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# Fighting Fire with Fire

The Growing Nexus between Atrocity Prevention  
and Counterterrorism and Its Implications for the  
Use of Force to Protect Civilians

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*The United States cannot and should not intervene every time there's a crisis in the world. So let me be clear about why we must act, and act now. When we face a situation like we do on that mountain—with innocent people facing the prospect of violence on a horrific scale, when we have a mandate to help—in this case, a request from the Iraqi government—and when we have the unique capabilities to help avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That's what we're doing on that mountain.*

*President Barack Obama  
Statement on the authorization of airstrikes against the Islamic State in Iraq  
August 7, 2014*

## **Introduction\***

By the fall of 2014, before the United States and its partners began the military campaign to erode the territory held by the self-proclaimed Islamic State (IS) in Iraq and Syria, the international community understood the horrors endured by civilians living under IS control. While IS leadership plotted politically motivated attacks against its enemies in the region and in the West, reports trickling out from areas under the group's merciless grip and IS's own online propaganda clearly indicated a grave pattern of war crimes and crimes against humanity, including violence targeted at ethnic and religious minorities; women; the lesbian, gay, bisexual, and transgender community; and other vulnerable groups. As the United States considered its response to the rise of IS, the duality of the group's threat—an external one to Americans and American interests and an internal one to civilians living in IS-held areas—animated two communities of US policy makers that had rarely interacted with one another: those focused on counterterrorism and atrocity prevention.

The US-led military operation to prevent genocide by IS against the Yazidi community on Mount Sinjar, Iraq, that President Barack Obama announced on August 7, 2014, included the first volley of airstrikes in the more-than-three-year counterterrorism campaign to defeat IS in Iraq and Syria. Important for the atrocity-prevention community, the airstrikes and deployment of Special Operations Forces (alongside humanitarian experts) to help coordinate the evacuation of civilians demonstrated an openness on the part of senior US policy makers to use counterterrorism capabilities to prevent a mass atrocity. In hindsight, however, US-led lethal action against IS fighters who threatened thousands of Yazidis trapped on Mount Sinjar was more the outcome of a unique set of circumstances than a harbinger of a more collaborative relationship between the counterterrorism community and policy makers focused on preventing atrocities committed by state actors, such as the governments of Syria, South Sudan, and

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Myanmar, and nonstate actors, including militia groups with little to no connection with international terrorist networks.

With terrorist groups such as IS, Boko Haram in the Lake Chad Basin, and al-Shabaab in the Horn of Africa almost certain to continue atrocities against local populations in areas in which they operate, a fundamental question for policy makers arises. Did the extreme circumstances under which the United States and its partners decided to intervene on Mount Sinjar necessarily represent a threshold for action, or can a more normalized relationship between the atrocity-prevention and counterterrorism communities be advanced—a relationship that would seek to leverage counterterrorism tools and resources to take decisive action to protect non-US citizens from atrocities while improving measures to avoid civilian casualties, including civilians killed during actions taken by US counterterrorism partners?

Drawing from interviews with nearly 40 former and current US policy makers and outside experts<sup>1</sup>, as well as a convening of 20 experts at the United States Holocaust Memorial Museum in June 2017, this paper explains the increasing relevance of the counterterrorism–atrocity-prevention nexus and defines some of the significant challenges of closer collaboration between those communities, with a specific focus on preventing imminent atrocities. Defining when (including clearly articulated criteria for what constitutes “imminent” in this scenario), how, and under whose authority to use force to prevent atrocities against civilians is only one element of broadening a counterterrorism strategy that also includes diplomacy and countering violent extremism (CVE) efforts.<sup>2</sup> This paper is narrowly focused on the use of force and argues that in some circumstances, the atrocity-prevention agenda can be advanced by using counterterrorism tools—including lethal strikes—to prevent imminent atrocities against civilians in areas where terrorist groups operate.

### **Atrocity Prevention and Counterterrorism: Definitions and Tools**

The US Department of State defines *terrorism* as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.” The term *noncombatant* is “interpreted to mean, in addition to civilians, military personnel (whether or not armed or on duty) who are not deployed in a war zone or a war-like setting.”<sup>3</sup> The US Joint Chiefs of Staff define *counterterrorism* as “activities and operations...to neutralize terrorists, their organizations, and networks in order to render them incapable of using violence to instill fear and coerce governments or societies to achieve their goals.” The counterterrorism community relies on a toolbox that includes but is not limited to intelligence collection and

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<sup>1</sup> Given the sensitivities of this topic, many of the interview subjects agreed to be more candid on the condition that they would not be identified by name. The expert convening at the United States Holocaust Memorial Museum was held under Chatham House rules.

<sup>2</sup> How to align diplomatic and CVE work with an atrocity-prevention agenda is an important area for further discussion.

<sup>3</sup> US Department of State, Bureau of Counterterrorism and Countering Violent Extremism, “Country Reports on Terrorism.” Available at <https://www.state.gov/j/ct/rls/crt/2016/272239.htm>.

analysis, information operations (including electronic warfare and efforts to counter the spread of terrorist ideologies), shutting down terrorist financing networks, and direct action against terrorists and terrorist networks. The Joint Chiefs go on to define three broad buckets of counterterrorism activities: (1) advise and assist activities to “improve other nations’ ability to provide security for its citizens, govern, provide services, prevent terrorists from using the nation’s territory as a safe haven, and promote long-term regional stability”; (2) overseas counterterrorism activities, which include “offense, defense, and stability operations, counterinsurgency operations, peace operations, and counterdrug operations”; and (3) support to civil authorities activities, which are focused on preventing and responding to domestic attacks in the United States.<sup>4</sup>

Although *mass atrocities* has no formal, legal definition, it most often refers to genocide, crimes against humanity, ethnic cleansing, and war crimes.<sup>5</sup> The first three terms concern large-scale, systematic violence against civilians, and, as genocide scholar Scott Straus has observed, although war crimes by definition occur during an armed conflict and are not always necessarily large or extensive in scale, the victims of war crimes—civilians and sick and wounded combatants—share commonality with victims of other types of mass atrocities. *Atrocity prevention*, then, refers to the range of actions to “prevent, mitigate, or stop those crimes from occurring.”<sup>6</sup> Those actions include early warning and conflict prevention efforts, to support for accountability, to coercive military measures, including direct intervention to defeat perpetrators and protect civilians.<sup>7</sup>

Although the typical definitions of terrorism and mass atrocities reveal considerable overlap in that they refer to attacks on civilians and noncombatants, overly conflating counterterrorism and atrocity prevention presents significant risks. A major obstacle to greater multilateral cooperation on atrocity prevention has been the argument (frequently employed by opponents of humanitarian intervention) that preventing atrocities is simply a cynical cover for the intervening state (or states) to pursue its (or their) economic and security interests. An expert on atrocity prevention noted, “when the United States is in fact motivated by reasons to protect civilians from atrocity, and makes that argument, other countries worry that such language is a ruse for brute power. Conflating the atrocity-prevention and counterterrorism agendas will reinforce that skepticism.”<sup>8</sup> In addition, the scale of the atrocities committed by most terrorist groups is small compared with the enormous violence committed by some nation states against their own citizens. Counterterrorism tools could potentially protect civilians from attack when the

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<sup>4</sup> Joint Chiefs of Staff, “Counterterrorism,” Joint Publication 3-26, viii. Available at [http://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3\\_26.pdf](http://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3_26.pdf)

<sup>5</sup> Scott Straus, *Fundamentals of Genocide and Mass Atrocity Prevention* (Washington, DC: United States Holocaust Memorial Museum, 2014), 35–39.

