

SRES 101 IS

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S. RES. 101

Calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 31, 2003

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes.

Resolved, That it is the sense of the Senate that--

- (1) the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom should prosecute by trial by tribunal each person in the Government of Iraq, each person in the armed forces of Iraq, and any other person, regardless of nationality, who orders, directs, solicits, procures, coordinates, participates in, or supports acts in violation of the international law of armed conflict (including the aspects of such law known as the Hague and Geneva Conventions) that are directed at members of the armed forces of the coalition nations or at the people of Iraq or any other nation;
- (2) in the determination of appropriate persons to be charged and tried by such tribunal on the basis of command responsibility for any violation, consideration should be given to identifying responsible persons throughout the full range of the chain of command, and not only persons within formal chains of command of the government and armed forces of Iraq, but also persons integral to any informal link by which a person in the government of Iraq or the armed forces of Iraq, or any other person, directs paramilitary, political, or guerrilla forces;
- (3) in the determination of appropriate persons to be charged and tried by such tribunal, consideration should also be given to identifying persons who use political position or mass media in any of the violations; and
- (4) in the determination of the violations of the international law of armed conflict to be tried by the tribunal, particular attention should be given to

acts in the nature of those that, as of the date of this resolution, have already been committed by Iraqi directed forces, such as--

- (A) the abuse of places protected from military attack under international law, such as the use of mosques and hospitals as military headquarters or for other military purposes;
- (B) the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces;
- (C) the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;
- (D) the use of civilians or other persons protected under international law as human shields for Iraqi combatants on the battlefield;
- (E) assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;
- (F) abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

(G) recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.