

# NO SAFE HAVEN

WE ARE THE HUMAN RIGHTS VIOLATORS WAR CRIMES CENTER https://tips.fbi.gov/  $\mid$  HRV.ICE@ice.dhs.gov  $\mid$  1-800-347-2423



# Who We Are

The Human Rights Violators War Crimes Center (HRVWCC) is an interagency center created to leverage the authorities and expertise of member and partner agencies to bring justice to victims of serious human rights violations and to ensure that the United States is not a safe haven for perpetrators.

The HRVWCC was created by U.S. Immigration and Customs Enforcement (ICE) in 2008 and has evolved into a unique interagency effort. At the HRVWCC, ICE's Homeland Security Investigations (HSI) Human Rights Violators and War Crimes Unit (HRVWCU) and the Federal Bureau of Investigation (FBI) Genocide War Crimes Unit (GWCU) combine their federal resources in cases involving alleged perpetrators of serious human rights violations. Analysts, researchers, attorneys, historians and investigators at the HRVWCC collaborate on matters pertaining to human rights abuses committed overseas.

- ICE/HSI
- FBI
- Whole-of-Government Approach

#### ICE/HSI

The U.S. Immigration and Customs Enforcement's Homeland Security Investigations (ICE/HSI) operates the Human Rights Violators and War Crimes Unit (HRVWCU) within the National Security Investigations Division (NSID). Beginning with the legacy U.S. Immigration and Naturalization Service (INS), ICE/HSI has more than 30 years of experience in successfully investigating human rights violations. The HRVWCU conducts criminal investigations of individuals who engage in the commission of war crimes, genocide, torture, recruitment and use of child soldiers and other forms of serious human rights abuses during conflicts around the globe. When these substantive violations are not possible, the HRVWCU utilizes criminal immigration law violations. The HRVWCU also utilizes its unique immigration authorities to investigate, recommend prosecution and, whenever possible, remove from the United States war crime suspects, persecutors and human rights abusers identified within U.S. borders.

In 2008, ICE/HSI established the Human Rights Violators and War Crimes Center (HRVWCC) by joining together the Human Rights Violators and War Crimes Unit and the ICE Office of the Principal Legal Advisor's Human Rights Law Section (HRLS). The FBI joined the HRVWCC in 2012.

FBI

The FBI, through its Genocide War Crimes Unit (GWCU), plays a vital role in the U.S. Government's response to genocide, war crimes, and mass atrocities—whether investigating with its federal partners or providing assistance to its international partners.

The GWCU leads the FBI's efforts to investigate violations of four primary U.S. human rights criminal laws—genocide, torture, war crimes, and the recruitment/use of child soldiers—and leverage law enforcement efforts to hold perpetrators accountable to the rule of law.

Additionally, the FBI works closely with foreign police partners to conduct aggressive fugitive investigations under its Persons Indicted for War Crimes (PIFWC) classification. Bringing its global span and investigative competencies to bear, the FBI assists tracking teams from designated international tribunals and justice mechanisms that seek to locate fugitives previously indicted for war crimes.

## Whole-of-Government Approach

U.S. law enforcement has been working human rights matters since the 1970s, with each agency doing their respective part. Initially, the legacy Immigration and Naturalization Service (INS) investigated immigration fraud related to former Nazis. When U.S. Immigration and Customs Enforcement (ICE) was created in 2003 it continued its human rights work, focusing more on modern war crimes. The U.S. Department of Justice (DOJ) Human Rights and Special Prosecutions Section (HRSP) is the result of the combination of the Office of Special Investigations (OSI), which began in 1979, and the Domestic Security Section (DSS), both of which became known for successfully pursuing justice on behalf of the victims of human rights violations in partnership with U.S. Attorneys Offices around the country. OSI succeeded in denaturalizing and/or winning removal orders against World War II Nazi criminals and in preventing the entry to this country of Nazi and Japanese suspects. While the FBI has investigated human rights violations within its jurisdiction, it was not until 2009 that the FBI formally created the GWCU to manage FBIs human rights investigations.

