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U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Assistant Director
Special Agents in Charge
Deputy Assistant Directors
Attaché Offices

FROM: Marcy M. Forman 
Director
Office of Investigations

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SUBJECT: Human Rights Violators and War Crimes Case Generation and
Reporting Requirements

Purpose

This memorandum serves to update U.S. Immigration and Customs Enforcement (ICE) senior leadership of case generation protocols and reporting requirements established by the Office of Investigations (OI), National Security Investigations Division, Human Right Violators and War Crimes Unit (HRVWCU), pertaining to human rights violator investigations. These cases often require resolution at the United States Government (USG) inter-agency level in concert with ongoing field investigative activities due to political and/or diplomatic sensitivities. ICE OI is undertaking a more formalized process to ensure the proper prioritization of such cases and to ensure that ICE leadership can be kept abreast of significant case developments in a timely manner.

Background

On April 27, 2008, ICE OI created the HRVWCU and the National Gang Unit from the former Human Rights Violators and Public Safety Unit. The HRVWCU has undertaken a Human Rights Violators and War Crimes Center (HRVWCC) pilot program. The HRVWCC combines the resources of the newly established HRVWCU, as well as other offices within ICE that play a important role in the investigation, prosecution and removal of these offenders from the United States.

Human rights violator investigations are defined as those pertaining to any alien or naturalized U.S. citizen in the United States who is suspected of ordering, inciting, committing, assisting, or otherwise participating in serious human rights violations while abroad. These violations include acts associated with genocide, torture, extra-judicial killings, the use or recruitment of child soldiers, persecution and particularly serious violations of religious freedom. Federal statutes related to genocide, torture or the use/recruitment of child soldiers provide the necessary jurisdiction for ICE to investigate such offenses regardless of where the acts took place when the perpetrator is present or resides in the United States. Where other war crimes (or related acts) are concerned, ICE may undertake investigations if either the perpetrators or victim(s) are identified as U.S. nationals.

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Reporting and Coordination Requirements

Human rights violator investigations have the potential to generate significant public attention and interest based on a variety of factors. The highly publicized nature of the atrocities abroad, coupled with the apprehension of these perpetrators in the United States can garner significant media attention. The fact that many such offenders are (or were formerly) linked to foreign governments or military organizations raises the prospect that such investigations may also generate diplomatic repercussions abroad. In order to appropriately deal with these circumstances in a proactive manner and in order to keep ICE leadership apprised of such potential situations, the following significant coordination and reporting requirements must be adhered to:

- ***Designated Human Rights Violator Point of Contact (POC)***- Each SAC/Assistant Special Agent in Charge/Resident Agent in Charge/Attaché office shall identify two designated POCs for that office in order to facilitate coordination with the HRVWCC. In offices which have National Security units or groups, at least one of the designated POCs will be a Group Supervisor from that unit. In smaller offices (or attaché offices) where separate National Security units are not organized as such, the designated point of contact will be a Group Supervisor /Assistant Attaché and / or a Senior Special Agent.

- **Case Assignment-** Concerning Priority One and Two investigative referrals, the HRVWCU must be notified as soon as possible once a case is approved in (b)(7)(E) and a case agent is assigned. On Priority Three investigative referrals, SAC/Attaché offices should open the HRVWCC within ten working days of receiving the referral.

In addition, agents should continue to report via the Significant Perspective Enforcement Activity Report (SPEAR) and the Significant Incident Report (SIR).

Direct Case and Investigative Support for Field Investigative Activities

Based on the significant intelligence, research and historical support that these investigations normally require, the HRVWCC structure includes four Regional Support Teams (RSTs). These RSTs are designed to serve as 'Subject Matter Experts' within ICE for these types of investigations. They represent a combination of investigative, research and legal expertise encompassing four broad geographic regions (Latin America, Africa, Europe/Balkans and Asia/Middle East). One of the primary missions of the RSTs is to directly support ongoing field investigation activities. As such, agents are authorized to make and maintain direct contact and coordination with the HRVWCC in order to avail themselves of this important resource. Specific contact details and instructions will be included in the initial investigative referral.

Questions concerning this memorandum should be addressed to (b)(6),(b)(7)(C) Unit Chief, Human Rights Violators and War Crimes at 202-732-(b)(6),(b)(7)(C).

Cc: Raymond R. Parmer, Jr., Director, Office of International Affairs