

**Civil Society Assessment¹
of the U.S. Government Atrocity Prevention Efforts for 2021-2022**

*(Including the 2021 Atrocity Assessment Framework,
the 2022 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention
Act of 2018 (P.L. 115-441),
and the 2022 U.S. Strategy to Anticipate, Prevent, and Respond to Atrocities)*

Prepared for the U.S. Congress

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Executive Summary

This Assessment assembles the input of a wide variety of civil society actors, convened through the [Prevention and Protection Working Group](#) (PPWG),² on the atrocity prevention activities by the U.S. Government in the 2021-2022 period, including the deployment of the 2021 Atrocity Assessment Framework (the Framework), the [2022 Annual Report to Congress](#) (the Report) Pursuant to Section 5 of the [Elie Wiesel Genocide and Atrocities Prevention Act](#) (the Act or the Elie Wiesel Act), and the [2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities](#) (the Atrocity Prevention Strategy). With the addition of the Atrocity Prevention Strategy, the civil society community welcomes the transition to a more comprehensive approach to atrocity prevention by the U.S. Government, necessitating a need for a more holistic review by PPWG of publicly reported activities taken by the Government in furtherance of the Elie Wiesel Act and the Atrocity Prevention Strategy's objectives.

This Assessment includes a review of the new elements in the Fourth Report which represent forward progress in the Government's efforts, and the effect of the addition of the publicly released Atrocity Prevention Strategy. Specifically, there are several issues that PPWG considers to be of critical importance:

- the need for a regularized atrocity crimes determination process;
- the need for increased public communication around U.S. Government atrocity prevention efforts;
- the need for increased support by the U.S. Congress of multilateral and international engagement for identification, prevention, and response; and
- the need for a regular internal review process to fairly and frankly evaluate U.S. Government successes and failures in pursuing atrocity prevention efforts after the "crisis moment" of heightened public and policy attention has passed.

² PPWG is a coalition of human rights, religious, humanitarian, anti-genocide, and peacebuilding organizations and scholars dedicated to improving U.S. government policies and civilian capacities to prevent violent conflict, avert mass atrocities, and protect civilians threatened by such crises. The [Friends Committee on National Legislation](#) serves as the working group's coordinator. Individual and collective members of the civil society community may disagree with some of the elements of this assessment or may wish to highlight additional or different issues under each of the below categories in their own meetings with U.S. Government representatives.

1. 2021 Atrocity Assessment Framework

The Atrocity Assessment Framework is an important tool that can be deployed by U.S. Government employees in any department, agency, or office. The need for assessments to be conducted regularly, with ease, and by all individuals who may be able to identify early warning signs, potential triggers, and pathways forward for prevention, mitigation, or recovery is critical. We continue to recommend that this tool's name be changed to include "prevention" in the title. As currently designated, an individual seeing this on the list of resources available to them may very well assume from the name that it is only for use after an atrocity has been committed, rather than for its primary purpose of identifying opportunities to engage in prevention.

- A. *Use Parameters:* The Framework includes some specific instructions, but it is unclear exactly when and by whom it can and should be used. For example, does a mission or embassy team need to get approval from their senior official before recommending that an AAF be completed if they learn of information conveying the risk of an atrocity event? Will this tool be used in countries or regions where U.S. forces are engaging in security sector activities or military operations or is there an expectation that mission/embassy staff will conduct an assessment in coordination with their military counterparts? In countries or regions where there is no mission or embassy, who bears responsibility for undertaking an assessment? Additionally, the inclusion of accountability and transitional justice activities is under-represented in the Framework. Examples of these activities should be added (in furtherance of Section 2.C below) to ensure that users know to include this information.
- B. *Training:* With the creation of the Framework, it is critical that it is included in all U.S. Government trainings that address atrocity prevention and related undertakings, regardless of the department, agency or office providing the training. Having an assessment framework to support a whole-of-government approach will be useful only to the extent to which the tool is actually used by the whole government. Training should include case studies, sample assessments (potentially completed for past atrocity crime events where specific reference can be made to information that was known and available to the U.S. Government and how it was missed, downplayed, or ignored, resulting in an atrocity event), and guidance on the responsibilities of contributing and coordinating actors. We recommend the addition of specific training around the use social media and other non-traditional news sources to further develop analysis of atrocity risks. Specific guidance on how the individuals tasked with completing the assessment can obtain the information requested is also important. It is here that the whole-of-government approach is required to enable a program officer working on development issues to tap into the resources that a country or regional desk officer or security sector official might have, in order to provide a complete picture of the potential risk.
- C. *Implementation:* The Framework should include a specific description of the procedure that will be followed after the assessment it is submitted, including how individuals can follow up with their superiors, and what to do if no response is received. Will the assessments be required to be submitted to the Task Force for follow-up and next steps? The current instructions on submission do not mandate submission to the Task Force and any effort to actually implement a whole-of-government approach to atrocity prevention requires that the Task Force be made aware of these assessments. When an assessment reaches the conclusion that there is a heightened risk of

