

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. J. RES. 32

Calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 5), 1993

Mr. DODD introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

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## JOINT RESOLUTION

Calling for the United States to support efforts of 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        Congress finds that—

5                (1) the freedom and security of the inter-  
6        national community rests on the sanctity of the rule  
7        of law;

8                (2) the international community is increasingly  
9        threatened by unlawful acts such as war crimes,

1 genocide, aggression, terrorism, drug trafficking,  
2 money laundering, and other crimes of an inter-  
3 national character;

4 (3) the prosecution of individuals suspected of  
5 carrying out such acts is often impeded by political  
6 and legal obstacles such as disputes over extradition,  
7 differences in the structure and capabilities of na-  
8 tional courts, and the lack of uniform guidelines  
9 under which to try such individuals;

10 (4) the war crimes trials held in the aftermath  
11 of World War II at Nuremberg, Germany, and  
12 Tokyo, Japan, demonstrated that fair and effective  
13 prosecution of war criminals could be carried out in  
14 an international forum;

15 (5) since its inception in 1945 the United Na-  
16 tions has sought to build on the precedent estab-  
17 lished at the Nuremberg and Tokyo trials by estab-  
18 lishing a permanent international criminal court  
19 with jurisdiction over crimes of an international  
20 character;

21 (6) United Nations General Assembly Resolu-  
22 tion 44/39, adopted on December 4, 1989, called on  
23 the International Law Commission to study the fea-  
24 sibility of an international criminal court;

1           (7) in the years after passage of that resolution  
2 the International Law Commission has made great  
3 strides in establishing a framework for such a court,  
4 including—

5           (A) the adoption of a draft Code of Crimes  
6 Against the Peace and Security of Mankind;

7           (B) the creation of a Working Group on an  
8 International Criminal Jurisdiction and the for-  
9 mulation by that Working Group of several con-  
10 crete proposals for the establishment and oper-  
11 ation of an international criminal court; and

12           (C) the determination that an international  
13 criminal court along the lines of that suggested  
14 by the Working Group is feasible and that the  
15 logical next step would be to proceed with the  
16 formal drafting of a statute for such a court;

17           (8) United Nations General Assembly Resolu-  
18 tion 47/33, adopted on November 25, 1992, called  
19 on the International Law Commission to begin the  
20 process of drafting a statute for an international  
21 criminal court at its next session; and

22           (9) given the developments of recent years, the  
23 time is propitious for the United States to lend its  
24 support to this effort.

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

2 It is the sense of the Congress that—

3 (1) the establishment of an international crimi-  
4 nal court with jurisdiction over crimes of an inter-  
5 national character would greatly strengthen the  
6 international rule of law;

7 (2) such a court would thereby serve the inter-  
8 ests of the United States and the world community;  
9 and

10 (3) the United States delegation should make  
11 every effort to advance this proposal at the United  
12 Nations.

13 **SEC. 3. REQUIRED REPORT.**

14 Not later than October 1, 1993, the President shall  
15 submit to Congress a detailed report on developments re-  
16 lating to, and United States efforts in support of, the es-  
17 tablishment of an international criminal court with juris-  
18 diction over crimes of an international character.

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