

106TH CONGRESS  
1ST SESSION

# S. CON. RES. 33

Expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

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IN THE SENATE OF THE UNITED STATES

MAY 24, 1999

Ms. LANDRIEU (for herself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

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## CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

Whereas the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the “ICTY”) by resolution on May 25, 1993;

Whereas, although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

Whereas the ICTY has jurisdiction to investigate: grave breaches of the 1949 Geneva Conventions (Article 2), vio-

lations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

Whereas the Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that “[t]he Prosecutor believes that the nature and scale of the fighting indicate that an ‘armed conflict’, within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established”;

Whereas reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

Whereas in furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

Whereas these reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Whereas any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

Whereas the indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

Whereas the ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects’ whereabouts;

Whereas vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Whereas investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes: Now, therefore, be it

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

3               (1) the United States, in coordination with  
4       other United Nations contributors, should provide  
5       sufficient resources for an expeditious and thorough  
6       investigation of allegations of the atrocities and war  
7       crimes committed in Kosovo;

8               (2) the United States, through its intelligence  
9       services, should provide all possible cooperation in  
10      the gathering of evidence of sufficient specificity and  
11      credibility to secure the indictment of those respon-  
12      sible for the commission of war crimes, crimes  
13      against humanity, and genocide in the former Yugo-  
14      slavia;

15              (3) where evidence warrants, indictments for  
16      war crimes, crimes against humanity, and genocide  
17      should be issued against suspects regardless of their  
18      position within the Serbian leadership;

19              (4) the United States and all nations have an  
20      obligation to honor arrest warrants issued by the

1 ICTY, and the United States should use all appro-  
2 priate means to apprehend war criminals already  
3 under indictment; and

4 (5) NATO should not accept any diplomatic  
5 resolution to the conflict in Kosovo that would bar  
6 the indictment, apprehension, or prosecution of war  
7 criminals for crimes committed during operations in  
8 Kosovo.

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