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U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED EIGHTH CONGRESS

April 8, 2003

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ROBERT S. RANGEL, STAFF DIRECTOR

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

Recent media reports show that American service members who had been taken prisoners of war by Iraqis have been killed. The evidence suggests violations of the Geneva Conventions and war crimes. We write to suggest a framework for adjudication of war crimes cases that may arise from Operation Iraqi Freedom.

Review of the war crimes trials conducted in Germany and Japan in the wake of World War II demonstrates the wisdom and utility in prosecuting war crimes through an international military tribunal. The Nuremberg trials are a case in point. Those trials, conducted under the auspices of the United Nations, were preceded by an agreement among the allied nations concerning their conduct. That agreement included a detailed charter for the military tribunal. The charter constituted the tribunal and prescribed its jurisdiction, powers, rules of procedure, authorized sentences, and ancillary matters necessary to insure that the defendants received a fair trial.

As much as we all deplore the cruelty and inhumanity that characterize war crimes, it is a hallmark of American idealism that we as a nation should submit those who we suspect of war crimes to the judgment of the law. We believe that the international agreement and principles of fairness, justice and the rule of law that were the predicate for the Nuremberg trials can also serve as a useful template for the prosecution of war crimes committed during Operation Iraqi Freedom. Just as the Nuremberg trials were conducted by the four nations who won that war—the United States, England, France and the Union of Soviet Socialist Republics—so, too, could a tribunal resulting from this war be conducted by the principal coalition partners—the United States, England, Australia, Poland and Kuwait.

We urge you to consider the Nuremberg trial model as you decide how to deal with offenses arising during this conflict.

Sincerely,



Duncan Hunter
Chairman



Ike Skelton
Ranking Democrat