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TO: BAKER, J

FROM: PRESIDENT

DOC DATE: 26 NOV 91
SOURCE REF:

KEYWORDS: PERSIAN GULF
CONGRESSIONAL

LEGAL ISSUES

PERSONS:

SUBJECT: DELEGATION OF AUTHORITY W/ RESPECT TO RPT ON PERSIAN GULF WAR
CRIMINALS

ACTION: PRES SGD MEMO DUE DATE: 26 NOV 91 STATUS: C

STAFF OFFICER: ROSTOW LOGREF: 9102950

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D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON
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COMMENTS: _____

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OPENED BY: NSJEB CLOSED BY: NSNGB DOC 4 OF 4

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

November 26, 1991

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Delegation of Authority with Respect to the
Report on Persian Gulf War Criminals

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the reporting function vested in me by section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138). This function shall be exercised in consultation with the Secretary of Defense and the Attorney General.

You are authorized and directed to publish this memorandum in the Federal Register.

A handwritten signature in cursive script, appearing to read "G. Bush", is located in the lower right quadrant of the page.

THE PRESIDENT HAS SEEN 11/26/91

THE WHITE HOUSE
WASHINGTON

November 25, 1991

31 NOV 25 P9:00

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *RG*

FROM: BRENT SCOWCROFT *B*

SUBJECT: Delegation of Authority with Respect to the Report on Persian Gulf War Criminals

Purpose

To delegate to the Secretary of State the responsibility to report to Congress regarding Persian Gulf War Criminals in accordance with section 301(c) of the Foreign Relations Authorization Act for Fiscal Years 1992 and 1992.

Background

Section 301(c) of the Foreign Relations Authorization Act requires you to report to Congress by November 25, 1991, describing the steps taken in conjunction with the United Nations to convene an international war crime tribunal, any evidence of war crimes that were committed during the Gulf War, the jurisdiction of international tribunals, and the identification of Iraqi authorities who should be prosecuted.

Due to the level of detail requested, and the onerous "30-day" reporting requirement, the State Department recommends that the Secretary of State submit this report to Congress.

RECOMMENDATION

That you authorize the Secretary of State to discharge your responsibility to report to Congress on War Crimes (Tab A).

Approve *cs* Disapprove _____

Attachments

Tab A Delegation of Authority

cc: Vice President
Chief of Staff

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

8581



November 25, 1991

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW *NR*
FROM: RONALD VONLEMBKE *RVL*
SUBJECT: Delegation of Authority with Respect to the Report
on Persian Gulf War Criminals

Attached at Tab I is a memorandum for the President recommending that today he delegate authority (Tab A) to the Secretary of State to report to Congress in accordance with section 301(c) of Foreign Relations Authorization Act for Fiscal Years 1992 and 1993. That section requires the President to submit a report within 30 days -- by November 25, 1991 -- of enactment describing the steps taken in conjunction with the United Nations to convene an international war crimes tribunal, any evidence of war crimes that were committed during the Gulf War, the jurisdiction of international tribunals, and the identification of Iraqi authorities who should be prosecuted.

The Department of State has prepared the report in coordination with the Department of Justice, Department of Defense, and Joint Chiefs of Staff. Due to the level of detail requested and the onerous "30-day" reporting requirement, State recommends that the Secretary of State, rather than the President, submit this report to Congress. We concur. (The State Department recommendation (Tab II) arrived today.)

Concurrences by: Virginia Lampley *VL*

RECOMMENDATION

That you sign the memorandum at Tab I to the President.

Attachments

Tab I Scowcroft Memorandum for the President
Tab A Delegation of Authority
Tab II Pearson/Scowcroft Memorandum



8581
United States Department of State

Washington, D.C. 20520 9121034

November 22, 1991

MEMORANDUM FOR BRENT SCOWCROFT
THE WHITE HOUSE

Subject: Delegation of Authority on the Report on Persian
Gulf War Criminals

Section 301 of the Foreign Relations Authorization Act for Fiscal Years 1992 and 1993 (October 28, 1991, Public Law 102-138) expresses the sense of the Congress that the President should propose that the Security Council establish an international criminal tribunal for the prosecution of Persian Gulf war criminals who are not more appropriately prosecuted in U.S. courts. Section 301(b) directs the Secretary of State to designate a "high level official" with responsibility for developing the proposal and advising the President on the issue of Persian Gulf war crimes and other functions. The Legal Adviser of the Department of State has been designated for this to perform these functions.

