

110TH CONGRESS
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H. RES. 679

Expressing the sense of the House of Representatives regarding the continuing effects of the genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. SMITH of New Jersey submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives regarding the continuing effects of the genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina.

Whereas H. Res. 199 and S. Res. 134 (109th Congress) resolved that from April 1992 to November 1995, Serb forces committed aggression and genocide against the Republic of Bosnia and Herzegovina and its population, with the direct support from authorities in Serbia and Montenegro;

Whereas the perpetrators and the supporters of the aggression and genocide, including the Yugoslav People's Army and its Ministry of Interior, the Army of Republika Srpska, the Police of Republika Srpska, and other regular and paramilitary forces under Serb control, intended

to destroy, through slaughter, rape, torture, and expulsion, the unique multiethnic culture of Bosnia and Herzegovina woven through a thousand years of tolerance, respect, mutual trust, and dignified coexistence of all of Bosnia and Herzegovina's ethnically and religiously diverse citizens;

Whereas the International Criminal Tribunal for the former Yugoslavia (ICTY) has found numerous Serb political and military officials guilty of committing war crimes, crimes against humanity, and the crime of genocide against the non-Serb population of the Republic of Bosnia and Herzegovina;

Whereas the International Court of Justice (ICJ), in its judgment of February 26, 2007, ruled that the execution of more than 7,000 civilians in and around Srebrenica in July 1995 by the institutions of the then self-styled Republika Srpska entity, and in particular its army and police, was a crime of genocide, as defined by the Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas Srebrenica and other areas of eastern Bosnia from which the victims of genocide hail continues to be under the jurisdiction of the Republika Srpska entity and its institutions, especially the Police of Republika Srpska, that committed genocide;

Whereas the ICJ also ruled that Serbia had violated the Convention on the Prevention and Punishment of the Crime of Genocide by failing to prevent the genocide in Bosnia and Herzegovina and punish its perpetrators;

Whereas the ICJ's judgment declares that significant sections of the documents detailing the proceedings of the Su-

preme Defense Council of the Federal Republic of Yugoslavia (later Serbia and Montenegro) were redacted and therefore not available to the ICJ at the time of that judgment;

Whereas the findings of the RS Srebrenica Commission report unequivocally stated that Republic of Srpska's Interior Ministry (i.e. the Police of Republika Srpska) has "failed to provide specific data on several hundred individuals deployed in Srebrenica in July 1995 under the direct or indirect auspices of the RS";

Whereas the Office of the High Representative in Bosnia and Herzegovina concluded that the Srebrenica Commission "must complete the list of names, currently standing at 892, of those implicated in the Genocide who are currently employed in BH or Republic of Srpska institutions, and forward a completed list to the BH Prosecutor and to the ICTY.";

Whereas all countries are obliged not to recognize as lawful the situation created by the crime of aggression and the crime of genocide, as well as to cooperate in the application of measures designed to eliminate the consequences of such crimes;

Whereas the General Framework Agreement for Peace in Bosnia and Herzegovina (commonly referred to as the "Dayton Peace Accords"), that was made possible through the strong leadership of the United States, ended the aggression, genocide, war crimes, and crimes against humanity against the Republic of Bosnia and Herzegovina and its non-Serb population, but it failed to achieve its intended goal of reversing the effects of those crimes;

Whereas due to the failure to ensure sustainable return of refugees and displaced persons to their homes of origins, as guaranteed by Annex VII of the Dayton Peace Accords, the Constitution of Bosnia and Herzegovina (Annex IV of the Dayton Peace Accords) has evolved into an ethno-territorial arrangement that now institutionalizes the results of the genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina;

Whereas one of the most ominous of the ethno-territorial provisions of this Constitution is an entity voting mechanism, which allows a small number of Serb deputies from Republika Srpska in the Parliament of Bosnia and Herzegovina, constituting less than one-quarter of the Parliament, to block any proposed legislation or decision;

Whereas the entity voting mechanism has been used to block various crucial State-level legislation, including the proposed changes to the Citizenship Law of Bosnia and Herzegovina which in its current form threatens to permanently deny over 500,000 Bosnians their Bosnian citizenship, effectively continuing the project of genocide and ethnic cleansing;

Whereas 300,000 Bosnian-Americans live in the United States as fully engaged citizens with a significant potential to further strengthen the ties between the United States and Bosnia and Herzegovina;

Whereas the political leadership of the Republika Srpska entity has continuously blocked all attempts to move beyond the ethno-territorial basis of the Dayton Constitution and create a fully democratic and functioning system of government, as has been demonstrated by, among other things, the Republika Srpska entity's unwillingness to agree to the reform of the police force structures within

Bosnia and Herzegovina in line with the standards demanded by the European Union;

Whereas Secretary of State Condoleezza Rice has said that the people of Bosnia and Herzegovina need “a stronger energetic state capable of advancing the public good” and pledged that the United States will remain a dedicated partner to Bosnia and Herzegovina as it moves toward further Euro-Atlantic integration;