atrocious crimes, the Task Force should be convened (or should meet regularly enough that special convenings are not required) to identify how best to deploy the resources of the U.S. Government to reduce this risk. If an assessment points to a situation where atrocious crimes have broken out and are ongoing, the U.S. Government should move quickly to undertake a formal determination process and should publicly release the results of that determination, whether it be a finding of grave human rights violations, or an atrocious crime, including genocide, crimes against humanity, and war crimes.

- D. *Collection and Analysis:* The submitted assessments should, of course, be analyzed and acted upon at the time they are submitted. However, each year, all submitted assessments should be collected and analyzed for identification of patterns, trends, or warning signs that may become visible in the aggregate. Lessons learned can be drawn from after-action reports and post-conflict analysis, as well as opportunities to create a library of “success stories” where decisive and targeted atrocious prevention efforts resulted in prevention or mitigation of atrocious crimes. This is especially critical for further training, given the limited resources that many missions face, including trained staff, who may turn over every few years, and the number of different strategies (WPS, YPS, GFA, etc.) they are faced with implementing. Providing feedback and additional training based on the submitted assessments will help refine and improve the quality of future assessments submitted.
- E. *Funding and Support:* The information-gathering, collation, and analysis anticipated by the Framework is unlikely to be achievable without dedicated funding. Some of these use-cases may be prompted by local civil society actors or contacts providing information that causes a U.S. Government employee to recall their atrocious prevention training. However, in completing the Framework, they may need to solicit additional information, set up interviews, conduct site visits, and generally engage in activities beyond their pre-approved programs. There should be financial, administrative, and supervisory support provided for the completion of the assessment activities. The support recommended here is not limited to that necessary to complete the assessment, but also institutional support that the effort to do so is not just tolerated by the individual’s superiors but is actively encouraged. U.S. Government officials serving in country missions and embassies are notoriously understaffed. Taking on additional responsibilities like the Framework should not be seen by them as a thankless task that they have to do in spite of their other responsibilities, but instead a core “moral duty and a matter of national and global importance” in line with the highest traditions of public service.

2. Fourth Annual Report on the Elie Wiesel Act

The Fourth Annual Report on the Elie Wiesel Act is a clear step forward in providing a more thorough and comprehensive accounting of the U.S. Government's efforts to prevent mass atrocities. Previous PPWG assessments³ include reference to welcome portions of the Report. Those elements remain present in the Fourth Annual Report and PPWG continues to support their inclusion. Some specific areas that would be welcome additions, as well as issues noted for improvement, are outlined below.

