



**Homeland
Security**

September 11, 2006

MEMORANDUM FOR: Secretary Chertoff

FROM: Daniel W. Sutherland *Daniel Sutherland*

SUBJECT: Designation of Single Contact Officer under Executive Order
13107 – Implementation of Human Rights Treaties

The purpose of this memorandum is to request that you designate the Officer for Civil Rights and Civil Liberties as the “single contact officer” for coordinating Departmental implementation of Executive Order (EO) 13107 – Implementation of Human Rights Treaties (Dec 10, 1998) (attached). This EO requires that all Executive Departments maintain a current awareness of U.S. international human rights obligations relevant to the performance of each Department’s function and mission. The EO covers the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights (ICCPR), and other relevant treaties. Finally, the EO requires the head of each agency to “designate a single contact officer who will be responsible for overall coordination of the implementation of this order” (Sec. 2(a)).

Currently, the Department prepares responses to such international reports in an ad hoc manner. There is no single point of contact to organize the Department’s participation on these international civil and human rights reports


Under 6 U.S.C. § 345, the Officer for Civil Rights and Civil Liberties is responsible for assisting the Secretary by:

- providing proactive advice on DHS policies that relate to civil rights and civil liberties;
- reviewing DHS policies and procedures to ensure that civil rights are protected; and,
- overseeing compliance with all legal requirements (including international obligations) relating to civil rights (6 U.S.C. §§ 345(a)(3)&(4)).

As a result of this statutory language, the Office for Civil Rights and Civil Liberties has taken an active role on these issues in the international arena. For example, the Officer represented DHS as a key part of the U.S. delegation to the Organization for Security and Cooperation in Europe’s meeting on “Human Rights and the Fight against Terrorism.”

The Office for Civil Rights and Civil Liberties has strong relationships across all DHS headquarters elements and components, and therefore will be able to lead the efforts to develop coordinated and fully-vetted DHS positions. Of course, the handling of such reports or issues will include coordination with the specific component or components involved. The Office of Policy (including the Office of International Affairs) specifically endorsed this approach. Additionally, we acknowledge that the General Counsel, operating through the Associate General Counsel for Legal Counsel, retains exclusive and final authority over any legal issues implicated here; *i.e.*, the precise contours of the Department's obligations under international human rights law and the various treaties described within the Executive Order, consistent with DHS Delegation 0400.2 ¶ 2(B)(1) (Sept. 14, 2004), and all other applicable Management Directives and Delegations, and will consult with the Office of General Counsel at all appropriate times.

I therefore recommend that the Secretary designate the Officer for Civil Rights and Civil Liberties as the single DHS contact officer with respect to civil and human rights treaties under EO 13107.

Approve/date  9/22/06 Disapprove/date _____

Modify/date _____ Needs discussion/date _____