Whereas Undersecretary of State for Political Affairs Nicholas Burns has unequivocally stated that the Dayton Peace Accords “cannot be the way that the people of Bosnia and Herzegovina organize themselves for the next ten years” and that “it is time for [the people of] Bosnia and Herzegovina . . . to go beyond the Dayton Accords and to build a modern constitutional state”;

Whereas the European Parliament and the Parliamentary Assembly of the Council of Europe have recently adopted Resolutions calling for an in-depth reform of the Dayton constitutional arrangements, and particularly for the reduction and elimination of the entity voting mechanism;

Whereas there continues to be, within Republika Srpska ethnic exclusivity, which has effectively discouraged and prevented the return of the ethnically-cleansed non-Serb population to this region of Bosnia and Herzegovina; and

Whereas the constitutional arrangements of Bosnia and Herzegovina must satisfy the interests of all of its people by guaranteeing full civil, cultural, individual, and religious rights to all citizens of Bosnia and Herzegovina, and promoting the integration of the entire region of Southeast Europe into the Euro-Atlantic political and security structures: Now, therefore, be it

1 *Resolved, That—*

2 (1) it is the sense of the House of Representa-
3 tives that—

4 (A) Bosnia and Herzegovina should begin
5 the process of adopting a new constitution that
6 is based on civic representation and that fully
7 eliminates the ethno-territorial arrangements
8 which reflect and institutionalize the effects of
9 the genocide, war crimes, and crimes against
10 humanity committed in Bosnia and
11 Herzegovina;

12 (B) the new constitution should advance
13 the principles of civic democracy, full equality
14 of citizens, tolerance and protection of all ethnic
15 groups, and should reflect the highest standards
16 of individual human rights and liberties;

17 (C) the new constitution should eliminate
18 the ethnic power-sharing principles that reflect
19 the ethnic divisions imposed by the perpetrators
20 of the genocide, crimes against humanity, and
21 war crimes;

22 (D) the new constitution must restructure
23 the ethno-territorial organization of Bosnia and
24 Herzegovina and eliminate its division into enti-
25 ties, cantons, and municipalities with a view to

1 creating a single, unified economic space and
2 increasing efficiency and sustainability of the
3 country and its governing apparatus;

4 (E) the entity voting mechanism, which
5 has proved to be a serious obstacle to the func-
6 tioning of Bosnia and Herzegovina's Par-
7 liament, must be eliminated;

8 (F) Srebrenica and other areas of eastern
9 Bosnia should be placed under the exclusive ju-
10 risdiction of the institutions of Bosnia and
11 Herzegovina in order to ensure that the situa-
12 tion created by genocide is not recognized as
13 lawful;

14 (G) the police reform in Bosnia and
15 Herzegovina must create a single police struc-
16 ture, replacing entity police forces with a single
17 police at the state level, and in particular elimi-
18 nating the Police of the Republika Srpska enti-
19 ty, which was identified in the ICJ judgment as
20 one of the institutions of Republika Srpska that
21 participated in the commission of the crime of
22 genocide;

23 (H) the Republika Srpska entity cannot
24 persist under its current name which represents
25 the ethnically-exclusive political philosophy of

1 its founders and which perpetuates the effects
2 of the genocide and ethnic cleansing;

3 (I) Serbia must immediately honor its
4 international legal obligations towards Bosnia
5 and Herzegovina, stemming from the Conven-
6 tion on the Prevention and the Punishment of
7 the Crime of Genocide and the ICJ judgment,
8 by immediately apprehending and transferring
9 to the ICTY all individuals indicted for partici-
10 pating in the commission of the crime of geno-
11 cide, particularly Radovan Karadzic and Ratko
12 Mladic; and

13 (J) it is in the national interest of the
14 United States that all individuals who are re-
15 sponsible for war crimes, genocide, and crimes
16 against humanity in Bosnia and Herzegovina
17 should be held accountable for their actions,
18 and the Republika Srpska entity, Serbia, and
19 Montenegro must therefore fully cooperate with
20 the ICTY;

21 (2) the United States reaffirms its strongest
22 support for the independence, sovereignty, and terri-
23 torial integrity of Bosnia and Herzegovina, and sup-
24 ports the transformation of Bosnia and Herzegovina
25 into a state with governmental institutions commen-

1 surate with EU and NATO membership, as this will
2 ensure a lasting peace and greater prosperity for all
3 of the people and states of the entire region; and

4 (3) the House of Representatives calls for an
5 immediate, refocused, and concentrated diplomatic
6 effort by the United States to achieve the objectives
7 stated in this Resolution in order to achieve defini-
8 tive success in reversing the effects of genocide in
9 Bosnia and Herzegovina and building a modern,
10 functional, self-sustainable, and a fully democratic
11 state.

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