

108TH CONGRESS
1ST SESSION

H. CON. RES. 118

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2003

Referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Concerning the treatment of members of the Armed Forces
held as prisoner of war by Iraqi authorities.

Whereas the Armed Forces of the United States and military
forces of United States coalition partners are currently
engaged in hostilities in Iraq in prosecuting Operation
Iraqi Freedom;

Whereas an unknown number of members of the Armed
Forces of the United States have been taken prisoner by
Iraqi authorities and it is possible that, before the end of

hostilities, additional members of the Armed Forces of the United States and members of other coalition forces may be taken prisoner by Iraqi authorities;

Whereas members of the military forces of Iraq have been taken prisoner by coalition armed forces;

Whereas all such prisoners who are captured while complying with the laws of war are entitled to prisoner of war status until their final release and repatriation;

Whereas in the Convention Relative to the Treatment of Prisoners of War, signed at Geneva on August 12, 1949 (referred to as the “Third Geneva Convention”), the international community has prescribed rules concerning the treatment of prisoners of war;

Whereas more than 190 nations, including the United States and Iraq, are parties to the Third Geneva Convention;

Whereas Article 13 of the Third Geneva Convention requires the humane treatment of prisoners of war and that prisoners of war be protected against acts of violence or intimidation and against insults and public curiosity;

Whereas Article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind;

Whereas Article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where the prisoner may be exposed to the fire of the combat zone, nor may a prisoner’s pres-

ence be used to render certain points or areas immune from military operations;

Whereas the Third Geneva Convention requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross (ICRC) free access to all prisoners of war;

Whereas the Government of the United States has informed the Iraqi authorities that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention and is in discussions with ICRC officials to facilitate access at the earliest possible time to Iraqi enemy prisoners of war held by United States Armed Forces; and

Whereas Iraqi television has broadcast what appear to be pictures of captured American military personnel; Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) commends the bravery and professionalism
4 of the members of the Armed Forces of the United
5 States and the military forces of United States coal-
6 ition partners; and

7 (2) extends heartfelt sympathies to the families
8 and loved ones of those who are killed, wounded,
9 missing in action, or taken prisoner by Iraqi authori-
10 ties.

11 SEC. 2. The Congress—

1 (1) demands that Iraqi authorities comply fully
2 and immediately with its obligations and responsibil-
3 ities of the Convention Relative to the Treatment of
4 Prisoners of War;

5 (2) condemns the failure of Iraqi authorities to
6 treat prisoners of war in strict conformity with that
7 Convention;

8 (3) demands that Iraqi authorities permit the
9 International Committee of the Red Cross to visit
10 any and all American and coalition prisoners of war
11 at the earliest possible time, in accordance with the
12 requirements of that Convention;

13 (4) joins the President in warning all Iraqi au-
14 thorities that any individual who mistreats any pris-
15 oner of war in violation of that Convention shall be
16 considered a war criminal and prosecuted as such to
17 the full extent of United States and international
18 law; and

19 (5) supports the President in committing the
20 full effort and reach of the United States Govern-
21 ment to the swift and safe repatriation of all pris-
22 oners of war at the earliest possible moment con-
23 sistent with that Convention.

24 SEC. 3. The Congress supports the President in seek-
25 ing the fullest possible accounting, at the earliest possible

1 time upon the cessation of hostilities, of all members of
2 the Armed Forces who are in a missing status as a result
3 of operations during Operation Iraqi Freedom.

Passed the House of Representatives March 27,
2003.

Attest:

JEFF TRANDAHL,

Clerk.