



Plenary sitting

B8-0162/2016

27.1.2016

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on the systematic mass murder of religious minorities by ISIS
(2016/2529(RSP))

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on behalf of the EFDD Group

**European Parliament resolution on the systematic mass murder of religious minorities by ISIS
(2016/2529(RSP))**

The European Parliament,

- having regard to Articles 2, 3 and 21(1) TEU,
- having regard to Article 18 of the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to Article 9 of the European Convention on Human Rights (ECHR) of 1950,
- having regard to Article 18 of the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief of 1981,
- having regard to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948,
- having regard to the Rome Statute of the International Criminal Court, in particular Articles 5 to 14 thereof,
- having regard to the EU Intervention in the UN Human Rights Council on 25 March 2015 (interactive dialogue on OHCHR report on Iraq),
- having regard to the Council conclusions of 16 March 2015 on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Daesh threat, of 20 October 2014 on the ISIL/Daesh crisis in Syria and Iraq, of 30 August 2014 on Iraq and Syria, of 14 April 2014 and 12 October 2015 on Syria, and of 15 August 2014 on Iraq,
- having regard to Council Decision 2002/495/JHA, reaffirmed by Council Decision 2003/335/JHA of 8 May 2003, on the investigation and prosecution of genocide, crimes against humanity and war crimes,
- having regard to: the EU Guidelines on the promotion and protection of freedom of religion or belief; the EU Guidelines on promoting compliance with international humanitarian law; the EU guidelines on violence against women and girls and combating all forms of discrimination against them; the guidelines for EU policy towards third countries on torture and other cruel, inhuman or degrading punishment or treatment; the EU Guidelines on children and armed conflict,
- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on Iraq and Syria, and to her answers to parliamentary questions on: ‘Genocide of Greek

Orthodox Christians in Syria’ (E-004733/2015), issued on 1 June 2015; ‘Iraq – Christians martyred and robbed of their belongings’ (E-004152-15), issued on 30 June 2015; ‘Persecution and genocide of Christians’ (P-012721/2015), issued on 30 October 2015; ‘Abduction of Christians in Syria’ (E-004156-15) and ‘Safeguarding Christian communities in the Middle East’ (E-004001/15), answered jointly on 10 November 2015,

- having regard to the Joint Communication from the Commission and the HR/VP to the European Parliament and the Council on elements for an EU regional strategy for Syria and Iraq as well as the Daesh threat,
- having regard to its previous resolutions of 27 February 2014 on the situation in Iraq¹, of 18 September 2014 on the situation in Iraq and Syria, and the IS offensive, including the persecution of minorities², in particular paragraph 4 thereof; of 27 November 2014 on Iraq: kidnapping and mistreatment of women³, of 12 February 2015 on the humanitarian crisis in Iraq and Syria, in particular in the IS context⁴, and specifically paragraph 27 thereof, of 12 March 2015 on recent attacks and abductions by ISIS/Daesh in the Middle East, notably of Assyrians⁵, in particular paragraph 2 thereof, of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union’s policy on the matter⁶, in particular paragraphs 129 and 211 thereof, of 12 March 2015 on the EU’s priorities for the UN Human Rights Council in 2015⁷, in particular paragraphs 66 and 67 thereof, of 30 April 2015 on the persecution of Christians around the world, in relation to the killing of students in Kenya by terror group Al-Shabaab⁸, in particular paragraph 10 thereof, and of 30 April 2015 on the destruction of cultural sites perpetrated by ISIS/Daesh⁹,
- having regard to the statement by the UN Security Council of 25 February 2015 condemning the abduction of more than 100 Assyrians by ISIL,
- having regard to the statement on behalf of the European Union by Stavros Lambrinidis, EU Special Representative for Human Rights, at the UN Security Council Open Debate on ‘The victims of attacks and abuses on ethnic or religious ground in the Middle East’, on 27 March 2015,
- having regard to UN Security Council Resolution 2199 (2015) on threats to international peace and security caused by terrorist acts by Al-Qaeda,
- having regard to Resolution 2249 (2015) condemning recent terrorists attacks by ISIS,
- having regard to Resolution S-22/1 adopted by the UN Human Rights Council on ‘The human rights situation in Iraq in the light of abuses committed by the so-called Islamic

¹ Texts adopted, P8_TA(2014)0011.

² Texts adopted, P8_TA(2014)0027.

³ Texts adopted, P8_TA(2014)0066.

