices, against human rights violators.
- **DOJ Office of Immigration Litigation (OIL):** In 2019, OIL joined HRVWCC. OIL partners with HSI and OPLA to prosecute civil denaturalization cases when criminal prosecution is not viable.
- **U.S. Department of Defense, U.S. Army Criminal Investigations Division Command, Transregional and Criminal Investigations Unit (TCIU):** In 2016, TCIU joined HRVWCC. TCIU is the investigative arm of the Office of Military Commissions, which is responsible for investigating war crimes committed overseas by enemy combatants, including the attack on the USS Cole, the September 11, 2001, attacks, and the debriefing of detainees in Guantanamo Bay. TCIU supports

HRVWCC by providing investigative resources in cases involving individuals with a Department of Defense nexus.

B. Investigations

Regional and Specialty Investigative Support Teams: HRVWCC is composed of four Regional Support Teams (RST) that support the No Safe Haven mission. These RSTs are focused geographically on Latin America, Africa, Europe/Balkans, and Asia/Middle East. The RSTs are composed of Special Agents, attorneys, criminal analysts, and historians who provide programmatic oversight and substantive country-specific expertise to the agents within HSI's 30 Special Agent-in-Charge offices investigating these cases, as well as to the attorneys litigating them. HRVWCC has two specialty investigative support teams focused on the mitigation of FGM in the United States and on the identification of persons and businesses involved in serious human rights abuses who may be subject to sanctions pursuant to the Global Magnitsky Act.

- **FGM:** HRVWCC is the primary U.S. Government entity charged with responding to allegations of FGM. FGM is gender-based violence, a serious human rights abuse and, when practiced on children, a serious form of child abuse. HRVWCC investigates allegations of FGM against individuals who have subjected or intend to subject young girls to FGM in violation of 18 U.S.C. § 116. In 2017, HRVWCC launched an outreach program at U.S. international airports called "Operation Limelight USA" (OLLUSA). The program aims to educate airline passengers about the harm of FGM and the United States' laws governing the practice.
- **Sanctions and the Global Magnitsky Act:** The Global Magnitsky Act, 22 U.S.C. § 2656, permits the U.S. Government to block access to U.S. financial systems by targeting global human rights violators as well as the underlying networks they use to enable their activities. HRVWCC's Global Magnitsky Investigative Support Team, in collaboration with the Department of Treasury's Office of Foreign Assets Control and DOS, identifies, researches, and nominates serious human rights abusers and corrupt foreign officials for sanctions under the Global Magnitsky Act, 22 U.S.C. § 2656, and related statutes.

C. Preventions

Human Rights Target Tracking Team (HRT3): HRT3 is a proactive, HSI-led intelligence initiative within HRVWCC that identifies and prevents the entry of human rights violators to the United States in coordination with the FBI, DOS, USCIS, and U.S. Customs and Border Protection (CBP). Since 2003, HRT3 has identified and flagged more than 77,000 potential human rights violators from across the globe. DHS has used these "lookouts" to stop more than 343 suspected human rights violators from entering the United States.

HRT3 collects and analyzes classified and unclassified information regarding mass atrocities, war crimes, and human rights violations to identify suspected perpetrators. HRT3 incorporates this material into a unique HSI intelligence report known as a Human Rights Assessment (HRA). HRAs detail the nuances of various atrocities and indicate the potential grounds of inadmissibility for individuals whom HRT3 identifies as known or suspected human rights violators. HRAs are created at the unclassified level to ensure the widest possible dissemination

to HRVWCC partners, to include DOS, CBP, and USCIS. HRAs also are shared with foreign law enforcement agencies, in accordance with established information sharing agreements. HRT3 works with CBP to prevent the entry of individuals flagged as potential human rights violators. In addition, HRT3 works with DOS to deny the issuance of new visas as well as to revoke visas previously issued to individuals whom HRT3 identifies as known or suspected human rights violators.

Operation War Crimes Hunter: In 2014, HSI established Operation War Crimes Hunter to capture, through open-source media, images of human rights violations and those who commit them. HRVWCU is working closely with DHS's Science and Technology Directorate to develop HRVWCU's ability to identify facial images of suspected human rights violators, to extract those images, and in turn, to share them with partner agencies to prevent human rights violators from entering the United States.

