

Calendar No. 112

103D CONGRESS
1ST SESSION

S. J. RES. 32

[Report No. 103-71]

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.

JUNE 29 (legislative day, JUNE 22), 1993

Reported without amendment

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1ST SESSION**S. J. RES. 32****[Report No. 103-71]**

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IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 5), 1993

Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, Mr. PELL, Ms. MOSELEY-BRAUN, Mr. REID, Mr. MITCHELL, Mrs. BOXER, and Mr. FEINGOLD) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JUNE 29 (legislative day, JUNE 22), 1993

Reported by Mr. PELL, without amendment

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—

1 (1) the freedom and security of the inter-
2 national community rests on the sanctity of the rule
3 of law;

4 (2) the international community is increasingly
5 threatened by unlawful acts such as war crimes,
6 genocide, aggression, terrorism, drug trafficking,
7 money laundering, and other crimes of an inter-
8 national character;

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

15 (4) the war crimes trials held in the aftermath
16 of World War II at Nuremberg, Germany, and
17 Tokyo, Japan, demonstrated that fair and effective
18 prosecution of war criminals could be carried out in
19 an international forum;

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

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

5 (7) in the years after passage of that resolution
6 the International Law Commission has made great
7 strides in establishing a framework for such a court,
8 including—

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

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

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

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

1 (9) given the developments of recent years, the
2 time is propitious for the United States to lend its
3 support to this effort.

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

5 It is the sense of the Congress that—

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

10 (2) such a court would thereby serve the inter-
11 ests of the United States and the world community;
12 and

13 (3) the United States delegation should make
14 every effort to advance this proposal at the United
15 Nations.

16 **SEC. 3. REQUIRED REPORT.**

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