

106TH CONGRESS
1ST SESSION

H. CON. RES. 118

Expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1999

Mr. SMITH of New Jersey (for himself, Mr. PASCRELL, Mr. GILMAN, Mr. PORTER, Mr. HOYER, Mr. FORBES, Mr. CARDIN, Mr. GREENWOOD, Ms. SLAUGHTER, Mr. KING, Mr. ENGEL, Mrs. KELLY, Mr. MCGOVERN, Mr. HEFLEY, Mrs. MALONEY of New York, and Mr. OLVER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic has been responsible for the con-

ception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of as many as 4,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas “ethnic cleansing” has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia and is therefore responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of the massive assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo;

Whereas this assault on the people of Kosovo includes forced expulsions, looting and burning, detentions, summary executions, rape, violations of medical neutrality and the destruction of personal documents and registration records, all with a high degree of premeditation and persistence;

Whereas the Convention on the Prevention and Punishment of the Crime of Genocide defines “genocide” as “any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures in-

tended to prevent births within the group; (e) Forcibly transferring children of the group to another group”;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the “Tribunal”), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 66 people for war crimes or crimes against humanity or genocide arising out of the conflict in the former Yugoslavia, and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal by providing adequate funding and in-kind contributions, and by supplying information that can aid the Tribunal’s investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity, and genocide;

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for

peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo, and who permits other persons indicted by the Tribunal to be protected from apprehension and to commit further crimes;

Whereas the 105th Congress adopted Senate Concurrent Resolution 105 regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia;

Whereas there remain concerns that, in order to reach a political settlement regarding Kosovo, the United States and the international community might not be fully providing information which can be used as evidence of the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide; and

Whereas the withholding of information which can be used as evidence to indict and prosecute a person responsible for such crimes is morally reprehensible: 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 United States should publicly declare
- 4 that it considers the assault on the people of Kosovo
- 5 to meet the definition of genocide as defined by the

1 Convention on the Prevention and Punishment of
2 the Crime of Genocide;

3 (2) the United States should publicly declare
4 that it considers that there is reason to believe that
5 Slobodan Milosevic, President of the Federal Republic
6 of Yugoslavia (Serbia and Montenegro), has committed
7 war crimes, crimes against humanity, and
8 genocide;

9 (3) the United States should make collection of
10 information that can be supplied to the International
11 Criminal Tribunal for the former Yugoslavia for use
12 as evidence to support an indictment and trial of
13 President Slobodan Milosevic for war crimes, crimes
14 against humanity, and genocide a higher priority;

15 (4) any such information concerning President
16 Slobodan Milosevic already collected by the United
17 States should be provided to the Tribunal as soon as
18 possible;

19 (5) the United States should provide a fair
20 share of any additional financial or personnel resources
21 that may be required by the Tribunal in
22 order to enable the Tribunal to adequately address
23 preparation for, indictment of, prosecution of, and
24 adjudication of allegations of war crimes and crimes
25 against humanity posed against President Slobodan

1 Milosevic and any other person arising from the con-
2 flict in the former Yugoslavia, including in Kosovo;

3 (6) the United States should engage with other
4 member states of the North Atlantic Treaty Organi-
5 zation (NATO) and other interested states in a dis-
6 cussion of information any such state may hold re-
7 lating to allegations of war crimes and crimes
8 against humanity or genocide posed against Presi-
9 dent Slobodan Milosevic and any other person aris-
10 ing from the conflict in the former Yugoslavia, in-
11 cluding in Kosovo, and press such states to promptly
12 provide all such information to the Tribunal;

13 (7) the United States should engage with other
14 member states of NATO and other interested states
15 in a discussion of measures to be taken to appre-
16 hend indicted war criminals and persons indicted for
17 crimes against humanity with the objective of con-
18 cluding a plan of action that will result in these
19 inditees' prompt delivery into the custody of the
20 Tribunal; and

21 (8) the United States should urge the Tribunal
22 to promptly review all information relating to Presi-
23 dent Slobodan Milosevic's possible criminal culpa-
24 bility for conceiving, directing, and sustaining a vari-
25 ety of actions in the former Yugoslavia, including

- 1 Kosovo, that constitute genocide, crimes against hu-
- 2 manity, or war crimes, with a view toward prompt
- 3 issuance of a public indictment of Milosevic.