Under Section 301(c), no later than 30 days after the bill becomes law (i.e., November 26) the President is to submit a report to the Congress setting forth the proposal, describing the evidence of crimes under international law that justifies prosecutions, and identifying Iraqi authorities who should be prosecuted.

A report has been prepared and coordinated with DOD, JCS, and Justice. However, we believe that this reporting function should be delegated to the Secretary of State. Attached is a proposed memorandum delegation of authority for this purpose. It is requested that it be signed by November 25 in order to ensure compliance with the 30 day requirement.

R. A. KAMANTHA
R.W. Robert Pearson
Executive Secretary

Attachment:

Memorandum Delegation

MEMORANDUM FOR THE SECRETARY OF STATE

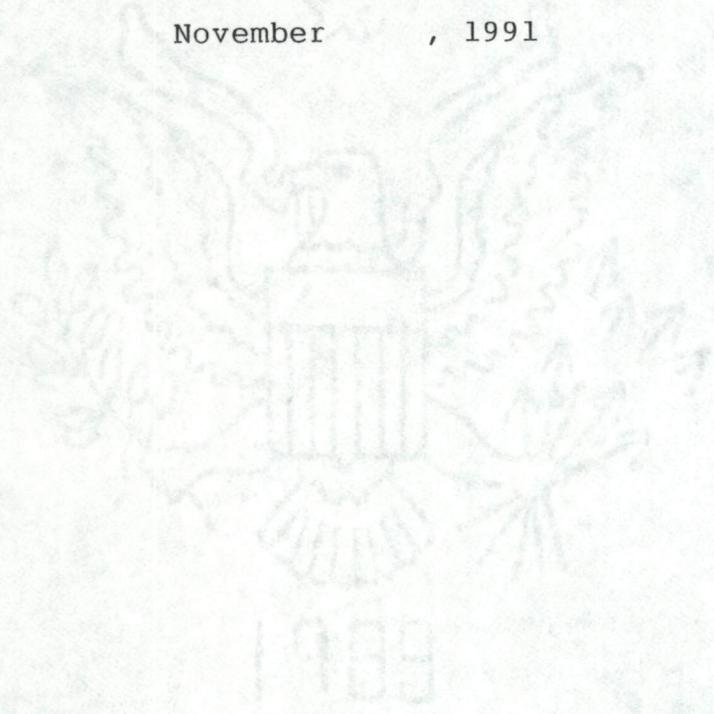
SUBJECT: Delegation of Authority Regarding Reporting Requirements

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the reporting function vested in me by section 301(c) of the Foreign Relations Authorization Act for Fiscal Years 1992 and 1993 (~~Oct. 28, 1991~~, Public Law 102-138). This function shall be exercised in consultation with the Secretary of Defense and the Attorney General. ✓

You are authorized and directed to publish this memorandum in the Federal Register.

THE WHITE HOUSE

November , 1991



THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Delegation of Authority with Respect to the Report
on Persian Gulf War Criminals

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the reporting function vested in me by section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138). This function shall be exercised in consultation with the Secretary of Defense and the Attorney General.

You are authorized and directed to publish this memorandum in the Federal Register.

THE WHITE HOUSE,

The Honorable James ... →
The Secretary of State →

TO: SCOWCROFT

FROM: PEARSON, W

DOC DATE: 22 NOV 91
SOURCE REF: 9121034



KEYWORDS: PERSIAN GULF
CONGRESSIONAL

LEGAL ISSUES

PERSONS:

SUBJECT: DELEGATION OF AUTHORITY ON RPT ON PERSIAN GULF WAR CRIMINALS

ACTION: PREPARE MEMO FOR SCOWCROFT DUE DATE: 26 NOV 91 STATUS: S

STAFF OFFICER: ROSTOW LOGREF: 9102950

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION
ROSTOW

FOR CONCURRENCE
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FOR INFO
LAMPLEY
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COMMENTS: _____

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