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HUMAN RIGHTS AWARENESS EDUCATION

FOR GENERAL OFFICERS AND FLAG OFFICERS





Lesson 1

Human Rights Law, Policy, Doctrine, and Procedures



A central goal of U.S. foreign policy is promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights.

Human rights are freedoms, immunities, and benefits that are deemed universal, inherent, and inalienable possessions of all humankind.

This means that **human rights are not a concession granted by society or any particular government.**

Human Rights Law requires a nation to guarantee the fundamental human rights of its citizens throughout the peace-war-peace spectrum. The Law of War* is that part of international law that regulates the conduct of armed hostilities.

* Military units are responsible for providing Law of War (LOW) training. Consult your chain of command or SJA if you are in doubt about Law of War requirements.



For U.S. personnel, standards of respect for Human Rights and Law of War (also known as Law of Armed Conflict, or LOAC, and International Humanitarian Law, or IHL) are codified in international treaties, customary international law, national laws, the Uniform Code of Military Justice (UCMJ), Department of Defense Directives, and USSOUTHCOM Regulations.

The U.S. accepts the position that certain fundamental human rights fall within the category of Customary International Law and that Customary International Law is legally binding under all circumstances.

U.S. law and defense policy also require U.S. personnel to positively influence host nation counterparts' knowledge of and respect for human rights.



U.S. law prohibits security and military assistance to any country whose government engages in a consistent pattern of gross violations of internationally recognized human rights.

U.S. law also prohibits using funds to support any training of foreign military personnel or units if the Secretary of Defense has received credible information from the Department of State that the personnel or members of a unit to be trained have committed a gross violation of human rights, unless corrective steps have been taken by the government of that country.



Joint Doctrine on Foreign Internal Defense (JP 3-07.1) states:

“The U.S. military has considerable ability to influence the professionalism of the host nation military, and thus its democratic process. In such cases, success may depend on U.S. representatives being able to persuade host military authorities to lead or support reform efforts aimed at eliminating or reducing corruption and human rights abuse.”

Several Department of Defense Directives outline authorities and responsibilities for the implementation of human rights policy, plans, and activities by senior defense leaders.



Another area in which U.S. personnel must be vigilant is Trafficking in Persons (TIP).

Every year 600-800,000 men, women, and children worldwide are trafficked across international borders and within national borders and many are forced into prostitution, work in sweatshops, on farms, as child soldiers or other forms of indentured servitude; in other words, they are slaves.

The U.S. Government considers TIP to include all acts involved in recruitment, abduction, transport, harboring, transfer, sale or receipt of persons through force, coercion, fraud or deception.

DOD has a ZERO TOLERANCE policy toward TIP.

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DOD INSTRUCTION NUMBER
2200.01, February 16, 2007

“It is DOD policy to oppose prostitution, forced labor, and any related activities that may contribute to the phenomenon of Trafficking in Persons (TIP) as inherently harmful and dehumanizing. TIP is a violation of United States law and internationally recognized human rights and is incompatible with DOD core values.”

The Department of Defense opposes prostitution and related activities that contribute to TIP.

TIP is a violation of human rights.

TIP is cruel and demeaning.

TIP undermines Peacekeeping Operations (PKO).

TIP is incompatible with military core values.



By Order of the Commander
United States Southern Command

USSOUTHCOM REPORTING PROCEDURES

THE FIVE Rs OF HUMAN RIGHTS



RECOGNIZE



REFRAIN



REACT



RECORD



REPORT



SC FORM 165, 24 August 2009

USSOUTHCOM HUMAN RIGHTS STANDING ORDERS

The US Department of Defense (DoD) supports Human Rights Law and The Law of Armed Conflict and enforces standards of conduct that serve to protect the dignity of each individual.

Human rights include fundamental protections for individuals such as freedom from genocide, slavery, murder, torture, cruel, inhuman or degrading treatment, prolonged arbitrary detention, and systematic racial discrimination.

DoD personnel must never participate in any activity which is contrary to this policy nor encourage others to do so. DoD personnel will disengage from activities that are contrary to US policy and will ensure other DoD personnel do not practice, encourage, or condone such activity.

It is the duty of all DoD personnel to record and report any possible human rights violation they observe regardless of whom is involved.

DoD personnel must fully cooperate with any investigation into human rights violations. However, no person loses his/her Article 31 (UCMJ), 5th Amendment rights of protection from self-incrimination.

DoD personnel are visible representatives of United States legal and moral principles. Their actions, words, and deeds must reflect fundamental support of human rights, military honor, and the rule of law.

This USSOUTHCOM card constitutes legal and binding orders on all DoD personnel operating in the AOF.

SC FORM 165, 24 August 2009

The USSOUTHCOM Human Rights Standing Orders Card (SC Form 165) contains Human Rights Reporting Procedures for all suspected human rights violations.

USSOUTHCOM Regulation 1-20 states that all personnel permanently or temporarily assigned to USSOUTHCOM must be issued the Human Rights Standing Orders Card within 60 days of arrival on station.

You can obtain this card on the USSOUTHCOM web portal or through the USSOUTHCOM Human Rights Branch. The content of this card is displayed here and should be used for reference until you can physically obtain the pocket card.



RECOGNIZE
what constitutes a human rights violation.



REFRAIN
from committing or supporting the
commission of human rights violations.



REACT
to human rights violations—intervene if it
will not endanger you or your unit.



RECORD
violations in detail (time, day, location,
personnel).