- A. *Current or Recent Atrocities – Country Highlights:* This Report expanded on the specific reference to countries that are or recently were experiencing atrocity crimes. The increased information included in the Report, including the specific recognition of atrocity crimes in Ukraine, Sudan, South Sudan (including the Abyei region), the People's Republic of China, Iraq, Syria, Ethiopia, Myanmar, and Afghanistan, is a welcome expansion on the 2021 Report, which was the first to enumerate any countries by name. PPWG would welcome even greater detail on the efforts undertaken in these countries to mitigate and respond to current or recent atrocity crimes, including specific reference to direct USG-funded activities, grant supported programs (such as those undertaken by USAID), and local civil society engagement. Specific reference to funding gaps or limitations is a requirement of the Elie Wiesel Act's reporting guidelines and would further enhance PPWG and broader civil society efforts to advocate on behalf of increased appropriations to support atrocity prevention efforts.
- B. *At Risk Country Identification:* The "Country Highlights" section only identifies countries that are currently or have recently experienced atrocity crimes. PPWG again recommends that these identifications be more regularly communicated beyond the annual Report required by the Act. PPWG still believes that a public release of countries at risk for future atrocity crimes is a required and necessary part of compliance with the Act.⁴ PPWG welcomes the identification as the first explicit "Priority Action" in the 2022 Atrocity Prevention Strategy of an intent to "[o]n an annual basis, at minimum, identify up to the top 30 Task Force priority countries most at risk for atrocities...."⁵ This commitment represents the core of the Elie Wiesel Act's intent to drive inter-agency cooperation and coordination on atrocity prevention activities by focusing attention on the most serious situations. PPWG remains willing to cooperate with the Atrocity Prevention Task Force to provide country reports and private briefings, featuring the insights and expertise of local civil society actors from identified countries.
- C. *Accountability Efforts:* The inclusion of a section of the Report focused on accountability efforts and support for such efforts by the U.S. Government reflects PPWG's belief that such activities are an essential element in any atrocity prevention program. Accountability, whether that be local, national, regional, or international criminal liability or transitional justice mechanisms, is critical to addressing the post-conflict issues that can lead to the repetition of atrocity crimes.

³ See [Civil Society Assessment of the 2021 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 \(P.L. 115-441\)](#) August 2, 2021; [Civil Society Assessment of the 2020 Report to Congress Pursuant to Section 5 of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 \(P.L. 115-441\)](#) October 21, 2020; and [Civil Society Assessment of the Administration Report submitted in compliance with The Elie Wiesel Genocide and Atrocities Prevention Act](#), November 4, 2019.

⁴ Elie Wiesel Genocide and Atrocities Prevention Act (P.L. 115-441), Section 5(a)(1)(E)

⁵ See the [2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities](#), Section II. A. Goal 1

U.S. Government efforts to support truth and reconciliation processes, local criminal proceedings, and universal jurisdiction prosecutions are important investments into breaking the cycle of impunity and creating an environment where habits of seeing justice done can contribute to lasting peace. PPWG continues to support greater assistance by the U.S. Government of regional and international tribunals, including the International Criminal Court, to pursue accountability for the most severe instances of atrocity crimes and would welcome the U.S. Congress affirmatively supporting these efforts.

- D. *Sector Specific Efforts*: The identification of specific actions undertaken by different sectors within the U.S. Government will help civil society better understand and effectively advocate for atrocity prevention programming. While there may be conversations to be had about how these sectors are identified in the 2022 Report, PPWG welcomes the intent to further improve public awareness of these actions. Despite this positive overall impression, each section presented leaves significant gaps in reporting on efforts over the past year. USAID activities are completely absent from this section, denying civil society insight into the entirety of development activities specifically designed for the upstream work essential to the prevention portion of atrocity prevention activities. Additionally, the complete lack of programmatic reporting on the Defense and Security sector, especially in light of the recent Department of Defense Civilian Harm Mitigation and Response Action Plan, raises concerns about achieving the whole-of-government approach envisioned by the Act. The intent to create a Civilian Protection Center of Excellence should be coordinated with atrocity prevention activities when the U.S. Government undertakes military operations in regions with heightened risk of mass atrocities.⁶ PPWG recognizes this document was released after the Report, but the Strategy was clearly being finalized at the same time as the CHMR-AP, and the CHMR-AP's creation is exactly the kind of activity that should allow the Task Force to engage in effective inter-agency coordination around atrocity prevention activities.
- E. *Multi-lateral Engagement*: The Report's inclusion of increased collaboration with international and multilateral organizations and U.S. allies and partners is a welcome and important improvement. However, the examples provided, and the public reporting and PPWG awareness of these engagements continues to reflect a very Western and Euro-centric perspective. PPWG strongly encourages more direct engagement with regional actors and allies and partners outside of the Global North – beyond those whose countries may be directly experiencing or at risk of atrocity crimes. Recent examples, such as the Gambia's case before the International Court of Justice, demonstrate the leadership role that such nations can play in furthering global atrocity prevention efforts.⁷ The U.S. Government should support, and learn from, these actions and intentionally engage with Global South actors in atrocity prevention collaboration.

⁶ See Objective 2, [2022 U.S. Department of Defense Civilian Harm Mitigation and Response Action Plan \(CHMR-AP\)](#), August 25, 2022.

