

organizations that formerly endorsed violence to formally renounce such tactics before participating in electoral politics. President Abbas should insist upon such action before allowing Hamas to participate in the upcoming legislative elections.

Secretary Rice stated recently that participants in a democratic political process cannot simultaneously keep an option on politics and an option on violence. Unfortunately, that is the case we now see unfolding in the Palestinian territories.

I support the establishment of a Palestinian state that can live side by side in peace and security with Israel and its other neighbors in the Middle East. How, though, will the United States be able to deal honestly and in good faith with a government composed of unrepentant members of an organization that advocates terror and the dissolution of our greatest ally in the Middle East—Israel? And perhaps more importantly, how will the Palestinian Government ever be able to negotiate with Israel?

This is of profound concern to me because the United States should help the Palestinian Government get on its feet and should help it develop an infrastructure that well serves its people. Certainly the Israelis need a legitimate body with which they can negotiate. The bottom line is a Palestinian legislature with members representing Hamas is a weakened body that will be stymied by serious questions about its legitimacy.

The peace process requires a sustained Palestinian effort to dismantle the terrorist infrastructure. President Abbas can take a bold stand by insisting Hamas cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure before participating in the January elections.

Mr. McCAUL of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCAUL of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 534) recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq.

The Clerk read as follows:

H. RES. 534

Whereas the United States is supportive of a sovereign governing body in Iraq, including the current government as well as future

duly elected governments and appointed officials;

Whereas Iraq, as do all sovereign nations, has the duty and responsibility to indict, prosecute, and punish criminals within its jurisdiction;

Whereas the Iraqi Special Tribunal holds the sovereign power to prosecute criminals;

Whereas certain accused individuals have allegedly committed egregious crimes against humanity, genocide, and war crimes;

Whereas the people of a free and democratic Iraq deserve justice for the horrific crimes inflicted upon them; and

Whereas the Iraqi Special Tribunal is empaneled to bring swift and impartial justice for the people, victims, and the nation of Iraq; Now, therefore, be it

*Resolved*, That the House of Representatives fully supports an independent Iraqi judiciary and its efforts to serve the cause of justice in a free and democratic Iraq.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, an independent judiciary is one of the hallmarks of good government and is an essential check on the power of judicial and legislative branches of the modern state. Indeed, a requirement for evenhanded justice is an element of natural law and is called for in the Bible and the Koran which require equal justice for the poor and the rich.

In the case of Iraq, it would have been simple for a kangaroo court of some sort to have convened, held a trial of such obvious violators as Saddam Hussein and then had them shot immediately. This has been the case in some uprisings, both in the Middle East and elsewhere, such as when Romania's regime fell. This is not the path that the Iraqis have chosen, and we should honor them for this choice. The trial of Saddam as it is being carried out stands in sharp contrast to the actions of the Hussein regime against its dissenters who were usually executed after some paperwork was completed but where there was no semblance of a fair trial.

The resolution before us expresses our support for an independent Iraqi judiciary. This judiciary may disappoint from time to time. That is the nature of independent judges, to make unpopular decisions based strictly on law. Adherence to the rule of law and the existence of an independent Iraqi judiciary will be a critical component

to the consolidation of Iraqi sovereignty and democratic governance, and I appreciate the efforts of the gentleman from Texas (Mr. BURGESS), the author of this resolution, who traveled to Iraq, met with the Iraqi judges and came away so deeply impressed that he decided to put forward this resolution tonight.

I also thank the chairman and the ranking member of the Committee on International Relations, who expedited its consideration on the floor, and to the House leadership for including it among the matters scheduled this week as we move to the end of the House session.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LANTOS asked and was given permission to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, as we meet today, Iraq has begun to conduct a historic election that will select a national government for the next four years. Under the Iraqi Constitution approved this past October, the government that emerges from these important elections will have tremendous responsibilities. It must fill in the many blanks left in the Constitution regarding a new social compact for the Iraqi people and the sharing of oil revenues among all ethnic groups.

The creation of a truly independent judiciary is one of the greatest and most important challenges that will face the new Iraqi government.

Mr. Speaker, as we all know, a political settlement that would create a stake by all ethnic groups in a unified, peaceful Iraq has to date eluded the major political factions in Iraq. In fact, Iraqi society is facing a convulsion of violent sectarian conflict and suffering from acts of desperate terrorism.