<sup>6</sup> *Ibid.*, 113.

<sup>7</sup> *Ibid.*, 133.

<sup>8</sup> Author e-mail correspondence with University of Wisconsin Professor Scott Straus. August 2017.

perpetrators are terrorist groups but would not prevent atrocities committed by governments, such as in Syria, South Sudan, and Myanmar.<sup>9</sup>

Generally speaking, the way most nations pursue counterterrorism objectives is fundamentally different from the way they approach atrocity prevention. In the United States, the principal goal of counterterrorism is “to protect American people, homeland, and American interests, along with those of [US] allies and partners.”<sup>10</sup> The urgency of the counterterrorism community’s focus on protecting Americans has understandably focused counterterrorism operations against nonstate actors that attack or are plotting to attack Americans. Given the array of specific threats and plots against the United States, the counterterrorism community is extraordinarily well resourced (in terms of funding, personnel, and access to new technologies) and follows decision-making processes calibrated to allow for short-fuse, high-level decisions about how to respond to those threats in real time, including the use of lethal force against terrorist targets. The same could not be said of US atrocity-prevention efforts, even though President Obama’s administration took significant steps to elevate the issue within the national security discourse; discussion in greater detail follows.

### **Instrumentally Linked: The Relationship between Counterterrorism and Atrocity Prevention**

Counterterrorism is not the only policy priority that overlaps with atrocity prevention, and when discussing the relationship between two potentially complementary but distinct agendas it is important to define where and how they converge. Take, for example, atrocity prevention and conflict prevention. Although a reasonable argument could be made that preventing and containing conflict is a form of atrocity prevention, policies focused on conflict prevention are by definition working to encourage the disputing parties to find a nonviolent solution to conflict. Policies that seek to prevent atrocities, on the other hand, focus on protecting the civilian population ensnared in a conflict. The distinction is important because it recognizes that actions taken toward one of those objectives may not necessarily benefit (and could even undermine) the other (e.g., a peace deal that includes amnesty for combatants can undermine the deterrent effect that criminal prosecutions for war crimes and crimes against humanity could have in preventing a future conflict).<sup>11</sup>

The dynamic between atrocity prevention and counterterrorism is similar. Counterterrorism efforts seek to degrade the capacity of terrorist groups to plan and engage in acts of terrorism and to disrupt the planning and execution of specific attacks; the target of those actions is the terrorist group itself, not its potential victims. Although counterterrorism agencies around the world frequently work together to address a mutual threat, the core objective of any nation’s

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<sup>9</sup> Ibid.

<sup>10</sup> Joint Chiefs of Staff, Joint Publication 3-26, 1–4.

<sup>11</sup> Straus, 115–17.

counterterrorism community is to prevent attacks on its own citizens and protect or advance its own national security interests.<sup>12</sup> For the United States, then, preventing atrocities against non-US citizens may be a collateral benefit of a successful counterterrorism campaign but not its core objective. Moreover, targeting a terrorist group operating within a wider armed conflict often is an incomplete (and in some cases woefully so) atrocity-prevention strategy. Considering the counter-IS campaign in Syria through an atrocity-prevention lens is highly problematic against the backdrop of a civil war in which President Bashar al Assad’s regime has waged a campaign of violence against its own people, resulting in at least 400,000 deaths since 2011, and where counterterrorism operations have led to thousands of civilian casualties.<sup>13</sup>

Until the early 2010s, most of the groups on which the counterterrorism community was focused—principally al Qaeda and its various affiliates in the Middle East and Africa—were not routinely responsible for large-scale systematic attacks on civilians in the areas and communities in which they lived and operated. Today, IS, Boko Haram, and other terrorist groups are waging murderous and, in the case of the Yazidi, genocidal campaigns against which many of the atrocity-prevention community’s traditional tools—conflict prevention, support for governance, building greater resiliency at the local level, a focus on accountability—do not necessarily apply to addressing the risk to civilians posed by terrorists. This should not fuel an argument to abandon those tools when developing strategies to counter groups like IS and Boko Haram, but simply to acknowledge that preventing those groups from committing atrocities also requires a more coercive set of actions.

In a counterterrorism context, the United States—either unilaterally or in support of a partner—is deeply engaged in military efforts to degrade and defeat terrorists wherever they operate. Reflecting that agenda, many interviewees for this study cited a common attitude among military and intelligence professionals working on counterterrorism: that the best way to stop atrocities against civilians is to accelerate the military campaign against IS, Boko Haram, and other terrorist groups.<sup>14</sup> That effort, in the words of one current Department of Defense (DoD) official, amounts to “conflating a positive side effect with a strategic goal.”<sup>15</sup> Defeating IS and Boko Haram will of course end atrocities by those groups, but that long view obscures the potential actions that the United States and its counterterrorism partners could take to prevent civilians from ongoing atrocities by terrorist groups. Further, a counterterrorism planning process that does not focus on the real-time prevention of atrocities could put civilians at greater risk.

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<sup>12</sup> Those interests could include protecting counterterrorism partner forces, such as units trained and supported by US Special Operations Forces to conduct military operations in support of US counterterrorism priorities.

<sup>13</sup> The United Kingdom-based group Airwars produces the most comprehensive independent assessment of civilian casualties in the military campaign in Syria (and Iraq). See [www.airwars.org](http://www.airwars.org).

<sup>14</sup> Multiple author interviews with current and former National Security Council (NSC) and DoD officials, April–June 2017.

<sup>15</sup> Author e-mail exchange with DoD official, June 20, 2017.

