

105TH CONGRESS
1ST SESSION

H. RES. 15

Concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, urging continued and increased 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, and urging support for democratic forces in all of the countries emerging from the former Yugoslavia.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. HOYER (for himself, Mr. CARDIN, Mr. MASCARA, Mr. CUMMINGS, Mr. MORAN of Virginia, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Concerning the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, urging continued and increased 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, and urging support for democratic forces in all of the countries emerging from the former Yugoslavia.

Whereas relative peace has come to Bosnia and Herzegovina and tensions have been reduced throughout the region as a result of the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina, and associated annexes (hereafter referred to as the “Peace Agreement”), negotiated in Dayton, Ohio, and signed in Paris, France, on December 14, 1995, and as a result of the work of the NATO-led Peace Implementation Forces (IFOR);

Whereas the Peace Agreement provides that Bosnia and Herzegovina shall continue as a single state, despite its agreed division into two entities, with full respect for its sovereignty by its neighbors, and the parties thereto have agreed to a constitution for Bosnia and Herzegovina that creates federal institutions including a presidency, a bicameral legislature, a constitutional court and a central bank;

Whereas the people of Bosnia and Herzegovina, under the auspices of the Organization for Security and Cooperation in Europe (OSCE) and observed by international and domestic monitors, participated in national and entity-level elections on September 14, 1996, as provided for by the Peace Agreement and elected representatives charged with creating the democratic institutions of a unified Bosnian state;

Whereas the elections were impaired by restrictions on freedom of movement, association and expression, demonstrating the need for further improvement in civilian implementation of the Peace Agreement;

Whereas the parties to the Peace Agreement have agreed that all refugees and displaced persons have the right freely to return to their homes of origin and have accepted the

obligation to ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion, and that they shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991, and to be compensated for any property that cannot be restored to them;

Whereas the majority of refugees and displaced persons have not been able to return to their homes of origin within Bosnia-Herzegovina and, in fact, many new refugees have been created since the signing of the Peace Agreement, contributing to instability and hindering efforts to achieve reconciliation and lasting peace;

Whereas the parties to the Peace Agreement accept the need for a balance of armed forces and weapons and have entered into an Agreement on Sub-regional Arms Control pursuant to which the parties are required to report their holdings and allow inspection of certain categories of weapons, and to undertake the destruction of those weapons above agreed ceilings, in order to contribute to regional stability;

Whereas the Republika Srpska, one of the parties to that agreement, has, through abuse of counting and exemption rules, grossly under reported its liability for reduction of heavy armaments; and

Whereas the United Nations, recognizing the need for justice in the former Yugoslavia, established the International Criminal Tribunal for the former Yugoslavia (referred to as the “International Criminal Tribunal”) as a vehicle to maintain and restore international peace and security,

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

Whereas the parties to the Peace Agreement reaffirmed their obligation “to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law”;

Whereas as of January 6, 1997, the Tribunal has publicly indicted 75 people, including 5 indictments for genocide and 8 indictments for gang rape and enslavement of women. Those indicted include 51 Bosnian Serbs, 18 Bosnian Croats (17 of whom fought with Bosnian Croat forces and 1 of whom fought with Bosnian Serb forces), 3 Serbian Yugoslav Army officers, and 3 Bosniacs. The highest ranking political and military figures indicted to date are, respectively, Radovan Karadzic and Ratko Mladic;

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

Whereas Bosnian Croats and Croatia have failed to arrest and turn over for prosecution persons indicted for war crimes, including Dario Kordic and Ivice Rajic;

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

Whereas individuals indicted for war crimes are known to reside openly and notoriously within some of the countries of the former Yugoslavia;

Whereas on June 6, 1996, the President of the International Criminal Tribunal, declaring that the failure of the Federal Republic of Yugoslavia to extradite persons indicted for war crimes is a blatant violation of the Peace Agreement and of United National Security Council Resolutions, called on the High Representative to reimpose economic sanctions on the Republica Srpska and on the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas Section 582 of Public Law 104–107 requires the Secretary of the Treasury to instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country, the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons have been indicted by the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda;

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;

Whereas the democratic development of all countries emerging from the former Yugoslavia is essential to the stability and security of Bosnia and Herzegovina and the region as a whole as outlined in the Peace Agreement; and

