

108TH CONGRESS
1ST SESSION

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.

1 *Resolved*, That it is the sense of the Senate that—
2 (1) the governments of the United States, the
3 United Kingdom, and other nations comprising the
4 coalition conducting Operation Iraqi Freedom should
5 prosecute by trial by tribunal each person in the
6 Government of Iraq, each person in the armed forces
7 of Iraq, and any other person, regardless of nation-
8 ality, who orders, directs, solicits, procures, coordi-
9 nates, participates in, or supports acts in violation of
10 the international law of armed conflict (including the

1 aspects of such law known as the Hague and Geneva
2 Conventions) that are directed at members of the
3 armed forces of the coalition nations or at the people
4 of Iraq or any other nation;

5 (2) in the determination of appropriate persons
6 to be charged and tried by such tribunal on the
7 basis of command responsibility for any violation,
8 consideration should be given to identifying respon-
9 sible persons throughout the full range of the chain
10 of command, and not only persons within formal
11 chains of command of the government and armed
12 forces of Iraq, but also persons integral to any infor-
13 mal link by which a person in the government of
14 Iraq or the armed forces of Iraq, or any other per-
15 son, directs paramilitary, political, or guerrilla
16 forces;

17 (3) in the determination of appropriate persons
18 to be charged and tried by such tribunal, consider-
19 ation should also be given to identifying persons who
20 use political position or mass media in any of the
21 violations; and

22 (4) in the determination of the violations of the
23 international law of armed conflict to be tried by the
24 tribunal, particular attention should be given to acts
25 in the nature of those that, as of the date of this

1 resolution, have already been committed by Iraqi di-
2 rected forces, such as—

3 (A) the abuse of places protected from
4 military attack under international law, such as
5 the use of mosques and hospitals as military
6 headquarters or for other military purposes;

7 (B) the ruse by which Iraqi combatants
8 wear civilian clothing instead of, or over, uni-
9 forms to conceal their status as combatants
10 and, while so clothed, attack coalition forces;

11 (C) the ruse by which Iraqi combatants
12 feign surrender to coalition forces to gain ad-
13 vantage used by the Iraqi combatants to attack
14 personnel of the coalition forces;

15 (D) the use of civilians or other persons
16 protected under international law as human
17 shields for Iraqi combatants on the battlefield;

18 (E) assault, murder, kidnapping, or tor-
19 ture of civilians or other persons protected
20 under international law in order to terrorize
21 those persons or others or to prevent them from
22 gaining the protection of coalition forces;

23 (F) abuse, torture, assault, or murder of
24 personnel of coalition forces entitled to treat-
25 ment as prisoners of war or of civilians entitled

1 to a protected status under international law;
2 and
3 (G) recruitment or encouragement of non-
4 Iraqi foreign nationals to engage in violations of
5 the international law of armed conflict.

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