

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

# S. J. RES. 93

Calling for the President to support efforts by 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

MAY 11 (legislative day, APRIL 19), 1993

Mr. SPECTER 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 President to support efforts by 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        The Congress finds that—

5                (1) the preservation of international security  
6                and peace rests on adherence to the rule of law and  
7                principles of justice by the nations and peoples of  
8                the world;

9                (2) international security and peace are threat-  
10                ened by violations of international law by war

1 crimes, genocide, military aggression, terrorism,  
2 drug trafficking, and other international crimes;

3 (3) violations of international law by such inter-  
4 national acts have a severely detrimental effect on  
5 the United States, putting Americans at risk and  
6 costing the Nation billions of dollars;

7 (4) the prosecution of individuals suspected of  
8 violating international law is often impeded by do-  
9 mestic political and legal obstacles imposed by the  
10 nations involved;

11 (5) the International Military Tribunals estab-  
12 lished after World War II to try suspected war  
13 criminals demonstrated that fair and effective pros-  
14 ecution of war criminals could be carried out in an  
15 international forum by nations acting in concert  
16 under international law;

17 (6) since its establishment in 1945 the United  
18 Nations has sought to establish a permanent inter-  
19 national criminal court to try crimes committed in  
20 violation of international law;

21 (7) there are many examples of international  
22 judicial bodies successfully exercising legal authority  
23 over nations that have voluntarily agreed to submit  
24 to the jurisdiction of such tribunals;

1           (8) in 1978 the American Bar Association  
2           adopted a resolution urging the Department of State  
3           to open negotiations for a convention to establish an  
4           international criminal court with jurisdiction over  
5           international crimes of hijacking, violence aboard  
6           aircraft, crimes against diplomats and internation-  
7           ally protected persons, and murder and kidnapping;

8           (9) in the Ninety-ninth Congress, in the Omni-  
9           bus Diplomatic Security and Antiterrorism Act of  
10          1986, it was expressed as the sense of the Congress  
11          that the President should consider the possibility of  
12          eventually establishing an international tribunal for  
13          prosecuting terrorists;

14          (10) in the One Hundredth Congress, in the  
15          Anti-Drug Abuse Act of 1988, it was expressed as  
16          the sense of the Senate that the President should  
17          begin discussions with foreign governments to inves-  
18          tigate the feasibility and advisability of establishing  
19          an international criminal court to expedite cases re-  
20          garding the prosecution of persons accused of having  
21          engaged in international drug trafficking or having  
22          committed international crimes;

23          (11) the United Nations General Assembly  
24          adopted Resolution 44/39 on December 4, 1989,  
25          calling on the International Law Commission to

1 study the feasibility of an international criminal  
2 court;

3 (12) the draft report of the International Law  
4 Commission issued in July 1990, expressed the  
5 Commission's agreement in principle with the idea of  
6 establishing a permanent international criminal  
7 court;

8 (13) in the One Hundred First Congress, in the  
9 Foreign Operations Appropriations Act, Congress re-  
10 quired the President and the Judicial Conference of  
11 the United States to report to the Congress on the  
12 establishment of an international criminal court;

13 (14) in the One Hundred Second Congress, the  
14 Senate passed, as part of the Persian Gulf War  
15 Criminals Act of 1991, a proposal calling on the  
16 President to propose to the United Nations the es-  
17 tablishment of an international criminal tribunal to  
18 prosecute Persian Gulf War criminals;

19 (15) in 1992 the American Bar Association  
20 adopted a resolution calling on the United States  
21 Government to work toward solving the legal and  
22 practical issues regarding the establishment of an  
23 international criminal court;

24 (16) the United Nations General Assembly  
25 adopted Resolution 47/33 on November 25, 1992,

1 calling on the International Law Commission to  
2 begin the process of drafting a statute for an inter-  
3 national criminal court at its next session;

4 (17) the United Nations Security Council  
5 adopted Resolution 808 on February 22, 1993, es-  
6 tablishing a war crimes tribunal to prosecute per-  
7 sons responsible for violations of international law in  
8 the territory of the former Yugoslavia;

9 (18) the time has come for the United States  
10 to advocate the establishment of a permanent inter-  
11 national criminal court and to assist in the prepara-  
12 tion of a code under which such a court can operate  
13 and in the establishment of the court.

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

15 It is the sense of the Congress that the President,  
16 acting through the Permanent Representative of the Unit-  
17 ed States to the United Nations, should support the ef-  
18 forts of the United Nations and the International Law  
19 Commission to establish an international criminal court  
20 with jurisdiction over violations of international law and  
21 crimes of an international character, including war crimes,  
22 acts of terrorism, and drug trafficking, and should provide  
23 any assistance necessary to expedite the establishment of  
24 such a court.

1 **SEC. 3. REQUIRED REPORT.**

2 Not later than December 1, 1993, the President shall  
3 submit to the Congress a detailed report in developments  
4 relating to, and United States efforts in support of, the  
5 establishment of an international criminal court.

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