In the case of Boko Haram, for example, a counterterrorism strategy focused primarily on eliminating the group's leadership would likely result in retaliatory attacks against civilians in northeastern Nigeria, where the Nigerian army has demonstrated negligible ability to protect civilians and is itself responsible for grave human rights violations in the course of its counter-Boko Haram effort.<sup>16</sup> Moreover, although the counterterrorism community is understandably seized with targeting terrorist leadership and external plotters who threaten Americans and US interests, the use of counterterrorism tools—including airstrikes and support to military partners—to prevent imminent attacks on civilians would embrace a broader understanding of US strategic interests and ways to fight terrorism, including by devoting greater resources to preventing abuses by partner forces. As a former senior State Department official pointed out, “protecting Sunni Muslims is probably the most important way to create stability and resilience in areas vulnerable to terrorist recruitment.”<sup>17</sup>

The argument that defeating a terrorist group such as IS or Boko Haram is itself an atrocity-prevention strategy also is problematic in that accelerating a counterterrorism campaign—for example, increasing the number of airstrikes against terrorist targets or pressing partner forces to ramp up military operations against US counterterrorism objectives—could inadvertently undermine long-term policy goals. The US-backed campaigns to expel IS from Mosul and IS's self-declared capital in Raqqa, Syria, caused significant civilian casualties and mass civilian displacement. The United Nations has referred to the “staggering loss of civilian life” in Raqqa during heavy US-led bombardment of the city.<sup>18</sup> From a sample of 103 of the more than 28,000 airstrikes that coalition forces have conducted against IS and other terrorist targets in Iraq and Syria, *New York Times* researchers Azmat Khan and Anand Gopal estimate that one in five killed one or more civilians. The authors note, “While some of the civilian deaths we documented were a result of proximity to a legitimate ISIS target, many others appear to be the result simply of flawed or outdated intelligence that conflated civilians with combatants.”<sup>19</sup> The danger to civilians from poorly planned and executed counterterrorism operations is not just from the air. In Mosul, Iraqi forces—including units trained by the United States—are accused of grave abuses in mop-up operations around the city.<sup>20</sup> The deaths of civilians and human rights abuses committed during military operations are not only tragic but also directly undermine

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<sup>16</sup> Independent research organizations, including Amnesty International and Human Rights Watch, have extensively documented abuses by Nigerian security forces during counter-Boko Haram operations, and the State Department's 2016 Human Rights Report states, “In its response to Boko Haram attacks, and at times in response to crime and insecurity in general, security services perpetrated extrajudicial killings and engaged in torture, rape, arbitrary detention, mistreatment of detainees, looting, and destruction of property.” Available at <https://www.state.gov/documents/organization/265500.pdf>.

<sup>17</sup> Author interview with former U.S. State Department official, April 24, 2017.

<sup>18</sup> Stephanie Nebehay, “U.N. Says 300 Civilians Killed in U.S.-Led Airstrikes in Raqqa Since March,” *Reuters*, June 14, 2017.

<sup>19</sup> Azmat Khan and Anand Gopal, “The Uncounted,” *New York Times Magazine*, November 16, 2017.

<sup>20</sup> These abuses have been reported on extensively by journalists and human rights group. For example, See Human Rights Watch, “Iraq: US-Trained Forces Linked to Mosul War Crimes,” July 27, 2017.



counterterrorism (and atrocity prevention) objectives by reinforcing the narrative that counterterrorism efforts are simply a cover for a wider war against Muslims.

President Obama’s Presidential Study Directive on Mass Atrocities (PSD-10) is grounded on the premise that “preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.”<sup>21</sup> Toward that end, PSD-10 established the Atrocities Prevention Board (APB)—an interagency body to coordinate the US government’s atrocity-prevention efforts—and acknowledged that “history has taught us that our pursuit of a world where states do not systematically slaughter civilians will not come to fruition without concerted and coordinated effort.”<sup>22</sup> In other words, atrocity prevention should not exist in a vacuum as a policy objective to be pursued independent of broader foreign policy and national security goals. On an encouraging note, many current and former US officials interviewed for this study reinforced that counterterrorism and atrocity prevention must not be considered mutually exclusive—that the case for preventing atrocities by a terrorist group against non-US civilians should not simply be a moral one, but that atrocity prevention can build greater local and partner support for US actions to eliminate specific threats to US citizens. A former senior White House official remarked that “atrocities and terrorism are instrumentally linked” and noted that the threat to civilians in some situations—including IS’s siege of Mount Sinjar and IS’s assault on Kurds in Kobani, Syria, in September 2014—had been an “accelerant” for counterterrorism operations that, in addition to directly targeting terrorists, had a clear civilian protection objective.<sup>23</sup> The atrocities committed by the Syrian government against its own people did not—depressingly, and for a variety of reasons beyond the scope of this essay—similarly accelerate more aggressive action to protect civilians from the regime itself.

For policy makers focused on atrocity prevention, a fundamental challenge in thinking about how to protect civilians from terrorist groups such as IS and Boko Haram is how to mainstream an understanding of the instrumental linkages between terrorism and atrocities in the counterterrorism policy-making process. Policy makers must then ensure that those actors carrying out the policy have the information, resources, authority, and motivation not just to degrade and destroy terrorist networks over time but also to take action to prevent imminent violence against non-US civilians. Some former Obama administration officials have argued that an overemphasis on terrorism and the extraordinary resources behind that effort have warped the process through which many foreign policy decisions are made, lamenting “the degree to which policy arguments couched in the language of counterterrorism carried inordinate weight.”<sup>24</sup> That emphasis is of course a real danger in that it limits a policy discussion to a narrow definition of US interests. At the same time, the counterterrorism imperative can elevate the discourse about

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<sup>21</sup> Presidential Study Directive on Mass Atrocities. Available at <https://obamawhitehouse.archives.gov/the-press-office/2011/08/04/presidential-study-directive-mass-atrocities>.

<sup>22</sup> Ibid.

<sup>23</sup> Author interview with former White House official, May 10, 2017.

<sup>24</sup> Jon Finan and Rob Malley, “How Our Strategy Against Terrorism Gave us Trump,” *New York Times*, March 4, 2017.

how to address an abusive armed group such as Boko Haram (especially once it had formally aligned itself with IS) and potentially open the counterterrorism toolbox to help prevent mass atrocities.

