

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. CON. RES. 51
OFFERED BY MR. SMITH OF NEW JERSEY

Amend the preamble to read as follows:

Whereas the Government of Syria is reported to have engaged in widespread torture, rape, employment of starvation as a weapon of war, and massacre of civilians, including by means of chemical weapons;

Whereas other parties to the civil war in Syria, including the al-Nusra Front and the Islamic State of Iraq and the Levant, are reported to have engaged in torture, rape, summary execution of government soldiers, kidnapping for ransom, and violence against civilians, including Christians and others who are not Sunni Muslims;

Whereas these and other actions perpetrated by the Government of Syria and other parties to the civil war in Syria may constitute war crimes, crimes against humanity, and genocide;

Whereas Syria is not a state-party to the Rome Statute and is not a member of the International Criminal Court;

Whereas the international community has previously established ad hoc tribunals through the United Nations to bring justice in specific countries where there have been war crimes, crimes against humanity, and genocide;

Whereas ad hoc tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for

Sierra Leone, have successfully investigated and prosecuted war crimes, crimes against humanity, and genocide, and there are many positive lessons to be learned from these three ad hoc tribunals; and

Whereas the United States supports the collection and analysis of documentation related to the ongoing violations of human rights, the coordination of Syrian and international actors working on documentation and transitional justice efforts, and education and outreach on transitional justice concepts and processes, including efforts of the Syria Justice and Accountability Center sponsored by the United States and various other states and multilateral institutions: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This concurrent resolution may be cited as the “Im-
3 mediate Establishment of Syrian War Crimes Tribunal
4 Resolution”.

5 SEC. 2. SENSE OF CONGRESS.

6 It is the sense of Congress that—

7 (1) the United States should urge the Govern-
8 ment of Syria and other parties to the civil war in
9 Syria to implement an immediate cease fire and en-
10 gage in negotiations to end the bloodshed;

11 (2) the United States should publicly declare
12 that it is a requirement of basic justice that war

1 crimes, crimes against humanity, and genocide,
2 whether committed by officials of the Government of
3 Syria, or other parties to the civil war in Syria,
4 should be investigated and prosecuted;

5 (3) the President should direct the United
6 States representative to the United Nations to use
7 the voice and vote of the United States to imme-
8 diately promote the establishment of a Syrian war
9 crimes tribunal, an ad hoc court to prosecute the
10 perpetrators of such serious crimes committed dur-
11 ing the civil war in Syria;

12 (4) in working with other countries to establish
13 a Syrian war crimes tribunal, the United States
14 should promote judicial procedures that enable the
15 prosecution of the most culpable persons guilty of di-
16 recting such serious crimes;

17 (5) the United States should continue its efforts
18 to collect and analyze documentation related to on-
19 going violations of human rights and make collection
20 of information that can be supplied to a Syrian war
21 crimes tribunal for use as evidence to support the in-
22 dictment and trial of any person involved in the civil
23 war in Syria and responsible for war crimes, crimes
24 against humanity, or genocide in Syria an immediate
25 priority; and

1 (6) the United States should urge other inter-
2 ested states to apprehend and deliver into the cus-
3 tody of a Syrian war crimes tribunal persons in-
4 dicted for war crimes, crimes against humanity, or
5 genocide in Syria and urge such states to provide in-
6 formation pertaining to such crimes to the tribunal.

Amend the title so as to read: “A concurrent resolution expressing the sense of Congress regarding the need for investigation and prosecution of war crimes, crimes against humanity, and genocide, whether committed by officials of the Government of Syria or other parties to the civil war in Syria, and calling on the President to direct the United States representative to the United Nations to use the voice and vote of the United States to immediately promote the establishment of a Syrian war crimes tribunal, and for other purposes.”.

