

108TH CONGRESS
1ST SESSION

S. CON. RES. 31

CONCURRENT RESOLUTION

Whereas Saddam Hussein has failed to comply with United Nations Security Council Resolutions 678, 686, 687, 688, 707, 715, 949, 1051, 1060, 1115, 1134, 1137, 1154, 1194, 1205, 1284, and 1441;

Whereas the military action now underway against Iraq is lawful and fully authorized by the Congress in section 3(a) of Public Law 107–243, which passed the Senate on October 11, 2002, by a vote of 77–23, and which passed the House of Representatives on that same date by a vote of 296–133;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiryah, demonstrating, as the President said on March 26, 2003, that “in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners”;

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and

propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12 1949, and entered into force October 21, 1950 (“the Geneva Convention”);

Whereas the Geneva Convention requires that “[p]risoners of war must at all times be humanely treated” and specifically “must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity”;

Whereas the Geneva Convention stipulates that “[p]risoners of war are entitled in all circumstances to respect for their persons and their honour” and that “[w]omen shall be treated with all the regard due to their sex”;

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That Congress—*

1 (1) expresses its outrage at the flagrant viola-
2 tions by the Government of Iraq of the customary
3 international law of war and the Convention Relative
4 to the Treatment of Prisoners of War, dated at Ge-
5 neva August 12 1949, and entered into force Octo-
6 ber 21, 1950;

7 (2) supports in the strongest terms the Presi-
8 dent's warning to Iraq that the United States will
9 hold the Government of Iraq, its officials, and mili-
10 tary personnel involved accountable for any and all
11 such violations;

12 (3) expects Iraq to comply with the require-
13 ments of the international law of war and the ex-
14 plicit provisions of the Convention Relative to the
15 Treatment of Prisoners of War, which afford pris-
16 oners of war the proper and humane treatment to
17 which they are entitled; and

18 (4) expects that Iraq will afford prisoners of
19 war access to representatives of the International
20 Committee of the Red Cross, as required by the

1 Convention Relative to the Treatment of Prisoners
2 of War.

Passed the Senate April 9, 2003.

Attest:

Secretary.

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Expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.