

## Overview: “Prosecute the Profiteers: following the money to support war crimes accountability”

War crimes pay. In East and Central Africa, where armed conflict has created some of the fastest-growing refugee flows in the world, control over lucrative resources is often the *raison d’être* of perpetrators. Economic crimes and grave violence often occur in tandem and generate profits for a range of people and entities involved. They entrench the conditions that made exploitation possible, inevitably leading to more.

To improve accountability for atrocities, governments, the private sector, and the courts must take aim at the financial infrastructure enabling violence. Authorities in national and international courts should improve their approaches to investigating the financing of atrocities, greed motives, and profits derived by war criminals. They can do this using tools already at their disposal, including statutes prohibiting theft, sanctions violations, and atrocity crimes; diverse theories of liability; financial investigation strategies; and the seizure of ill-gotten wealth.

**“Economic crimes and grave violence often occur in tandem and generate profits for a range of people and entities involved.”**

If these powers are not brought to bear, key perpetrators, facilitators, and beneficiaries of some of the world’s worst crimes will continue to operate with impunity, and extreme violence will continue.

Recognizing that international financial pressure can play an intervening role in limiting violence and human rights abuses, policymakers in North America and Europe have recently increased their attention to international financing and kleptocracy. This trend suggests growing recognition that civil lawsuits and asset seizures can help combat illicit finance on an individual and corporate level, complementing broader network sanctions and anti-money laundering (AML) measures and, together, helping curb the flow of money from war zones to profiteers.

The Sentry’s newest report, “[Prosecute the Profiteers: Following the Money to War Crimes Accountability](#)” proposes a shift in our approach to justice for serious international crimes, targeting the perpetrators of atrocities where they are often most vulnerable: their money. The report describes new approaches that can be integrated throughout the phases of investigation and trial: using financial investigations to more effectively prosecute atrocity crimes, prosecuting the financial crimes that enable or motivate atrocity crimes, and seizing criminally-derived assets as a measure of accountability and to fund reparations. The analysis and recommendations focus on one of the deadliest and most lucrative parts of the world, East and Central Africa, and highlight important contemporary cases from elsewhere in the world.

## The Eight Key Recommendations

The following should guide policymakers, prosecutors, and investigators:

- 1. Follow the money in war crimes investigations.** Domestic and international prosecutors and investigators should investigate financial evidence and networks in serious international crimes cases they accept, adopting an integrated strategy from the outset.
- 2. Bring finance experts in from the beginning.** Domestic and international prosecutors charged with prosecuting serious international crimes should prioritize financial crimes expertise as essential to their work. International and domestic authorities should invest in heightened protective measures for whistleblowers and environmental activists, given their unique ability to contribute financial evidence and the unique threats to their security.
- 3. Collaborate across borders and use open-source intelligence.** Domestic officials investigating transnational financial and atrocity crimes should more proactively cooperate with other domestic and international courts, especially through informal information exchange and making better use of open-source intelligence. All relevant state actors should proactively engage with the International Anti-Corruption Coordination Centre in the United Kingdom, which can facilitate information and analysis exchange between a number of countries and international organizations.
- 4. Prosecute economic crimes where atrocities occur.** The Special Criminal Court in the Central African Republic (CAR), hybrid court in South Sudan, and economic crimes units in the Democratic Republic of Congo should develop strategies for investigating the financial networks, widespread theft, and greed-based motives that have fueled atrocity crimes. The U.S. Department of State's Office of Global Criminal Justice (GCJ) should encourage authorities at these courts, including the African Union and lead prosecutors, to make economic crimes a priority.
- 5. Pass and amend key legislation.** U.N. member states should support the proposed treaty prohibiting Crimes Against Humanity to improve ease of legal action against financial enablers of atrocities in domestic courts. The U.S. Congress should amend the United States war crimes statute to make pillage a predicate offense, and should reintroduce and pass legislation prohibiting crimes against humanity to give U.S. federal prosecutors broader power to prosecute perpetrators and facilitators of atrocities abroad, especially those availing themselves of the benefits of U.S. financial institutions and networks.
- 6. Seize the proceeds of crimes.** Authorities in domestic justice systems with the power to seize criminally-derived assets should look to East and Central Africa for relevant actors linked to corruption and atrocities that may park assets in their jurisdictions
- 7. Pay affected communities back.** ICC authorities should conduct earlier and more frequent parallel financial investigations and use their authority to seize assets. Relevant domestic authorities, including the U.S. Department of Justice's MLARS, in cooperation with the U.S. State Department and others, as well as hybrid courts in CAR and South Sudan should prioritize the investigation of criminally-derived assets linked to corrupt actors in East and Central Africa and build networks with affected communities to design asset return strategies.
- 8. Finally, Support crucial government agencies.** The U.S. State Department should maintain support for the GCJ and re-appoint a high-level official to head the office. GCJ should develop a stronger focus on targeting the financial facilitators of atrocities to support new avenues for atrocity crimes cases, especially in East and Central Africa.