While the elections now underway may lead to a consolidation of the political gains that were made in October, the establishment of an independent judiciary is a critical precondition for preserving those gains.

Without an independent judiciary that all members of Iraqi society believe will adjudicate disputes fairly, there can be no real peace in Iraq.

Without an independent judiciary that stands up to the rest of the national government and defends the new constitution, there can be no real new social compact in Iraq.

And without an independent judiciary that respects the religious differences among its people, there can be no real trust of that compact.

Mr. Speaker, as we speak, the nascent Iraqi judiciary is trying Saddam Hussein for the horrors of his regime. Based upon his dramatic court appearances, Saddam is clearly living under the delusion that he can orchestrate a triumphal return by manipulating the court for his own political ends.

This effort will fail and we will see Saddam Hussein for what he is—a mass murderer guilty of crimes against humanity who never should have been accorded respect by anyone in the international community.

Let us hope that a successful prosecution of Saddam Hussein with all reasonable procedural protections will help launch the independent judiciary for which this resolution calls.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. BURGESS), the original sponsor of the resolution.

Mr. BURGESS. Mr. Speaker, I thank the gentlewoman from Florida for helping us move this legislation expeditiously. Of course, I thank Chairman HYDE for his role in that. I thank the gentleman from California as well.

Two years ago yesterday, December 13, 2003, Saddam Hussein was captured and his tortured reign was finally and officially and completely at an end.

While that was a significant turning point in this war, we all knew the path to a free and democratic Iraq would not be easy. Yet after years of oppression and torture, the Iraqi people are growing closer to having a nation ruled by their people instead of a nation ruled by fear.

Earlier this year, the passage of the Iraqi constitution marked a significant milestone in the recovery of the sovereign nation of Iraq. In excess of 60 percent of the people of Iraq braved the terrorists, braved the threats of violence to be able to cast their vote.

Indeed, at 9 a.m. Eastern Standard Time tomorrow morning, the polls will close in Iraq and the Iraqi people will have reached another historic milestone. Iraqi men and women worldwide are going to the polls in droves to be able to democratically elect the nation's first permanent constitutional parliament in decades.

□ 2330

While there will still be hurdles for the Iraqi people to overcome today, we celebrate with our friends as they continue to take courageous steps in becoming their own sovereign nation.

Mr. Speaker, a free and democratic Iraq will equal a safer world. And for the safety of our own Nation, I firmly believe that we must continue to support the sovereign endeavors of the Iraqi people and this developing nation. Tonight I rise to speak about an important House resolution, H. Res. 534, that enables this body to boldly support the governing efforts in Iraq.

We are all well aware of the current trial of Saddam Hussein; and while this trial is important, a strong, independent Iraqi judicial system is of even greater importance.

A crucial component to a free and democratic nation is its judicial system in which alleged criminals can be indicted; prosecuted; if convicted, punished in a fair and impartial manner. As Members of Congress, we have an obligation to uphold and support this principle especially in a land that has

been inflicted with egregious crimes against humanity.

The Iraqi Special Tribunal has been impaneled to bring swift and impartial justice to both the victims and the nation of Iraq, and I call on my colleagues to support H. Res. 534, which recognizes the importance and credibility of an independent Iraqi judiciary.

The people of Iraq, the people of a sovereign nation, deserve true justice, which can only be obtained through a recognized and credible judicial system. The judges, the lawyers involved face daily peril for their courageous stand. And we have an opportunity to stand firmly with the Iraqi people and support the ongoing trials and efforts of the Iraqi Special Tribunal.

Mr. Speaker, I have had the opportunity, the privilege, to travel to Iraq four times during the past 2 years. During every mission, I have been able to witness firsthand the progress that is being made by our troops on the ground and by the Iraqi Government. Mr. Speaker, I have a picture, a picture from my last trip to Iraq in August of this year, and I want to point out this was a picture, Mr. Speaker, that I took flying over in a Blackhawk helicopter. These helicopters are menacing vehicles. They travel low. They travel fast. They have guns sticking out the side. I stuck my camera out the window to take a picture, and mostly I wanted to take a picture of the satellite antennae that were on the rooftops. Of course, satellite television was prohibited under Saddam's regime, and, in fact, a year in prison was the punishment, as I understand. I took a picture because there were satellite antennae on a lot of the rooftops.