⁴ Texts adopted, P8_TA(2015)0040.

⁵ Texts adopted, P8_TA(2015)0071.

⁶ Texts adopted, P8_TA(2015)0076.

⁷ Texts adopted, P8_TA(2015)0079.

⁸ Texts adopted, P8_TA(2015)0178.

⁹ Texts adopted, P8_TA(2015)0179.

State in Iraq and the Levant and associated groups', of 3 September 2014,

- having regard to: the judgment of the International Court of Justice of 26 February 2007 on the Case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro), the judgment of 2 August 2001 issued by the Trial Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (Prosecutor v Radislav Krstic), and the judgment of 19 April 2004 issued by its Appeals Chamber in the same case,
- having regard to the Analysis Framework by the Office of the UN Special Adviser on the Prevention on Genocide (OSAPG),
- having regard to the statement of 12 August 2014 by the Special Adviser of the UN Secretary-General on the Prevention of Genocide and the Special Adviser of the UN Secretary-General on the Responsibility to Protect on the situation in Iraq,
- having regard to the UN Assistance Mission for Iraq (UNAMI) Reports on the Protection of Civilians in Armed Conflict in Iraq, covering the period from 11 September to 10 December 2014 and the period from 11 December 2014 to 30 April 2015 respectively,
- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups, of 27 March 2015, in particular its paragraph 16 on 'Violations Perpetrated by ISIL. Attacks against religious and ethnic groups',
- having regard to the statement by the Special Adviser of the UN Secretary-General on the Prevention of Genocide and the Special Adviser of the UN Secretary-General on the Responsibility to Protect on the escalation of incitement to violence in Syria on religious grounds, issued on 13 October 2015,
- having regard to the Report of the United Nations High Commissioner for Human Rights on 'Technical assistance provided to assist in the promotion and protection of human rights in Iraq' of 27 July 2015, in particular its paragraph 18,
- having regard to the Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, presented in the Human Rights Council on 13 August 2015, in particular its paragraphs 165 to 173,
- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Daesh keeps committing widespread and systematic human rights violations, targeting in particular minorities group such as Yezidis, Christians, Turkmen, Shi'ites, Shabak, Sabea-Mandean, Kaka'e and Kurds; whereas Daesh violence is not limited to people but extends to the destruction of religious sanctuaries and archaeological finds;
- B. whereas the promotion of democracy and respect for human rights and civil liberties are

fundamental principles and aims of the European Union and constitute common ground for its relations with third countries; whereas one of the principal factors driving European integration is the will to prevent the recurrence of wars and crimes against humanity;

- C. whereas, according to International Human Rights Law and Article 18 of the International Convention on Civil and Political Rights, everyone has the right to freedom of thought, conscience and religion, including freedom to change one's religion or belief, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching; whereas, according to the UN Human Rights Committee, freedom of religion or belief protects all beliefs, including theistic, non-theistic and atheistic beliefs;
- D. whereas, in the territories it controls, ISIS/Daesh has embarked upon a campaign to eradicate all traces of religious and faith communities other than those representing its own interpretation of Islam, by killing or expelling its adherents and destroying their holy places, historical sites and artefacts, including unique and irreplaceable heritage recognised by UNESCO as World Heritage;
- E. whereas ISIS/Daesh targets Christians, Yezidis, Turkmen, Shi'ites, Shabak, Sabea-Mandeans, Kaka'e, Kurds and other ethnic and religious minorities indiscriminately, intentionally seeking their total physical and cultural disappearance in the territories that are under its control;
- F. whereas extremism and on-going persecution against minorities is a significant factor in the growing phenomenon of mass migration and internal displacement; whereas more than 700 000 of Syria's Christian population of 1.1 million have been displaced by ISIS and no more than 250 000 Christians remain in Syria; whereas roughly 250 000 Christians remain in Iraq, down from about 1.5 million in 2003; whereas Christians have reportedly been crucified, beheaded, raped, and forced to convert to Islam by ISIS, and Christian children are being sold into slavery;
- G. whereas since 2014 an estimated 5 000 Yezidis have been killed, while many others have been tortured or forcibly converted to Islam; whereas at least 2 000 Yezidi women have been enslaved, and made victims of forced marriage and trafficking; whereas girls as young as six have been raped and Yezidis children have been forcibly recruited as soldiers for Daesh; whereas there is clear evidence of mass graves of Yezidi people abducted by ISIS/Daesh;
- H. whereas in the latest issue of its online magazine ISIS/Daesh has declared all-out war against Shia Muslims, calling for a concerted effort to wipe out the Shiite population of the Middle East;
- I. whereas ISIS/Daesh intends to deny the right to existence of entire human groups; whereas there is clear evidence of ISIS/Daesh mass murders and the sexual enslavement and systematic rape of Christian and Yezidi girls and women;
- J. whereas on 15 July 2014 the UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, stated that in Iraq ethnic and religious minorities are consistently targeted for physical assault and sexual violence;