#### • Presidential Study Directive 10

## Presidential Study Directive 10

On August 4, 2011, President Obama issued Presidential Study Directive 10 (PSD-10) and declared the prevention of mass atrocities and genocide a "core national security interest and core moral responsibility" of the United States. PSD-10 ordered the creation of an interagency Atrocities Prevention Board (APB) to coordinate a whole-of-government approach to preventing mass atrocities and genocide; and directed the National Security Advisor to lead a comprehensive review to assess U.S. Government's anti-atrocity capabilities and to recommend reforms that would fill identified gaps in these capabilities. The HRVWCC is uniquely positioned to answer the call of the APB by pooling resources across U.S. agencies to collaborate on investigations and prosecutions of human rights violators.

# **What We Do**

The Human Rights Violators War Crimes Center (HRVWCC) leads the U.S. Government efforts to investigate persons in the United States, or U.S. persons abroad, who have carried out or were involved in the commission of genocide, torture, war crimes, and other serious human rights violations. The HRVWCC also works to ensure human rights violators abroad are identified and barred from entering the United States in the future.

- Roles and Responsibilities
- Regional Breakdown

## Roles and Responsibilities

The HRVWCC investigates priority human rights cases together with our domestic and international partners. The HRVWCC conducts concurrent reviews of mass atrocity incidents, investigating individuals believed to have perpetrated or participated in mass atrocities to ensure the U.S. is not a safehaven for those who have committed human rights violations. The HRVWCC addresses all tips from the public to identify perpetrators, and provides support to other U.S. agencies and international partners in pursuit of human rights violators.

Globally, the HRVWCC maintains direct contact with a number of international, regional and national organizations that specialize in investigating and prosecuting atrocities. In addition, the HRVWCC liaises internationally with 67 HSI attachés offices with personnel in 48 countries, and coordinates with more than 80 FBI legal attaché offices and sub-offices worldwide, with personnel in 70 countries.

## Regional Breakdown

The HRVWCC operates four Regional Support Teams (RST) to identify, locate, investigate, prosecute and assist in removing human rights violators, torturers and war criminals from the United States. These RST's are considered the backbone of the center and are geographically oriented covering Latin America, Africa, Europe/Balkans, and Asia/Middle East. Each team consists of special agents, analysts, historians and attorneys. RSTs leverage all relevant agency expertise to support the field in its investigation and litigation within the designated target region. The RSTs identify and locate suspected human rights abusers who have entered the U.S.; and conduct investigations using the full range of criminal and administrative tools under the law in order to effectuate the prosecution and subsequent removal of such individuals from the U.S.. The RSTs work in coordination with the U.S. Department of Justice, Human Rights and Special Prosecutions Section (see "Who We Work With" section for more information on DOJ/HRSP).

- Substantive Federal Human Rights Crimes
  - Genocide (18 USC § Section 1091)
  - Torture (18 USC § Sections 2340, 2340A)
  - War Crimes (18 USC § Section 2441)
  - Recruitment/Use of Child Soldiers (18 USC § Section 2442)
- Immigration Violations
- Extradition & Other Related Statutes

## Substantive Federal Human Rights Crimes

In pursuing perpetrators of human rights abuses, the HRVWCC is uniquely situated among federal law enforcement agencies in its combined authorities under both U.S. criminal and immigration law. The HRVWCC partners with the U.S. Department of Justice to pursue criminal prosecutions. There are four specific U.S. laws addressing serious human rights abuses:

Genocide (18 USC § Section 1091)

The genocide statute was originally enacted by Congress in 1988, following the United States' ratification of the Convention on the Prevention and Punishment of the Crime of Genocide the same year. The statute was later amended in 2007 and 2009 to expand its jurisdiction. Post-2009, the law generally applies to:

- Offenses committed in whole or part in the U.S.
- Offenders who are U.S. nationals, lawful permanent residents, or present in the United States
- Prior to the 2007 amendments, the law only applied to genocide committed within the U.S. by offenders who were U.S. nationals. and to
- There is no statute of limitations

## Substantive Federal Human Rights Crimes continued

Torture (18 USC § Sections 2340, 2340A)

The torture statute was enacted by Congress in 1994, in tandem with the ratification of the Convention Against Torture. The law generally applies to:

- Offenses committed outside the U.S. under color of law
- If the offender is a U.S. national or is present in the U.S.
- Statute of Limitations (SOL) is 8 years, unless death occurred as a result of the torture or there was foreseeable risk of death or serious bodily injury, in which case there is no SOL

War Crimes (18 USC § Section 2441)

