

MOSELEY-BRAUN) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enslaved people in the occupied area of Cyprus.

## SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

## SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. D'AMATO), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE CONCURRENT RESOLUTION #78—RELATING TO THE INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN FOR WAR CRIMES

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## S. CON. RES. 78.

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research,

development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment;

Whereas a failure to try and punish leaders and other persons for crimes, against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

*Resolved, by the Senate (the House of Representatives concurring.)*

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

SENATE RESOLUTION 187—CONCERNING THE PEOPLE'S REPUBLIC OF CHINA

Mr. MACK (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. THOMAS, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. BOXER, Mr. MOYNIHAN, and Mr. ASHCROFT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

Mr. MACK. Mr. President, I rise today to submit a resolution calling for the United States to introduce and make all efforts necessary to pass a resolution at the annual meeting of the United Nations Commission on Human Rights criticizing the People's Republic of China (PRC) for its atrocious human rights record in China and Tibet. This commission will meet on March 16, so I am here today with a sense of urgency.

Mr. President, President Clinton reversed his position in 1993 and chose to de-link trade and human rights in 1993. This decision sacrificed important leverage in our relationship with the PRC to address America's human rights concerns. At the time of the President's decision, however, he promised the American people that he would strengthen his efforts to obtain an international condemnation of Beijing's violation of international human rights standards in China and Tibet. Specifically, he pledged that the United States would step up its efforts in cooperation with other states in insisting that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. President, this Human Rights Commission meets in Geneva on March 16, and to date, the President has not demonstrated his commitment to keep his pledge to the American people. It appears that no other nation on the Commission will initiate this resolution without U.S. support and leadership. It is time for the United States to provide that leadership—the leadership which the people of China depend upon. We must take action to introduce the China resolution at the Human Rights Commission and build international support for its passage.

The U.N. Human Rights Commission is the only international body which oversees the human rights conditions of all states. Even though the resolution may not pass, simply the debate of human rights in China and Tibet at the U.N. Commission makes a difference.

I was fortunate to have had the opportunity to meet Wei Jingsheng in February. Mr. Wei is a Chinese dissident who has spent most of his life in Chinese prisons for his pro-democratic political writings. He was recently exiled from his country, and is now living in the United States. Unfortunately, while he considers this exile cruel, some want to give the government in Beijing credit for releasing Mr. Wei; they call this an example of "progress."

Mr. President, Mr. Wei articulates clearly and convincingly our call to action. His words are appropriate today, and every day we come to work here in the Senate of the United States. In an article by Patrick Tyler in the New York Times on November 22, 1997, Mr. Wei states, "Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights, in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation and massacres."

Mr. President, the United States must not take our freedom for granted. We must take action. We must not shy away from leadership in the world when our leadership is so badly needed. The United States must sponsor and lead the international effort to condemn the human rights situation in China and Tibet. I hope that my colleagues will join me in passing this resolution calling upon the President to keep his promise to the American people, and insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. WELLSTONE. Mr. President, my colleague, Senator CONNIE MACK from Florida, and I have submitted a resolution that deals with the upcoming U.N. Human Rights Commission meeting in March and the position that our country needs to take in relation to human rights, or lack of human rights in China. This resolution, my understanding is, will be marked up tomorrow in the Senate Foreign Relations Committee.

Senator MACK and I submitted a resolution urging the Clinton administration to make every effort to pass a resolution on China at the U.N. Commission on Human Rights gathering which meets this month in Geneva. For the past 30 years, this Commission has monitored the compliance of different countries with human rights standards. It has investigated violations in countries in all parts of the world, rich and poor, weak and powerful alike.

Almost 4 years ago, the Clinton administration announced its decision to renew most-favored-nation status for China and laid out a new human rights

policy toward China. At the heart of this policy was the United States commitment, at least in words, to step up efforts to "insist that the U.N. Human Rights Commission pass a resolution dealing with serious human rights abuses in China." Since that time, the Clinton administration has made it clear that only significant, concrete improvements in the human rights conditions would justify a reconsideration of that commitment.

China has failed to improve their human rights record, and, in fact, as we turn a blind eye to abuses, the situation appears to be deteriorating. China continues to wage war against individual freedoms and human rights. Hundreds, and perhaps thousands, of dissidents and advocates of political reform were detained just this past year. They included human rights and pro-democracy activists and members of religious groups. Many have been sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

Harry Wu, a man of extraordinary courage and character, has documented China's extensive prison-enforced labor system. According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded in 1996 alone. The real figures, colleagues, are believed to be much higher.

According to the New York Times last week, with the help of Harry Wu, the FBI conducted an uncover investigation, which confirmed claims that the Chinese are selling organs from executed prisoners for transplant.

Furthermore, repression has increased steadily. Scores of Roman Catholics and Protestants were arrested. Crackdowns continue in Tibet. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image, and arrests of political dissidents continue. China continues to violently threaten the unique culture, religious, and linguistic identity of the Tibetan people. Taking a firm stand against human rights abuses in China, and around the world, is an expression of our solidarity with people who risk their personal safety to champion these principles.

As an aside, in what travels I have been able to do around the world—and I wish I could do more of it, Mr. President—I do not think that I have ever been more moved in my life than by the courage of people who live in countries with repressive governments, whether they be left or right, and who have the courage to stand alone, and the courage to speak up, even when it could mean they could end up serving long prison sentences, or their loved ones, their wives, husbands, and children, can be rounded up, tortured, raped or murdered. These citizens throughout the world continue to have the courage to speak up for basic freedom. Our country ought to be there

supporting these courageous individuals.

