

ATROCITIES AND HUMAN RIGHTS

I. Purpose

The President, in Presidential Study Directive 10 (PSD-10), has identified the prevention of mass atrocities and genocide as a core national security interest of the United States. This Directive establishes Department of Homeland Security (DHS) policy and responsibilities regarding implementation of PSD-10.

II. Scope

- A. This directive applies throughout DHS.
- B. This directive is not intended to and may not be construed to impede or conflict with ongoing law enforcement investigative activities, or to require or permit the disclosure of information contrary to law, regulation, or agency policy governing information and evidence in a criminal or national security investigation.
- C. This directive is not intended to limit or alter the authority of Component Heads over the operations of their respective Components.

III. Authorities

- A. Presidential Study Directive 10, issued Aug. 4, 2011.
- B. Report of the Presidential Study Directive 10 Interagency Review (interagency review), as approved by the Secretary of Homeland Security and the President.
- C. Immigration and Nationality Act Sections 212(a)(2)(G), 212(a)(3)(E), and 212(a)(3)(G), 8 U.S.C. §§ 1182(a)(2)(G), 1182(a)(3)(E), and 1182(a)(3)(G), making aliens involved in particularly severe violations of religious freedom, Nazi persecution, genocide, torture, extrajudicial killing, and the recruitment or use of child soldiers inadmissible to the United States; Sections 207 and 208, 8 U.S.C. §§ 1157 and 1158, regarding refugee and asylee processing, and implementing regulations and policies.
- D. Presidential Proclamation 8697—Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses (Aug. 4, 2011).

IV. Definitions

- A. **Atrocities**, also **mass atrocities**: Large scale and deliberate attacks on civilians, including but not limited to acts that constitute genocide (as defined in 18 U.S.C. § 1091(a)).
- B. **Atrocities Information**: Information indicating that there is an increasing risk that atrocities may occur, are ongoing, or have recently occurred.
- C. **Atrocities Notification System (ANS)**: An alert system utilizing established classified and unclassified e-mail accounts, through which unreported atrocities information may be received and further disseminated.
- D. **Atrocities Prevention Board (APB)**: The interagency body created pursuant to PSD-10 for the coordination, development, and implementation of policies used to enhance U.S. government capacity to prevent or respond to mass atrocities.
- E. **DHS Personnel**: All federal employees, officers, and members assigned to DHS.
- F. **DHS Representative to the APB**: The DHS employee, at the Assistant Secretary level or higher, appointed by the Secretary of Homeland Security to serve as a member of the APB, consistent with the President's direction in PSD-10.
- G. **Unreported Atrocities Information**: Atrocities information that is underreported in the media and is not believed by DHS personnel to have been reported through other internal government reporting mechanisms.

V. Responsibilities

- A. ***DHS Personnel*** report previously unreported atrocities information via the alert system established pursuant to this Directive.
- B. ***Director of the DHS Office of Operations Coordination and Planning (OPS)***:
 1. Implements policies and procedures for receiving alerts from DHS employees about unreported atrocities information and disseminates this information in a timely manner to the DHS Representative to the APB, U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), DHS Intelligence and Analysis (I&A), and other interested parties;
 2. Distributes to Component Heads and others (as appropriate), for further distribution to all DHS personnel, the procedures for submitting such an alert to the ANS.
- C. ***DHS Representative to the Atrocities Prevention Board***:
 1. Reports atrocities information to the APB following appropriate and expeditious vetting unless such information is deemed incredible, previously reported, or already readily available through other channels;

2. Refers atrocities information to relevant DHS Offices or Components for appropriate action;
3. Coordinates DHS information sharing and policy development concerning activities described in and related to this Directive;
4. Ensures appropriate coordination with the APB and the interagency of DHS's efforts to implement PSD-10;
5. Advises the Secretary and Component Heads on issues attendant to the activities of the APB.

D. Assistant Secretary of U.S. Immigration and Customs Enforcement:

1. Pursues, as resources allow, two pilot programs at ICE: an Atrocities Prevention Targeting Program (APTP) to identify and target individuals and entities involved in the provision of illicit financing, munitions, or goods to those involved in or planning mass atrocities; and a Human Rights Violator Rapid Response Team (HRVRRRT) (or teams) of relevant ICE personnel that can be rapidly deployed to support international or domestic investigations of mass atrocities. ICE may request assistance for both programs from CBP, USCIS, and other DHS Offices and Components, as needed;
2. Provides the DHS Representative to the APB an assessment of the pilots a year from the date of this Directive.

E. Commissioner of U.S Customs and Border Protection:

1. Identifies CBP resources and personnel to support the APTP pilot, as requested and mutually agreed upon by ICE and CBP;
2. Establishes appropriate policies and procedures to ensure effective collaboration between CBP and ICE to further APTP goals. This collaboration includes, but is not limited to, sharing relevant data to enable ICE to develop intelligence related to illicit trade, travel, and finance to identify persons and countries involved in providing funding, munitions, and supplies to regimes and/or actors suspected of planning mass atrocities; forwarding information and intelligence received from ICE to CBP for possible law enforcement action, such as the seizure of materials, financial instruments, or funds and/or the disruption of support networks in conjunction with ICE; and assisting in the development and/or enhancement of key targeting elements.