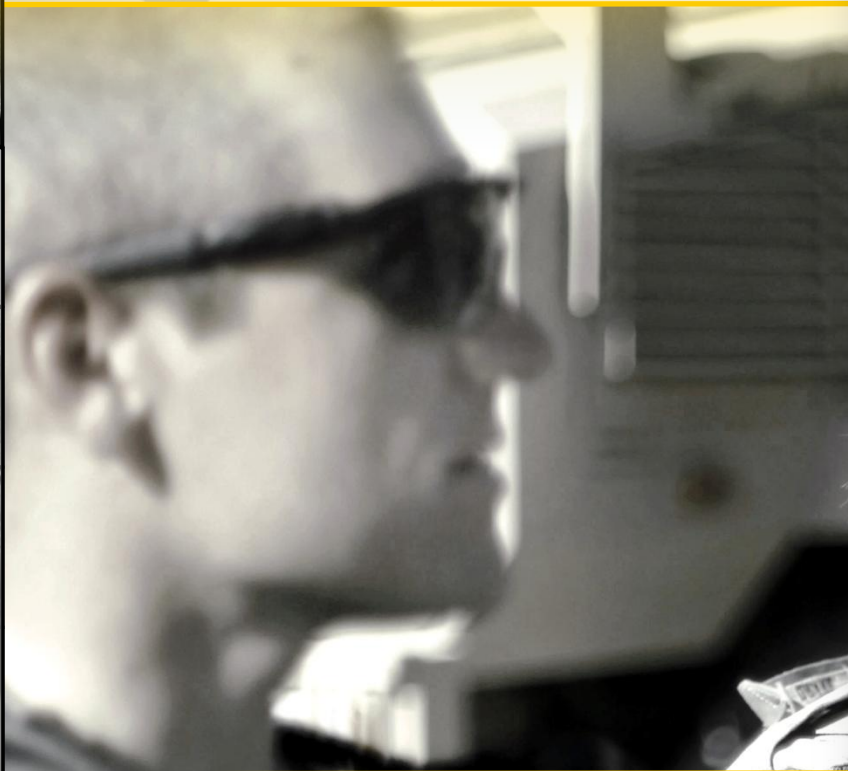


REPORT
violations to your chain of command.

Following are more detailed explanations of the Human Rights Reporting Procedures (the “Five ‘R’s of Human Rights”).

Commit these to memory, as they will help you to know what to do in any given human rights situation, especially in situations that involve human rights complications for which your Rules of Engagement and Law of War training may not immediately present an obvious course of action. Above all, you have a responsibility to REPORT any human rights violation or suspected human rights violation that you may witness.

These will apply to the scenarios presented at the end of the course, and may appear on the test.



RECOGNIZE

A nation, representative of a nation, and non-state actors involved in armed conflict violate Customary International Law when they commit:

- genocide;
- slavery, or the trafficking of slaves;
- murder or forced disappearance;
- torture or other cruel, inhumane, or degrading treatment or punishment;
- prolonged arbitrary detention;
- systematic racial discrimination;
- or a consistent pattern of committing gross violations of internationally recognized human rights.



REFRAIN

All DOD personnel are government officials, and government officials must not commit or aid in the commission of human rights violations. **DOD personnel may be held responsible for the acts of subordinates and possibly the acts of peers.**

Upon encountering apparent violations in host nations, DOD personnel should generally disengage from the activity and leave the area, provided they can disengage without endangering their mission.



REACT

If the conduct of a **U.S. government official** involves a violation of human rights, such as rape or torture, you must attempt to prevent the violation. If the violation involves detainee abuse, do not raise legal questions in front of detainees. Take the official aside and use moral dissuasion to deter continued abuse.

Commanders are responsible for the actions of their subordinates. Subordinates are accountable for their own actions. If you receive a clearly illegal order to commit a human rights violation, your duty is to ask for clarification, ask the superior to rescind or change the order, refuse to obey such an order, and report the illegal order to your chain of command.

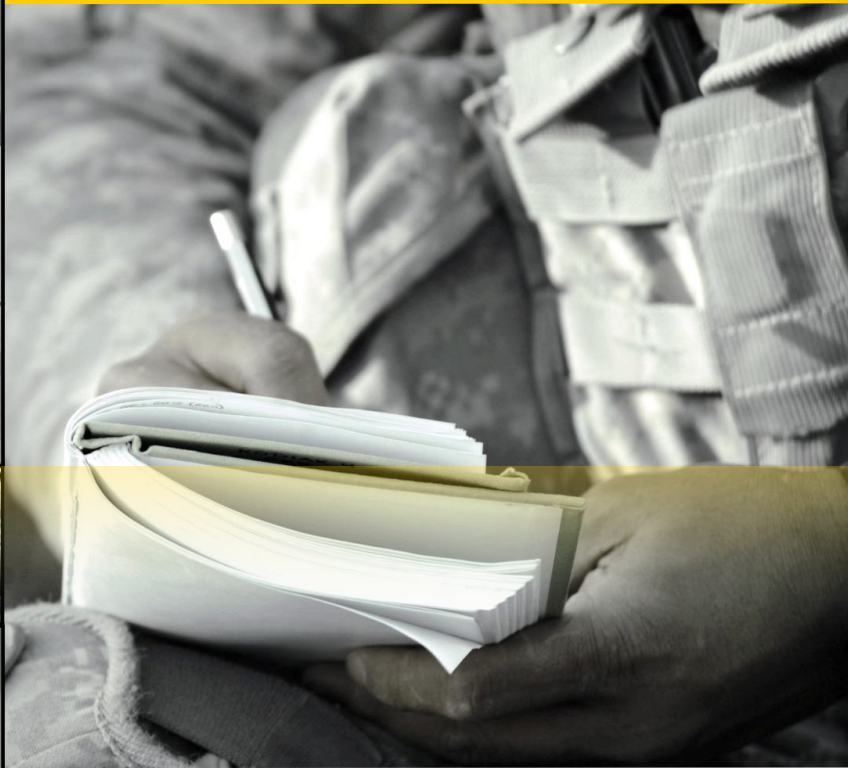


REACT (continued)

If the conduct of a **foreign government official** involves a violation of human rights, intervention to protect a victim may be appropriate in certain limited cases.