### **Counterterrorism Meets Atrocity Prevention on Mount Sinjar**

The clearest expression to date of the overlap between counterterrorism and atrocity prevention was the US military intervention on Mount Sinjar in August 2014. During the 12 months from July 2013 to June 2014, IS had waged a lightning military campaign, capturing key towns and establishing itself as the de facto governing authority across a large swath of northern Syria and Iraq. The fall of Mosul—the second-largest city in Iraq—to IS militants on June 10 alarmed US policy makers, laying bare both IS’s military potency and the deficiencies of the Iraqi military in the face of a metastasizing terrorist insurgency. The United States already had deep concerns about the performance of the Iraqi government under Prime Minister Nouri al-Maliki. Al-Maliki, a Shia Muslim with close ties to the Iranian government, had for the previous three years pursued an increasingly sectarian agenda in consolidating his power, co-opting security institutions by appointing loyalists and cracking down on Sunni and Kurdish political opposition groups. When al-Maliki requested US airstrikes to prevent IS from continuing its expansion, Washington’s response was tepid. According to one former senior State Department official, “President Obama was not willing to intervene without a viable political partner.”<sup>25</sup> In other words, al-Maliki had to go.

As much as the United States wanted to avoid any actions that might maintain al-Maliki’s increasingly tenuous authority, however, further IS expansion into Kurdistan to the north and toward Baghdad to the south threatened US persons and interests in the region—most urgently the US consulate in Erbil and the Mosul Dam, which if breached could cause catastrophic flooding, including in Baghdad. With or without al-Maliki, countering IS in Iraq quickly became the US top counterterrorism priority. While the United States planned its counter-IS campaign, built a 74-nation coalition to advance that effort, and continued to press al-Maliki to step aside, the evidence mounted of widespread IS atrocities against civilians. One of the groups squarely in IS’s crosshairs was the Yazidi, an ethnically Kurdish religious community that had been persecuted for decades. When IS launched an assault on the Iraqi town of Sinjar on August 3, 2014, IS militants murdered Yazidis who refused to convert to Islam and abducted Yazidi women and sold them into sexual slavery. Tens of thousands of Yazidi civilians fled for their lives to the rocky expanse of Mount Sinjar, where, surrounded by IS militants and running out of food and water, they sought an escape route into the relative safety of Kurdish-controlled areas of northeastern Syria.

With the State Department’s Bureau for Democracy, Human Rights, and Labor (State/DRL) inundated with reports from Yazidi diaspora of ongoing atrocities and US intelligence agencies

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<sup>25</sup> Author interview with former State Department official, May 12, 2017.

seeing evidence of IS abuses, the debate intensified in Washington over if, when, and how to intervene, and particularly whether an intervention with al-Maliki still in power would undermine US efforts to force him out. DoD had for weeks been preparing militarily to help the Iraqis defend Erbil and the Mosul Dam against an IS attack. In late July, the White House gave DoD a new task: draw up plans to prevent the massacre of Yazidis on Mount Sinjar, deliver humanitarian assistance to them, and support their evacuation. On August 7, before al-Maliki had stepped down in favor of a less divisive and more dependable partner, President Obama addressed the American people to explain his decision to authorize two military operations: “to stop the advance on Erbil” and “to prevent a potential act of genocide” against the Yazidi.<sup>26</sup> The following day, the United States launched four airstrikes against IS targets near Mount Sinjar, enabling US and Iraqi aircraft to begin dropping food and water for the besieged civilians on the mountain and buying time for Kurdish militia to open a corridor into Syria through which most of the besieged Yazidis escaped.<sup>27</sup>

### **Mount Sinjar in Context**

To understand the conditions under which counterterrorism tools—including the use of lethal force—might be applied toward atrocity prevention, one should examine the dynamics around President Obama’s decision to authorize military action to save the Yazidis. First, multiple US government agencies had access to real-time information on the Yazidis’ plight—credible reporting from a variety of sources that created zero doubt in the minds of policy makers on IS intent and the scale and severity of the threat. Although a current DoD official argued that the significant drawdown of US forces from Iraq beginning in 2009 had dismantled some intelligence networks and decreased the United States’ understanding of what was happening on the ground, the institutional knowledge gained through 13 years of war in Iraq and new capabilities to intercept communications enabled the intelligence community to reestablish quickly the infrastructure necessary to resume collection.<sup>28</sup> Additionally, State/DRL collected and disseminated reports from Yazidi sources in the diaspora and on the ground while the intelligence community—using intelligence, surveillance, and reconnaissance (ISR) assets in the region for the anticipated counter-IS campaign—provided imagery and other intelligence to corroborate the human reporting. According to multiple current and former DoD officials, US ISR assets over Sinjar were the first to capture full-motion video of an IS massacre of civilians.<sup>29</sup>

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<sup>26</sup> Statement by President Barack Obama, August 7, 2014. Available at <https://obamawhitehouse.archives.gov/the-press-office/2014/08/07/statement-president>.

<sup>27</sup> Although interviews for this report indicate that the US intervention helped save tens of thousands of lives—Yazidis who fled up Mount Sinjar would almost certainly have been attacked by IS if not for the US airstrikes that kept IS from moving up the mountain—it did not prevent genocide. Many Yazidis were killed before and the most infamous massacres and kidnappings occurred after US intervention.

<sup>28</sup> Author interviews with Department of Defense official and with former intelligence official, May 2017.

<sup>29</sup> Author interview with Department Defense official, May 2017.

Second, the United States established domestic and international legal authorization to take strikes against IS. As a matter of domestic law, the Obama administration’s legal interpretation of the 2001 Authorization for Use of Military Force (AUMF) against al Qaeda gave US forces the authority to strike any IS target on the argument that IS was an “associated force” of al Qaeda.<sup>30</sup> Although some legal scholars have challenged that interpretation and the White House asked Congress to pass a new AUMF for IS in February 2015 (a request that Congress denied but continues to discuss, whereas the current administration does not view a new AUMF as necessary), the Obama administration’s preexisting interpretation of the 2001 AUMF nonetheless allowed for military action against IS even in circumstances in which Americans were not directly threatened, as was the case with the Yazidi. For the Obama administration’s legal team, the Iraqi government’s June 18 request for US airstrikes against IS gave the United States sufficient international legal justification to intervene.<sup>31</sup>

Third, the military operation itself was relatively discrete. Several current and former US officials involved in the planning of the operation stated that although DoD’s initial predisposition was reluctance to use air assets that had been deployed principally to defend Erbil, the Pentagon dropped its objections once military planners had determined that Yazidis on the mountain could be protected with a limited set of strikes on IS targets.