But as I looked at this picture when I got home, I noticed that there were two figures on the rooftop. So I blew this picture up considerably. And, Mr. Speaker, as we look at this, we can see two apparently children standing on the rooftop. The larger child, who appears to be a girl, is waving; and a smaller, more inquisitive child, which I think is a boy, is sort of leaning over and looking at this impressive Blackhawk helicopter going over.

And the girl is waving. She has an expression of absolute joy of seeing the helicopter flying over her city. And why would this be? Why would she be happy about seeing a menacing Blackhawk helicopter with guns sticking out the side flying over her city? Well, Mr. Speaker, I submit the reason for her joy is the small boy at her side. The small boy at her side is the reason for her joy because this child knows that 3 years ago, 3 years ago, there is probably a crawl space in this house somewhere where this small boy could be hidden if Saddam's conscriptionists came down the street trying to find people for his army. And that is the reason for her joy. That is the reason why this country should rejoice about what we have been able to do for the people of this long-suffering nation.

Mr. Speaker, significant progress is being made, and it is imperative that they have our continued support. And today, tonight, we can continue to help provide that support through H. Res. 534.

Throughout our efforts in providing continued support to Iraq, I would be remiss if I did not mention the determination, the skill of our Armed Forces and their resolution in continuing their mission in Iraq. It is due to the bravery and the perseverance of the U.S. military members and their coalition allies that the tyranny of Saddam is over, over forever. I applaud our troops and our leadership for their success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I particularly thank the gentleman from Texas for bringing and offering this resolution.

I am going to include my prepared remarks, Mr. Speaker, because my remarks that are here reflect the remarks that have been made by the other Members here on this floor, and I wish to associate myself with those remarks, and I appreciate the gentleman from California's support as well for this resolution.

And I would rather speak a little bit from the heart, then, about some of the things that I saw there having traveled over to Iraq a number of times and this last time with Mr. BURGESS from Texas. And I saw some of that perspective from the Blackhawk as well. And as we flew into Baghdad, that was not a rare circumstance. It was not a unique circumstance. In fact, I saw numbers of children running out into the streets in twos and threes and waving. It did not happen in every block, but it happened in a number of the blocks that we saw as we came in.

Not only have I seen that in Baghdad but I have seen that also in Mosul. I have seen it in Kirkuk, and I have seen it also in Fallujah, Mr. Speaker. And that endorsement of American power and influence and liberation and coalition power influence and liberation, that comes from the people. And I have watched those Blackhawk helicopters scatter their livestock, and the herdsman and women come out and wave with great joy to see that influence that has provided their freedom.

And an essential component of freedom is to have an independent judiciary. And I asked for a meeting with the Iraqi Special Tribunal because I wanted to get a measure of the men that would be sitting in judgment of Saddam Hussein and the other alleged perpetrators of the crimes against humanity that we know took place in Iraq over the last couple of decades. As we sat in that very hot room and looked across that table and I gazed into the

eyes of these men, there was a deep conviction, a significant amount of courage, a tremendous amount of patriotism that is there. They know that their lives are on the line. Since that time from about August 18, I believe that date was, we have seen this unfold to where we know that there have been already two attorneys that have been killed in the process of this trial.

I stand here on the floor of the United States Congress, Mr. Speaker, standing in support and in solidarity of a free and independent judiciary for everyone in this world, but particularly those in Iraq where it will become the second place on the globe where an Arab can get a fair trial, second to Israel.

And where they sit in judgment now of those alleged perpetrators of war crimes, we need to stand with them. We need to send a message across that says free and independent judiciary, rule of law are essential to freedom, and they have got to be independent of the politics that rule also in Iraq. The old Baathist Party, the people that are looking to try to bring leverage for one political reason or another, we have to hold them separate from that and encourage them to stand on that rule of law, which they quoted to me on that hot day in that building in Baghdad back last August.

So I am proud this Congress stands with them, Mr. Speaker, and I appreciate the opportunity to present my argument in support of this resolution before this Congress.

Mr. Speaker, I commend my colleague from Texas for bringing this legislation forward. As you may know, Iraq's march towards democracy has not been easy. They are just now emerging from 24 years of oppression and cruel torture under the rule of Saddam Hussein. Now thanks to the hard work and sacrifice of American and coalition forces, Saddam has been captured. Ironically, he is now receiving the benefits of the fair judicial process he denied to so many.