If a death, dismemberment or rape will almost certainly occur, it is appropriate to intervene as long as you incur no serious threat to your safety or the security of your unit, and intervention will not adversely affect your mission. Attempt to prevent the violation with moral dissuasion.

PERSONNEL ARE NOT AUTHORIZED TO USE VIOLENT FORCE when intervening to prevent a human rights violation, except when authorized by specific Rules of Engagement or when acting in self defense.



RECORD

If a violation does occur, you must employ all available means to record the event:

- Write it down.
- Use recording media (audio/video), photography, diagrams and grid coordinates.
- Preserve the evidence.

Remember the site will likely be examined later by professional crime investigators.

Be cautious about entering the scene without clearance from a higher authority.



REPORT

All DOD personnel will immediately report all instances of suspected violations of human rights to their chain of command. If the chain of command itself is implicated, report the incident or illegal order to the Staff Judge Advocate (SJA), Inspector General (IG), chaplain, or provost marshal.

Identify the official who appears to have committed the violation, describe the victim(s), specify the violating conduct, and state whether any DOD personnel were involved.

As appropriate, provide recommendations as to what the commander should do to protect the victim(s), restore the status quo, and preserve the evidence of these events.

Lesson 1 Learning Check



Which of the following best describes human rights in relation to the law of war?

- (a) Human rights are separate from the law of war and guarantee universal civil, political, and social rights only in times of peace.
- (b) Human rights law is that part of international law that regulates the conduct of armed hostilities and is also known as Law of Armed Conflict (LOAC).
- (c) Human rights are inalienable rights that apply throughout the peace-war-peace spectrum, whereas the law of war is that part of international law that regulates the conduct of armed hostilities.
- (d) Human rights exist only as a result of the proper discipline of military forces.

Lesson 1 Learning Check



Which of the following best describes human rights in relation to the law of war?

Correct answer:

- (c) Human rights are inalienable rights that apply throughout the peace-war-peace spectrum, whereas the law of war is that part of international law that regulates the conduct of armed hostilities.

Lesson 1 Learning Check



Should you encounter a suspected human rights violation by a member of the host nation security forces, what should you do next, assuming there is no further threat of loss of life or grievous injury?

- (a) Make a record of the events that you witnessed, using recording media if possible, and report the events to your chain of command.
- (b) Disengage and return to your unit headquarters as quickly as possible so you can write your After Action Report more accurately from memory.
- (c) Immediately call in host nation law enforcement authorities to investigate.
- (d) All of the above.

Lesson 1 Learning Check



Should you encounter a suspected human rights violation by a member of the host nation security forces, what should you do next, assuming there is no further threat of loss of life or grievous injury?

Correct answer:

- (a) Make a record of the events that you witnessed, using recording media if possible, and report the events to your chain of command.

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A faint, grayscale world map serves as the background for the slide. The map is centered on the Atlantic Ocean, showing the continents of North America, South America, Europe, and Africa. The map lines are thin and light gray, providing a subtle geographical context for the text.

Lesson 2

U.S. and Host Nation Counterparts' International Obligations

unalienable Rights, that among these are Life, Liberty and the consent of the governed, — That whenever any People, laying its foundation on such principles and organizing that Governments long established should not be changed for a more tolerable, than to right themselves by abolishing the form of Government, designed to reduce them under absolute Despotism, it is their right and duty to do so; and such is now the case with these Colonies; and such is now the case with a history of repeated injuries and usurpations, all having in view the establishment of a tyrannical Government. He has refused his Assent to Laws, the

Many societies in history have claimed some version of civil rights (state granting of specified rights to the individual), but state recognition of inalienable human rights (neither granted nor taken away by the state) was first articulated in America's 1776 Declaration of Independence and in France's 1789 Declaration of the Rights of Man. The concept of international law (enabling state recognition of the rights of non-citizens), was introduced even earlier, in the 16th and 17th centuries, through the treaties and military reforms that created modern Europe. Military historians credit traditional international law with having made 18th century warfare more humane, involving such conventions (though not always enforced) as safe conduct and protection of non-combatants.