whereas the UN Special Representative stated on 3 August 2015, the first anniversary of the Sinjar tragedy, that the crimes committed could amount to war crimes, crimes against humanity and/or acts of genocide;

- K. whereas, in accordance with the Report on the Protection of Civilians in the Armed Conflict in Iraq (11 December 2014 – 30 April 2015) by the UN Assistance Mission for Iraq, ISIS/Daesh continues to persecute, maim and murder, sometimes in extremely cruel and unimaginable ways, members of ethnic and religious minorities, journalists, prisoners of war, activists and others;
- L. whereas on 13 August 2014 the UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, and the UN Special Representative of the Secretary-General for Iraq, Nickolay Mladenov, issued a joint statement confirming that some 1 500 Christian and Yazidi women may have been kidnapped by ISIL and subsequently forced into sexual slavery; whereas in that statement, both Special Representatives recognised the explicit targeting of women and children and the barbaric acts perpetrated by Daesh on minorities in areas under its control;
- M. whereas, as recognised by UN Security Council Resolution 2249 (2015), the violent extremist ideology of the so-called ‘ISIS/Daesh’, its terrorist acts, its continued gross systematic and widespread attacks directed against civilians, its abuses of human rights and violations of international humanitarian law, including those perpetrated on religious or ethnic grounds, its eradication of cultural heritage and trafficking in cultural property, constitute a global and unprecedented threat to international peace and security;
- N. whereas genocide, crimes against humanity and war crimes, wherever and whenever they happen, must not go unpunished, and whereas their effective prosecution must be ensured by taking measures at national level and enhancing international cooperation;
- O. whereas, in accordance with Council Common Position 2003/444/CFSP of 16 June 2003, all EU Member States have to cooperate in the prevention of these crimes and in putting an end to the impunity of the perpetrators thereof;
- P. whereas the international legal definition of genocide, in accordance with Article II of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, includes the words: ‘any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of one group to another group’; whereas Article III of that Convention considers punishable not only genocide, but conspiracy to commit genocide, direct and public incitement to commit genocide, and complicity in genocide’;
- Q. whereas the judgment of 2 August 2001 issued by the Trial Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, in the case Prosecutor v Radislav Krstic on the Srebrenica genocide, stated

in its paragraph 580 that ‘simultaneous attacks on the cultural and religious property and symbols of the targeted group as well (...) may legitimately be considered as evidence of an intent to physically destroy the group’;

- R. whereas the judgment of 19 April 2004 of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, in the case Prosecutor v Radislav Krstic on the Srebrenica genocide, considered that ‘the numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms, but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4’;
1. Is shocked and saddened by the brutal actions of ISIS/Daesh extremists against Christians, Yezidis, Turkmen, Shi’ites, Shabak, Sabea-Mandean, Kaka’e, Kurds and any other ethnic and religious minority, and expresses its solidarity with the people who are suffering under ISIS/Daesh acts of persecution;
 2. Strongly condemns ISIS/Daesh and its egregious human rights violations and is extremely concerned by the terrorist group’s deliberate targeting of any religious minority from the area under its control as part of its attempts to exterminate entire human groups and destroy their identity; affirms that those who conspire, plan, incite, commit or attempt to commit, are complicit in or support atrocities and international crimes against any ethnic and religious minority, including Christians, Yezidis, Turkmen, Shabak, Sabea-Mandean, Kaka’e, and Kurds, and who intentionally target them specifically for ethnic or religious reasons, are committing crimes that may amount to crimes against humanity and genocide;
 3. Recognises, supports and demands respect for the inalienable right of all religious and ethnic minorities, indigenous and others, living in Iraq and Syria to continue to live in their historical and traditional homelands in dignity, equality and safety, and to practise their religion fully and freely without any kind of coercion, violence or discrimination;
 4. Underlines that, according to the provisions of the UN conventions and other international law conventions, there must be no impunity for any of the perpetrators, including those who have conspired, planned, incited, committed or attempted to commit any these acts, and that those responsible should be referred to competent national or international tribunals; calls on each of the Contracting Parties to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 1948, and other international agreements for the prevention and punishment of war crimes, crimes against humanity and genocide, particularly the competent authorities of countries and their nationals who are in any way supporting, cooperating with, or funding, or are complicit with, these crimes, to meet fully their legal obligations under the Convention and the other international agreements;
 5. Stresses that the timely prevention and effective punishment of genocides and crimes against humanity should be among the main priorities of the international community

