

H.R.2333

*One Hundred Third Congress  
of the  
United States of America  
AT THE SECOND SESSION*

Begun and held at the City of Washington on Tuesday,  
the twenty-fifth day of January, one thousand nine hundred and ninety-four

An Act

To authorize appropriations for the Department of State, the United States Information Agency, and related agencies, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Foreign Relations Authorization Act, Fiscal Years 1994 and 1995'.

**SEC. 517. SENSE OF THE SENATE ON THE ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT.**

(a) SENATE FINDINGS- The Senate makes the following findings:

- (1) The freedom and security of the international community rests on the sanctity of the rule of law.
- (2) The international community is increasingly threatened by unlawful acts such as war crimes, genocide, aggression, crimes against humanity, terrorism, drug trafficking, money laundering, and other crimes of an international character.
- (3) The prosecution of individuals suspected of carrying out such acts is often impeded by political and legal obstacles such as amnesties, disputes over extradition, differences in the structure and capabilities of national courts, and the lack of uniform guidelines under which to try such individuals.
- (4) The war crimes trials held in the aftermath of World War II at Nuremberg, Germany, and Tokyo, Japan, demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum.

- (5) Since its inception in 1945 the United Nations has sought to build on the precedent established at the Nuremberg and Tokyo trials by establishing a permanent international criminal court with jurisdiction over crimes of an international character.
- (6) United Nations General Assembly Resolution 44/39, adopted on December 4, 1989, called on the International Law Commission to study the feasibility of an international criminal court.
- (7) In the years after passage of that resolution the International Law Commission has taken a number of steps to advance the debate over such a court, including--
- (A) the provisional adoption of a draft Code of Crimes Against the Peace and Security of Mankind;
  - (B) the creation of a Working Group on an International Criminal Jurisdiction and the formulation by that Working Group of several concrete proposals for the establishment and operation of an international criminal court; and
  - (C) the determination that an international criminal court along the lines of that suggested by the Working Group is feasible and that the logical next step would be to proceed with the formal drafting of a statute for such a court.
- (8) United Nations General Assembly Resolution 47/33, adopted on November 25, 1992, called on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session.
- (9) Given the developments of recent years, the time is propitious for the United States to lend its support to this effort.
- (b) SENSE OF THE SENATE- It is the sense of the Senate that--
- (1) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;
  - (2) such a court would thereby serve the interests of the United States and the world community; and
  - (3) the United States delegation should make every effort to advance this proposal at the United Nations.
- (c) REQUIRED REPORT- Not later than 14 days after the date of enactment of this Act the President shall submit to the Committee on Foreign Relations of the Senate a detailed report on developments relating to, and United States efforts in support of, the establishment of an international criminal court with jurisdiction over crimes of an international character.

## **SEC. 518. INTERNATIONAL CRIMINAL COURT PARTICIPATION.**

The United States Senate will not consent to the ratification of a treaty providing for United States participation in an international criminal court with jurisdiction over crimes of an international nature which permits representatives of any terrorist organization, including but not limited to the Palestine Liberation

Organization, or citizens, nationals or residents of any country listed by the Secretary of State under section 6(j) of the Export Administration Act of 1979 as having repeatedly provided support for acts of international terrorism, to sit in judgement on American citizens.