

Disrupting the Supply Chain for Mass Atrocities

How to Stop Third-Party Enablers of Genocide and Other Crimes Against Humanity

Executive Summary

Mass atrocities are organized crimes. Those who commit genocide and crimes against humanity depend on third parties for the goods and services—money, matériel, political support, and a host of other resources—that sustain large-scale violence against civilians. Third parties have supplied military aircraft used by the Sudan Armed Forces against civilians, refined gold and other minerals coming out of eastern Democratic Republic of the Congo, and ensured a steady flow of arms into Rwanda.

Governments seeking to prevent atrocities cannot afford a narrow and uncoordinated focus on the perpetrators of such violence. Rather, an effective strategy must include identifying and pressuring third-party enablers—individuals, commercial entities, and countries—in order to interrupt the supply chains that fuel mass violence against civilians.

The first-ever Director of War Crimes, Atrocities, and Civilian Protection on the National Security Staff recently convened a meeting that appears to initiate an interagency structure to coordinate atrocities-prevention initiatives across the government. The Administration has an opportunity in the newly initiated structure to activate all of the U.S. government's resources to institute an atrocities-prevention policy that goes beyond responding to individual crises. This structure should incorporate a systematic approach to disrupting enablers and should ensure that all possible tools are developed and used to counter these complex crimes. The intelligence community and the Department of the Treasury, along with the Departments of State and Defense, are key to successfully tackling third-party enablers of atrocities.

What Is An Enabler?

A third-party enabler of genocide or other crimes against humanity is any government, commercial entity, or individual that directly or indirectly provides to the perpetrator resources, goods, services, or other support that help sustain the commission of atrocities. An enabler knows or should know both about the atrocities and how its goods or support are likely to contribute to the commission of these crimes.¹

Intelligence collection and analysis are crucial to identifying third parties and tracing supply chains to determine whether and where they can be interrupted. Ensuring timely and comprehensive dissemination of all relevant intelligence is crucial as well, to allow policy makers to develop and use the most effective tools against third-party enablers. The Treasury Department could target enablers of mass atrocities by freezing their assets and isolating them from financial markets—tools already used to combat supporters of terrorism, money launderers, drug traffickers, and some perpetrators of atrocities. Largely through the State Department, the United States can also exert political and diplomatic pressure—at the United Nations and elsewhere—to publicly and privately pressure these enablers.

Human Rights First offers the following recommendations to the U.S. government to identify and thwart third-party enablers and thereby improve its capacity to prevent or mitigate mass atrocities:

1. The President should publicly announce an interagency structure for preventing and mitigating atrocities, under the leadership of the Director for War Crimes, Atrocities, and Civilian Protection. This

structure should be announced by December 2011 to ensure it is implemented in full by the end of the Obama Administration's first term.

2. The President should highlight the importance of tackling enablers as part of an effective government-wide strategy to prevent and mitigate atrocities by directing all U.S. government agencies engaged in efforts related to the prevention or mitigation of mass atrocities to identify third-party enablers, act to interrupt their enabling activity, and disrupt the supply chains that connect these actors to the perpetrators.
3. The National Security Staff Director for War Crimes, Atrocities, and Civilian Protection should ensure that identifying and disrupting third-party enablers are included as explicit objectives in the interagency structure being developed to counter mass atrocities, that these objectives are addressed in all interagency discussions on situations where atrocities are threatened or are underway, and that enablers are addressed explicitly in policy measures focused on the situations of concern.
4. In situations in which atrocities are threatened or are occurring, the relevant parts of the intelligence community should be tasked by the NSS-led interagency structure or the appropriate member thereof with collecting and analyzing intelligence on enablers, and policy makers should ensure that distribution of relevant intelligence is coordinated and comprehensive. The collection, analysis, and distribution of intelligence on enablers should support policy makers' efforts to pressure third-party actors on whom the potential or actual perpetrators depend.
5. Congress, through legislation granting standing authority, or the President, through an executive order under IEEPA, should give the Treasury Department's Office of Foreign Assets Control authority to designate for sanctions not only those who perpetrate atrocities, but also enablers of atrocities wherever they occur. Congress and the administration should also ensure that OFAC has adequate resources to thoroughly investigate enablers of atrocities.
6. The relevant officials on the National Security Staff and at the State Department should, as part of their bilateral and relevant multilateral discussions with other governments, raise concerns about those governments' transfers of arms, ammunition, and other goods to potential or actual perpetrators of atrocities. U.S. officials should be prepared to consider a range of political, economic and other tools that may be effective in pressuring those involved in enabling activities.
7. The U.S. Permanent Representative to the United Nations should lead other Security Council members to meet and publicly discuss options for multilateral action, including imposing, expanding, and better enforcing sanctions and other measures, to prevent enablers of atrocities against civilians in Sudan, Democratic Republic of the Congo, and other places at high risk for mass atrocities. The discussions should include consideration of enablers identified in relevant U.N. expert panel reports.
8. Congress, through its oversight of the intelligence community, should express its interest in a third-party enablers strategy and work with the relevant parts of the community to ensure it is sufficiently and effectively collecting, analyzing, and disseminating intelligence on third-party actors on whom the potential or actual perpetrators depend and the connections in their supply chain that may be particularly susceptible to pressure or interruption.
9. Congress should include a focus on third-party enablers as part of any legislation on genocide prevention.