III. Criminal and Administrative Enforcement Statistics FY 2016–2020

HRVWCC investigates cases involving individuals who have committed violations of the criminal statutes under Title 18 and those who have committed violations of the INA under Title 8. Criminal investigations include violations of 18 U.S.C. §§ 1001 (false statements), 1546 (fraud/visa misuse), 1425 (naturalization fraud), 1621 (perjury), and substantive human rights violations such as 18 U.S.C. §§ 116 (FGM), 1091 (genocide), 2340 (torture), 2441 (war crimes), and 2442 (recruitment/use of child soldiers). Administrative cases include those involving individuals who have persecuted others based on race, religion, nationality, membership in a particular social group, or political opinion, as well as those who have ordered, incited, assisted, or participated otherwise in Nazi persecution, genocide, torture, extrajudicial killing, particularly severe violations of religious freedom, recruitment or use of child soldiers, or forced abortion and sterilization.

Table 1 highlights various criminal and administrative enforcement actions by HRVWCC during the FY 2016 through FY 2020 time period. HRVWCC averaged approximately 18 new criminal investigations, 8 criminal arrests, 7 indictments, 5 convictions, and 21 preventative actions per year during this reporting period. Table 2 indicates the number of administrative cases that involve human rights violations of a significant magnitude assigned to HRVWCC for tracking and assistance.

Table 1. HRVWCC Enforcement Statistics

HRVWCC	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Total FY 2016-2020
Human Rights Violator Lookouts entered on known or suspected human rights violators	298	476	735	851	1,225	3,585
HRAs produced	8	10	11	20	17	66
Preventions (visa denials, CBP preventions, visa revocations)	31	25	21	14	15	106
New Criminal Investigations	5	24	15	21	24	89
Administrative Arrests	26	6	12	29	6	79
Criminal Arrests	4	14	10	5	5	38
Criminal Indictments	6	13	11	3	4	37
Criminal Convictions	4	5	7	6	1	23

Table 2. OPLA Human Rights Violator Administrative Enforcement Statistics

OPLA	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	Total FY 2016- 2020
Active Human Rights Interest Cases	1,727	1,710	1,768	1,628	1,667	N/A ¹
Removals/Departures of Known/Suspected Human Rights Violators	40	47	55	64	30	236

¹ A human rights interest case can be active for more than one year; as such there is no way to provide an accurate FY 2016-2020 cumulative total.

IV. Efforts to Increase Human Rights Investigations and Prosecutions

A. Prior Appropriations

In the Joint Explanatory Statement and Senate Report 114-68 accompanying the FY 2016 DHS Appropriations Act (P.L. 114-113), Congress directed ICE to dedicate \$5.3 million in support of investigations of human rights violators.

The Joint Explanatory Statement stated:

Of the amount provided for Salaries and Expenses, not less than \$5,300,000 is for ICE's investigative and legal efforts to combat crimes against humanity, human rights abuses, and war crimes.

Senate Report 114-68 stated:

For this purpose, the Committee directs that not less than \$5,300,000 be allocated for expenses, including but not limited to hiring additional OPLA Human Rights Law Section and HSI Human Rights Violators and War Crimes Unit personnel, training, and transportation.

Similar direction in the Explanatory Statement and Senate Report 114-264 accompanying the FY 2017 DHS Appropriations Act (P.L. 115-31) enabled HRVWCC to hire additional personnel such as historians, intelligence research specialists, and criminal investigators to focus on the research, identification, and investigation of human rights violators found within the United States.

The Explanatory Statement stated:

ICE shall allocate not less than \$5,300,000 for war crime investigations, including but not limited to training, transportation, and hiring additional personnel at the OPLA Human Rights Law Section and the HSI Human Rights Violators and War Crimes Unit.²

Senate Report 114-264 stated:

As directed in Senate Report 114-68, ICE shall allocate not less than \$5,300,000 for expenses, including but not limited to hiring additional OPLA Human Rights Law Section and HSI Human Rights Violators and War Crimes Unit personnel, training, and transportation.

² 163 Cong. Rec. H3811 (daily ed. May 3, 2017) (Explanatory Statement of Rep. Frelinghuysen).

This allocation provided continued resources to support open investigations, to develop additional investigative leads, and to increase staffing of HRVWCC. The additional support also allowed HRVWCC to create a specialized advanced investigative training program for special agents and attorneys, to enhance partnerships with other government agencies, to form new relationships with international and nongovernmental organizations, and to establish OLLUSA, a robust outreach program to educate airline passengers about the harm of FGM and the United States laws governing its practice.