The War Crimes statute was passed by Congress in August of 1996 and has been amended twice since then. The law now applies if:

- The offender, or a victim, is a U.S. national or member of the U.S. Armed Forces
- The law incorporates definitions from the Geneva Conventions of 1949 and the Hague Convention IV to prohibit war crimes such as murder, performing biological experiments, rape, and inhumane conduct
- "Grave breaches" of Common Article 3 also apply to domestic armed conflict
- Statute of Limitations (SOL) is 5 years, unless death occurred as a result of the crime, in which case there is no SOL

## Substantive Federal Human Rights Crimes continued

Recruitment/Use of Child Soldiers (18 USC § Section 2442)

This is the most recent addition to the U.S. code as it relates to serious human rights violations, and was enacted by Congress in October 2008. The law prohibits the recruitment of children under age 15 in an armed group or use of children under the age of 15 in hostilities. The statute generally, applies to:

- Offenses occurring in whole or in part in the U.S., or
- The offender is a U.S. national or LPR, present in the U.S., or is a stateless person who is a habitual resident of the U.S.
- Statute of Limitations (SOL) is 10 years

## **Immigration Violations**

In addition to the substantive human rights statutes listed above, the HRVWCC investigates immigration related criminal violations. Often, perpetrators gain entry into the U.S., and/or U.S. citizenship, by making material misrepresentations on their official paperwork, sometimes posing among innocent refugee populations. The HRVWCC works to ensure perpetrators cannot find safe haven within the U.S. The HRVWCC has jurisdiction to investigate potential violations of immigration laws to include:

- False Statements or Entries Generally (18 USC § 1001)
- False Statement Under Oath Relating to Naturalization or Alien Registration (18 USC § 1015(a))
- Re-entry after Prior Removal (18 USC § 1326)
- Use of an Unlawfully Procured Naturalization Document (18 USC § 1423)
- Unlawful Procurement of Citizenship or Naturalization (18 USC § 1425)
- Obstruction of Proceedings Before Agencies (18 USC § 1505)
- False Statement on Passport Application (18 USC § 1542)
- Fraud and Misuse of Visa, Permits or other documents (18 USC § 1546)
- Perjury (18 USC § 1621)

## Immigration Violations continued

At the conclusion of a criminal prosecution or if criminal prosecution is not possible or not in the best interest of the case, ICE may, under the authority of the Immigration and Nationality Act (INA), charge individuals administratively. Administrative removal or deportation proceedings are another means to seek resolution and prevent individuals from obtaining safe haven while avoiding justice in their home countries. The substantive human right grounds of inadmissiblility and removability are as follows:

- Genocide
- Nazi Persecution
- Torture
- Extrajudicial Killing
- Severe Violations of Religious Freedom
- Recruitment or Use of Child Soldiers

#### **Extradition & Other Related Statutes**

Extradition of suspected human rights violators is an important part of the U.S. Government's efforts to bring justice to human rights abusers. The U.S. Government works closely with foreign law enforcement entities on requested extraditions. As a whole, the U.S. Government has recorded major successes in bringing human rights violators to justice through extradition to foreign countries.

Outside of the five substantive human rights statutes, there are several other laws that may apply to violations of human rights.

- Transportation for female genital mutilation (18 USC § 116)
- Deprivation of rights under color of law (18 USC § 242)
- Conspiracy to murder, kidnap or maim (18 USC § 956)
- Murder or manslaughter of foreign officials, official guests, or internationally protected persons (18 USC § 1116)
- Foreign murder of U.S. nationals (18 USC § 1119)
- Hostage taking (18 USC § 1203)
- Homicide of a U.S. national outside the U.S. (18 USC § 2332)
- Material Support to the Serious Human Rights Offenses (18 USC § Section 2339A)
- Military Extrajudicial Jurisdiction Act (MEJA) (18 USC § 3261-3267)

# **Who We Work With**

The complex nature of many human rights investigations requires the HRVWCC to collaborate closely with U.S. Government partners, foreign and international law enforcement agencies, and non-governmental organizations.

#### • U.S. Government Partners

The HRVWCC works closely with numerous agencies to bring the full weight of the U.S. Government to bear against human rights violators. Our partners within the U.S. Government often detail specialists to the HRVWCC to more effectively and continuously collaborate with the center.



