

103D CONGRESS
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S. RES. 35

Expressing the sense of the Senate concerning systematic rape in the conflict
in the former Socialist Federal Republic of Yugoslavia.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. LAUTENBERG (for himself, Mr. DOLE, Ms. MURRAY, Mr. DURENBERGER, Mr. KENNEDY, Mr. LEAHY, Mr. D'AMATO, Mr. PRESSLER, Mr. REID, Mr. CAMPBELL, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. AKAKA, Mr. BRADLEY, and Mr. SASSER) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

Whereas the State Department Country Reports on Human Rights Practices for 1992 states that "massive systematic rape, committed by Bosnian Serb military units and prison guards was used as an extension of 'ethnic cleansing' to terrify the population";

Whereas a report by a European Community investigative team estimates that 20,000 women have been raped since the onset of hostilities;

Whereas women are protected against "any attack on their honour, in particular against rape, enforced prostitution,

or any form of indecent assault" under Article 27 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, and are protected against "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault," under Article 4 of Protocol II Additional to the Geneva Convention, 1977;

Whereas "inhumane acts" are considered "crimes against humanity" under the London Agreement that established the guidelines for the Nuremberg Trials, and "torture or inhumane treatment" and "willfully causing great suffering or serious injury to body or health" are considered "grave breaches" of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 1949, under Article 147 of that Convention;

Whereas rape is a deplorable and illegal act of violence in the United States and in every country in Europe;

Whereas systematic rape in the conflict in Bosnia-Herzegovina has been denounced under United Nations Security Council Resolution 798 (1992) and by the Council of Ministers of the European Community in its declaration of December 11, 1992;

Whereas former Secretary of State Lawrence Eagleburger denounced atrocities in this conflict and named individuals that should stand trial in an international court for "crimes against humanity";

Whereas on August 11, 1992, the Senate approved Senate Resolution 330, expressing the sense of the Senate that the United Nations Security Council should convene a tribunal to investigate allegations of war crimes and

crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, to charge, and to prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes; and

Whereas the United Nations Commission of Experts has been appointed to collect information and evidence for the eventual establishment of an international tribunal to prosecute war crimes under international law that are committed in this conflict: Now, therefore, be it

1 *Resolved*, That (a) the Senate considers—

2 (1) rape, whether individual or mass rape, to be
3 an unacceptable means of warfare; and

4 (2) rape and forced pregnancy to be “crimes
5 against humanity” under international law, regard-
6 less of the ethnicity or religion of the victims or the
7 perpetrators, and considers that such offenses
8 should be so recognized in any international tribunal
9 to try perpetrators of crimes against humanity and
10 war crimes.

11 (b) The Senate strongly condemns the systematic and
12 widespread rape of women and girls in Bosnia-
13 Herzegovina.

14 (c) The Senate commends—

15 (A) former Secretary of State Eagleburger for
16 denouncing “crimes against humanity” in the con-
17 flict in Bosnia-Herzegovina and for calling for an

1 international crimes tribunal to prosecute such
2 crimes; and

3 (B) the adoption of United Nations Security
4 Council Resolution 798 (1992) and the declaration
5 of December 11, 1992, of the Council of Ministers
6 of the European Community, both of which de-
7 nounced the systematic rape of Moslem women in
8 this conflict.

9 (d) It is the sense of the Senate that—

10 (1) the President of the United States should—

11 (A) publicly condemn systematic rape in
12 this conflict,

13 (B) state that rape, whether individual or
14 mass rape, and forced pregnancy, as tactics of
15 war, are crimes against humanity and war
16 crimes, and

17 (C) vigorously support the establishment
18 by the United Nations of an international tribu-
19 nal to prosecute crimes against humanity and
20 war crimes;

21 (2) the President of the United States should
22 publicly declare that the United States will offer no
23 safe haven to war criminals;

24 (3) all countries and organizations participating
25 in humanitarian relief efforts in the former Socialist

1 Federal Republic of Yugoslavia should allocate re-
2 sources for the treatment of rape victims, including
3 the training of relief workers in the medical and psy-
4 chological effects of rape;

5 (4) all parties to the conflict in Bosnia-
6 Herzegovina should immediately take steps to pro-
7 tect the rights of women and girls as recognized in
8 the Geneva Conventions and, specifically, to protect
9 them from rape, forced pregnancy, and the infliction
10 of other indignities; and

11 (5) the President of the United States should
12 urge the United Nations to provide adequate fund-
13 ing for the United Nations Commission of Experts
14 and an international tribunal for the full investiga-
15 tion and prosecution of rape.

16 SEC. 2. The Secretary of the Senate shall transmit
17 a copy of this resolution to the President of the United
18 States and the Secretary General of the United Nations.

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