B. Growth of the HRVWCC

In FY 2016, there were 26 individuals permanently assigned in support of HRVWCC – 8 from HSI, 12 from OPLA, and 6 from FBI’s IHRU. Today, as a result of partnership building with other U.S. Government agencies and adding additional personnel to support the HRVWCC mission, there are 74 people supporting the HRVWCC – 24 from HSI, 12 from OPLA, 10 from the FBI, 15 from DOJ/HRSP, and 13 from other partner agencies.

1. Building on Partnerships from within the U.S. Government

The growth of HRVWCC has been due largely to the building of relationships with interagency partners. In 2015, USCIS joined HRVWCC, as did DOS’s Diplomatic Security Service, though it reduced its participation when the Bureau of Consular Affairs officially joined HRVWCC in 2016. The U.S. Army’s Criminal Investigations Division also joined HRVWCC in 2016. DOJ/HRSP joined HRVWCC in 2017. ICE ERO officially joined in 2019, as did DOJ/OIL. Each of these partnerships has brought dedicated law enforcement personnel, investigative resources, and the knowledge, experience, and support of the partner agencies.

2. Creating New Partnerships at Home and Abroad

During this reporting period, HRVWCC created strong partnerships with two critical stakeholders, international law enforcement personnel from national war crimes units, and foreign and domestic nongovernmental and community-based organizations. HRVWCC has prioritized building partnerships with human rights violators and war crimes investigative units from within the European Union, as well as within the United Kingdom, Canada, Australia, and New Zealand, known as the “Five Eyes” alliance. HRVWCC team members represent U.S. law enforcement within two critical collaborative international investigative networks – the European Union Agency for Law Enforcement Cooperation (EUROPOL) Analysis Project on Core International Crimes and the European Union Agency for Criminal Justice Cooperation (EUROJUST) Genocide Network. Both networks are dedicated to supporting national authorities’ efforts to investigate and prosecute genocide, crimes against humanity, and war crimes. Collaboration with these networks creates the opportunity for HRVWCC law enforcement personnel to discuss, strategize, and share investigative and litigation techniques and resources on various atrocities, potential perpetrators, and the availability of evidence and witnesses to be used in prosecutions.

Nongovernmental and community-based organizations bring connections and resources from a unique perspective, as only members of the diaspora and affected communities can alert ICE to perpetrators within their communities. HRVWCC has worked to build relationships with these

communities and has been successful in gaining their trust to work with U.S. law enforcement members.

For example, HRVWCC formed a close collaborative relationship during this reporting period with the Commission for International Justice and Accountability (CIJA), a nongovernmental organization dedicated to furthering criminal justice efforts by collecting information on crimes committed by the Syrian Regime and the Islamic State against civilian populations. In coordination with DOS' Office of Global Criminal Justice, CIJA is sharing information that it has collected to identify victims and witnesses in support of U.S. investigations and potential criminal prosecutions of Syrian perpetrators and where applicable, to use this information to prevent perpetrators from entering the United States.

C. Developing Outreach and Training Programs

1. Outreach

In 2017, HRVWCC and the HSI New York field office traveled to London, England, to meet with the Metropolitan Police Service and to discuss its efforts to address FGM through the public awareness campaign, "Operation Limelight." The HRVWCC and HSI New York field office subsequently decided to create OLLUSA, a U.S.-based version of the United Kingdom's successful campaign.

The purpose of OLLUSA is to protect young girls from the practice of FGM through education and outreach. FGM is unlawful in the United States, is a form of child abuse, and carries severe criminal as well as immigration consequences for those who commit or aid others to commit this heinous crime. Outreach efforts at U.S. international airports seek to educate inbound and outbound passengers from high-risk countries, as well as to identify girls who may be at immediate risk of FGM or who have been subjected to FGM. HRVWCC, in conjunction with HSI field offices, has conducted OLLUSA outreach programs in New York, Atlanta, Newark, Dallas, Minneapolis/St Paul, Phoenix, San Francisco, San Diego, Detroit, Philadelphia, Houston, Los Angeles, and Washington, D.C. Since June 2017, HRVWCC, in partnership with nongovernmental and community-based organizations, FBI, and CBP, have engaged with nearly 4,000 passengers on 168 international flights. ICE will continue to work with the DHS Office for Civil Rights and Civil Liberties to help ensure that agents are trained not to profile travelers racially while conducting the outreach events. The outreach program has been well-received by the public with positive media coverage. OLLUSA outreach programs at U.S. airports have been suspended temporarily because of the Coronavirus Disease 2019 (COVID-19) pandemic. Following the resumption of more normal travel and flight operations, HRVWCC plans to expand OLLUSA outreach in FY 2021 to airports in Nashville, Seattle, Tampa, El Paso, and Albuquerque.