- International Partners
- Public Sector



#### **U.S. Government Partners**

U.S. Department of Justice (DOJ)

The HRVWCC's works with the U.S. Department of Justice's Human Rights and Special Prosecutions Section (HRSP). Where U.S. federal jurisdiction exists, HRSP, working with local U.S. Attorney offices, seeks to prosecute human rights violators under applicable federal criminal statutes, such as those proscribing torture, war crimes, genocide, and recruitment or use of child soldiers. The Section also prosecutes human rights violators under U.S. civil immigration and civil denaturalization laws in order to revoke U.S. citizenship. Defendants in these cases include both participants in World War II-era Nazi-sponsored acts of persecution and persons who perpetrated more recent human rights violators. HRSP works closely with the ICE/HSI and with the FBI to identify, investigate, and prosecute alleged human rights violators.

In addition, HRSP prosecutes certain other cases of crimes of violence committed abroad, particularly crimes that fall under MEJA. In its MEJA enforcement work, HRSP coordinates and participates in investigations and prosecutions of individuals employed by or supporting United States military forces overseas who commit murder, sex crimes, and other federal felony offenses. Similarly, HRSP investigates and prosecutes cases involving violent crimes that fall under the special maritime and territorial jurisdiction of the United States.



## U.S. Government Partners continued

U.S. Department of State (DOS)

The U.S. Department of State is represented at the HRVWCC by the Diplomatic Security Section which assists the HRVWCC in coordinating with the State Department and accessing State Department's vast resources abroad. This representation is a pilot program, which the HRVWCC hope to extend to other U.S. Government agencies. While the HRVWCC works frequently with many different bureaus within the State Department that cover both country-specific and substantive issues, the HRVWCC works closely with the Office of Global Criminal Justice (GCJ).

The GCJ, headed by an Ambassador-at-Large, advises the Secretary of State and the Under Secretary of State for Civilian Security, Democracy, and Human Rights on issues related to war crimes, crimes against humanity, and genocide. In particular, the office helps formulate U.S. policy on the prevention of, responses to, and accountability for, mass atrocities. The office advises U.S. Government and foreign governments on the appropriate use of a wide range of transitional justice mechanisms, including truth and reconciliation commissions, lustrations, and reparations in addition to judicial processes.

The GCJ represents U.S. Government positions relating to the international and hybrid courts currently prosecuting persons responsible for genocide, war crimes, and crimes against humanity. The office works closely with other governments, international institutions, and non-governmental organizations to establish and assist international and domestic commissions of inquiry, fact-finding missions, and tribunals in every region of the globe.



## U.S. Government Partners continued

U.S. Citizenship and Immigration Services (USCIS)

The USCIS is represented at the HRVWCC by Refugee and Asylum Affairs which assists the HRVWCC in coordinating with U.S. based asylum offices and the USCIS Officers conducting refugee interviews overseas. USCIS is the government agency that provides immigration benefits to those seeking to come to or remain in the United States. The HRVWCC works with refugee and asylum officers, and provides training to USCIS teams processing refugee applicants abroad as well as asylum seekers within the United States. This coordination helps to prevent those who have perpetrated human rights abuses from being allowed entry into the United States and to identify those who may have entered.

#### **Who We Work With**



## U.S. Government Partners continued

Health and Human Services (HHS)

The HRVWCC has established a relationship with the Health and Human Services (HHS) Office of Refugee Resettlement (ORR), as a means to reach out to those communities likely most affected by mass atrocities and human rights abuses from their home countries. ORR programs provide people in need with critical resources to assist them in becoming integrated members of American society.

#### **International Partners**

Human rights investigations can be challenging and typically involve old crime scenes, piecing together fragmentary information, interviewing overseas witnesses, collecting other evidence in foreign countries, and surmounting language barriers. The HRVWCC overcomes these challenges by routinely collaborating with our international partners.

The HRVWCC has a global presence to facilitate international cooperation through the 67 ICE/HSI attaché offices with personnel in 48 countries, and more than 80 FBI legal attaché offices with personnel in 70 countries. It is through these offices that the HRVWCC can partner with foreign law enforcement to bolster U.S. investigations, and support our international partners in investigating and prosecuting atrocities outside of U.S. jurisdiction. Support can take many forms—including training, crime scene preservation, interviewing techniques, age-enhancing photos, fingerprint and other biometric identification services, language services, as well as assistance with U.S.-based victims/witnesses, and extraditions of U.S.-based perpetrators.