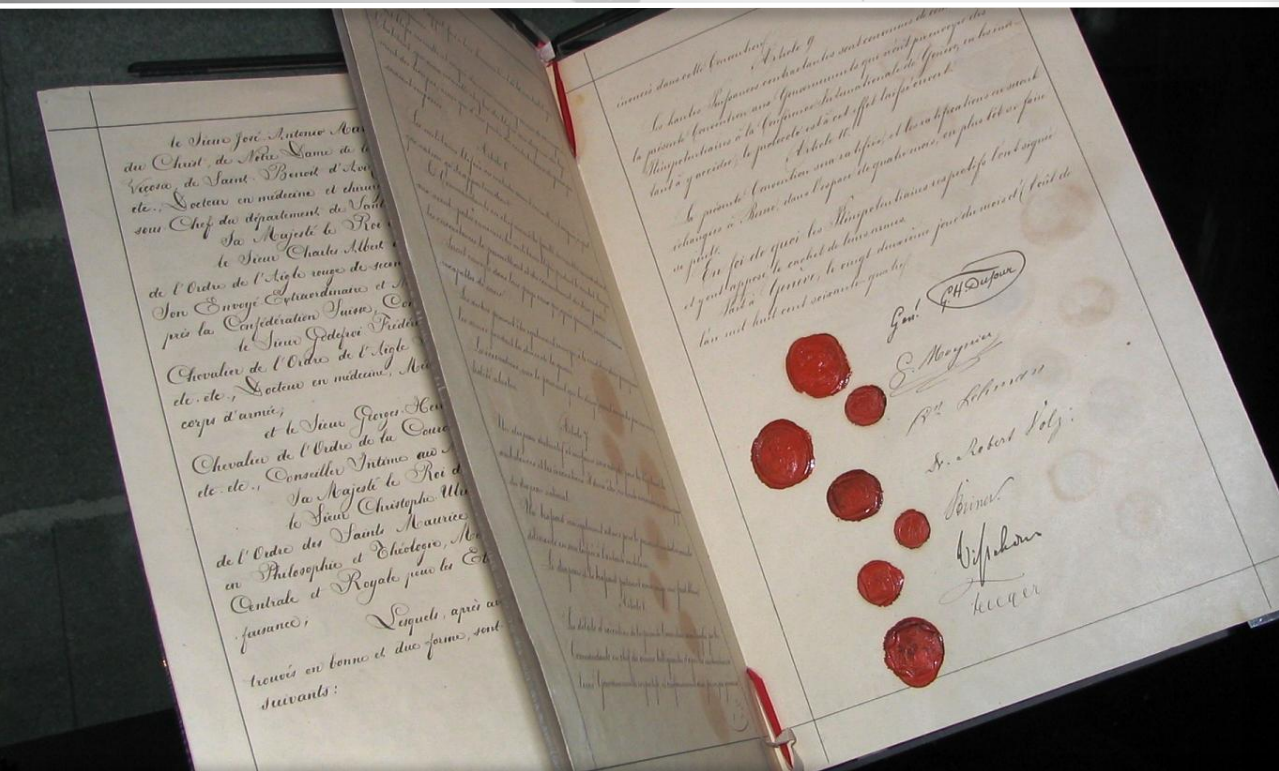
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The 19th and 20th centuries, however, saw the Napoleonic reintroduction of “total war” doctrine and two world wars. Not only did traditional international law fail to limit the destructiveness of modern warfare, it also said nothing about what states could do to their own citizens. Because of the atrocities of the Second World War, nations have recognized the need to protect human rights through binding international agreements.

Although the UN General Assembly’s 1948 Universal Declaration of Human Rights is not a treaty and therefore not legally binding, many of its provisions have come to be regarded as Customary International Law or are included in binding human rights treaties.

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The United States is bound by several conventions and human rights treaties, including the following:

- The Four Geneva Conventions (1949)
- Convention on the Prevention and Punishment of the Crime of Genocide (1951)
- International Covenant on Civil and Political Rights (1976)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)

Although the U.S. is not a party to the 1977 Additional Geneva Protocols, all countries within the USSOUTHCOM AOR are parties. The U.S. recognizes many of their provisions as Customary International Law.

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The specific violations of Customary International Law that DOD personnel must report if they are observed include:

- genocide;
- slavery, or trafficking of slaves;
- murder or forced disappearance;
- torture or other cruel, inhumane, or degrading treatment or punishment;
- prolonged arbitrary detention;
- systematic racial discrimination;
- or a consistent pattern of committing gross violations of internationally recognized human rights.

Military planning should incorporate means to protect the human rights of all persons likely to be affected by military operations.

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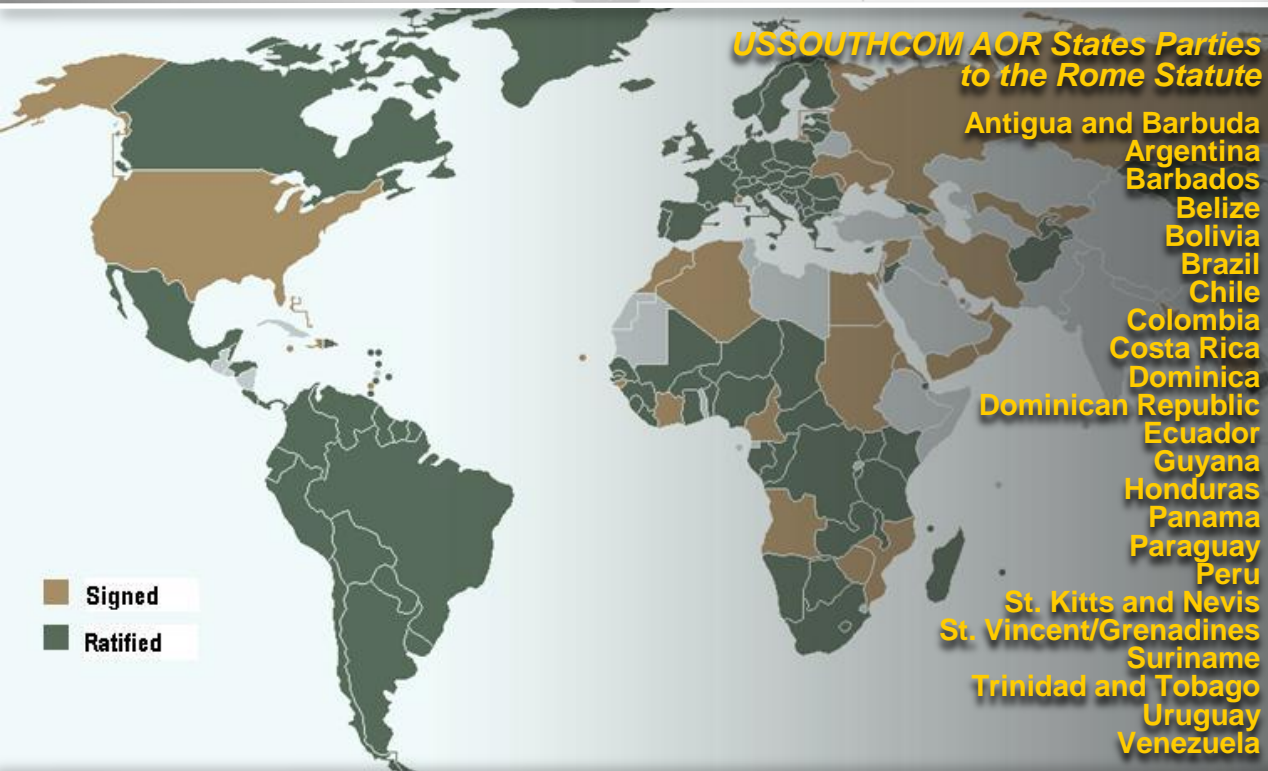


Nearly all nations in the USSOUTHCOM AOR have subjected their own governments to the jurisdiction of the Inter-American Court of Human Rights, created in 1978 by the American Convention on Human Rights, also known as the Pact of San José.