Whereas recent protests by democratic forces in Serbia against electoral fraud, reports of which have been corroborated by the Organization for Security and Cooperation in Europe (OSCE), demonstrate the particularly

vital importance of a democratic Serbia to promoting peace and stability in the region: Now, therefore be it

1 *Resolved*, That it is the sense of the House of Rep-
2 representatives that—

3 (1) the United States is committed fully to the
4 goals enunciated in the General Framework Agree-
5 ment for Peace in Bosnia and Herzegovina, and as-
6 sociated annexes (hereafter referred to as the “Peace
7 Agreement”), negotiated in Dayton, Ohio, and
8 signed in Paris, France, on December 14, 1995, and
9 to the unified state of Bosnia and Herzegovina;

10 (2) the United States and the international
11 community should oppose secession by any entity
12 from the unified state of Bosnia and Herzegovina,
13 and should actively support the work of the parties
14 to the Peace Agreement to establish democratic in-
15 stitutions and the rule of law in Bosnia and
16 Herzegovina;

17 (3) the signatories to the Peace Agreement and
18 those nations and organizations participating in the
19 implementation of that agreement should ensure full
20 and faithful implementation of the arms control and
21 confidence-building agreements reached as part of
22 the Peace Agreement including the Agreement on
23 Sub-Regional Arms Control. Failure to comply with
24 reporting, inspection, and reduction requirements

1 should be regarded as a serious breach of the Day-
2 ton commitments, and coercive reduction of weapons
3 held in cantonments should be undertaken to ensure
4 full compliance with the reduction liabilities under
5 this Agreement.

6 (4) the United States and the international
7 community should increase support for the efforts of
8 the International Criminal Tribunal to investigate
9 and bring to justice the perpetrators of gross viola-
10 tions of international law in the former Yugoslavia;

11 (5) the United States and the international
12 community should support the request of the Presi-
13 dent of the International Criminal Tribunal for the
14 High Representative to impose sanctions on those
15 who have not complied with their obligations to co-
16 operate fully with the International Criminal Tribu-
17 nal, and should publicly and forcefully condemn
18 those authorities which harbor persons indicted for
19 war crimes;

20 (6) the NATO-led Implementation Force
21 (IFOR) is to be commended for its hard work and
22 effectiveness in establishing peace and stability in
23 Bosnia and Herzegovina;

1 (7) IFOR, for the remainder of its mission in
2 Bosnia and Herzegovina, the NATO-led Stabiliza-
3 tion Force (SFOR), the International Police Task
4 Force (IPTF), and other designated missions, in
5 carrying out their mandates, should make it an ur-
6 gent priority to detain and bring to justice persons
7 indicted by the International Criminal Tribunal;

8 (8) IFOR and SFOR should take an active role
9 in ensuring respect by the parties to the Peace
10 Agreement for freedom of movement throughout the
11 country, including the return of refugees and dis-
12 placed persons safely, without risk of harassment,
13 intimidation, persecution or discrimination, particu-
14 larly on account of their ethnic origin, religious be-
15 lief or political opinion.

16 (9) parties to the Peace Agreement should not
17 be admitted to international organizations and fora,
18 and should be prohibited from receiving loans and fi-
19 nancial or technical assistance from international fi-
20 nancial institutions such as the World Bank, IMF,
21 and EBRD, until and unless such states have com-
22 plied with their obligations under the Peace Agree-
23 ment and United Nations Security Council Resolu-
24 tions to cooperate fully with the International Crimi-
25 nal Tribunal; and

1 (10) the OSCE and other institutions as well as
2 NGOs are to be encouraged to promote further re-
3 building of democratic institutions and a civic soci-
4 ety in Bosnia and Herzegovina and neighboring
5 countries; and

6 (11) the United States, the OSCE, and the
7 international community should continually and
8 forcefully press the Government of Serbia to recog-
9 nize the results of the recent elections, facilitate in-
10 stallation of the duly elected opposition candidates,
11 undertake a dialogue with the democratic forces
12 working for reform, and act immediately to improve
13 respect for human rights and fundamental freedoms.
14 If such steps are not taken, the international com-
15 munity should impose targeted sanctions on the
16 leaders of the Serbian regime and oppose Serbia's
17 reintegration into European and international orga-
18 nizations and fora.

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