⁷ [Application of the Convention on the Prevention and Punishment of the Crime of Genocide](#) (The Gambia v. Myanmar), International Court of Justice.

3. The 2022 Atrocity Prevention Strategy

The 2022 Atrocity Prevention Strategy is an essential piece of the whole-of-government approach to atrocity prevention efforts and PPWG welcomes its public release. PPWG has called for this document's release as central to future atrocity prevention activities⁸ and will work with the Task Force to support the goals and objectives it identifies. We specifically welcome the repeated commitment, both in the Strategy and during its public release, that "preventing future genocides remains both our moral duty and a matter of national and global importance." Several elements deserve specific mention for their added value to atrocity prevention activities or the need to further enhance the goals and objectives they identify.

- A. *Goal 1: Atrocity Prevention, Response, and Recovery – Pursue Early Action and Locally Driven Solutions in Priority Countries:* The priority actions laid out in Goal 1 represent a formalization of key requirements from the Elie Wiesel Act and years of briefings with civil society actors around best practices towards prevention efforts. PPWG welcomes the emphasis on qualitative and quantitative inputs, including the Framework, to drive decisions around the identification of at-risk countries. We also encourage that the effort to identify these sources of information and develop country-specific policy plans be conducted in cooperation with local civil society groups. Effective solutions to complex problems that create risks of mass atrocity events cannot be generated solely by U.S. Government employees working without the culture awareness and historical competency of local actors.
- B. *Goal 2: Partnerships – Promote International Cooperation, Civil Society Engagement, and Strategic Public Messaging:* The commitment to data collection and information sharing around atrocity prevention efforts is a fundamental standard necessary for the effective efforts to address a global phenomenon. PPWG continues to believe that the U.S. Government has a leadership role to play in atrocity prevention, as evidenced by the global response to the launch of this Strategy, but it is incapable of achieving these ends individually and multilateral cooperation, with local civil society insights and guidance, is foundational in creating effective atrocity prevention programs. We welcome the identification of groups like the International Atrocity Prevention Working Group and encourage the U.S. Government to actively undertake the expansion of that body and the coordination of its activities with the United Nations Office on Genocide Prevention and the Responsibility to Protect.
- C. *Goal 3: Management – Enable an Effective, Integrated U.S. Government Prevention Architecture:* We also welcome the increased commitment to a whole-of-government approach. However, the actual details of the deployment of the Task Force is left unstated. Will participation by a minimum level of representative be mandated? How frequently will the Task Force meet and at what level? Will special meetings be called when needed to address Atrocity Assessments that warn of imminent atrocity risks? These details are essential to not just the effective implementation of the Strategy, but also the actual buy-in by the various interagency entities that have a seat at the table.

⁸ See recommendation #2, [2021 PPWG Recommendations for the Biden-Harris Administration on Atrocity Prevention Efforts](#), February 17, 2021.

D. *Advancing the Strategy*: The details laid out in the Section III are welcome delineations of responsibilities, processes, and metrics for evaluation. However, the key element will be in the actual implementation of these standards. PPWG understands that the underlying architecture of the U.S. Government is not designed to effectuate the prioritization of atrocity prevention. Nor is it the central mission to any of the departments, agencies, or offices of the U.S. Government.⁹ However, if President Biden’s commitment that atrocity prevention is our moral duty, as well as a core national security interest, is to be achieved, these understandable institutional and organization barriers must be overcome. This requires dedicated support, regular intervention, and value-driven communication from principles in each cooperating department, agency, and office to convey that this is not another “chore” to be taken on, but rather a central and critical objective to the overall mission of the United States of America.

⁹ Though we do welcome its recognition as a “line of effort (LOE)” for the [Bureau of Conflict & Stabilization Operations’ mission](#). (“CSO’s mission is to anticipate, prevent, and respond to conflict that undermines U.S. national interests. Our three lines of effort (LOEs) support this mission by focusing on different aspects of the conflict cycle: 1) strategic prevention; 2) conflict resolution; and 3) security sector stabilization.”). Retrieved August 31, 2022.