The United States signed the convention in 1977 but did not ratify, in part because of constitutional concerns over the jurisdiction of the court. Nevertheless, your host nation counterparts are subject to its jurisdiction. They risk subjecting their governments to fines and loss of national prestige if they commit human rights violations. Their governments also may be required to pay reparations to victims and to make legislative, constitutional, and policy changes, and may reopen any domestic prosecution.

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The International Criminal Court (ICC) was established by international treaty at a United Nations conference in Rome on 17 July 1998 and covers cases of genocide, crimes against humanity, and war crimes. The United States supports the prosecution of such cases in the domestic courts or in ad hoc international tribunals even though it has not ratified the treaty.

The ICC has jurisdiction only if the accused is a national of a State Party to the treaty, if the alleged crime took place in the territory of a State Party, or if the case has been referred by the UN Security Council regardless of nationality of the accused or site of the alleged crime. Most nations in the USSOUTHCOM AOR are States Parties to the treaty.

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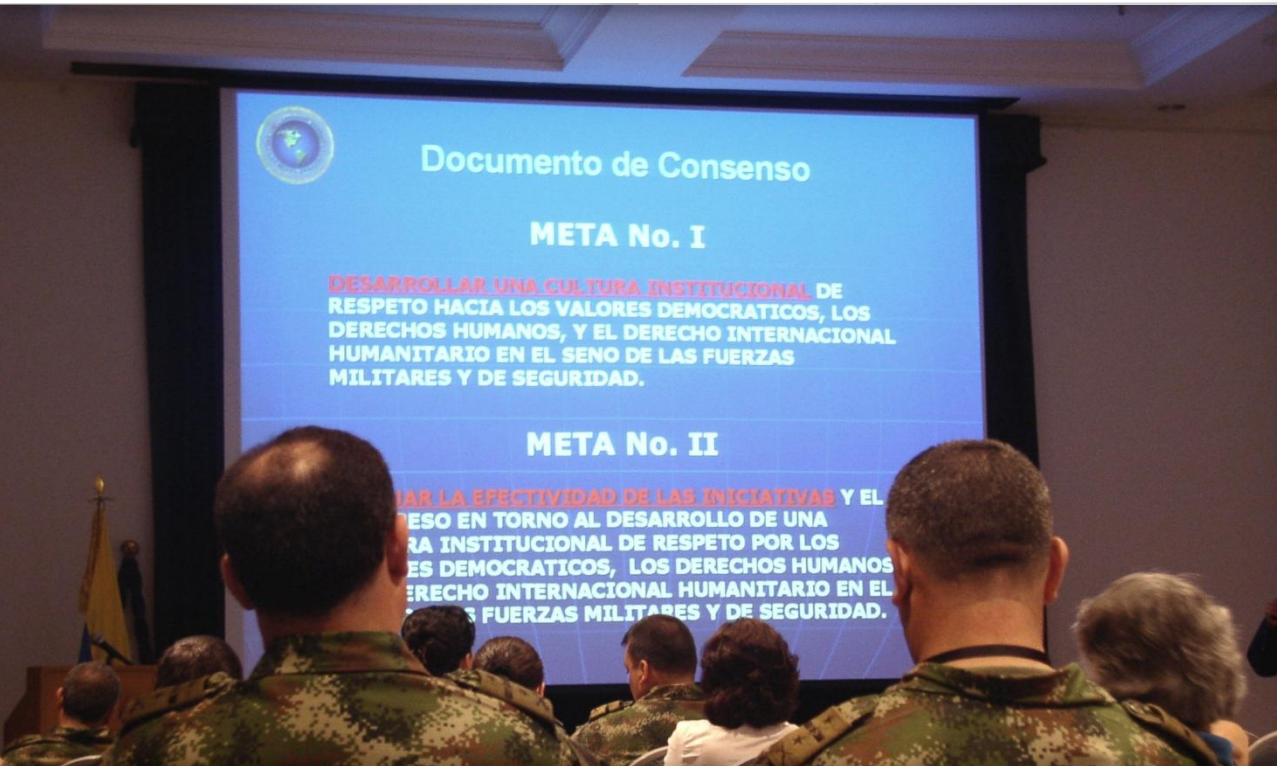
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Ministers of Defense and Chiefs of Defense from most nations in the USSOUTHCOM AOR participated in a 1997 hemispheric human rights conference sponsored by USSOUTHCOM and the Inter-American Institute of Human Rights.

The USSOUTHCOM CDR offered to sponsor a regional process to support partner nation militaries in building military human rights programs that came to be known as the Human Rights Initiative (HRI).

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All of the democratic nations in the hemisphere participated in seminars from 1997-2002 to develop the "Consensus Document", agreeing to focus on:

- Doctrine
- Education and Training
- Internal Control Systems
- Cooperation with Civilian Authorities

Partner nations receive direct assistance from USSOUTHCOM in those areas, and often look to U.S. personnel for advice and leadership.

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The nations of the USSOUTHCOM AOR have had a difficult history in which some governments in the past violated or failed to protect the human rights of their own citizens. Perhaps as a result of this, however, these same nations also have made important contributions to the development of key international human rights norms.

