

111TH CONGRESS  
1ST SESSION

# S. CON. RES.

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Calling on the President to support referrals of the United Nations Security Council to the International Criminal Court of cases involving genocide, war crimes, and crimes against humanity, to cooperate with investigations and prosecutions conducted by the International Criminal Court, and to participate as an observer at meetings of the Assembly of States Parties to the Rome Statute.

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IN THE SENATE OF THE UNITED STATES

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on \_\_\_\_\_

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## CONCURRENT RESOLUTION

Calling on the President to support referrals of the United Nations Security Council to the International Criminal Court of cases involving genocide, war crimes, and crimes against humanity, to cooperate with investigations and prosecutions conducted by the International Criminal Court, and to participate as an observer at meetings of the Assembly of States Parties to the Rome Statute.

Whereas the preservation of international peace and security requires nations and peoples of the world to adhere to the rule of law and the principles of justice;

Whereas serious international crimes, including crimes against humanity, genocide, and war crimes, threaten international peace and security;

Whereas domestic, political, and legal obstacles often impede the prosecution of individuals suspected of committing serious international crimes;

Whereas the inability of local and national court systems to prosecute individuals responsible for serious violations of international criminal law demonstrates the need for a permanent international mechanism that ensures the violations are investigated and prosecuted;

Whereas ad hoc tribunals have been successful in addressing atrocities committed in specific conflicts, ad hoc tribunals, nonetheless, have significant limitations;

Whereas the difficulty of creating and sustaining ad hoc tribunals severely limits the ability of the tribunals to punish and deter serious international crimes;

Whereas, on July 1, 2002, the Rome Statute of the International Criminal Court, adopted at Rome, Italy July 17, 1998, entered into force and the permanent International Criminal Court was created;

Whereas the International Criminal Court only has jurisdiction over serious violations of crimes against humanity, genocide, and war crimes that were committed after July 1, 2002;

Whereas crimes against humanity, genocide, and war crimes are the most serious and horrendous crimes imaginable, and the failure to systematically punish those crimes offends universally accepted standards of law and morality and threatens the establishment of peace and security;

Whereas the International Criminal Court follows universally accepted international law in defining crimes against humanity, genocide, and war crimes, including the Convention on the Prevention and Punishment of the Crime of Genocide, signed at New York December 9, 1948, and the Geneva Conventions, adopted at Geneva, Switzerland August 12, 1949, but does not create any additional classifications of international crimes;

Whereas the International Criminal Court was designed to serve as a court of last resort, and not as a replacement for national judicial systems;

Whereas the International Criminal Court only has jurisdiction if national courts are too weak, too damaged, or too biased to try the individuals responsible for serious violations of international criminal law;

Whereas the International Criminal Court guarantees the right to a fair trial, the right to counsel, and the right to cross-examine witnesses, has a prohibition on conducting trials in absentia, provides protection against double jeopardy, and ensures freedom from self-incrimination;

Whereas more than half of the countries of the world, 108, have ratified the Rome Statute and are members of the International Criminal Court;

Whereas more than 70 percent of the democracies of the world are members of the International Criminal Court, and many more countries have indicated a desire to join;

Whereas almost all of the significant allies of the United States are members of the International Criminal Court, including the United Kingdom, Canada, Australia,

France, Germany, Italy, Japan, New Zealand, South Korea, and many others;

Whereas new democracies in Eastern Europe, Latin American, and Africa are also strong supporters of the International Criminal Court, with membership helping these countries to strengthen the rule of law and respect for human rights, and protecting against a return to tyranny;

Whereas the International Criminal Court has investigated the occurrence of crimes against humanity, genocide, and war crimes in the Democratic Republic of the Congo, Central African Republic, Uganda, and Darfur, Sudan, and has issued arrest warrants in each of these cases;

Whereas, in the Democratic Republic of the Congo, government forces and rebel militias have killed hundreds of thousands of civilians and devastated large portions of the country;

Whereas, in Uganda, more than 20,000 boys and girls, some as young as 9 years old, have been abducted by the Lord's Resistance Army to serve as child soldiers and sex slaves;

Whereas the International Criminal Court issued an arrest warrant for Omar al-Bashir, President of Sudan, for war crimes and crimes against humanity;

Whereas, in the Darfur region of Sudan, government-backed forces have conducted a campaign of ethnic cleansing and genocide that has killed nearly 400,000 people; and

Whereas none of the individuals responsible for the atrocities in the Democratic Republic of the Congo, Central African Republic, Sudan, or Uganda are likely to be prosecuted by the local court systems, the International Criminal

Court is the only hope for punishing those responsible for the worst atrocities: Now, therefore, be it

1       *Resolved by the Senate (the House of Representatives*  
2 *concurring)*, That it is the sense of Congress that the Sec-  
3 retary of State and the permanent representatives of the  
4 United States to the United Nations, under the direction  
5 of the President, should—

6           (1) support referrals of the United Nations Se-  
7 curity Council to the International Criminal Court of  
8 cases involving crimes against humanity, genocide,  
9 and war crimes, except where a referral would not  
10 be in the national interest of the United States;

11           (2) make it a policy of the United States Gov-  
12 ernment to support the mandate and purpose of the  
13 Rome Statute of the International Criminal Court,  
14 adopted at Rome, Italy July 17, 1998, and in sup-  
15 port of that policy reactivate the signature of the  
16 United States to the Rome Statute of the Inter-  
17 national Criminal Court;

18           (3) cooperate with investigations and prosecu-  
19 tions conducted by the International Criminal Court,  
20 except where the investigations or prosecutions are  
21 not in the national interest of the United States;

22           (4) exercise the right of the United States to  
23 actively participate as an observer in meetings of the  
24 Assembly of States Parties to the Rome Statute so

1 as to ensure that the International Criminal Court  
2 develops in a manner consistent with the national in-  
3 terest of the United States; and

4 (5) invoke in the interest of the United States,  
5 provisions of United States law that promote and  
6 allow assistance and cooperation with the Inter-  
7 national Criminal Court.