

104TH CONGRESS
2D SESSION

S. RES. 270

Urging continued and increased United States support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 1996

Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SPECTER, Mrs. FEINSTEIN, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Urging continued and increased United States support for the efforts of the International Criminal Tribunal for the former Yugoslavia to bring to justice the perpetrators of gross violations of international law in the former Yugoslavia.

Whereas the United Nations, recognizing the need for justice in the former Yugoslavia, established the International Criminal Tribunal for the former Yugoslavia (hereafter in this resolution referred to as the “International Criminal Tribunal”);

Whereas United Nations Security Council Resolution 827 of May 25, 1993, requires states to cooperate fully with the International Criminal Tribunal;

Whereas the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and associated Annexes (in this resolution referred to as the “Peace Agreement”) negotiated in Dayton, Ohio and signed in Paris, France, on December 14, 1995, accepted, in Article IX, the obligation “to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law”;

Whereas the Constitution of Bosnia and Herzegovina, agreed to as Annex 4 of the Peace Agreement, provides, in Article IX, that “No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina”;

Whereas the International Criminal Tribunal has issued 57 indictments against individuals from all parties to the conflicts in the former Yugoslavia;

Whereas the International Criminal Tribunal continues to investigate gross violations of international law in the former Yugoslavia with a view to further indictments against the perpetrators;

Whereas on July 25, 1995, the International Criminal Tribunal issued an indictment for Radovan Karadzic, president of the Bosnian Serb administration of Pale, and Ratko Mladic, commander of the Bosnian Serb administration and charged them with genocide and crimes against humanity, violations of the law or customs of war, and grave breaches of the Geneva Conventions of 1949, arising from atrocities perpetrated against the civilian popu-

lation throughout Bosnia-Herzegovina, for the sniping campaign against civilians in Sarajevo, and for the taking of United Nations peacekeepers as hostages and for their use as human shields;

Whereas on November 16, 1995, Karadzic and Mladic were indicted a second time by the International Criminal Tribunal, charged with genocide for the killing of up to 6,000 Muslims in Srebrenica, Bosnia, in July 1995;

Whereas the United Nations Security Council, in adopting Resolution 1022 on November 22, 1995, decided that economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska would be reimposed if, at any time, the High Representative or the IFOR commander informs the Security Council that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement;

Whereas the so-called Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic;

Whereas efforts to politically isolate Karadzic and Mladic have failed thus far and would in any case be insufficient to comply with the Peace Agreement and bring peace with justice to Bosnia and Herzegovina;

Whereas in the so-called Republika Srpska freedom of the press and freedom of assembly are severely limited and violence against ethnic and religious minorities and opposition figures is on the rise;

Whereas it will be difficult for national elections in Bosnia and Herzegovina to take place meaningfully so long as

key war criminals, including Karadzic and Mladic, remain at large and able to influence political and military developments;

Whereas on June 6, 1996, the President of the International Criminal Tribunal, declaring that the Federal Republic of Yugoslavia's failure to extradite indicted war criminals is a blatant violation of the Peace Agreement and of United Nations Security Council Resolutions, called on the High Representative to reimpose economic sanctions on the so-called Republika Srpska and on the Federal Republic of Yugoslavia (Serbia and Montenegro); and

Whereas the apprehension and prosecution of indicted war criminals is essential for peace and reconciliation to be achieved and democracy to be established throughout Bosnia and Herzegovina: Now, therefore, be it

1 *Resolved*, That (a) the Senate finds that the Inter-
 2 national Criminal Tribunal for the former Yugoslavia mer-
 3 its continued and increased United States support for its
 4 efforts to investigate and bring to justice the perpetrators
 5 of gross violations of international law in the former Yugo-
 6 slavia.

7 (b) It is the sense of the Senate that the President
 8 of the United States should support the request of the
 9 President of the International Criminal Tribunal for the
 10 former Yugoslavia for the High Representative to reim-
 11 pose full economic sanctions on the Federal Republic of
 12 Yugoslavia (Serbia and Montenegro) and the so-called
 13 Republika Srpska, in accordance with United Nations Se-

1 curity Council Resolution 1022 (1995), until the Federal
2 Republic of Yugoslavia (Serbia and Montenegro) and
3 Bosnian Serb authorities have complied with their obliga-
4 tions under the Peace Agreement and United Nations Se-
5 curity Council Resolutions to cooperate fully with the
6 International Criminal Tribunal.

7 (c) It is further the sense of the Senate that the
8 NATO-led Implementation Force (IFOR), in carrying out
9 its mandate, should make it an urgent priority to detain
10 and bring to justice persons indicted by the International
11 Criminal Tribunal.

12 (d) It is further the sense of the Senate that states
13 in the former Yugoslavia should not be admitted to inter-
14 national organizations and fora until and unless they have
15 complied with their obligations under the Peace Agree-
16 ment and United Nations Security Council Resolutions to
17 cooperate fully with the International Criminal Tribunal.

18 SEC. 2. The Secretary of the Senate shall transmit
19 a copy of this resolution to the President of the United
20 States.

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