Fourth, the narrow scope of the operation reduced the political risk, as President Obama weighed the potential downsides of an increase in US military action in Iraq, perceptions of support for al-Maliki, and any actions that recalled the 2011 NATO intervention in Libya. Indeed, many policy makers interviewed for this study emphasized the degree to which the chaotic aftermath of the 2011 military intervention to protect civilians in Benghazi, Libya—action authorized by the United Nations Security Council to “take all necessary measures...to protect civilians and civilian populated areas under threat of attack”—cast a shadow over the deliberations around protecting Yazidis on Mount Sinjar.<sup>32</sup> “We were clear that there could be no Libya equivalence,” recalled a senior State Department official who participated in the discussions. “We knew that endless strikes would fall prey to POTUS [President of the United States] questions.”<sup>33</sup>

One key takeaway for policy makers focused on atrocity prevention is that although the confluence of these factors—verifiable reports of imminent atrocities, domestic and international legal justification to take preventative action, a narrowly scoped operation, and limited political risk—is not necessarily distinct to Mount Sinjar, the process in reaching the decision to intervene was unique. That the airstrikes would be the first US overt lethal action against IS in any theater

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<sup>30</sup> Author interview with former Senior White House official, May 2017. See also White House, “Report on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations,” December 2016, 4–5.

<sup>31</sup> Author interviews with former NSC and State Department lawyers, May and June 2017.

<sup>32</sup> UN Security Council Resolution 1973, March 17, 2011, paragraph 4. Available at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1973\(2011\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)).

<sup>33</sup> Author interview with former State Department official, April 26, 2017.

and taken amid an ongoing political effort to push al-Maliki from power posed a set of questions that demanded senior-level deliberations and, ultimately, a decision by President Obama. In the end, atrocity prevention was the administration's answer to "why now?" At the same time, although one senior State Department participant in the Mount Sinjar process described it as "reflecting the spirit of the APB," several current and former US officials also acknowledged that once the decision had been taken to begin an air campaign against IS in Iraq, the atrocity-prevention agenda did very little to shape the strategy on the ground. "The influence has been very limited," said one former State Department official, "other than in the counter-IS coalition's public messaging and strategic communications work."<sup>34</sup> So although it became useful politics to talk publicly about atrocity prevention as an enduring objective of the campaign that began at Mount Sinjar, the day-to-day work of the counterterrorism community is principally focused on eliminating IS leadership and external plotting networks. Preventing IS fighters from committing atrocities against Iraqi and Syrian civilians was an ancillary benefit to the priority counterterrorism operation.

A second important takeaway from the Mt. Sinjar case is that in the face of a single mass atrocity event, even the limited use of force can prevent significant loss of life. Important to recognize, however, is that the scale of potential killing, IS's clear genocidal intent, and the clear imminence of the threat (based on US intelligence collection and real-time reporting from civilians on the ground) in the Mount Sinjar case are not the norm when terrorist groups attack civilians; the majority of atrocities perpetrated by IS and other terrorist groups are smaller-scale attacks on individuals and communities. The sheer volume of those attacks, however, can lead to civilian deaths and suffering on an extraordinary scale, suggesting a counterterrorism strategy that looks at ways to reduce vulnerability and, when possible, the responsible use of force to prevent imminent attacks, using a clear definition of what constitutes imminent. Take Boko Haram. Boko Haram is affiliated with IS and has killed an estimated 20,000 civilians across the Lake Chad Basin, largely through assaults on towns and villages and suicide bombings against schools, markets, and other soft targets. Unlike Mount Sinjar, a narrow US-backed air campaign against Boko Haram's leadership would not protect the hundreds of thousands of Nigerian civilians under threat at any given time. Conversely, when the group's preferred method for mass killing is suicide bombers hitting soft targets, the imminence of the threat can be stretched uncomfortably to justify preemptive airstrikes against any member of a terrorist group at any time, potentially eroding policy boundaries on the use of force to the point of irrelevance.<sup>35</sup>

Mounting a successful atrocity-prevention campaign in the Lake Chad Basin to prevent or disrupt imminent (clearly defined) attacks would therefore require the United States and its partners to develop better intelligence on the group's plotting. To better protect Nigerian civilians from the omnipresent threat of Boko Haram violence, the United States would have to

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<sup>34</sup> Author interview with former State Department official, May 12, 2017.

<sup>35</sup> Author correspondence with international legal expert, December 2017.

help Nigeria rebuild and reform its army, which had atrophied significantly under the corruption and neglect of former President Goodluck Jonathan (2010–15).<sup>36</sup> The Nigerian army's ineptitude and abusiveness have only served to reinforce Boko Haram's narrative and strengthen its military capabilities through captured Nigerian materiel. Initiatives the United States could consider include training dedicated counterterrorism units within which the US military could embed Special Operations Forces to advise and assist in military operations (as they do with Nigeria's neighbors) and then supporting those operations with increased ISR and, in clearly defined circumstances, airstrikes. Preventing atrocities by Boko Haram in that context would require (a) a commitment on the part of the Nigerian government and capacity within its military to respond to threats against civilians and (b) a level of diplomatic engagement and sustained military-to-military engagement for which the Nigerian government and the US military are so far unenthusiastic. The military component of a broader policy approach to atrocity prevention, therefore, is a much more time- and resource-intensive effort than a narrow military operation to prevent a large-scale atrocity such as Mount Sinjar. That type of complex endeavor could be an unpleasant slog to engage and help reform a deeply flawed military partner and an extended dedication of Special Operations Forces and finite ISR capabilities to build partner capacity to prevent imminent attacks on civilians. Even when some of those tools are put to use, the results can be counterproductive. In Cameroon, where US Special Operations Forces have worked closely with Cameroonian Special Forces to increase the pressure on Boko Haram, the US military is investigating allegations that US trained forces tortured suspected terrorists at a military base where American soldiers were frequently present.<sup>37</sup>

### **Opportunity Cost: Considering When to Use Counterterrorism Tools to Prevent Atrocities**

The counterterrorism community cannot prevent an imminent atrocity if not given the opportunity to do so, and with counterterrorism's primary focus on protecting US persons and interests, the challenge for policy makers is to take steps within the context of a counterterrorism operation to highlight opportunities and incentivize a response, when conditions allow, to protect civilians from attack. To allow for the full range of atrocity-prevention response options, clear guidelines must be established for the use of force to prevent an imminent attack and protect civilians, particularly when contemplating the use of armed drones and other strike assets that carry with them the risk of civilian casualties.

Over the course of the past decade and a half, the United States military and intelligence community have improved their capabilities and put in place new institutional architecture to, for

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<sup>36</sup> The United States has a mixed track record in building partner capacity. In some cases, such as Egypt and Saudi Arabia, significant and sustained US military assistance to counterterrorism partners has not only failed to improve the human rights record of a partner but rather enabled them to employ greater firepower in abusive military campaigns and internal crackdowns.