Several of these are leading the way on military human rights reform in particular. They are making important advances, for example, in implementing new operational rules and procedures for complex security and stability missions in which safeguarding civilian security is of highest importance. This enables them to expand their contributions to peacekeeping and other important international missions.

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Lesson 2 Learning Check

unalienable Rights, 'that among these are Life, Liberty and the consent of the governed, - That whenever any Form of Government, laying its foundation on such principles and organized, that Governments long established should not be changed for a more tolerable, than to right themselves by abolishing the form of Government, designed to reduce them under absolute Despotism, it is the just and prudent sufferance of these Colonies; and such is now the state of the Colonies, a history of repeated injuries and usurpations, all having in their direct and indirect consequence a total negation of the rights of the Colonies. He has refused his Assent to Laws, the

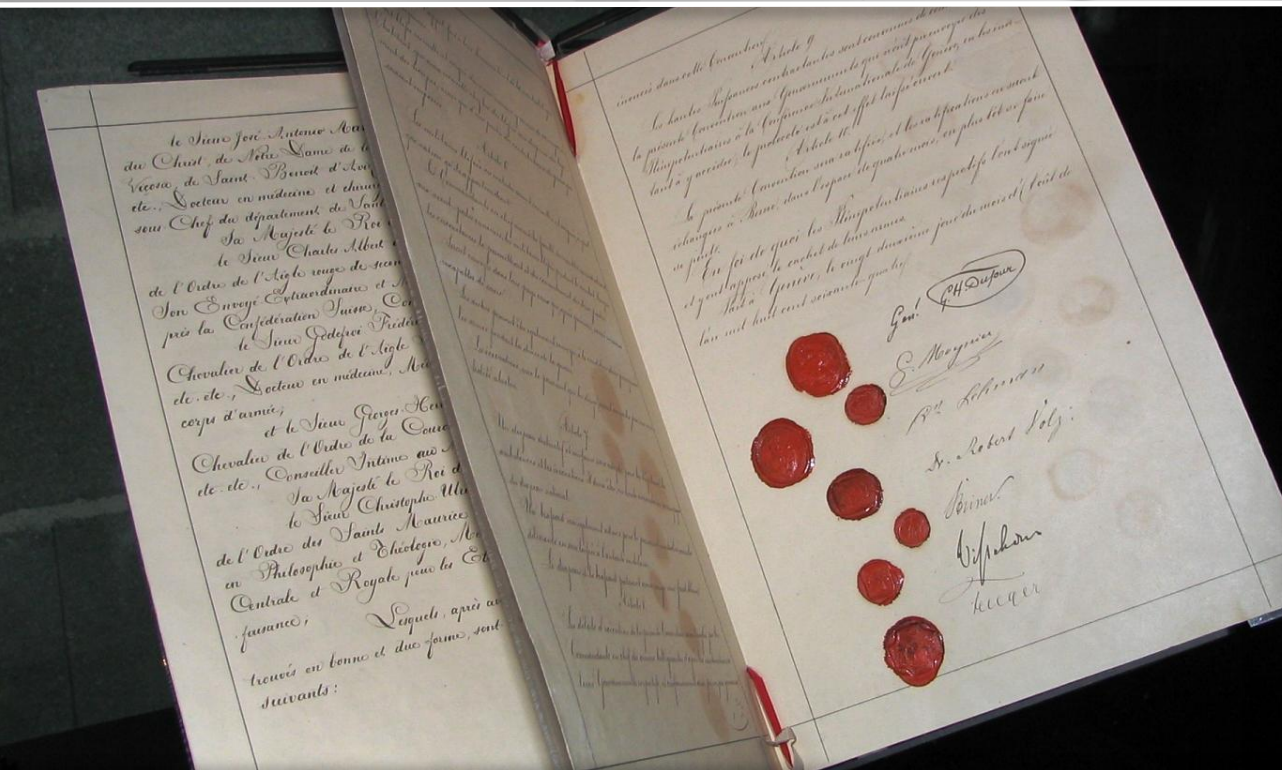
Which of the following documents was the first to formally declare the inalienable rights of all mankind?

- (a) The English Bill of Rights
- (b) The U.S. Declaration of Independence
- (c) The French Declaration of the Rights of Man
- (d) The Universal Declaration of Human Rights

Which of the following documents was the first to formally declare the inalienable rights of all mankind?

(b) The U.S. Declaration of Independence

Lesson 2 Learning Check



To which of the following conventions is the United States obligated?

