

108TH CONGRESS  
1ST SESSION

# H. CON. RES. 118

Concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2003

Mr. KINGSTON (for himself, Mr. REYES, Mr. SAM JOHNSON of Texas, Mr. HUNTER, Mr. SKELTON, Mr. HYDE, Mr. MCHUGH, Mr. TIAHRT, Mr. EDWARDS, Mr. CUNNINGHAM, Mr. PEARCE, Mr. RODRIGUEZ, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. COX, Mr. HOBSON, Mr. TANCREDO, Mr. BALLENGER, Mrs. KELLY, Mr. TIBERI, Mr. MCINNIS, Mr. AKIN, Mr. HAYWORTH, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. TOOMEY, Mr. BRADY of Texas, Mr. SNYDER, Mr. PORTMAN, Mr. LANTOS, Mr. JONES of North Carolina, Mr. DELAY, Mr. GINGREY, Mr. BEREUTER, Ms. JACKSON-LEE of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. COLE, and Mr. DREIER) submitted the following concurrent resolution; which was referred to the Committee on International Relations, and in addition to the Committee on Armed 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

---

## CONCURRENT RESOLUTION

Concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities.

Whereas the Armed Forces of the United States and military forces of United States coalition partners are currently engaged in hostilities in Iraq under the name Operation Iraqi Freedom;

Whereas an unknown number of members of the Armed Forces of the United States have been taken prisoner by Iraqi authorities and it is possible that, before the end of hostilities, additional members of the Armed Forces of the United States and members of other coalition forces may be taken prisoner by Iraqi authorities;

Whereas members of the military forces of Iraq have been taken prisoner by coalition armed forces;

Whereas all such prisoners who are captured while operating under the laws of war are entitled to prisoner of war status until their final release and repatriation;

Whereas article 13 of the Geneva Convention Relative to the Treatment of Prisoners of War (referred to as the “Third Geneva Convention”), to which both Iraq and the United States are parties, requires the humane treatment of prisoners of war and that prisoners of war be protected against acts of violence or intimidation and against insults and public curiosity;

Whereas article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind;

Whereas article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where the prisoner may be exposed to the fire of the combat zone, nor may a prisoner’s presence be used to render certain points or areas immune from military operations;

Whereas the Third Geneva Convention requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross free access to all prisoners of war;

Whereas the Government of the United States has informed the Iraqi authorities that it intends to treat captured members of the Iraqi armed forces fully in accordance with the Third Geneva Convention; and

Whereas Iraqi television has broadcast what appear to be pictures of captured American military personnel; Now, therefore, be it

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring), That the Congress—*

3           (1) commends the bravery and professionalism  
4       of the members of the Armed Forces of the United  
5       States and the military forces of United States coal-  
6       ition partners; and

7           (2) extends heartfelt sympathies to the families  
8       and loved ones of those who are killed, wounded,  
9       missing in action, or taken prisoner by Iraqi authori-  
10      ties.

11      SEC. 2. The Congress—

12           (1) demands that Iraqi authorities abide by the  
13      principles and the obligations of the Geneva Conven-  
14      tion Relative to the Treatment of Prisoners of War;

1           (2) condemns the failure of Iraqi authorities to  
2           treat prisoners of war in strict conformity with that  
3           Convention;

4           (3) demands that Iraqi authorities permit the  
5           International Committee of the Red Cross to visit all  
6           American prisoners of war and any other prisoner of  
7           war at the earliest possible time, in accordance with  
8           the requirements of that Convention;

9           (4) joins the President in warning all Iraqi au-  
10          thorities that any individual who mistreats any pris-  
11          oner of war in violation of that Convention shall be  
12          considered a war criminal and prosecuted as such to  
13          the full extent of United States and international  
14          law; and

15          (5) supports the President in committing the  
16          full effort and reach of the United States Govern-  
17          ment to the swift and safe repatriation of all pris-  
18          oners of war at the earliest possible moment con-  
19          sistent with that Convention.

20          SEC. 3. The Congress supports the President in seek-  
21          ing the fullest possible accounting, at the earliest possible  
22          time upon the cessation of hostilities, of all members of  
23          the Armed Forces who are in a missing status as a result  
24          of operations during Operation Iraqi Freedom.

○