<sup>37</sup> Ryan Browne, "US Military Launches Inquiry into Torture Allegations at Cameroon Base," CNN, August 17, 2017. Amnesty International produced the most extensive documentation of alleged Cameroonian abuses in a July 2017 report, "Amnesty Report Reveals War Crimes in Fight against Boko Haram, Including Horrific Use of Torture."

instance, (a) collect intelligence on terrorist groups and monitor the communications and movements of individual terrorists, (b) track and disrupt terrorist financing, and (c) kill or capture so-called high-value targets (HVTs)—individuals that the intelligence community assess represent the gravest threat to Americans. President Obama sought to establish a clear policy framework and decision-making procedures for lethal and nonlethal military action against terrorist targets. The 2013 Presidential Policy Guidance (PPG), which put constraints on lethal action against terrorist targets outside what the policy makers deemed “areas of active hostilities” (which includes Afghanistan, Iraq, Syria, and, more recently, parts of Libya, Somalia, and Yemen), did not permit the use of force specifically to prevent a terrorist or terrorist group from committing mass atrocities.

The Trump administration has reportedly adopted a new set of policies on the use of lethal force (called the “Principles, Standard, and Procedures,” or PSP), which loosens the PPG’s requirement that a target for lethal action pose an imminent and continuing threat to Americans and would allow more lethal action against “foot soldier” terrorists. The PSP also reportedly reduces the level of vetting for some lethal action, giving more discretion to the combatant commands on when and how to strike a terrorist target.<sup>38</sup> Loosening the restrictions on lethal action presents inherent risks—notably an increased potential for civilian casualties. Although the PPG defined a policy, its contents (and the contents of the PSP or any functional successor document) are so tightly bound to the AUMF that it would be challenging to consider areas for expansion without them being enshrined in domestic law. Accordingly, if and when Congress considers a new AUMF to provide new domestic legal basis for US counterterrorism operations overseas, lawmakers should consider how atrocity prevention could be included within that authorization.<sup>39</sup>

Many people in the human rights community have sought greater transparency and accountability for the United States’ use of force—particularly the use of drones and other aircraft engaged in airstrikes against terrorist targets. Although the Obama administration went much further than any of its predecessors in putting in place policies designed to limit civilian casualties<sup>40</sup> and making information available to the public in some cases in which civilians were killed by US airstrikes and other military operations, tragic mistakes—as the work of

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<sup>38</sup> Charlie Savage and Eric Schmitt, “Trump Poised to Drop Some Limits on Drone Strikes and Commando Raids,” *New York Times*, September 21, 2017. For additional discussion of the PSP, see Robert Chesney’s September 22, 2017, post on the blog Lawfare, at <https://www.lawfareblog.com/president-trump-ponders-changes-lethal-force-policy-constraints-what-you-need-know>.

<sup>39</sup> Author e-mail correspondence with former NSC official, August 2017.

<sup>40</sup> The most important of those policies were the 2013 Presidential Policy Guidance on Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities (PPG) and Executive Order (EO) 13732 on US Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in US Operations Involving the Use of Force (July 2016). A redacted version of the PPG is available at [https://www.aclu.org/sites/default/files/field\\_document/presidential\\_policy\\_guidance.pdf](https://www.aclu.org/sites/default/files/field_document/presidential_policy_guidance.pdf) and EO 13732 is available at <https://obamawhitehouse.archives.gov/the-press-office/2016/07/01/executive-order-united-states-policy-pre-and-post-strike-measures>.

organizations such as Airwars and the aforementioned *New York Times* story demonstrate—are more common than the US government admits; and even when it does admit mistakes, the speed at which the Pentagon releases relevant information and the comprehensiveness of its investigations are woefully inadequate. Policy changes to allow and even encourage the use of counterterrorism assets for atrocity prevention could lead to more military actions against terrorist targets and likely of a sort that must happen on short notice and with little time to exhaustively evaluate a target before taking action (the cornerstone of civilian casualty prevention in other contexts) and therefore increase the potential for tragic mistakes.<sup>41</sup> Moreover, depending on the theater of operations, policy standards for counterterrorism operations could limit the use of lethal force against terrorists to prevent atrocities against non-US citizens. For example, under the PPG, the use of lethal force against a terrorist target requires a “near-certainty that noncombatants will not be injured or killed.”<sup>42</sup> Establishing near-certainty is a deliberately high bar for the planners of a military operation to meet. Meeting that standard only gets more difficult if the military objective is to prevent an imminent attack on civilians and limited time exists to review available intelligence, plan an operation, and make the decision to execute it, particularly if the intelligence community has not been closely tracking the threat to a specific group, as was the case with the Yazidi in 2014.<sup>43</sup>

Achieving near-certainty also is more challenging when, as two former US National Security Council officials recently wrote, the military campaign is—in the case of IS—a “hybrid: a counterinsurgency objective pursued by means of counterterrorism tactics.”<sup>44</sup> Noting that IS itself is a hybrid (“part state, part insurgency, part terrorist organization”), the authors write, “The Pentagon was engaging in a novel type of warfare against a far larger network than it had previously taken on, where pre- and post-strike intelligence collection was critical but the intelligence base relatively shallow, the expected pace of operations high, and the number of US troops on the ground low.”<sup>45</sup> That new type of warfare has had tragic consequences for civilians, and in a probable situation in which the United States seeks to use counterterrorism assets to prevent mass atrocities by a terrorist group, policy makers would have to grapple with the thorny moral question of whether to accept greater risk of civilian casualties to prevent a possible massacre.

With the counterterrorism community focused on a core objective to protect US citizens and interests, and with significant but finite resources to devote to that objective, a central policy question when considering whether to take action to prevent an imminent atrocity situation is, what are the trade-offs? Will the resources required to prevent a mass atrocity from occurring undermine counterterrorism priorities?

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<sup>41</sup> Author interview with former intelligence officer May 2017.

<sup>42</sup> PPG, 3.

<sup>43</sup> E-mail correspondence with former NSC official, December 2017.

<sup>44</sup> Robert Malley and Stephen Pomper, “An Accounting for the Uncounted,” *The Atlantic*, December 16, 2017.

<sup>45</sup> *Ibid.*



Accepting that the resource trade-offs to focus more on atrocity prevention carry some strategic benefits, policy makers face two primary challenges. First, they must determine how to identify and elevate atrocity-prevention opportunities to reach a decision on whether and how to respond quickly enough to prevent the attack and protect civilians. As PSD-10 noted, “Governmental engagement on atrocities and genocide too often arrives too late, when opportunities for prevention or low-cost, low-risk action have been missed.”<sup>46</sup> Second, policy makers must decide how to evaluate the trade-offs between taking action to prevent atrocities and the counterterrorism mission to protect US citizens and interests. Take an extreme hypothetical example: DoD is using multiple aircraft to track a known HVT and determine when conditions (e.g., near certainty of no civilian casualties) would allow for a strike. At the same time, DoD receives credible intelligence that a group of terrorists is planning an imminent attack on civilians in a nearby area. Military planners who are asked whether the United States or a partner could protect civilians from attack determine that it can be disrupted by airstrikes against the terrorists planning the assault. Given the timeline of the planned attack on civilians and the disposition of military assets in the region, however, the planners determine that to stop the attack, the aircraft trained on the HVT must be diverted from that mission to support an atrocity-prevention operation. Whether and how that difficult decision ultimately gets made depends on the process in place to make it. That example is illustrative of the zero-sum equation that plays out in every counterterrorism theater because ISR, strike assets, and other important resources are finite, even in the areas from which the most acute threats to the United States emanate. Multiple current and former counterterrorism officials stated that, from the perspective of the counterterrorism community, little spare capacity exists to investigate or take action on a possible unfolding atrocity.