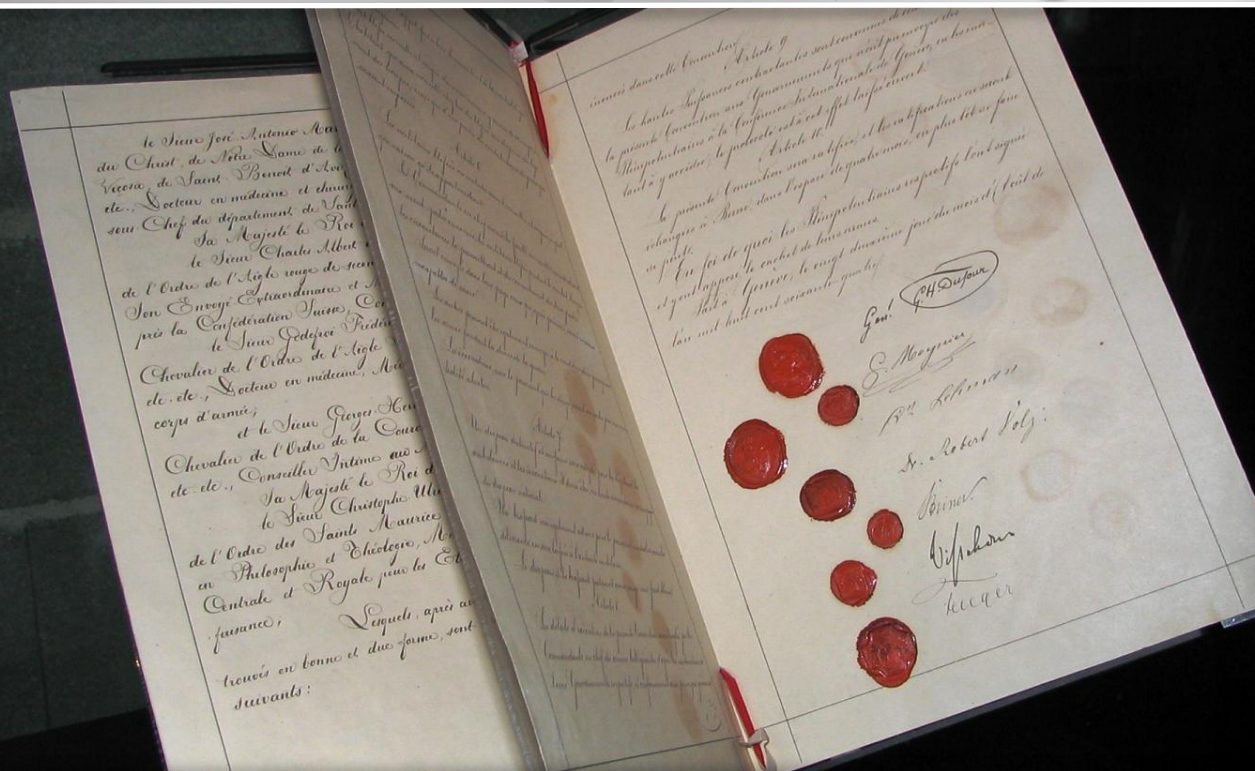
- (a) The Four Geneva Conventions (1949)
- (b) International Covenant on Civil and Political Rights (1976)
- (c) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- (d) All of the above

Lesson 2 Learning Check

To which of the following conventions is the United States obligated?

Correct answer:

(d) All of the above



Lesson 2 Learning Check



Although U.S. personnel do not fall under the jurisdiction of the Inter-American Court, most host nation personnel in the USSOUTHCOM AOR do. Which of the following are possible consequences of prosecution in the Inter-American Court?

- (a) Fines and reparations paid by the host nation government
- (b) Mandated changes to policy, laws, or even the host nation's constitution
- (c) Reopening of domestic prosecution against the accused
- (d) All of the above

Lesson 2 Learning Check



Although U.S. personnel do not fall under the jurisdiction of the Inter-American Court, most host nation personnel in the USSOUTHCOM AOR do. Which of the following are possible consequences of prosecution in the Inter-American Court?

Correct answer:

(d) All of the above

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Scenarios

SCENARIO: Questionable Training



You are a guest monitoring a host nation training activity being conducted by a host nation military officer who is preparing younger officers for operations in support of law enforcement, such as protection of a prison perimeter during a police raid to quell an inmate riot. The instructor describes a scenario in which soldiers on the perimeter capture a fleeing inmate and are holding him for turnover to police custody. The instructor suggests that because the police are preoccupied, the soldiers would be permitted to aggressively interrogate the inmate about other inmates who may have planned the riot, using death threats to intimidate the suspect. Some of the students turn and look at you quizzically, as if trying to ascertain your opinion on the matter.

What do you do?

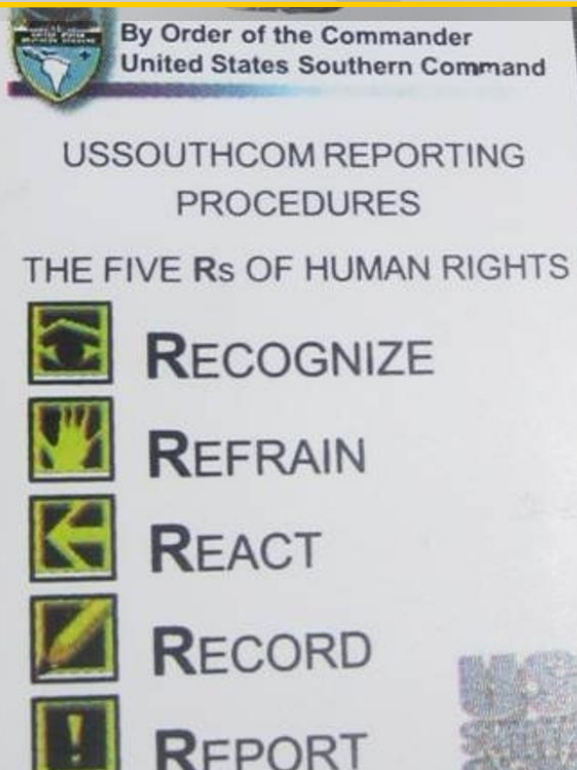
SCENARIO: Questionable Training



WHICH OF THE FOLLOWING IS THE RIGHT REACTION TO THE TRAINING?

- (a) Remain quiet and neutral, but approach the instructor immediately after the class to inform him some students seemed concerned about the scenario.
- (b) Disregard the remarks, as it is not your place to comment on host nation laws.
- (c) When appropriate, respectfully state that US policy is to promote respect for human rights in such situations. Do not appear to agree with instruction that runs counter to US policy. Report the problematic training to your chain of command.
- (d) Get up and leave without saying a word.

SCENARIO: Questionable Training



ANSWER:

- (c) When appropriate, respectfully state that US policy is to promote respect for human rights in such situations. Do not appear to agree with instruction that runs counter to US policy. Report the problematic training to your chain of command.

Joint Doctrine on Foreign Internal Defense empowers you as a representative of the U.S. defense establishment to positively influence foreign militaries' respect for and understanding of human rights and international law. In situations in which foreign military personnel appear to advocate actions that may violate human rights, it is your responsibility to respectfully represent U.S. policy on respect for human rights.

