

# United States Senate

WASHINGTON, DC 20510

July 13, 2018

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520

The Honorable Steven Mnuchin  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20520

Dear Secretary Pompeo and Secretary Mnuchin,

We are writing to urge the Departments of State and Treasury to use all the tools at their disposal to address the issue of sexual and gender-based violence in conflict zones. This particularly insidious type of violence demands a response led by the United States. Given the scope and magnitude of this problem, the Departments of State and Treasury also should impose sanctions on perpetrators of sexual and gender-based violence under the Global Magnitsky Act or other authorities.

As described in the attached 2018 Annual Report of the UN Secretary-General on Sexual Violence in Conflict<sup>1</sup>, rape and sexual assault by government representatives and non-state actors continue to be used as tactics of war or terror in conflict zones, including Burma, the Democratic Republic of Congo, Iraq, Syria, Afghanistan, Colombia, and South Sudan.<sup>2</sup> The victims of conflict-related sexual and gender-based violence are primarily women and girls, but men and boys are not immune.<sup>3</sup> Although conflict-related sexual violence continues to be pervasive, the responses from governments and the international community ranges from insufficient and inadequate to negligent and complicit, as the United Nations has documented.<sup>4</sup>

The United States has always stood as a leader on human rights, but can do more to draw attention to sexual and gender-based violence in conflict zones, help protect victims, and end impunity for perpetrators. We respectfully request that the State Department highlight this issue by including sexual and gender-based violence as a separate category in its 2018 Country Reports on Human Rights Practices — something that the State Department does not currently do despite the United Nations and the Rome Statute of the International Criminal Court defining rape as a war crime and a crime against humanity.

Furthermore, because accountability for sexual and gender-based violence is a critical element in preventing further acts of violence, we urge you to continue to impose sanctions under the Global Magnitsky Human Rights Accountability Act on the senior-most individuals and entities listed in the 2018 Annual Report of the UN Secretary-General on Sexual Violence in Conflict

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<sup>1</sup> <http://undocs.org/S/2018/250>

<sup>2</sup> <http://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf>

<sup>3</sup> <http://www.stoprapenow.org/uploads/advocacyresources/1493911578.pdf>

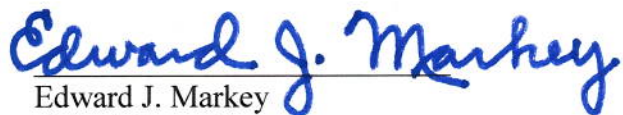
<sup>4</sup> <http://www.unwomen.org/en/news/stories/2017/6/experts-take-a-decade-of-efforts-to-combat-sexual-violence-in-conflict>

appendix. Those sanctions are warranted on perpetrators of conflict-related sexual and gender-based violence, especially those individuals in positions of command or authority who knew or should have known that their subordinates were committing sexual or gender-based violence and failed to take adequate steps to prevent the crimes or punish those responsible.

We recognize and appreciate the Administration's recent sanctions against individuals guilty of sexual and gender-based violence under current U.S. authorities. These include the December 2017 designations of 1) Chechen law enforcement official Ayub Kataev for abuses against gay men under the Sergei Magnitsky Rule of Law Accountability Act; and 2) Burmese Army chief Maung Maung Soe for his leadership of Burmese security forces guilty of sexual violence against Rohingya civilians under the Global Magnitsky Human Rights Accountability Act. We urge you to increase your use of authorities under the Sergei Magnitsky and Global Magnitsky acts to sanction foreign government officials for commission, direction, and complicity in sexual and gender-based violence.

Sexual and gender-based violence is not only a horrible abuse, but in the context of conflict it is a tool of terror used to undermine peace and security. We ask you to use all the tools available, including those highlighted in this letter, to meet the legal obligations of the United States, stand up for our values, and respond with a plan of action to help the victims of these heinous crimes.

Sincerely,



Edward J. Markey  
United States Senator



Jeanne Shaheen  
United States Senator



Benjamin L. Cardin  
United States Senator