### **Barriers to Entry: Constraints to Leveraging Counterterrorism Tools to Prevent Atrocities**

In any counterterrorism campaign in which the United States is targeting a terrorist group unilaterally, engaging in partnered operations, or both, the questions with which policy makers are most likely to grapple regarding atrocity prevention are if, when, and what action to take to prevent or halt attacks on civilians by that terrorist group. Critical to answering those questions is a policy process that encourages the discussion of atrocity prevention in the counterterrorism context and—depending on what responses are under consideration and the time sensitivity of taking action—that quickly tees up decisions at the appropriate level.

Most individuals interviewed for this project highlighted the stove-piped counterterrorism policy process as a significant impediment to greater communication and collaboration between the counterterrorism and atrocity-prevention communities.<sup>47</sup> Several former and current US officials noted that White House chaired meetings devoted to counterterrorism frequently fail to include policy makers outside the counterterrorism community and are heavily weighted toward efforts

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<sup>46</sup> PSD-10, paragraph 3.

<sup>47</sup> Multiple author interviews with current and former US officials, April–June 2017.

to identify and either capture or kill HVTs, in large part because of the National Security Council's (NSC) role in leading the vetting process under the PPG. The new PSP seeks to reduce the White House role in the targeting process and push decisions back to the Pentagon. Although that change could free up the NSC to focus on more strategic counterterrorism questions—including how atrocity-prevention efforts might reinforce counterterrorism objectives and vice versa—interviewees for this study described prevailing attitudes in some national security circles that atrocity prevention is not in our national interest.<sup>48</sup> A current counterterrorism official stated, “In the counterterrorism context, [issues] are immediately handled, whereas if something is an atrocity-prevention issue, it will be handled on a slower, more deliberative track, with questions whether it is in the US national interest [to act].”<sup>49</sup> With respect to military action, a former national security official noted that the barrier to entry to make a decision on military operations in a counterterrorism context is very small relative to that in the atrocity-prevention context.<sup>50</sup> The level of the discussion also mattered. A former State Department official argued, “Only at the Deputies [Committee], when you had nonexperts at the table, were you able to have people checking strategy and raising questions about how different perspectives should inform the overall policy.”<sup>51</sup> Current and former DoD officials acknowledged that the atrocity-prevention constituency within the armed forces is narrow, pushing it down the priority list.<sup>52</sup>

Although the parallel policy process for counterterrorism and other policy priorities creates a set of challenges, several regular participants in the counterterrorism-focused interagency meetings emphasized that, due in part to the processes established by the PPG, the discussions frequently delved into operational details or the minutiae of the justification for designating a specific target. Those participants noted that correspondingly limited opportunity existed to step back for a broader, strategic-level discussion that might include whether and how to better protect non-US civilians from attack by a terrorist group or the trade-offs between the counterterrorism imperative and addressing the state weakness and fragility off which terrorist groups thrive. When, for example, Boko Haram was more formally linked to IS, the most urgent policy discussions centered around whether and how to support Nigerian efforts to target Boko Haram's leadership. Policy makers did not consider serious proposals for how to compel Nigeria to curb its army's own abuses and rein in abusive vigilante groups, nor did they develop a more aggressive strategy to build the Nigerian army's capacity rapidly to protect vulnerable civilians in northeastern Nigeria.<sup>53</sup> The lack of enthusiasm—particularly from DoD—to deepen a

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<sup>48</sup> The Trump administration's December 2017 National Security Strategy mentions “atrocities” only twice and vaguely states that the United States will “hold perpetrators accountable” and “is prepared to sanction” those most responsible for atrocities. Available at <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.

<sup>49</sup> Expert convening at the Simon-Skjoldt Center, June 20, 2017.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> Author interview with former Department of Defense official, May 1, 2017.

<sup>53</sup> Author interview with former State, White House, and DoD officials, May–June, 2017.

counterterrorism partnership with the Nigerians and the US Ambassador to Nigeria's objections to a larger DoD presence undermined any serious high-level consideration of expanded military-to-military engagement. Ultimately, despite the interest generated by the "bring back our girls" social media campaign to rescue 276 schoolgirls kidnapped by Boko Haram in April 2014 and evidence of the group's increasing ties to IS, the White House-led interagency process failed to convince DoD to adopt a more comprehensive and humane Nigerian counterterrorism effort that could have emphasized and elevated atrocity prevention and civilian protection as strategic objectives.<sup>54</sup>

Many individuals in the atrocity-prevention community express frustration at the challenges of getting information about imminent atrocities into the hands of those authorities with the ability to take preventive action, especially the military commanders responsible for targeting decisions. First and foremost is the challenge of intelligence collection. Intelligence gathering on terrorist groups necessarily prioritizes learning about the attack plotting of that group against US citizens and interests and against US partners. The National Intelligence Priorities Framework (NIPF), the mechanism to establish intelligence-collection priorities, is granular in laying out priorities within a specific country. Counterterrorism and human rights (under which atrocity prevention falls) are distinct categories for collection, so just because intelligence agencies are tasked with collecting information on a terrorist organization does not mean they are putting emphasis on where and when a group might commit atrocities against non-US citizens.

