Mr. President, this

resolution has been offered by Senator

DORGAN and myself. The most expeditious

way to move to the import of the

resolution is to read the ‘‘resolved’’

clause. It is as follows:

This move to try Saddam Hussein as

a war criminal is the most recent in a

series of moves to establish the international

rule of law with an international

criminal court. The antecedent

for this activity lay in the

international military tribunal at Nuremberg,

which was convened to try individuals

for crimes against international

law committed during World

War II. The Nuremberg tribunal provisions

stated that:

That statement is as valid today as it

was in 1946. For more than a decade,

many of us in the Congress of the

United States have sought to create an

international criminal court to deal

with crimes against humanity and

other international crimes. Senator

DODD and I have authored a series of

resolutions in the U.S. Senate. In the

House of Representatives, under the

leadership of Congressman JIM LEACH,

a number of resolutions have been offered.

The international criminal court

is moving forward, with a realistic

likelihood of the establishment of such

an international criminal court in the

not too far distant future. And, in the

interim, the War Crimes Tribunal has

been established by the United Nations

to try crimes against humanity from

the former Yugoslavia, the offenses

committed in Bosnia and related territories,

and for crimes against humanity

committed in Rwanda.

The War Crimes Tribunal is in existence.

I have had the opportunity to

visit it on three occasions to see the

operation of the Tribunal. It would be

merely an extension of the War Crimes

Tribunal to include the import of the

current resolution so that Saddam

Hussein could be tried as a war criminal.

The specifics are that in 1988 the

Iraqi Government, under the direction

of Saddam Hussein, carried out a systematic

campaign to destroy the Kurdish

population in Iraq. Kurdish leaders

estimated the death toll of this campaign

at between 50,000 and 182,000.

On March 16, 1988, Iraqi aircraft

bombed the city of Halabja, then in the

hands of Iranian-supported Kurdish

rebels. That bombing was with chemical

weapons, and more than 5,000

women and children died in that attack.

Iraqi chemical weapons were used in

1982 to 1984 in the Iran-Iraq war. The

Iraqis developed their proficiency in

chemical weapons gradually during the

war with Iran. The Iraqis initially used

chemical weapons against the Iranians

in 1982, and the next recorded deployment

was in July 1983, when the Iraqis

used mustard gas against an Iranian

force. Large quantities of mustard gas

were used in November 1983 and February

1984. They may also have used a

nerve agent in the February 1984 attack.

With respect to the Iraq-Kuwait crisis,

from January 18, 1991, to February

25, 1991, Iraq fired 39 Scud conventional

warhead missiles at Israel in 18 separate

attacks, killing 2 persons directly,

killing 12 people indirectly, and injuring

more than 200 persons.

On December 18, 1990, Amnesty International

issued a report that stated

Iraq tortured or executed hundreds of

Kuwaitis suspected of conducting guerrilla

warfare against Iraqi forces.

Thousands of Kuwaitis were arrested

for resisting Iraqi orders. Amnesty

International also reported that some

312 premature babies died after the

Iraqi troops stole their incubators.

Iraq committed deliberate and calculated

crimes of environmental terrorism

in the region by its willful ignition

of more than 700 Kuwaiti oil wells

in February 1991.

In the spring of 1993, the Government

of Kuwait informed the U.S. administration

that it had discovered evidence

that Iraq sponsored an attempt to assassinate

former President Bush and

destabilize Kuwait during his April 14,

15, and 16 visit to Kuwait. The Federal

Bureau of Investigation and other U.S.

intelligence agencies were sent to Kuwait

to conduct their own investigation

and reported back to the President

on June 24, 1993, that their findings

confirmed the view that Iraq was behind

the plot.

Iraq denied that it attempted to assassinate

the President. But the proof,

being overwhelming, led the United

States, on June 26, 1993, to launch 23

Tomahawk missiles at Iraqi intelligence

headquarters.

On June 28, 1993, President Clinton

sent the Congress a letter describing

the missile attack on Iraq being ‘‘consistent

with the War Powers Resolution.’’

This is a very brief summary of the

war crimes committed by Saddam Hussein

and others. We have found on the

international scene the conduct of Saddam

Hussein to be reprehensible in

many other respects. Saddam Hussein

has flagrantly violated the U.N. resolutions,

carrying the world to the brink

of conflict and then backing down at

the last minute. It would be a very salutary

matter to have Saddam Hussein

indicted and tried as a war criminal. It

is obvious that taking Saddam Hussein

into custody is a very complex matter

and perhaps impossible without an

enormous military force. By 20/20 hindsight,

Saddam Hussein should have

been taken into custody in the 1991

Persian Gulf war, but that is 20/20 hindsight.

There have been a number of calls to

have Saddam Hussein toppled. It is not

beyond the realm of possibility that insurgent

forces within Iraq could lead a

revolution. The United States could

lend the Voice of America to those efforts.

The United States could, consistent

with international practices, support

those who would move against

Saddam Hussein, and in the context

where action is contemplated against

Saddam Hussein, a resolution for the

trial of Saddam Hussein as a war criminal,

the indictment itself, the trial,

even if in absentia, could give the

United States a high moral ground and

warrant our action in toppling Saddam

Hussein.

I am joined at this time by my distinguished

colleague, Senator DORGAN,

who is a cosponsor of the resolution. I

yield the floor to Senator DORGAN.