4. Specific Issues for Future Development

- A. *The Need for a Regularized Atrocity Crimes Determination Process:* The deployment of the new Atrocity Assessment Framework further emphasizes the continued call by PPWG for a regularized atrocity crimes determination process. With the formal submission of qualitative and quantitative assessments, along with consultations with local communities and civil society, the resources are present to move this politically charged process into the realm of an objective review. As part of the Atrocity Prevention Strategy, the Task Force should create a formal process to monitor the risk or presence of mass atrocity crime. Once a recommendation has been prepared by the Task Force staff, it should be presented to the committee of the principles for their approval. That approval should carry with it a list of recommended actions for the principles of the Task Force to consider implementing once a determination has been made. We make specific reference to the 2021 PPWG Assessment, Section 4, which provides significant detail on the proposed determination process.¹⁰
- B. *The Need for Increased Public Communication:* The public engagement around the 2022 Report and the Atrocity Prevention Strategy, including the social media and press office releases from multiple agencies, is a welcome shift in the U.S. Government's approach to engaging with the public on the issue of atrocity prevention. PPWG strongly encourages the continued engagement on these issues. The commitment to preventing mass atrocities has continually drawn the bipartisan support of the American people. Not only does increased public engagement ensure, as Deputy Secretary Sherman remarked during her presentation at the public launch, that "we hold ourselves accountable," it also builds trust and pride in these efforts by U.S. citizens and the global community. And it further enhances the leadership role that the United States plays on the international stage. PPWG welcomes the creation of a "landing page" for atrocity prevention and encourages the Task Force to populate that page with the historical efforts that have already come before, including past Elie Wiesel Act Reports, the founding documents of the Atrocity Prevention Task Force, such as [PSD-10](#) and [Executive Order 13729-A](#). We also continue to recommend that as much of the at-risk country list as can be made publicly available be included. While political negotiations and diplomatic approaches can require circumspection, the use of public lists by annual efforts such as the [Trafficking in Persons Report](#), the [Country Reports on Human Rights Practices](#), and the new [Global Fragility Strategy](#) all demonstrate that such lists are not only able to be managed by the diplomatic staff of the United States, but they also succeed in achieving their objectives, despite their listing of specific countries.
- C. *The Need for Increased Support by the U.S. Congress:* The tools available to the U.S. Government to effectuate international cooperation and collaboration are unreasonably limited in ways that the U.S. Congress can and must address. Specifically, steps to remove overly burdensome restrictions on how the U.S. Executive Branch can engage with international courts and tribunals are welcome efforts to creating a more robust multilateral engagement. In addition, the United States still lacks a crimes against humanity statute and thus it cannot look to a specific section of the U.S. Code to provide a source for criminal prosecution of individuals within the United States' jurisdiction, as it can for perpetrators of genocide and war crimes. PPWG strongly recommends that the United States adopt both criminal liability and a civil cause of action for

¹⁰ See supra note 8, at Section 3.

crimes against humanity. We also continue to recommend the full list of potential international and multilateral engagement options identified in previous Assessments.¹¹

D. *The Need for an Effective Lessons Learned Process*: The work to undertake effective atrocity prevention efforts is neither simple nor easy. We should approach it with a knowledge and understanding that we will all, civil society, domestic government, and international organization actors, occasionally fail in our attempts to achieve these objectives. Approaching this endeavor with this reality firmly accepted is important to ensuring that we are all willing to undertake the self-analysis necessary to improve our efforts. The Atrocity Prevention Strategy's inclusion of a "lessons learned" process is welcome, but that ideal must be institutionalized in such a way that fear of failure or an unwillingness to admit fault is not a barrier to future performance. The continued progress towards a better application of the objectives of the Elie Wiesel Act and the Atrocity Prevention Strategy can literally save tens of thousands of lives, if not more. Failing to do better because we are afraid to admit we did not succeed in past efforts is morally and strategically unacceptable. PPWG remains committed to engaging in constructive dialog and criticism as a collaborative partner in these efforts.

Conclusion

The efforts by the U.S. Government over the past year towards centering atrocity prevention in U.S. foreign policy are remarkable, laudable, and to be commended. PPWG celebrates these efforts and looks forward to working with our colleagues in Government to use the new tools deployed in the Atrocity Assessment Framework and the Atrocity Prevention Strategy to further enhance the ability of the U.S. Government to advance the objectives of the Elie Wiesel Act. The recommendations and concerns raised in this Assessment reflect the input of the members of PPWG but are made with the sincere desire to collaborate with the U.S. Government officials who have made atrocity prevention their mission in public service.

¹¹ See supra note 8, at section 5.