

116TH CONGRESS
2D SESSION

S. RES.

Condemning threats by President Donald J. Trump to violate the law of armed conflict with respect to Iran.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Ms. DUCKWORTH, Mr. MERKLEY, Ms. WARREN, Mr. LEAHY, Mr. WYDEN, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on

RESOLUTION

Condemning threats by President Donald J. Trump to violate the law of armed conflict with respect to Iran.

Whereas President Donald J. Trump threatened to destroy sites “important to . . . the Iranian culture” and threatened future retaliation in “a disproportionate manner” on January 4 and January 5, 2020, respectively;

Whereas Article 53 of Protocol I to the Geneva Conventions prohibits any act of hostility against cultural objects, including making such objects the target of reprisals;

Whereas destruction of cultural sites violates the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which the United States rati-

fied during the administration of President George W. Bush;

Whereas the Department of Defense Law of War Manual states that “[c]ultural property, the areas immediately surrounding it, and appliances in use for its protection should be safeguarded and respected”;

Whereas the United States Government has condemned the Taliban, the Islamic State, al Qaeda and its affiliates, and the Government of the People’s Republic of China, among others, for the destruction of cultural heritage;

Whereas the Trump Administration supported the adoption of United Nations Security Council Resolution 2347 (2017) condemning “the unlawful destruction of cultural heritage, including the destruction of religious sites and artefacts”;

Whereas, on March 24, 2017, the United States Deputy Permanent Representative to the United Nations stated, “The United States seeks to hold accountable. . . the perpetrators of deliberate cultural heritage destruction.”;

Whereas the destruction of cultural sites in Iran could include damage to one or more of the 22 cultural sites in Iran inscribed on the World Heritage List of the United Nations Educational, Scientific, and Cultural Organization;

Whereas, on January 6, 2020, Secretary of Defense Mark T. Esper expressed that the United States would not target Iranian cultural sites, as the United States “follow[s] the laws of armed conflict”;

Whereas military actions conducted “in a disproportionate manner” violate international law, including Protocol I to the Geneva Conventions, as well as the United States De-

partment of Defense guidelines whether in reference to the conduct of armed conflict or the resort to war;

Whereas the Department of Defense Law of War Manual states that the principle of proportionality in the conduct of war “generally refers to the obligation to take feasible precautions in planning and conducting attacks and to refrain from attacks in which the expected loss of civilian life, injury to civilians, and damage to civilian objects incidental to the attack would be excessive.”;

Whereas the Department of Defense Law of War Manual states, “Proportionality is also a requirement for reprisals, which must respond in a proportionate manner to the preceding illegal act by the party against which they are taken”;

Whereas military action that disregards proportionality would further exacerbate the suffering of the Iranian people, who have endured—

(1) their own government’s systematic and long-standing human rights violations, restrictions on political freedoms, and brutal suppression of their democratic aspirations; and

(2) the arbitrary reimposition of United States sanctions that have negatively affected livelihoods of ordinary Iranians and restricted economic activity; and

Whereas the destruction of cultural sites and the disproportionate use of military force are among the actions that could needlessly escalate the crisis with Iran: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) affirms that efforts to defend United States

3 security and interests must take into account poten-

1 tial harm to civilians and other protected persons
2 and objects in foreign countries, consistent with
3 international legal principles and our common hu-
4 manity;

5 (2) affirms that the destruction of cultural her-
6 itage is morally wrong, is a violation of international
7 law, and that even threats of such destruction un-
8 dermine years of public diplomacy demonstrating
9 that the American people do not seek conflict with
10 any cultural or religious group;

11 (3) affirms that no violation of the law of
12 armed conflict or human rights violation by Iran or
13 its proxies permits or justifies similar violations by
14 any other state;

15 (4) urges President Donald J. Trump to use his
16 bully pulpit to promote de-escalation of tensions with
17 Iran rather than to threaten acts of war and viola-
18 tions of international law;

19 (5) strongly condemns the President's threats
20 to destroy sites important to Iranian culture and to
21 retaliate against Iran in a disproportionate manner;
22 and

23 (6) demands that the President avoid needless
24 escalation with Iran and refrain from violating the
25 law of armed conflict.