

113TH CONGRESS
1ST SESSION

S. RES. 219

Calling for Syrian President Bashar al-Assad and others to be tried before the International Criminal Court for committing war crimes and crimes against humanity.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 2013

Mr. CARDIN submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Calling for Syrian President Bashar al-Assad and others to be tried before the International Criminal Court for committing war crimes and crimes against humanity.

Whereas the United States intelligence community assessed with high confidence that the Government of Syria carried out a chemical weapons attack in the Damascus suburbs on August 21, 2013, killing 1,429 Syrians;

Whereas the United Nations estimates that, since the uprising in Syria began in March 2011, more than 100,000 people, mainly civilians, have been killed;

Whereas Syria and neighboring countries are facing a growing humanitarian crisis, with 2,000,000 Syrians having fled the country, and millions more being displaced internally;

Whereas, under the command of President Bashar al-Assad, Syrian government forces and shabiha forces have been accused of gross human rights violations, including heavy shelling of civilian areas, widespread pillaging and the burning of homes, denial of basic human needs such as food, water, and medical care, mass torture and arrests, unlawful detention, and brutal execution-style killings;

Whereas terrorist groups operating in Syria have reportedly engaged in kidnapping for ransom, violence, summary executions, torture, and other gross human rights violations against civilians;

Whereas the United States has implemented a series of sanctions through five Executive orders pertaining to the situation in Syria;

Whereas the United Nations Human Rights Council has held four special sessions, issued four reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, and adopted seven resolutions devoted to the situation in Syria;

Whereas the United Nations Security Council has adopted three resolutions authorizing an advance team to monitor the ceasefire in Syria and a short-lived United Nations Supervision Mission in Syria (UNSMIS);

Whereas the United Nations General Assembly has adopted five resolutions regarding human rights and the situation in Syria;

Whereas the situation in Syria continues to deteriorate despite such actions by the international community;

Whereas United Nations Security Council Resolution 1540 (2004) prohibits all United Nations member states, including Syria, from providing any form of support to

non-state actors that attempt to develop, acquire, possess, transfer, or use chemical weapons or other weapons of mass destruction, and it reaffirms that weapon of mass destruction proliferation “constitutes a threat to international peace and security”;

Whereas, on February 22, 2012, the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic found in its second report that, after further review, “a reliable body of evidence exists that, consistent with other verified circumstances, provides reasonable grounds to believe that particular individuals, including commanding officers and officials at the highest levels of Government, bear responsibility for crimes against humanity and other gross human rights violations”;

Whereas, on February 5, 2013, the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic found in its report that Syrian forces and affiliated militia committed crimes against humanity, war crimes, and gross violations of international human rights and that anti-government forces committed war crimes;

Whereas the February 5, 2013, United Nations Independent International Commission of Inquiry on the Syrian Arab Republic found that government forces, affiliated militia, and anti-government forces have violated the rights of children and that government forces and affiliated militia have committed widespread sexual violence;

Whereas the report recommends that the United Nations Security Council “take appropriate action and commit to human rights and the rule of law by means of referral to justice, possibly to the International Criminal Court,

bearing in mind that, in the context of the Syrian Arab Republic, only the Security Council is competent to refer the situation to the Court”;

Whereas the United Nations conducted an investigation into the alleged August 21, 2013, chemical weapons attack in the Damascus suburbs;

Whereas the United Nations High Commissioner for Human Rights has repeatedly called on the United Nations Security Council to consider referring the situation of Syria to the International Criminal Court; and

Whereas the International Criminal Court is an independent body whose mission is to investigate and prosecute individuals for crimes within its jurisdiction, including crimes against humanity, war crimes, and genocide: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) strongly condemns the ongoing violence, the
3 use of chemical weapons, and the systematic gross
4 human rights violations carried out by Syrian gov-
5 ernment forces under direction of President Bashar
6 al-Assad as well as abuses committed by other
7 groups involved in the civil war in Syria;

8 (2) expresses its support for the people of Syria
9 seeking peaceful democratic change; and

10 (3) calls on the United Nations Security Coun-
11 cil, based on evidence that war crimes and crimes
12 against humanity have been perpetrated in Syria, to

- 1 refer the situation of Syria to the International
- 2 Criminal Court.