F. Director of U.S. Citizenship and Immigration Services:

1. Engages in increased efforts to deny safe haven to human rights violators in the United States by preventing them from obtaining immigration benefits through fraud or misrepresentation;
2. Implements policies and procedures for sharing information on human rights violators obtained through USCIS's refugee and asylum processing

with other DHS components and for exchanging biometric and biographic information of refugees and asylum seekers with certain international partners within the Five Country Conference (FCC). Such information sharing will be conducted consistent with all relevant legal provisions and policy guidance governing the confidentiality of such information, including, but not limited to, the limitations and protections contained in current or future confidentiality waivers issued by the Secretary or his or her delegates;

3. Seeks to establish a process for officers to identify and report information on serious human rights violators encountered through the adjudication of immigration benefits, including the processing of applications for asylum and refugee status.

G. *Under Secretary for Intelligence and Analysis:*

1. Implements policies and procedures to ensure that the APTP and HRVRRRT receive timely and accurate intelligence relevant to their mission;

2. Provides support, as requested, in furtherance of DHS efforts to prevent, investigate, and seek accountability for perpetrators of atrocities.

H. *Director of the Federal Law Enforcement Training Center (FLETC):*

1. Ensures that training, consistent with the goals of PSD-10 and the interagency review, is developed and incorporated into DHS's existing overseas pre-deployment training and other appropriate training;

2. Coordinates with DHS Component Heads to ensure that this training is offered as part of training provided to DHS personnel deploying or stationed overseas for 30 days or more.

I. *All DHS Component Heads:*

1. In addition to the above, take necessary steps to incorporate atrocity prevention principles into DHS programs, policies, and planning;

2. Ensure that all employees are aware of the means of reporting unreported atrocities information by, at a minimum, disseminating the ANS procedures created by OPS;

3. Provide assistance to ICE, as requested and mutually agreed, to support the APTP and HRVRRRT;

4. Coordinate with FLETC to ensure that atrocity prevention training is offered as part of the training provided by the DHS Office or Component to its employees deploying or stationed overseas for 30 days or more;

5. Establish such policies and procedures as may be necessary to implement this Directive.

VI. Policy and Requirements

Policy: The President, in PSD-10, identified the prevention of mass atrocities and genocide as a core national security interest and moral responsibility of the United States and created the APB to “coordinate a whole of government approach to preventing mass atrocities and genocide.” In calling on U.S. agencies to implement the recommendations of the interagency review, the President underscored his commitment to utilizing the full range of law enforcement, intelligence, diplomatic, and foreign assistance expertise and authorities to address gross human rights abuses and mass atrocities.

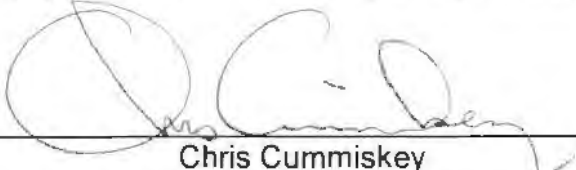
A. DHS currently engages in a robust effort to deny safe haven to human rights violators in the United States and conducts criminal investigations of gross human rights violators for crimes, including crimes committed internationally by U.S. persons, for prosecution by the Department of Justice. DHS continues to develop ways to apply its authorities, expertise, and operational capabilities, and to build upon its work to investigate human rights abusers and track illicit flows, to support the whole of government effort to prevent and respond to atrocities.

B. DHS continues to enhance its law enforcement and analysis capabilities, drawing upon its authorities and ability to collect, analyze, and disseminate actionable information related to illicit trade, travel, and finance to identify persons and entities involved in providing funding, munitions, and supplies to regimes and/or actors suspected of planning mass atrocities; support appropriate law enforcement action; and enable more effective prevention and prosecution. DHS is also calling on and enhancing existing expertise within DHS to field teams capable of deploying in support of efforts to advance accountability for perpetrators of mass atrocities.

C. Whereas DHS’s international presence and broad enforcement authorities may result in the discovery by DHS personnel of information about atrocity threats or situations, it is DHS policy that unreported atrocities information be reported promptly to enable appropriate action. DHS personnel who believe that they are in possession of unreported information related to potential, ongoing, or recent atrocities have an “alert channel” to bring attention to such information. DHS personnel should continue to adhere to all normal standards of professional conduct with regard to the handling of restricted or classified information in national security matters and criminal investigations. Publicizing this channel ensures awareness among DHS personnel. DHS personnel will not suffer professional retaliation as a result of raising unreported atrocities information via this mechanism and pursuant to this Directive, so long as the individual is motivated by a reasonable belief that there is an elevated risk for atrocities or that atrocities have already occurred.

VII. Questions

Address any questions or concerns regarding the Directive to the Office of Policy.



Chris Cumiskey
Acting Under Secretary for Management

11/6/13

Date