One such person is Kalsang Lhamo, a Tibetan exile living in my home State of Minnesota. I recently met her. She told me how her parents were both detained and tortured by the Chinese PLA when she was a child. Their crime? What was the crime of her parents? As she was speaking to me, Mr. President, there were tears in her eyes. She was crying. The crime of her parents was the possession of photographs of their religious leader. The crime of her parents in Tibet was the possession of photographs of their religious leader. After watching her parents starve to death in detention and her neighbors executed, she, too, was beaten nearly to the point of death by Chinese soldiers during a demonstration.

China's release of Wei Jingsheng and its invitations to the U.N. High Commission for Human Rights to visit are welcome steps. A Commission resolution can certainly acknowledge these developments.

Mr. President, our Government can lead the way. The resolution that we must pass at this Commission meeting on human rights can acknowledge this. But they are not in themselves enough to bring about real changes in the lives of the people in China and Tibet, and the human rights situation their remains urgent.

Also, while we are thankful that Wei Jingsheng is out of prison and safely in the United States, it would be a cruel irony if his release were used as a justification for giving up the fight for human rights in China and for our Government not taking a strong position at this U.N. Human Rights Commission meeting in Geneva. First, of course, Mr. Wei's release does not represent systematic change. Second, he was not released unconditionally from his unlawful imprisonment, and he can be rearrested, if he ever returns to China. He can't go back to his country.

Mr. President, as an aside, though I think it is relevant, my father fled persecution, was born in Odessa, Ukraine, but he grew up in Siberian Russia, and then he fled the country when he was 17 years old, in 1914. Then, after the revolution, he thought he would go back. Then his parents told him not to and the Bolsheviks took over, or the Communists took over, and he never saw his family again.

My father and my mother both had advanced Parkinson's at the end of their lives, and so we used to spend a lot of time staying over at their apartment taking care of them. My father had lived in the United States, now, for 65 years. He had no accent at all. He spoke 10 languages fluently, as a matter of fact. He was an amazing man. And yet, when I would spend the night in his room with him, all of his dreaming was in Russian. Talk about the child being the father of the man or the child being the mother of the woman, all of his dreaming was in Russian. And the terrible thing was that it was

shouting and it was screaming and it was anguish. I just had to believe that the reason for this, which many Americans can't experience, is how traumatic it must be when you can never go back to your homeland. How traumatic it must be when you can never go back to your country, never see your mother or father.

My father, at 17, was separated from his family. I am absolutely convinced that his mother and father and sister were murdered by Stalin. All correspondence ended during the Stalin years. Wei Jingsheng has been released, but he can never go back to China. He would be immediately arrested and imprisoned. That hardly represents a standard of human rights.

One of the reasons I speak on the floor of the Senate about human rights is to honor the memory of my father. He could never go back, never saw his family again. And at the end of his life, his dreams, I think, were full of anguish, all in Russian, because of that.

Finally, Mr. Wei has told me personally that he believes in the critical importance of our effort to push for a resolution at the session of the Commission this month. Let me repeat that for colleagues. It's a sort of sleepy Monday afternoon on the floor of the U.S. Senate. We will mark this resolution up tomorrow in committee. One way or another, I certainly am going to bring this out as an amendment and we are going to pass it with an overwhelming vote, giving direction to the President and direction to the administration to, at this human rights Commission in Geneva, be sure to pass a resolution which will strongly pressure China on human rights. For God's sake, if Wei Jingsheng—who spent, I don't know, 16 or 17 years in prison because he had the courage to speak up—can put to us this small request that we speak about this on the floor of the Senate, that we try to pass some resolution supporting human rights in his country, we ought to be able to do that. That's the least we ought to be able to do.

For years we have pressured the Chinese on human rights, though I don't think with nearly as much force and commitment as we should have. But to let up now, as the U.N. Commission meets, would be tantamount to defeat for the cause of human justice. Dissidents like Wei Jingsheng, who have been freed and have come to the United States, have thanked advocates for keeping them alive by keeping the pressure on and by focusing attention on their plight. As Senators and as Americans, it is our duty and in our interest to make the extra effort to promote democracy in China and, for that matter, in countries throughout the world, and to bring China in compliance with international standards of human rights.

So, I just want to say today that I am proud to introduce this resolution with my colleague, Senator CONNIE MACK from Florida. This will be marked up tomorrow. One way or an-

other, I will get this to the floor of the Senate as an amendment. I want us to vote as a Senate. I want us to give direction to the administration. I want our Government at this U.N. Commission on Human Rights to talk about human rights and to have a resolution which really puts the pressure on China for all of us. Whether we are Democrats or Republicans, we ought to at least, through resolutions and through amendments and through votes and through speaking—it is the very least we can do, to support these very courageous people. That is the purpose of this resolution.

Mr. President, I ask unanimous consent to add as cosponsors to the resolution that I have submitted with Senator MACK, Senator HELMS, Senator ASHCROFT, Senator THOMAS, Senator ABRAHAM, Senator BOXER and Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, those Senators will be added as original cosponsors.

#### NOTICES OF HEARINGS

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Tuesday, March 3, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Global Health: United States Response to Infectious Diseases. For further information, please call the committee, 202/224-5375.

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families, will be held on Thursday, March 5, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is After School Child Care. For further information, please call the committee, 202/224-5375.

#### AUTHORITY FOR COMMITTEE TO MEET

##### SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 2, 1998, at 2:45 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### BANKRUPTCY REFORM

• Mr. KYL. Mr. President, I want to speak for a few moments today on the