Last night, I spoke to this House about benchmarks in the progress of the new country. In less than three years, Iraq has gone from a nation suffering under a ruthless dictator to one with a new constitution and only hours away from a democratically elected government. As I have heard from numerous American soldiers in and returning from Iraq, every day the nation is relying less and less on coalition forces for support. At the same time, Iraq is becoming increasingly more capable of providing independent government services.

Mr. Speaker, America stands as a beacon for freedom and justice in the world. And the promising nation of Iraq is now demonstrating similar compassion and commitment to the rule of law. As such, the nation's unbiased judiciary is playing a critical role in its development as a democracy.

Of course, there are those who would like to see Iraq resist freedom and return to brutal dictatorship. The terrorists know that the formation of a strong judiciary threatens their efforts. In turn, some of these terrorists wreak violence against those working to dispense justice in Iraq. The judges and other members

of the Iraqi judiciary who carry on in spite of the terrorists' best efforts are incredibly courageous and need to be recognized for their bravery. Despite threats to their personal safety, members of the Iraqi judiciary remain dedicated to their convictions and continue working toward a better nation for all.

This resolution sends a significant message, recognizing the importance and credibility of an unbiased Iraqi judiciary for a new and democratic Iraq. I am a co-sponsor of this legislation which will encourage our friends abroad who are working so hard to secure a free and democratic Iraq. I urge your support of this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REICHERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KING of Iowa. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIC), expressing support for extending the UNIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty, as amended.

The Clerk read as follows:

##### H. RES. 598

Whereas on September 2, 2004, United Nations Security Council Resolution 1559 was adopted by the Security Council to address Syria's continued interference in Lebanese politics, reaffirming strict respect for Lebanon's sovereignty, and stipulating the withdrawal of all non-Lebanese forces from Lebanon and the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas on February 14, 2005, former Prime Minister of Lebanon Rafik Hariri and 22 others were killed in a terrorist bombing orchestrated by unidentified assailants;

Whereas on April 7, 2005, the United Nations Security Council adopted Resolution 1595, under which the Security Council decided to "establish an international independent investigation Commission [the

UNIIC] based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices";

Whereas on October 19, 2005, the first report of the United Nations International Independent Investigation Commission (UNIIC), headed by former German prosecutor Detlev Mehlis, found "there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act";

Whereas the October 19, 2005, report also asserted that "[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge";

Whereas on October 31, 2005, the United Nations Security Council adopted Resolution 1636, which expressed extreme concern that "Syrian authorities have cooperated in form but not in substance" with the UNIIC, that "several Syrian officials tried to mislead the investigation by giving false or inaccurate statements" and that "Syria's continued lack of cooperation with the inquiry would constitute a serious violation of its obligations";

Whereas on December 12, 2005, the second report of the UNIIC noted that "steady progress" has been made in the Lebanese portion of the investigation that "remains to be matched" in the Syrian portion of the investigation and recommended an extension of the UNIIC's investigative mandate by a "minimum period of six months" since substantive lines of enquiry are far from being completed and "given the slow pace with which the Syrian authorities are beginning to discharge their commitments to the [Security] Council";

Whereas Syria's actions to hinder the UNIIC's investigative efforts include credible reports of the arrest and threatening of close relatives of at least one crucial witness, delay caused by procedural maneuvering, and the report of two witnesses that all Syrian intelligence documents concerning Lebanon have been burned;

Whereas since the assassination of Rafik Hariri, intimidation of the press in Lebanon has increased and a series of attacks and explosions in Lebanon have occurred, targeting political leaders and journalists who have advocated Lebanese sovereignty, including Samir Qassir, May Chidiac, and most recently on December 12, 2005, the assassination of Gebran Tuéni, a Member of the Lebanese Parliament and the general manager of the Lebanese daily an-Nahar, which has been a vital editorial voice opposing Syrian political control and influence in Lebanon; and

Whereas Secretary of State Condoleezza Rice on December 12, 2005, expressed outrage at the assassination of Gebran Tuéni and stated: "Syrian interference in Lebanon continues, and it must end completely. The United States will work with its partners on the Security Council and in the region to see that Security Council Resolutions 1595 and 1636 are fully implemented.": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the Government of Syria for hindering and failing to cooperate fully in a timely and substantive manner with the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIC);

(2) expresses support for extending the investigative mandate of the UNIIC for at a