

**U.S. Intervention at the ASP Cooperation Plenary
Friday, December 8, 2023
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Ambassador Alabrune and Ambassador Diome, thank you for inviting me to take the floor again this year during the Cooperation plenary, alongside States Parties, ICC officials, and civil society experts.

The United States welcomes the opportunity to participate in this important discussion on fugitive tracking and arrests, which continues to be one of the most significant challenges facing the ICC. With many more fugitives at large than defendants in courtrooms in The Hague, the slow pace of arrests represents a major impediment to justice in a number of ICC situation countries. The Court relies on cooperation from States in this core area, and we acknowledge the important contributions of many States in this room to past and ongoing fugitive apprehension efforts. However, it is clear there is much more to do, and both political support and practical assistance are needed.

The United States continues to be committed to supporting the ICC's efforts to apprehend fugitives across a range of situations. Over the past two years, we have worked to update our own sources of information so that we can support the apprehension of ICC fugitives, including the notorious Lord's Resistance Army Commander Joseph Kony, who has been at large for far too long.

In the United States, we have a unique tool for generating additional information to assist with apprehension efforts: the "War Crimes Rewards Program." This program enables us to offer rewards of up to \$5 million for information leading to the arrest, transfer, or conviction of certain individuals wanted for war crimes, crimes against humanity, or genocide. This program seeks to encourage people to come forward

with information to help locate fugitives so they can face the charges against them. The program has been very successful. Since Congress first created this authority, we have paid over \$8 million in rewards and contributed to more than 20 cases at the international level.

At the ICC, Joseph Kony has been designated under our War Crimes Rewards Program since 2013, and we have ramped up our outreach efforts over the past two years, which has already elicited valuable information. We also continue to evaluate a number of other ICC situations in which offering rewards for the arrest of the remaining fugitives might help advance the ICC's efforts, and we expect to announce additional designations in the near future.

The imperative of collectively addressing this challenge, particularly within the context of international courts, inspired the side event we co-hosted with France, Ecuador, and South Africa on Wednesday. Several key themes emerged from our discussion with international and national authorities and non-governmental experts:

1. First, fugitive tracking work requires a range of multidisciplinary tools, including open-source information gleaned from the person's digital footprint and human intelligence. Several panelists highlighted the importance of building a complete profile of the fugitive and his or her associates and mapping out the psychological, financial, and social elements of the person's patterns of life.
2. Second, both high level political support and sustained day-to-day practical efforts at the working level are needed.
3. Third, building strong relationships of trust with bilateral, multilateral, and international partners is essential when dealing with international crimes. Building these networks in advance of a transnational operation is critical so that the various actors can move quickly, and in sync, when the time presents itself.

4. Fourth, states must ensure an appropriate domestic legal framework is in place in advance to enable the necessary steps to effectuate an arrest and an eventual transfer to the Court. There have been several occasions, including in the United States when an accused *génocidaire* was found living in Texas, when states have lacked the legal framework to transfer an individual to an international court, which can lead to delays and legal challenges.
5. Fifth, civil society and private actors can have access to unique sources of information that may not be available to national or international authorities, for example in diaspora communities, which can generate important leads or linkage evidence. Building public-private partnerships can be fruitful.
6. Finally, there's an element of serendipity in this work: sometimes small developments can suddenly open the door to major progress, especially if the necessary tools, legal authorities, and networks are already in place.

As I stated in my intervention during the General Debate earlier this week, the United States is steadily enhancing our practical cooperation with the Court across a range of areas. In addition to our work on fugitive tracking, this includes other types of practical assistance to the Court's ongoing investigations and prosecutions, including in relation to vulnerable witnesses. We also have convened meetings between the Court, other justice mechanisms, national authorities, civil society, and the private sector to discuss shared challenges and imagine, and build, practical solutions. This includes recent workshops on critical issues such as witness protection and relocation, cultivating insider witnesses, prosecuting cyber crimes, and managing cyber security. We look forward to continuing to work with States Parties and Non-Parties alike, along with other key stakeholders, on these and other cooperation issues, which are essential to supporting justice for atrocity crimes.

Thank you for involving the United States in this important and timely discussion.