Rebalancing intelligence collection to put a greater emphasis on atrocity prevention is not sufficient to address the information gap, particularly because vital reporting on atrocities committed by terrorist groups comes through direct contact between vulnerable groups on the ground (or, as in the case with the Yazidi, via a diaspora community) and State Department, United States Agency for International Development, and officials from other US agencies and departments. To deal with the flood of information on abuses by IS in Iraq, State/DRL established an open-source collection platform to disaggregate and disseminate that reporting. Although State/DRL's efforts were, according to many, influential in building the case for the Mount Sinjar operation, a former senior State Department official who worked on the counter-IS campaign expressed frustration at the challenges of getting time-sensitive information from sources on the ground to the responsible offices at DoD and US Central Command (CENTCOM)—the combatant command responsible for military operations in Iraq and Syria—at the tactical level. Those challenges include lack of clarity on who should receive that information and concerns that, even if received, that information would be ignored or dismissed in favor of reports gathered through military and intelligence channels. The intelligence community's ability to disseminate information across all levels of the US government is unparalleled, but the distrust of the intelligence community by some human rights groups can be a limiting factor in developing an effective way to get reporting on impending atrocities to those

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<sup>54</sup> Author interview with former NSC official, December 2017.

authorities with the ability to take preventive action.<sup>55</sup> One idea advanced by State/DRL and the US Mission to the United Nations but never implemented by DoD was to establish a liaison position at CENTCOM to serve as the focal point for incoming information regarding impending atrocities and to ensure that the appropriate offices at DoD are notified and compelled to act.<sup>56</sup>

Although the United States has unique counterterrorism capabilities that enable unilateral action against terrorist targets, US policy supports efforts to develop capable, responsible partners for its counterterrorism operations. Each counterterrorism partner comes with a distinct set of challenges, which has implications for atrocity prevention. Recent reports on abuses by counterterrorism forces in Cameroon and Iraq highlight that despite training and support from US Special Operations Forces, counterterrorism partners continue to abuse civilians.<sup>57</sup> The Leahy Law prohibits the Department of State and DoD from providing military assistance to foreign military units that violate human rights.<sup>58</sup> When the United States can legally provide assistance to support its US counterterrorism objectives, it has no guarantee that partners share those objectives. In Somalia, a translator used by the US military is alleged to have misled US forces into launching airstrikes and supporting Somali military operations that killed civilians from a rival clan.<sup>59</sup> Moreover, in a world in which our counterterrorism partners increasingly are nonstate actors in areas that are hard to reach (e.g., the Kurds in Syria or the Misratans in Libya), those partners often are even harder to monitor and even less bound by the norms that many nation states try to follow or by domestic laws, such as Leahy.<sup>60</sup> A senior State Department official remarked, “Our [counterterrorism] partners are much less intrinsically focused on threats to US persons than in getting our support to eliminate the threat to their own interests.”<sup>61</sup> The same is true in atrocity prevention if a counterterrorism partner does not see value in protecting its own civilians, whether in the context of or outside the scope of operations against terrorist targets.

Finally, a decision by the United States to expand the use of counterterrorism tools—particularly the use of lethal force in areas not defined as areas of active hostilities—to prevent atrocities by terrorist groups could inspire other countries to use atrocity prevention as a flimsy pretext for military actions that (a) are not bound by the same safeguards (however imperfect) that the United States has in place to mitigate civilian casualties and (b) do not meet a reasonable definition of counterterrorism or atrocity prevention (Ethiopia, for example, has frequently cited

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<sup>55</sup> Author e-mail correspondence with former NSC official, August 2017.

<sup>56</sup> Author e-mail correspondence with former State Department official, August 2017.

<sup>57</sup> Human Rights Watch, “Iraq: New Abuse, Execution Reports of Men Fleeing Mosul,” New York, June 30, 2017; Amnesty International, “Cameroon: More Than 1,000 People Accused of Supporting Boko Haram Held in Horrific Conditions, Some Tortured to Death,” New York, July 14, 2016.

<sup>58</sup> See <https://www.state.gov/j/drl/rls/fs/2017/272663.htm> for a description of how the Leahy Law works.

<sup>59</sup> Christina Goldbaum, “Strong Evidence that US Special Operations Forces Massacred Civilians in Somalia,” *The Daily Beast*, November 29, 2017.

<sup>60</sup> Author e-mail correspondence with former State Department official, August 2017.

<sup>61</sup> Author interview with former State Department official, May 16, 2017.

the threat of terrorism as justification for its violent crackdown on ethnic Oromo protestors) to justify an otherwise heavy-handed or illegal military response. Russia justified its annexation of Crimea by arguing—against all evidence—that it needed to protect ethnic Russians living there. As one former national security official argued, “By expanding the threshold for lethal action beyond addressing attacks against your own citizens, you could inadvertently open the door for other states to find more ways to label their military actions ‘counterterrorism’ operations, which would undermine our broader efforts to fight terrorism and respond to genuine threats against Americans.”<sup>62</sup>

## **Conclusions and Next Steps**

With the nexus between counterterrorism and atrocity prevention potentially expanding, developing comprehensive strategies to combat groups such as IS and Boko Haram necessarily draws on a diverse constituency of policy makers: diplomats to work with affected governments and build and coordinate multilateral coalitions; humanitarian and development workers to deliver assistance and support stabilization and governance efforts; and the military and counterterrorism communities to take lethal action and support partner forces that are combating those groups.

To forge a path toward more normalized consideration of when and how to apply counterterrorism tools to prevent atrocities against non-US citizens by terrorist groups, the Trump administration should create an interagency working group, cochaired by the chair of the Atrocities Prevention Board and the NSC senior director for Counterterrorism, to do the following:

- Develop recommendations on how to reduce the structural divisions in the interagency between counterterrorism and broader policy discussions that many interview subjects highlighted as a critical constraint to addressing mass atrocities in the counterterrorism context;
- Make recommendations to deputies for how to allocate additional financial and human resources to identify possible atrocity scenarios in counterterrorism operations, including by expanding intelligence agencies’ collection on threats to non-US citizens in areas where terrorist groups operate;
- Make recommendations to relevant agencies for how to improve the information flow on atrocity threats in counterterrorism theaters to ensure that reporting—whether from the intelligence community, embassies, or other sources—reaches both senior policy makers and decision makers at the tactical level.

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<sup>62</sup> Author interview with former US national security official, May 18, 2017.

- Establish a clear working definition of what constitutes an *imminent* threat of mass atrocities;
- Revise relevant policy frameworks regarding the use of lethal force against terrorist groups to allow the use of counterterrorism assets to protect civilian populations under imminent threat of attack by a terrorist group;
- Establish a process to fast-track the development of and senior-level approval for counterterrorism actions—including lethal force—to prevent atrocities from occurring;
- Engage in a discussion with relevant partners on how to elevate atrocity prevention in the context of counterterrorism operations; and
- Set the agenda for quarterly deputies committee discussions on the trade-offs between counterterrorism operations and the state fragility on which terrorist groups frequently capitalize;
- Ensure that those partners receiving counterterrorism training from the United States also receive training in civil–military relations and civilian protection that highlights some of the lessons the US military has learned in its counterinsurgency and counterterrorism efforts engagements since September 11, 2001.

### **The Simon-Skjodt Center for the Prevention of Genocide**

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*The assertions, opinions, and conclusions in this occasional paper are those of the author. They do not necessarily reflect those of the United States Holocaust Memorial Museum.*

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