

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. RES. 199

Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. SMITH of New Jersey (for himself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on International Relations

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## RESOLUTION

Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

Whereas in July 1995 thousands of men and boys who had sought safety in the United Nations-designated “safe area” of Srebrenica in Bosnia and Herzegovina under the protection of the United Nations Protection Force (UNPROFOR) were massacred by Serb forces operating in that country;

Whereas beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosniaks seeking protection in Srebrenica and its environs, which the United Nations

Security Council designated a “safe area” in Resolution 819 on April 16, 1993;

Whereas the UNPROFOR presence in Srebrenica consisted of a Dutch peacekeeping battalion, with representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the humanitarian medical aid agency Medecins Sans Frontieres (Doctors Without Borders) helping to provide humanitarian relief to the displaced population living in conditions of massive overcrowding, destitution, and disease;

Whereas Bosnian Serb forces blockaded the enclave early in 1995, depriving the entire population of humanitarian aid and outside communication and contact, and effectively reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation;

Whereas beginning on July 6, 1995, Bosnian Serb forces attacked UNPROFOR outposts, seized control of the isolated enclave, held captured Dutch soldiers hostage and, after skirmishes with local defenders, ultimately took control of the town of Srebrenica on July 11, 1995;

Whereas an estimated one-third of the population of Srebrenica, including a relatively small number of soldiers, made a desperate attempt to pass through the lines of Bosnian Serb forces to the relative safety of Bosnian-held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion at its headquarters in the village of Potocari north of Srebrenica but many of these

individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or executed;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily executed and buried the captives in mass graves;

Whereas approximately 20 percent of Srebrenica's total population at the time—at least 7,000 and perhaps thousands more—was either executed or killed;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the assault on Srebrenica and prevented the subsequent massacre;

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris on December 9, 1948, and entered into force with respect to the United States on February 23, 1989) defines genocide as “any of the following acts committed with 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 intended to prevent births within the group; (e) forcibly transferring children of the group to another group”;

Whereas on May 25, 1993, the United Nations Security Council adopted Resolution 827 establishing the world’s first international war crimes tribunal, the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas numerous members of the Bosnian Serb forces at various levels of responsibility have been indicted for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, some of whom have been tried and sentenced while others, including Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression and ethnic cleansing, to negotiate the General Framework Agreement for Peace in Bosnia and Herzegovina (initialled in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995), and to help ensure its fullest implementation, including cooperation with the International Criminal Tribunal for the former Yugoslavia: Now therefore be it

1       *Resolved*, That it is the sense of the House of Rep-  
2       resentatives that—

3               (1) the thousands of innocent people executed  
4               at Srebrenica in Bosnia and Herzegovina in July  
5               1995, along with all individuals who were victimized  
6               during the conflict and genocide in Bosnia and  
7               Herzegovina from 1992 to 1995, should be solemnly  
8               remembered and honored;

9               (2) the policies of aggression and ethnic cleans-  
10              ing as implemented by Serb forces in Bosnia and  
11              Herzegovina from 1992 to 1995 meet the terms de-  
12              fining the crime of genocide in Article 2 of the Con-  
13              vention on the Prevention and Punishment of the  
14              Crime of Genocide;

15              (3) foreign nationals, including United States  
16              citizens, who have risked and in some cases lost  
17              their lives in Bosnia and Herzegovina while working

1 toward peace should be solemnly remembered and  
2 honored;

3 (4) the United Nations and its member states  
4 should accept their share of responsibility for allow-  
5 ing the Srebrenica massacre and genocide to occur  
6 in Bosnia and Herzegovina from 1992 to 1995 by  
7 failing to take sufficient, decisive, and timely action,  
8 and the United Nations and its member states  
9 should constantly seek to ensure that this failure is  
10 not repeated in future crises and conflicts;

11 (5) it is in the national interest of the United  
12 States that those individuals who are responsible for  
13 war crimes, genocide, crimes against humanity, and  
14 grave breaches of the 1949 Geneva Conventions,  
15 committed in Bosnia and Herzegovina, should be  
16 held accountable for their actions;

17 (6) all persons indicted by the International  
18 Criminal Tribunal for the former Yugoslavia (ICTY)  
19 should be apprehended and transferred to The  
20 Hague without further delay, and all countries  
21 should meet their obligations to cooperate fully with  
22 the ICTY at all times; and

23 (7) the United States should continue to sup-  
24 port the independence and territorial integrity of  
25 Bosnia and Herzegovina, peace and stability in

1       southeastern Europe as a whole, and the right of all  
2       people living in the region, regardless of national, ra-  
3       cial, ethnic or religious background, to return to  
4       their homes and enjoy the benefits of democratic in-  
5       stitutions, the rule of law, and economic opportunity,  
6       as well as to know the fate of missing relatives and  
7       friends.

