

114TH CONGRESS
1ST SESSION

S. 756

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2015

Referred to the Committee on Foreign Affairs

AN ACT

To require a report on accountability for war crimes and
crimes against humanity in Syria.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Syrian War Crimes
3 Accountability Act of 2015”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) March 2015 marks the fourth year of the
7 ongoing conflict in Syria.

8 (2) On December 17, 2014, the United Nations
9 Security Council unanimously adopted Resolution
10 2191 “expressing outrage at the unacceptable and
11 escalating level of violence and the killing of more
12 than 191,000 people, including well over 10,000 chil-
13 dren” and approximately 1,000,000 injured in Syria.

14 (3) More than half of Syria’s population is dis-
15 placed as of March 2015, with more than 7,600,000
16 internally displaced and more than 3,700,000 refu-
17 gees in neighboring countries.

18 (4) On February 19, 2015, United Nations Sec-
19 retary-General Ban Ki-moon reported to the Secu-
20 rity Council that “parties to the conflict are failing
21 to live up to their international legal obligations to
22 protect civilians” and called for action to ensure the
23 unfettered delivery of humanitarian relief, an end to
24 the use of denial of services as a weapon of war, and
25 a response to “the relentless and indiscriminate at-

1 tacks on civilians, including through the use of bar-
2 rel bombs”.

3 (5) On February 27, 2014, the Department of
4 State issued its 2013 Human Rights Report on
5 Syria, which described President Bashar al Assad’s
6 use of “indiscriminate and deadly force” in the con-
7 flict, including the August 21, 2013, use of “sarin
8 gas and artillery to target East Ghouta and
9 Moadamiya al-Sham, suburbs of Damascus, which
10 killed over 1,000 people”.

11 (6) The 2014 United States Commission on
12 International Religious Freedom Annual Report
13 states that in Syria “terrorist organizations espouse
14 violence and the creation of an Islamic state with no
15 space for religious diversity and have carried out re-
16 ligiously-motivated attacks and massacres against
17 Alawite, Shi’a and Christian civilians.”

18 (7) On February 4, 2015, the Executive Coun-
19 cil of the Organization for the Prohibition of Chem-
20 ical Weapons (OPCW) adopted a decision expressing
21 serious concern about the findings “with a high de-
22 gree of confidence” of an OPCW fact-finding mis-
23 sion that chlorine had been used as a weapon in
24 some areas of Syria in 2014 and calling for those in-
25 dividuals responsible to be held accountable.

1 (8) The United Nations Independent Inter-
2 national Commission of Inquiry on the Syrian Arab
3 Republic reports that pro-government forces have
4 conducted attacks on Syrian civilian populations,
5 and have utilized murder, torture, assault, and rape
6 as war tactics. Anti-government groups have also
7 committed murder and torture, engaged in hostage-
8 taking, attacked protected objects, and shelled civil-
9 ian neighborhoods. The Commission's February
10 2015 report states that Syria's civil war "has been
11 characterized by massive, recurrent violations of
12 human rights and international humanitarian law
13 that demand urgent international and national ac-
14 tion".

15 (9) On March 12, 2015, Physicians for Human
16 Rights (PHR) reported that since 2011, at least 610
17 medical personnel have been killed and there have
18 been 233 deliberate or indiscriminate attacks on 183
19 medical facilities in Syria. The Physicians for
20 Human Rights report cited evidence that the Gov-
21 ernment of Syria committed 88 percent of the re-
22 corded hospital attacks and 97 percent of medical
23 personnel killings, and "has targeted health care and
24 increasingly used it as a weapon of war to destroy

1 its opponents by preventing care, killing thousands
2 of civilians along the way”.

3 (10) Internationally accepted rules of war re-
4 quire actors to distinguish between civilians and
5 combatants and that all parties are obligated to re-
6 spect and protect the wounded and sick and to take
7 care all reasonable measures to provide safe and
8 prompt access for the wounded and sick to medical
9 care.