2. Training

Human Rights Violators and War Crimes Advanced Investigative Training: In 2016, HRVWCC created and conducted a comprehensive advanced training course on investigating human rights violators and war criminals found within the United States' jurisdiction. This course was created to provide ICE law enforcement personnel with intensive academic

instruction on the fundamental practical and legal elements needed to investigate human rights violators and war criminals, background country information, and best practices. The inaugural course was conducted at the Federal Law Enforcement Training Center in Brunswick, Georgia, with additional classes occurring yearly thereafter, totaling 6 classes and more than 180 participants, until they were suspended because of the COVID-19 pandemic. HRVWCC has conducted virtual trainings while it awaits the reopening of in-person training.

FGM: HRVWCC has trained more than 1,600 law enforcement, congressional, and community-based personnel on FGM from FYs 2016-2020. Trainings focus on the definition of FGM, its practice, prevalence, and legal implications, as well as on U.S. Government efforts to stop the practice. HRVWCC has trained individuals across the United States at law enforcement offices, professional conferences, and outreach events hosted by community-based organizations. One such training event occurred at CBP's preclearance facility within the Abu Dhabi, United Arab Emirates international airport, a commonly used hub for flights coming to the United States from geographic locations with a high prevalence of FGM.

D. Impediments to Investigating/Prosecuting Cases Involving Human Rights Violators

There are numerous impediments to investigating and prosecuting cases involving human rights violators. For example, the passage of time makes obtaining information difficult. Accessing witnesses and documents located thousands of miles away in foreign countries, coupled with language barriers and challenges in communicating with foreign partners, add an additional layer of difficulty. Once documentary evidence is located, it often must be translated at considerable expense. These investigations often require highly specialized knowledge and expertise that HRVWCC does not have and as such, it must rely on the work of outside experts and nongovernmental organizations who may be unwilling or unable to assist. Widespread impunity in certain countries and a lack of cooperation by security forces in investigating these cases presents obstacles difficult to overcome. In addition, in FY 2021, HRVWCC struggled with its ability to investigate cases outside the continental United States because of the COVID-19 pandemic.

V. Conclusion

Over the last 5 fiscal years, HRVWCC has worked to ensure that the United States is not a haven for persecutors, human rights violators, and war criminals. During that time period, its work has led to 89 criminal investigations, 38 criminal arrests, 37 indictments, 23 convictions, and 79 administrative arrests. HRVWCC has sought to increase the number of human rights investigations and prosecutions by growing its staffing, by building partnerships, and by developing outreach and training programs. ICE has several legislative proposals that would enable it to investigate and prosecute human rights violators better, as detailed above.

VI. Abbreviations

Abbreviation	Definition
CBP	Customs and Border Protection
CIJA	Commission for International Justice and Accountability
COVID-19	Coronavirus Disease 2019
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
ERO	Enforcement and Removal Operations
EUROJUST	European Union Agency for Criminal Justice Cooperation
EUROPOL	European Union Agency for Law Enforcement Cooperation
FBI	Federal Bureau of Investigation
FGM	Female Genital Mutilation
FY	Fiscal Year
HRA	Human Rights Assessment
HRSP	Human Rights and Special Prosecutions Section
HRT3	Human Rights Target Tracking Team
HRVWCC	Human Rights Violators and War Crimes Center
HRVWCU	Human Rights Violators and War Crime Unit
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
IHRU	International Human Rights Unit
INA	Immigration and Nationality Act
INS	U.S. Immigration and Naturalization Service
OIL	Office of Immigration Litigation
OLLUSA	Operation Limelight USA
OPLA	Office of the Principal Legal Advisor
RST	Regional Support Team
TCIU	Transregional and Criminal Investigations Unit
USCIS	U.S. Citizenship and Immigration Services