and the European Union; believes that in order to stem the suffering and the mass exodus of any indigenous populations of the region, a clear and unequivocal statement by all regional political and religious leaders is imperative;

6. Calls on every government and public authority, including the EU (in particular, the Council and the EEAS) and its Member States, the United Nations and the United Nations Secretary-General, the Special Representatives and Special Rapporteurs, the United Nations High Commissioner for Human Rights and all the other international bodies and institutions, and their respective leaders and representatives, to name the atrocities being committed by the so-called “ISIS/Daesh” against Christians, Yezidis, Turkmen, Shabak, Sabea-Mandeans, Kaka’e, Kurds and any other indigenous religious minorities, by their rightful name: ‘crimes against humanity’ and ‘genocide’;
7. Is firmly convinced that there is no doubt that the atrocities perpetrated by ISIS/Daesh fall within the legal definition of genocide provided in Articles 2 and 3 of the Convention on the Prevention and Punishment of Genocide and Article 6 of the Rome Statute of the International Criminal Court; stresses that genocide amounts to any act committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group; underlines that the destruction of only part of a group on the basis of their nationality, ethnic group or religion also amounts to genocide; further emphasises that according to those legal provisions acts of genocide do not necessarily need to cause the death of member of a group, as causing serious bodily or mental harm including inflicting trauma, torture, rape, sexual violence and mutilation, as well as the transfer of children, are also to be considered acts of genocide when committed as part of a policy to destroy a group’s existence; finally underlines that mere conspiracy, direct and public incitement, attempts to commit genocide and complicity with genocide are also tantamount to the crime of genocide even before mass murders have begun;
8. Believes that the International Criminal Court (ICC) is best placed to launch proceedings against those responsible for the aforementioned crimes, in the light of the unwillingness or incapacity of the Syrian and Iraqi states to carry out genuine investigations and prosecutions, although this would fall within their primary responsibility;
9. Urges, as Syria and Iraq are not parties to the ICC, a referral by the UN Security Council on the basis of Article 13(b) of the Rome Statute in order to provide the Court with the necessary jurisdiction to investigate and punish the abovementioned crimes; calls therefore on the UN Security Council to immediately refer the situation of Syria to the ICC in order to bring, at least, the promise of justice for the Syrian population; supports the calls by the UN High Commissioner for Human Rights, civil society organisations, and a group of fifty-eight countries, led by Switzerland, for a referral by the Security Council;
10. Encourages all Member States and third countries to publicly join the calls for a referral and urges the permanent members of the Council not to invoke their veto power; calls on the Governments of Syria and Iraq to increase their efforts to prevent the persecution and the abductions of people belonging to minorities, as this is their primary responsibility;
11. Urges the EU and its Member States to address the issue of certain countries’

ambivalent roles in the conflict, in particular where they contributed, or are still contributing, actively or passively, to the rise of ISIS/Daesh and other extremist groups; in particular, calls upon neighbouring countries, including Turkey, to play a positive role in the fight against ISIS/Daesh and allow without delay ethnic and religious minorities fleeing from Syria to cross their border and seek refuge;

12. Recalls the need for a major international effort to improve the humanitarian conditions of people in the areas of the conflict, and calls for the creation of humanitarian corridors to reach those most in need; calls on the EU and its Member States to continue to provide humanitarian assistance guided by independent needs assessments and seeking to provide an impartial response;
13. Calls on the Council and the EEAS to start working, with international and regional partners, on a post-ISIS/Daesh scenario;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Government and Parliament of Syria, the Government and Council of Representatives of Iraq, the Regional Government of Kurdistan, the institutions of the Organisation of Islamic Cooperation (OIC), the Cooperation Council for the Arab States of the Gulf (Gulf Cooperation Council, GCC), the United Nations Secretary-General, the United Nations General Assembly, the UN Security Council and the UN Human Rights Council.