



REPLY TO
ATTENTION OF

DEPARTMENT OF DEFENSE
UNITED STATES SOUTHERN COMMAND
9301 NW 33RD STREET
DORAL, FL 33172-1202

10 April 2015

SC Regulation 51-1

Human Rights
DoD LEAHY LAW REPORTING PROCEDURES

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1. References:

- a. Public Law 113-76, Consolidated Appropriations Act, 2014, Section 8057 (and subsequent applicable DoD Appropriations Acts).
- b. Secretary of Defense Memorandum, Implementation of Section 8057, DoD Appropriations Act, 2014, (division C of Public Law 113-76) (“the DoD Leahy law”), 18 August 2014
- c. Secretary of Defense Memorandum, Additional Guidance on Implementation of Section 8057 (b), DoD Appropriations Act, 2014 (division C of Public Law 113-76) (“the DoD Leahy law”) and New or Fundamentally Different Units, 10 February 2015

2. Purpose: This regulation implements and ensures compliance with Department of Defense (DoD) “Leahy Law” human rights provisions.

3. Applicability. This regulation applies to all U.S. Southern Command (USSOUTHCOM) Headquarters (HQ) Directorates, Special Staff, USSOUTHCOM Washington Office, assigned Security Cooperation Offices (SCO), assigned Joint Task Forces (JTF), Special Operations

APPENDIX A RESPONSIBILITIES

1. Responsibilities.

a. SDOs/Defense Attachés (DATTs) are responsible for timely reporting of relevant information to SC-HRO via email (see Appendix B, 1.b.(1)(a) and (b)), and for timely relaying of relevant information to the appropriate Embassy officials in-country.

b. USSOUTHCOM is responsible for promptly reporting any relevant information in its possession about a GVHR, by units of PN military or security forces, to the Office of the Under Secretary of Defense for Policy (OSD-P Stability and Humanitarian Affairs), through the Joint Staff (J-5, Deputy Directorate for Global Policy and Partnerships). SC-HRO will be responsible for drafting a memo, to be signed by CDC-FPA, or in his/her absence, by the J-5, to report the information to OSD-P. SC-HRO will maintain records on information provided to the Joint Staff and on alleged cases of GVHRs determined not to meet reference (b) reporting requirements.

c. SC-HRO will coordinate with SC-SJA, SC-J2 and SC-J5 in preparing the report. If there is disagreement or doubt about whether or not there is credible evidence of a GVHR, the USSOUTHCOM MDC will make the final determination.

APPENDIX B PROCEDURES

1. Procedures.

a. USSOUTHCOM personnel will comply with DoD “Leahy Law” human rights provisions. Current law prohibits DoD funds from being used for any training, equipment, or other assistance for the members of a unit of a foreign security force if the Secretary of Defense has credible information a unit has committed a gross violation of human rights (GVHR).

GVHR will have the same meaning as “gross violations of internationally recognized human rights” as defined in Section 502B(d)(1) of the Foreign Assistance Act of 1961, as amended. GVHR includes “torture or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of the person.” Extrajudicial killings are encompassed by this definition, as is politically motivated rape, per Department of State’s finding.

b. Effective immediately, regardless of source or classification level, all USSOUTHCOM personnel will promptly report any relevant information they encounter or have in their possession about a GVHR allegedly committed by Partner Nation (PN) or any other military or security forces operating in the USSOUTHCOM area of responsibility (AOR). If reportable information is classified, ensure that the information is reported only on information systems approved for such use at the required level of classification.

(1) If present in the United States, USSOUTHCOM personnel will submit the information, generally no later than five business days after learning of the information, to USSOUTHCOM’s Human Rights Office (SC-HRO) via email:

(a) NIPR - southcom.miami.sc-cc.mbx.omb-schro@mail.mil

(b) SIPR - southcom.miami.sc-cc.mbx.omb-schro@mail.smil.mil

(c) JWICS - If reporting via JWICS is necessary, contact SC-HRO to provide a specific POC.

(2) If present outside the United States, USSOUTHCOM personnel will timely submit the information, generally no later than five business days after learning of the information, to the Senior Defense Official (SDO) in-country who, in turn, will timely report the information to SC-HRO via email.

(3) In reporting alleged GVHRs, USSOUTHCOM personnel should provide as much detail as possible, to include:

(a) Account of what allegedly occurred

- (b) Date and location of alleged incident
- (c) Name(s), rank(s), unit(s) of suspected perpetrator(s)
- (d) Names of witnesses, if applicable
- (e) Source of information/how information was acquired

(4) Relevant information must be provided for:

(a) GVHRs in USSOUTHCOM's AOR allegedly committed by a member of a PN or any other military or police force or a civilian representative of such force;

(b) GVHRs throughout the world allegedly committed by a member of a PN of SOUTHCOM's AOR, or any other military or police force while deployed in missions outside their national territory, including peacekeeping missions or coalition operations.

c. See Appendix C for sample reporting format. The office of primary responsibility for this policy memorandum is SC-HRO at DSN: 567-1560, or 567-1511 and commercial: (305) 437-1560 or (305) 437-1511. Email is provided above.

APPENDIX C
REPORTING FORMAT FOR ALLEGED INCIDENTS

Report to: SC-HRO for domestic incidents
Report to: SCO/DATT for overseas incidents

Country of Alleged Incident:

Suspected Perpetrator(s) (Rank, Name, Unit):

Date of Alleged Incident:

Where (in country) did the incident occur?

At approximately what time did the incident occur?

What happened (actions taken, statements made, victim consequences)?

Who, if anyone, witnessed the incident (provide contact information for witnesses if known)?

How did you become aware of this information (please explain in full)?

Do you have reason to believe the information is credible: why or why not (please explain in full)?

Command South (SOCSOUTH), Air Forces South (AFSOUTH), Army South (ARSOUTH), Navy Forces South (NAVFORSOUTH) and Marine Forces South (MARFORSOUTH).


4. Summary:

a. USSOUTHCOM will comply with DoD “Leahy Law” human rights provisions that prohibit DoD funds from being used for any training, equipment, or other assistance for members of a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights (GVHR).

b. Personnel will promptly report any relevant information they encounter or have in their possession about GVHRs allegedly committed by Partner Nations or any other military or security forces operating in the USSOUTHCOM area of responsibility.

c. Reporting must adhere to the format outlined in Appendix C and must be reported as per the procedures listed in Appendix B.

The proponent agency of this regulation is the US Southern Command. Users are invited to send comments and suggested improvements to: HQ USSOUTHCOM ATTN: SC-HRO, 9301 NW 33rd St., Doral, FL, 33172-1202


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