In addition to foreign law enforcement partners, the HRVWCC works with international tribunals, courts and organizations that specialize in investigating and prosecuting mass atrocities. These include the International Criminal Tribunals for Rwanda and the former Yugoslavia, the Special Court for Sierra Leone, and the International Criminal Court, as well as the United Nations and INTERPOL. At the HRVWCC, the FBI GWCU also assists in the apprehension of internationally indicted war criminals when requested.

#### **Public Sector**

The HRVWCC maintains an important relationship with the public sector, including non-governmental organizations (NGO) and non-profit organizations specializing in human rights issues, local organizations supporting refugee populations, and diaspora community members. The relationship the HRVWCC has with the public sector is vital to locating perpetrators in the U.S., and gathering information about past and ongoing atrocities overseas.

NGOs and non-profits have unique access to information that is vital to human rights investigations, as these organizations are often on the front lines of conflicts supporting victims and bringing awareness to human rights abuses. The information gained through the HRVWCC's partnership with NGOs and non-profits support the HRVWCC's ability to identify and prevent known human rights abusers from gaining entry into the United States. Furthermore, NGOs and non-profits have been crucial in assisting the U.S. Government locate evidence and witnesses from some of the most egregious mass atrocity crime scenes overseas.

## Public Sector continued

In addition to NGOs and non-profits, U.S.-based organizations and diaspora community members play a key role in assisting the U.S. Government in identifying and investigating perpetrators that may be in the U.S.. The HRVWCC seeks information from diaspora, refugees and asylum seekers here in the U.S. with knowledge of human rights violations committed abroad. Tips from witnesses and victims are essential to assisting the HRVWCC efforts to find perpetrators hiding in the U.S. and bring them to justice. Additionally, tips about serious human rights violations that have taken place abroad help the HRVWCC identify human rights violators and work with partner agencies to keep them from coming into the U.S. in the future.

Tips can always be made anonymously by contacting the HRVWCC.

1-866-347-2423; International 00-1-802-872-6199;

Email HRV.ICE@ice.dhs.gov; Online tips.fbi.gov

# **No Safe Haven**

The HRVWCC "No Safe Haven" initiative is central to the work of the center and seeks to ensure that those who have committed human rights violations abroad do not find shelter within the United States. The United States grants admission to more refugees and asylum seekers annually than any other nation. Individuals fleeing wars, genocide, ethnic cleansing and various other forms of persecution often view the United States as a safe haven. Upon entry, the vast majority of these people choose to remain here permanently and, ultimately, gain citizenship through the naturalization process.

Unfortunately, individuals who have perpetrated significant abuses against others in their home countries seek entry to evade prosecution and punishment. Frequently, these individuals hide among those they once persecuted, falsely claiming to be victims of abuse. They may be former officials of regimes that are or were potentially hostile to our nation and its interests, making them not only human-rights violators, but also national security threats. **Read more...** 

#### No Safe Haven continued

The HRVWCC works diligently to make sure those accused of committing human rights violations cannot escape justice by hiding in the United States. As part of the "No Safe Haven" initiative, the HRVWCC engages partner agencies within the U.S. to ensure coordination and a whole of government approach. Additionally, outreach to non-governmental organizations (NGOs) is paramount to the work of the HRVWCC. By leveraging the combined resources across agencies, as well as public reporting from NGOs and diaspora communities, the HRVWCC is able to make a significant impact. Since fiscal year 2004, ICE has arrested more than 320 individuals for human rights-related violations under various criminal and/or immigration statutes. In addition, ICE successfully obtained deportation orders to physically remove more than 590 known or suspected human rights violators from the United States.

- Human Rights Target Tracking
- Tips & Leads

## **Human Rights Target Tracking**

At the HRVWCC, ICE/HSI leverages its unique authorities to prevent known human rights abusers from gaining entry into the United States. ICE/HSI intelligence and criminal research specialists work with their national and international counterparts in a coordinated effort to identify serious foreign human rights abusers and war crimes suspects residing abroad. Since formally undertaking this initiative in June 2008, ICE/HSI has been instrumental in preventing more than 133 human rights violators or war crimes suspects from gaining admission to the United States. During that same period, ICE/HSI created more than 65,000 subject records, which prevented identified human-rights violators from attempting to enter the United States.

