



DEPARTMENT OF STATE

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DEPARTMENT OF STATE

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NONPROLIFERATION, AND TRADE

HEARING ON

"The State Department's Rewards Programs: Performance and Potential"

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Good Morning/Afternoon, Chairman Royce and members of the subcommittee. I would like to thank you and the subcommittee members for your continued support and interest in the U.S. Department of State's rewards programs. We welcome the legislation that you have introduced, H.R. 4077, which would allow the Department of State to better use these programs to pursue and help bring to justice individuals who have committed acts of genocide, war crimes, and crimes against humanity.

Introduction

Currently, the Department manages three rewards programs—the Rewards Program for Information on **Terrorism**, better known as Rewards for Justice and administered by the Bureau of Diplomatic Security; the **Narcotics** Rewards Program, administered by the Bureau of International Narcotics and Law Enforcement; and the **War Crimes** Rewards for Justice Program, administered by the Office of Global Criminal Justice. I will make a brief statement on the War Crimes Rewards for Justice, or War Crimes Rewards Program.

The War Crimes Rewards Program has been instrumental in bringing to justice some of the most notorious and brutal fugitives sought by the UN International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR). In the last two years alone, we have made 14 payments, at an average of about \$400,000 per payment (ranging from \$75,000 to \$2 million), for information leading to the arrest and conviction of these fugitives. Further details are provided in the report that we submit to the House Foreign Affairs and Senate Foreign Relation Committees for every reward we issue, though I cannot go into further detail during today's unclassified hearing. I can say, however, that the program

has been and continues to be very successful in generating information that has led to the arrest of some of the world's worst criminals.

However, the present statutory authority for the War Crimes Rewards Program is limited to those fugitives indicted by the Special Court for Sierra Leone (SCSL), the ICTR and ICTY. From these three tribunals, there remain only nine targeted fugitives at large, all from the ICTR. After the capture of those fugitives, the program will cease to be useful as a tool to ensure accountability for some of the world's worst crimes. The State Department would like to expand this program to bolster our ongoing efforts to help bring other alleged war criminals to justice. The proposed Congressional legislation sponsored by Chairman Royce would do just that; it would authorize the Secretary of State to publicize and pay rewards for information leading to the arrest or conviction of specifically identified foreign nationals accused of war crimes, crimes against humanity or genocide before any existing international criminal tribunal, including hybrid or mixed courts, or any such tribunal that come into existence in the future.

Let me be clear: Under the proposed authority, fugitives would only be added to the rewards program after careful review and approval by an interagency committee and the Secretary of State or her designee. This is similar to the interagency committee process presently used to recommend the amount to be paid when a current targeted fugitive is arrested, as well as the process used to recommend new targets and reward amounts under the Bureau of Diplomatic Security Counterterrorism Rewards for Justice and Bureau of International Narcotics and Law Enforcement Affairs Narcotics Rewards Programs. Like those committees, the committee would include representatives from relevant agencies, including State, DOD, DOJ, DHS and the Intelligence Community.

I want to focus for a moment on a few specific cases where this authority would help advance our foreign policy objectives. Subject to the interagency

committee's recommendations and the Secretary or her designee's approval, some individuals who *could* be considered for inclusion in the War Crimes Rewards Program under the expanded authority include Joseph Kony and the other top commanders of the Lord's Resistance Army or Abdullah al-Senussi.

Mr. Chairman, as you know well, the LRA, led by Joseph Kony, is one of the world's most brutal armed groups and has survived for over two decades by abducting women and children, brainwashing them and forcing them to serve as porters, sex slaves, and fighters. The United Nations Office for the Coordination of Humanitarian Affairs estimates that over 465,000 people were displaced or living as refugees across three countries in central Africa in 2011 as a result of the LRA threat. The International Criminal Court has issued arrest warrants for Joseph Kony and other top LRA leaders on charges of war crimes and crimes against humanity. Although the United States is not a party to the Rome Statute establishing the ICC, we support the ICC's efforts to bring the LRA leaders to justice and believe they should be apprehended and held accountable for their actions.

Consistent with the LRA Disarmament and Northern Uganda Recovery Act, of 2009, the United States is continuing to pursue a comprehensive, multi-year strategy to help our partners in the region to mitigate and eliminate the threat posed by the LRA. As one part of this strategy, the President notified Congress last October that the United States was deploying a small number of U.S. military forces to serve as advisors to the national militaries in the region pursuing the LRA's top commanders and working to protect local populations. Small teams of these advisors are now working with partners forces in LRA-affected areas and helping to enhance their capacity to bring these individuals to justice.

The proposed expansion of the War Crimes Rewards Program could bolster efforts to generate information about the whereabouts of Joseph Kony and other

LRA commanders by giving lower-level fighters a material incentive to provide information. If Joseph Kony and the other top LRA commanders were added to the program, through the interagency process I just described, we would work to publicize the rewards using leaflets, radio broadcasts, and other publicity tools. Our military advisors believe this program would enhance their efforts in the field. We believe it could also help encourage lower-level LRA fighters to defect and escape from the organization's ranks. Since October, scores of individuals have escaped or been released from the LRA's ranks. We are working with the governments in the region and UN to encourage more individuals to defect.

Abdullah al-Senussi is another potential fugitive the interagency committee could consider under the proposed expanded authority. Al-Senussi was the head of both the internal and external intelligence services under Gaddafi, one of the most powerful and efficient organs of repression in Libya, and he is wanted by the ICC for his alleged responsibility for crimes against humanity committed last February. It has been reported that he has fled Libya and is in hiding.

Although these examples involve individuals wanted by the International Criminal Court, the proposed legislative expansion is *not* tied to a specific court and could be used to help apprehend any foreign national wanted by an international, hybrid, or mixed court for war crimes, crimes against humanity, or genocide. In other words, the program would be *crime-specific*, not *court-specific* and would allow the United States to engage more fully in pursuit of such foreign nationals. The proposed authority falls within section 2015 of the American Service members' Protection Act of 2002 ("ASPA") and is not intended to authorize activity with respect to the ICC that would currently be precluded under ASPA. As required under law and in our existing programs, reward payments would be made to individuals, not to courts or government officials acting in their official duties. Finally, as we have noted, the Department of State would

coordinate carefully with other agencies through an interagency rewards committee, as it does for rewards under the existing rewards programs.

Under the program, the Department of State is authorized to make payments up to \$25 million, but as mentioned, rewards payments in the War Crimes Program to date have averaged around \$400,000. The amount of award payments depend on a number of factors, including which war criminal is apprehended, the quality of the assistance provided, and the risk taken by the informant. The funding for these payments comes from the Emergencies in Diplomatic and Consular Service (ECDS) appropriation, which receives funding each year. The Department also has the authority to transfer expired, unobligated balances in the Diplomatic and Consular Programs account to this EDCS account for reward payments. Given this existing funding authority, we do not believe that the proposed expansion would require new funding. The interagency committee reviewing possible additions to the program would take into account existing funding levels when making their decisions.

Conclusion

The War Crimes Rewards Program is, and we hope will remain, a valuable asset to the U.S. government in its fight to ensure that foreign nationals who commit serious violations of international humanitarian law are held accountable, and we will continue to work tirelessly to bring those perpetrators to justice. Mr. Chairman, thank you for the opportunity to appear before you and thank you for your continued leadership in this area.