SCENARIO: Trainee Abuse



You witness a host-country military officer physically abusing his trainee in a clearly life-threatening manner.

What should you do?

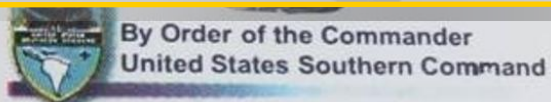
SCENARIO: Trainee Abuse



WHICH OF THE FOLLOWING IS THE RIGHT COURSE OF ACTION?

- (a) Persuade the officer to desist, warning that failure to comply will result in a direct report to his superiors.
- (b) Persuade the officer to desist, intervening as long as it poses no serious threat to your safety or your mission. Record and report this incident.
- (c) Recognizing that a life is at stake, immediately intervene with violent force. Record the incident and report it to your chain of command.
- (d) Immediately disengage without saying a word, and report the incident to your chain of command.

SCENARIO: Trainee Abuse



USSOUTHCOM REPORTING PROCEDURES

THE FIVE Rs OF HUMAN RIGHTS



RECOGNIZE



REFRAIN



REACT



RECORD



REPORT

ANSWER:

- (b) Persuade the officer to desist, intervening as long as it poses no serious threat to your safety or your mission. Record and report this incident.

If the conduct of a foreign government official involves a violation of human rights that will almost certainly result in death, dismemberment, or rape, it is appropriate to intervene to protect the victim provided that:

- this can be done without use of violent force (unless you have specific Rules of Engagement authorizing this or are acting in self defense);
- incurs no serious threat to your safety and the security of your unit;
- and will not adversely affect your mission.

SCENARIO: Questioned on U.S. Human Rights Practices

You have just concluded an information briefing of host nation personnel at a Subject Matter Expert Exchange on incorporating human rights considerations into the military planning process, and have opened the floor to questions and answers. A junior officer eagerly stands up and asks, “how can you come here and talk to us about human rights when everyone knows the United States has violated human rights at Abu Ghraib and Guantanamo?”

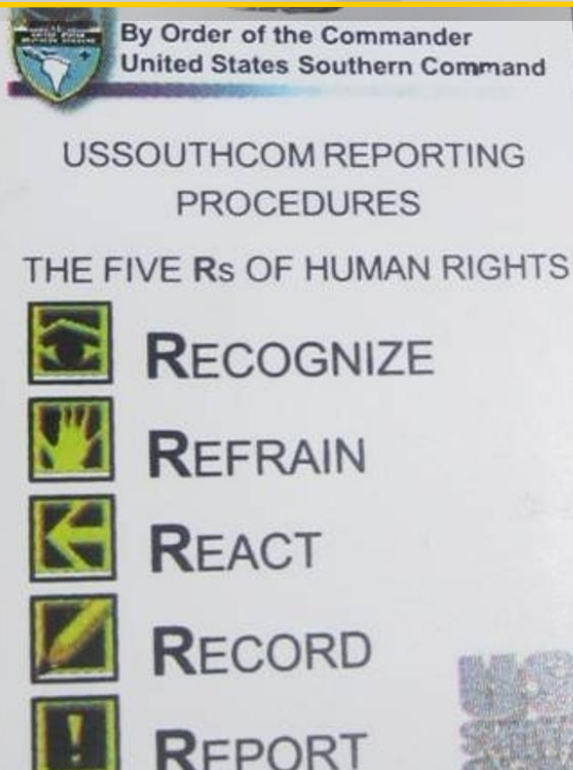
How do you respond?

SCENARIO: Questioned on U.S. Human Rights Practices

WHICH OF THE FOLLOWING IS THE RIGHT RESPONSE TO THE QUESTION?

- (a) "I'll have to defer that question to the U.S. embassy. Please contact a State Department representative."
- (b) "Compared to other nations, the United States' human rights record is excellent. The media exaggerates the concerns."
- (c) "The difficulties we've faced show we are under the same pressures you are under in fighting terrorists."
- (d) "It is U.S. policy to treat detainees in a manner consistent with U.S. law and international conventions, and to respect the rights of protected persons. Human rights abuse is against our values, and we maintain systems for punishing violators."

SCENARIO: Questioned on U.S. Human Rights Practices



ANSWER:

- (d) "It is U.S. policy to treat detainees in a manner consistent with U.S. law and international conventions, and to respect the rights of protected persons. Human rights abuse is against our values, and we maintain systems for punishing violators."

Address such questions forthrightly and be clear and confident on U.S. policy regarding human rights. Respect for human rights is the law and is central to U.S. foreign policy. Joint Doctrine empowers you to positively influence host nation militaries in this regard. While not conveying a sentiment of moral superiority, you should uphold the U.S. position of leadership and example-setting on respect for human rights and other democratic values.

A photograph of a diverse crowd of people, including men, women, and children, gathered outdoors. In the foreground, a large American flag is being held by several individuals. A semi-transparent dark grey box is overlaid on the upper half of the image, containing white text. The background shows a light-colored wall and more people in the distance.

BOTTOM LINE:

**RESPECT FOR HUMAN RIGHTS IS CENTRAL TO U.S. LAW, POLICY, DOCTRINE, AND TRADITION.
IT SECURES TRUST, DETERS AGGRESSION, PROMOTES THE RULE OF LAW,
AND STRENGTHENS DEMOCRACIES.**

**You have now completed your Human Rights Awareness Education for General Officers and Flag Officers.
Please sign and retain the certificate on the following page for your records.
Contact the USSOUTHCOM Human Rights Branch at (305) 437-1560 if you have any questions.**



Human Rights Awareness Education

Certificate of Completion

*I, _____ affirm that I have read and understood
the Human Rights Awareness Education for General Officers and Flag Officers.*

Signature

Date