

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.

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

3 **SECTION 1. CONGRESSIONAL FINDINGS.**

4 The Congress finds that—

5 (1) the preservation of international security
6 and peace rests on adherence to the rule of law and
7 principles of justice by the nations and peoples of
8 the world;

9 (2) international security and peace are threat-
10 ened by violations of international law by war

1 crimes, genocide, military aggression, terrorism,
2 drug trafficking, and other international crimes;

3 (3) violations of international law by such inter-
4 national acts have a severely detrimental effect on
5 the United States, putting Americans at risk and
6 costing the Nation billions of dollars;

7 (4) the prosecution of individuals suspected of
8 violating international law is often impeded by do-
9 mestic political and legal obstacles imposed by the
10 nations involved;

11 (5) the International Military Tribunals estab-
12 lished after World War II to try suspected war
13 criminals demonstrated that fair and effective pros-
14 ecution of war criminals could be carried out in an
15 international forum by nations acting in concert
16 under international law;

17 (6) since its establishment in 1945 the United
18 Nations has sought to establish a permanent inter-
19 national criminal court to try crimes committed in
20 violation of international law;

21 (7) there are many examples of international
22 judicial bodies successfully exercising legal authority
23 over nations that have voluntarily agreed to submit
24 to the jurisdiction of such tribunals;

23 (11) the United Nations General Assembly
24 adopted Resolution 44/39 on December 4, 1989,
25 calling on the International Law Commission to

1 study the feasibility of an international criminal
2 court;

3 (12) the draft report of the International Law
4 Commission issued in July 1990, expressed the
5 Commission's agreement in principle with the idea of
6 establishing a permanent international criminal
7 court;

8 (13) in the One Hundred First Congress, in the
9 Foreign Operations Appropriations Act, Congress re-
10 quired the President and the Judicial Conference of
11 the United States to report to the Congress on the
12 establishment of an international criminal court;

13 (14) in the One Hundred Second Congress, the
14 Senate passed, as part of the Persian Gulf War
15 Criminals Act of 1991, a proposal calling on the
16 President to propose to the United Nations the es-
17 tablishment of an international criminal tribunal to
18 prosecute Persian Gulf War criminals;

19 (15) in 1992 the American Bar Association
20 adopted a resolution calling on the United States
21 Government to work toward solving the legal and
22 practical issues regarding the establishment of an
23 international criminal court;

24 (16) the United Nations General Assembly
25 adopted Resolution 47/33 on November 25, 1992,

1 calling on the International Law Commission to
2 begin the process of drafting a statute for an inter-
3 national criminal court at its next session;

4 (17) the United Nations Security Council
5 adopted Resolution 808 on February 22, 1993, es-
6 tablishing a war crimes tribunal to prosecute per-
7 sons responsible for violations of international law in
8 the territory of the former Yugoslavia;

9 (18) the time has come for the United States
10 to advocate the establishment of a permanent inter-
11 national criminal court and to assist in the prepara-
12 tion of a code under which such a court can operate
13 and in the establishment of the court.

14 **SEC. 2. SENSE OF THE CONGRESS.**

15 It is the sense of the Congress that the President,
16 acting through the Permanent Representative of the Unit-
17 ed States to the United Nations, should support the ef-
18 forts of the United Nations and the International Law
19 Commission to establish an international criminal court
20 with jurisdiction over violations of international law and
21 crimes of an international character, including war crimes,
22 acts of terrorism, and drug trafficking, and should provide
23 any assistance necessary to expedite the establishment of
24 such a court.

1 **SEC. 3. REQUIRED REPORT.**

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

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