

105TH CONGRESS
2D SESSION

S. CON. RES. 105

Expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 1998

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of

thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas “ethnic cleansing” has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the “Tribunal”), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the

amount of \$54,000,000 in assessed payments and more than \$11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That it is the sense of the Congress that—
 3 (1) the United States should publicly declare
 4 that it considers that there is probable cause to be-
 5 lieve that Slobodan Milosevic, President of the Fed-
 6 eral Republic of Yugoslavia (Serbia and Montene-

1 gro), has committed war crimes, crimes against hu-
2 manity and genocide;

3 (2) the United States should make collection of
4 information that can be supplied to the Tribunal for
5 use as evidence to support an indictment and trial
6 of President Slobodan Milosevic for war crimes,
7 crimes against humanity, and genocide a high prior-
8 ity;

9 (3) any such information concerning President
10 Slobodan Milosevic already collected by the United
11 States should be provided to the Tribunal as soon as
12 possible;

13 (4) the United States should provide a fair
14 share of any additional financial or personnel re-
15 sources that may be required by the Tribunal in
16 order to enable the Tribunal to adequately address
17 preparation for, indictment of, prosecution of, and
18 adjudication of allegations of war crimes and crimes
19 against humanity posed against President Slobodan
20 Milosevic and any other person arising from the con-
21 flict in the former Yugoslavia, including in Kosovo;

22 (5) the United States should engage with other
23 members of the North Atlantic Treaty Organization
24 and other interested states in a discussion of infor-
25 mation any such state may hold relating to allega-

1 tions of war crimes and crimes against humanity
2 posed against President Slobodan Milosevic and any
3 other person arising from the conflict in the former
4 Yugoslavia, including in Kosovo, and press such
5 states to promptly provide all such information to
6 the Tribunal;

7 (6) the United States should engage with other
8 members of the North Atlantic Treaty Organization
9 and other interested states in a discussion of meas-
10 ures to be taken to apprehend indicted war criminals
11 and persons indicted for crimes against humanity
12 with the objective of concluding a plan of action that
13 will result in these indictees' prompt delivery into
14 the custody of the Tribunal;

15 (7) the United States should urge the Tribunal
16 to promptly review all information relating to Presi-
17 dent Slobodan Milosevic's possible criminal culpabil-
18 ity for conceiving, directing, and sustaining a variety
19 of actions in the former Yugoslavia, including
20 Kosovo, that have had the effect of genocide, of
21 other crimes against humanity, or of war crimes,
22 with a view toward prompt issuance of a public in-
23 dictment of Milosevic; and

24 (8) upon issuance of an indictment of President
25 Slobodan Milosevic for war crimes or crimes against

1 humanity by the Tribunal, the United States should
2 adopt a policy of having no dealings with President
3 Milosevic at any level in any context other than as
4 a defendant before the Tribunal, and should make
5 every effort to support his immediate apprehension.

6 SEC. 2. The Secretary of the Senate shall transmit
7 a copy of this resolution to the President.

○