## Tips & Leads

Tips and leads from non-governmental organizations and the public are extremely important to the HRVWCC. Often it is from tips that the HRVWCC is able to learn of a potential perpetrator hiding within the United States. For this reason, the HRVWCC reaches out to diaspora communities and NGOs to build relationships to serve and protect the public. The HRVWCC has a mandate to investigate serious human rights violations to ensure perpetrators within the U.S. or with U.S. status abroad face justice for their crimes.

In order to find perpetrators who often blend into communities by posing among innocent refugee populations, the HRVWCC relies on the assistance of NGOs and diaspora community members. The HRVWCC seeks information from individuals with knowledge of human rights violations committed abroad. Tips from witnesses and victims are key to assisting HRVWCC efforts to find perpetrators in the U.S. and bring them to justice. Additionally, tips about serious human rights violations that have taken place abroad help the HRVWCC identify potential perpetrators and work to keep them from coming into the U.S. in the future.

Tips can be submitted anonymously via any of the below methods.

Online http://www.ice.gov/exec/forms/hsi-tips/tips.asp or https://tips.fbi.gov/
Email HRV.ICE@ice.dhs.gov

Telephone 1-866-347-2423

# **Success Stories**

Over the years there have been countless success stories of human rights violators captured, jailed, extradited and/or denaturalized due to the work ICE, FBI and DOJ have done together, bringing justice and peace to long-suffering victims.

- Landmark Torture Conviction—Chucky Taylor
- Dos Erres, Guatemala Case

## Landmark Torture Conviction—Chucky Taylor

In July 2010, a three-judge panel from the Eleventh Circuit Court of Appeals denied all grounds of appeals related to the torture convictions of Charles Taylor, Jr., who commanded the notorious Anti-Terrorism Unit that suppressed opposition to his father's regime through brutal acts of torture and murder.

In 2009, Taylor was sentenced to 97 years in prison following his earlier conviction in a Federal District Court in Miami, Florida on six counts of committing acts of torture and conspiracy to commit torture in Liberia. These convictions represent the first successful application of the federal criminal torture statute (18 USC § 2340a) since it was enacted into law in 1994.

This investigation was groundbreaking in the scope of both the international and intergovernmental agency coordination needed to ensure a successful indictment and prosecution. This included close working partnerships between investigating agencies, ICE/HSI and FBI, as well as, the DOJ's former Domestic Security Section and the U.S. Attorney's Office in Miami, the U.S. Department of State, Diplomatic Security Service, and the Office of the Prosecutor of the Special Court for Sierra Leone.

## Dos Erres, Guatemala Case

In September 2010, Gilberto Jordan, a formerly naturalized United States citizen, received the statutory maximum 10-year prison sentence for fraudulently obtaining his U.S. citizenship. As part of the sentence, he was stripped of this citizenship. In July 2011, the Eleventh Circuit Court of Appeals denied an appeal by Jordan to have his prison sentence reduced.

In the early 1980s, Jordan was a member of an elite Guatemalan Army Special Forces unit known as the Kaibiles. In December 1982, Jordan was one of 20 Kaibiles who entered the remote Guatemalan village of Dos Erres where they assaulted, raped and murdered at least 170 men, women and children over a two-day period. In May 2010, Jordan was arrested by ICE/HSI special agents in West Palm Beach, Fla., following an 18-month investigation into his membership in the Guatemalan Army and his direct participation in human rights atrocities. Following his arrest, Jordan pleaded guilty to one count of unlawfully procuring naturalized citizenship. In his guilty plea, Jordan acknowledged his service in the Kaibiles and his participation in the killing of unarmed villagers to include a baby, whom he threw into a well.

# **Contact Information**

#### **U.S. Immigration and Customs Enforcement (ICE):**

1-800-347-2423, http://www.ice.gov/exec/forms/hsi-tips/tips.asp, or HRV.ICE@ice.dhs.gov, International 00-1-802-872-6199

# ICE Office of the Principal Legal Advisor Human Rights Law Section:

1-202-732-5000

#### **FBI Genocide War Crimes Unit:**

Tip form at https://tips.fbi.gov/