

103d CONGRESS
1st Session
S. J. RES. 93

Calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court.

IN THE SENATE OF THE UNITED STATES

May 11 (legislative day, APRIL 19), 1993

Mr. SPECTER introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Calling for the President to support efforts by the United Nations to conclude an international agreement to establish an international criminal court.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that--

- (1) the preservation of international security and peace rests on adherence to the rule of law and principles of justice by the nations and peoples of the world;
- (2) international security and peace are threatened by violations of international law by war crimes, genocide, military aggression, terrorism, drug trafficking, and other international crimes;
- (3) violations of international law by such international acts have a severely detrimental effect on the United States, putting Americans at risk and costing the Nation billions of dollars;
- (4) the prosecution of individuals suspected of violating international law is often impeded by domestic political and legal obstacles imposed by the nations involved;
- (5) the International Military Tribunals established after World War II to try suspected war criminals demonstrated that fair and effective prosecution of war criminals could be carried out in an international forum by nations acting in concert under international law;
- (6) since its establishment in 1945 the United Nations has sought to establish a permanent international criminal court to try crimes committed in violation of international law;

- (7) there are many examples of international judicial bodies successfully exercising legal authority over nations that have voluntarily agreed to submit to the jurisdiction of such tribunals;
- (8) in 1978 the American Bar Association adopted a resolution urging the Department of State to open negotiations for a convention to establish an international criminal court with jurisdiction over international crimes of hijacking, violence aboard aircraft, crimes against diplomats and internationally protected persons, and murder and kidnapping;
- (9) in the Ninety-ninth Congress, in the Omnibus Diplomatic Security and Antiterrorism Act of 1986, it was expressed as the sense of the Congress that the President should consider the possibility of eventually establishing an international tribunal for prosecuting terrorists;
- (10) in the One Hundredth Congress, in the Anti-Drug Abuse Act of 1988, it was expressed as the sense of the Senate that the President should begin discussions with foreign governments to investigate the feasibility and advisability of establishing an international criminal court to expedite cases regarding the prosecution of persons accused of having engaged in international drug trafficking or having committed international crimes;
- (11) the United Nations General Assembly adopted Resolution 44/39 on December 4, 1989, calling on the International Law Commission to study the feasibility of an international criminal court;
- (12) the draft report of the International Law Commission issued in July 1990, expressed the Commission's agreement in principle with the idea of establishing a permanent international criminal court;
- (13) in the One Hundred First Congress, in the Foreign Operations Appropriations Act, Congress required the President and the Judicial Conference of the United States to report to the Congress on the establishment of an international criminal court;
- (14) in the One Hundred Second Congress, the Senate passed, as part of the Persian Gulf War Criminals Act of 1991, a proposal calling on the President to propose to the United Nations the establishment of an international criminal tribunal to prosecute Persian Gulf War criminals;
- (15) in 1992 the American Bar Association adopted a resolution calling on the United States Government to work toward solving the legal and practical issues regarding the establishment of an international criminal court;
- (16) the United Nations General Assembly adopted Resolution 47/33 on November 25, 1992, calling on the International Law Commission to begin the process of drafting a statute for an international criminal court at its next session;
- (17) the United Nations Security Council adopted Resolution 808 on February 22, 1993, establishing a war crimes tribunal to prosecute persons responsible for violations of international law in the territory of the former Yugoslavia;
- (18) the time has come for the United States to advocate the establishment of a permanent international criminal court and to assist in the preparation

of a code under which such a court can operate and in the establishment of the court.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should support the efforts of the United Nations and the International Law Commission to establish an international criminal court with jurisdiction over violations of international law and crimes of an international character, including war crimes, acts of terrorism, and drug trafficking, and should provide any assistance necessary to expedite the establishment of such a court.

SEC. 3. REQUIRED REPORT.

Not later than December 1, 1993, the President shall submit to the Congress a detailed report in developments relating to, and United States efforts in support of, the establishment of an international criminal court.