

Union Calendar No. 125

105TH CONGRESS
1ST SESSION

H. R. 1348

[Report No. 105-204]

To amend title 18, United States Code, relating to war crimes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1997

Mr. JONES introduced the following bill; which was referred to the Committee on the Judiciary

JULY 25, 1997

Additional sponsors: Mr. ORTIZ, Mr. WELDON of Pennsylvania, Mr. SOLOMON, Mr. WATTS of Oklahoma, Mr. McHALE, Mr. FORBES, Mr. HALL of Texas, Mr. CHABOT, Mrs. FOWLER, Mr. COOKSEY, Mr. EVERETT, Mr. LEWIS of Kentucky, Mr. TIAHRT, Mr. DICKEY, Mr. COBURN, Mr. HOSTETTLER, Mr. HILLEARY, Mr. PITTS, Mr. SNOWBARGER, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. GRAHAM, Mr. NORWOOD, Mrs. CUBIN, Mr. SAXTON, Mr. RADANOVICH, Mr. THORNBERRY, Mr. HUNTER, Mr. COBLE, Mr. GILCREST, Mr. WHITFIELD, Mr. CONDIT, Mr. PARKER, Mr. MORAN of Virginia, Mr. LEWIS of California, Mr. CUNNINGHAM, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HERGER, Mr. TRAFICANT, Mr. WOLF, Mr. ABERCROMBIE, Mr. MILLER of California, Ms. PELOSI, Mr. TAYLOR of Mississippi, Mr. STENHOLM, Ms. SANCHEZ, Mr. CALVERT, Mr. DIAZ-BALART, Mr. UNDERWOOD, Mr. BAKER, Mr. ROHRBACHER, Mr. SISISKY, Mr. PICKERING, and Mr. GIBBONS

JULY 25, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 18, United States Code, relating to war crimes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Expanded War Crimes~~
 5 Act of 1997”.

6 **SEC. 2. DEFINITION OF WAR CRIMES.**

7 Section 2441 of title 18, United States Code, is
 8 amended—

9 (1) in subsection (a), by striking “grave breach
 10 of the Geneva Conventions” and inserting “war
 11 crime”;

12 (2) in subsection (b), by striking “breach” each
 13 place it appears and inserting “war crime”;

14 (3) so that subsection (c) reads as follows:

15 “(c) **DEFINITION.**—As used in this section—

16 “(1) the term ‘war crime’ means any conduct—

17 “(A) defined as a grave breach in any of
 18 the international conventions signed at Geneva
 19 12 August 1949, or any protocol to such con-
 20 vention to which the United States is a party;

1 “(B) prohibited by Articles 23, 25, 17, or
2 28 of the Annex to the Hague Convention IV,
3 Respecting the Laws and Customs of War on
4 Land, signed 18 October 1907;

5 “(C) which constitutes a violation of com-
6 mon Article 3 of the international conventions
7 signed at Geneva 12 August 1949, or any pro-
8 toocol to such convention to which the United
9 States is a party and which deals with non-
10 international armed conflict; or

11 “(D) of a person who, in relation to an
12 armed conflict and contrary to the provisions of
13 the Protocol on Prohibitions or Restrictions on
14 the Use of Mines, Booby-Traps and Other De-
15 vices as amended at Geneva on 3 May 1996
16 (Protocol II as amended on 3 May 1996), when
17 the United States is a party to such Protocol,
18 willfully kills or causes serious injury to civil-
19 ians.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Expanded War Crimes*
22 *Act of 1997”.*

23 **SEC. 2. DEFINITION OF WAR CRIMES.**

24 *Section 2441 of title 18, United States Code, is amend-*
25 *ed—*

1 (1) *in subsection (a), by striking “grave breach*
2 *of the Geneva Conventions” and inserting “war*
3 *crime”;*

4 (2) *in subsection (b), by striking “breach” each*
5 *place it appears and inserting “war crime”; and*

6 (3) *so that subsection (c) reads as follows:*

7 “(c) *DEFINITION.—As used in this section the term*
8 *‘war crime’ means any conduct—*

9 “(1) *defined as a grave breach in any of the*
10 *international conventions signed at Geneva 12 August*
11 *1949, or any protocol to such convention to which the*
12 *United States is a party;*

13 “(2) *prohibited by Articles 23, 25, 27, or 28 of*
14 *the Annex to the Hague Convention IV, Respecting*
15 *the Laws and Customs of War on Land, signed 18*
16 *October 1907;*

17 “(3) *which constitutes a violation of common Ar-*
18 *ticle 3 of the international conventions signed at Ge-*
19 *neva 12 August 1949, or any protocol to such conven-*
20 *tion to which the United States is a party and which*
21 *deals with non-international armed conflict; or*

22 “(4) *of a person who, in relation to an armed*
23 *conflict and contrary to the provisions of the Protocol*
24 *on Prohibitions or Restrictions on the Use of Mines,*
25 *Booby-Traps and Other Devices as amended at Gene-*

1 *va on 3 May 1996 (Protocol II as amended on 3 May*
2 *1996), when the United States is a party to such Pro-*
3 *tol, willfully kills or causes serious injury to*
4 *civilians.”.*

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