

Apprehension and Prosecution of War Criminals - 1997

In 1993, Women of Reform Judaism adopted the resolution Ethnic Conflict and Violence which voiced concern and urged action regarding the intense ethnic, religious and civil conflicts arising throughout the world, such as that recently occurring in Congo (formerly Zaire). Two of these recent ethnic wars, in Bosnia and Rwanda, were genocidal. Beginning in 1950, Women of Reform Judaism has taken strong positions on genocide, urging the United States to ratify the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

International Criminal Tribunals, the first since those following World War II, have been established to try those who committed the genocide of Bosnian Muslims in the Former Yugoslavia and the Tutsi minority in Rwanda. Their savage acts meet the international definition of war crimes. Seventy-five persons have been indicted by the International Criminal Tribunal for the Former Yugoslavia, but only eight are in custody. The remainder are living freely, indeed some are politically active in Croatia, the Federal Republic of Yugoslavia and Republic of Srpska. NATO led forces, including U.S. troops, have not arrested them, nor have been ordered to do so. The International Criminal Tribunal For Rwanda has indicted twenty-one persons who are accused of playing major roles in the Rwandan genocide, nine of whom are still at large in Zaire, Côte d'Ivoire, Kenya and Cameroon.

Among the indicted war criminals in the former Yugoslavia are those who organized and perpetrated the systematic use of rape of Bosnian women as a war strategy. The Tribunals, in a momentous and historic decision, defined strategic use of rape as a war crime. Yet the rapists are among those who have not been apprehended and brought to trial, despite the Dayton peace agreement which obliges the Former Yugoslavia to cooperate with the Tribunal.

The UN statutes establishing both Tribunals provide that all members of the international community have a duty to comply in the "arrest or detention of persons indicted for war crimes" and "the surrender or transfer of the accused to the international Tribunal(s)." Moreover, the U.S. Congress adopted section 582 of Public Law 104-107 to use the leverage of international financial institution resources to encourage governments to turn over indicted war criminals to the two Tribunals for criminal prosecution.

The Board of Directors of Women of Reform Judaism applauds the decisions of the Tribunals defining the strategic use of rape as a war crime and calls upon the President and administration of the United States to take a leadership role to insure the apprehension and prosecution of war criminals by:

- 1) Ordering U.S. and NATO forces to detain and remand indicted war criminals to the Tribunals for trial.
- 2) Urging the international community to focus economic and political pressure, by withholding international financial resources, on those countries that are not cooperating with the Tribunals by releasing indicted war criminals.

Further, Women of Reform Judaism urges its global affiliates to take such positions in relationship to their governments to work towards apprehension and prosecution of indicted war criminals.

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