10 **SEC. 3. SENSE OF CONGRESS.**

11 Congress—

12 (1) strongly condemns the ongoing violence, use
13 of chemical weapons, targeting of civilian popu-
14 lations with barrel, incendiary, and cluster bombs
15 and SCUD missiles, and systematic gross human
16 rights violations carried out by Government of Syria
17 and pro-government forces under the direction of
18 President Bashar al-Assad, as well as all abuses
19 committed by violent extremist groups and other
20 combatants involved in the civil war in Syria;

21 (2) expresses its support for the people of Syria
22 seeking democratic change;

23 (3) urges all parties to the conflict to imme-
24 diately halt indiscriminate attacks on civilians, allow

1 for the delivery of humanitarian and medical assist-
2 ance, and end sieges of civilian populations;

3 (4) calls on the President to support efforts in
4 Syria and on the part of the international commu-
5 nity to ensure accountability for war crimes and
6 crimes against humanity committed during the con-
7 flict; and

8 (5) supports the requirement in United Nations
9 Security Council Resolutions 2191, 2165 and 2139
10 for regular reporting by the Secretary-General on
11 implementation on the resolutions, including of para-
12 graph 2 of resolution 2139, which demands that all
13 parties desist from violations of international hu-
14 manitarian law and violations and abuses of human
15 rights and calls on the Security Council to establish
16 a committee to investigate past and ongoing gross
17 violations of human rights and war crimes in the
18 Syrian conflict.

19 **SEC. 4. REPORT ON ACCOUNTABILITY FOR WAR CRIMES**
20 **AND CRIMES AGAINST HUMANITY IN SYRIA.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, and again not later than
23 180 days after the cessation of violence in Syria, the Sec-
24 retary of State shall submit to the appropriate congres-

1 sional committees a report on war crimes and crimes
2 against humanity in Syria.

3 (b) ELEMENTS.—The report required under sub-
4 section (a) shall include the following elements:

5 (1) A description of violations of internationally
6 recognized human rights, war crimes, and crimes
7 against humanity perpetrated during the civil war in
8 Syria, including—

9 (A) an account of incidents that may con-
10 stitute war crimes and crimes against humanity
11 committed by the regime of President Bashar
12 al-Assad and all forces fighting on its behalf;

13 (B) an account of incidents that may con-
14 stitute war crimes and crimes against humanity
15 committed by violent extremist groups, anti-
16 government forces, and any other combatants in
17 the conflict;

18 (C) a description of any incidents that may
19 violate the principle of medical neutrality and,
20 when possible, an identification of the individual
21 or individuals who engaged in or organized such
22 violations; and

23 (D) where possible, a description of the
24 conventional and unconventional weapons used
25 for such crimes and, the origins of the weapons.

1 (2) A description of efforts by the Department
2 of State and the United States Agency for Inter-
3 national Development to ensure accountability for
4 violations of internationally recognized human
5 rights, international humanitarian law, and crimes
6 against humanity perpetrated against the people of
7 Syria by the regime of President Bashar al-Assad,
8 violent extremist groups, and other combatants in-
9 volved in the conflict, including—

10 (A) a description of initiatives that the
11 United States Government has undertaken to
12 train investigators in Syria on how to docu-
13 ment, investigate, and develop findings of war
14 crimes, including the number of United States
15 Government or contract personnel currently
16 designated to work full-time on these issues and
17 an identification of the authorities and appro-
18 priations being used to support training efforts;

19 (B) a description and assessment of Syrian
20 and international efforts to ensure account-
21 ability for crimes committed during the Syrian
22 conflict, including efforts to promote a transi-
23 tional justice process that would include crimi-
24 nal accountability and the establishment of an
25 ad hoc tribunal to prosecute the perpetrators of

1 war crimes committed during the civil war in
2 Syria; and

3 (C) an assessment of the influence of ac-
4 countability measures on efforts to reach a ne-
5 gotiated settlement to the conflict during the
6 reporting period.

7 (c) FORM.—The report required under subsection (a)
8 may be in unclassified or classified form, but shall include
9 a publicly available annex.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEE DE-
11 FINED.—In this section, the term “appropriate congres-
12 sional committees” means—

13 (1) the Committee on Foreign Relations of the
14 Senate; and

15 (2) the Committee on Foreign Affairs of the
16 House of Representatives.

Passed the Senate July 14, 2015.

Attest: JULIE E. ADAMS,
Secretary.