

105TH CONGRESS  
1ST SESSION

# H. CON. RES. 42

Regarding the waiver of diplomatic immunity in cases involving serious criminal offenses.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. DUNCAN (for himself, Mr. LIPINSKI, Mr. TRAFICANT, and Mrs. MYRICK) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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## CONCURRENT RESOLUTION

Regarding the waiver of diplomatic immunity in cases involving serious criminal offenses.

Whereas the United States was founded on the principle that all men are equal before the law and anyone, rich or poor, is entitled to the protection of the law and also subject to just penalties under the law;

Whereas international treaties regarding diplomatic and consular immunity place diplomatic and consular officials from foreign countries in the unique situation of being above the law and not subject to prosecution for criminal offenses committed in the United States;

Whereas recent events indicate that this situation is endangering the safety and security of citizens and other persons residing in the United States;

Whereas in the vehicular manslaughter case involving a Georgian diplomat in Washington, the Department of State has been able to secure the agreement of the Georgian Government to waive the diplomat's immunity; and

Whereas it is incumbent on the President and Secretary of State to alleviate the injustice of the situation regarding diplomatic and consular immunity: Now, therefore, be it

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

3               (1) the President and Secretary of State should  
 4       take all necessary steps to ensure that whenever  
 5       there is probable cause to believe that an individual  
 6       who is entitled to immunity from the criminal juris-  
 7       diction of the United States, due to diplomatic or  
 8       consular immunity, may have committed a serious  
 9       criminal offense, the country such individual rep-  
 10      resents waives the immunity of that individual; and

11              (2) whenever there is probable cause to believe  
 12      that a United States individual who is entitled to  
 13      immunity from the criminal jurisdiction of a foreign  
 14      country due to diplomatic or consular immunity  
 15      commits a serious criminal offense, the United  
 16      States should waive the individual's immunity.

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