



Plenary sitting

B8-1358/2016

13.12.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the case of mass graves in Iraq
(2016/3028(RSP))

Gérard Deprez, Nedzhmi Ali, Petras Auštrevičius, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Dita Charanzová, Marielle de Sarnez, Martina Dlabajová, María Teresa Giménez Barbat, Nathalie Griesbeck, Marian Harkin, Filiz Hyusmenova, Ivan Jakovčić, Petr Ježek, Ilhan Kyuchyuk, Louis Michel, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Frédérique Ries, Marietje Schaake, Hannu Takkula, Pavel Telička, Ramon Tremosa i Balcells, Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans, Paavo Väyrynen, Cecilia Wikström, Valentinas Mazuronis
on behalf of the ALDE Group

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v01-00

**European Parliament resolution on the case of mass graves in Iraq
(2016/3028(RSP))**

The European Parliament,

- having regard to its previous resolutions on Iraq, in particular those of 18 September 2014, 12 February 2015, 12 March 2015, 4 February 2016, and 27 October 2016;
- having regard the definition on mass graves by the former United Nations Rapporteur on extra-judicial, summary or arbitrary execution, Bacre Ndiaye,
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the four 1949 Geneva Conventions and the additional protocols thereto ratified by Iraq,
- having regard to the 2000 Optional Protocol on the involvement of children in armed conflict and others on prohibited weapons and means of warfare ratified by Iraq.
- having regard to the 1987 Convention Against Torture ratified by Iraq,
- having regard to the Rome Statute of the International Criminal Court of 1998 and its provisions on jurisdiction with respect to the crime of genocide, crimes against humanity, war crimes and the crime of aggression,
- having regard to the statements by the Secretary-General of the UN on Iraq,
- having regard to the NATO Summit Declaration of 5 September 2014 and NATO Summit Declaration of 9 of July 2016,
- having regard to the EU Guidelines on international humanitarian law, on human rights defenders, and on the promotion and protection of freedom of religion or belief,
- having regard to Rule 135 of its Rules of Procedure,

PE596.628

- A. whereas the terrorist organisation ISIS/Daesh has conquered parts of Iraq using brutal and indiscriminate violence and whereas this was followed by summary executions of Iraqi citizens and barbaric atrocities against the civilian population living within Iraqi territory;
- B. Whereas the European Parliament recognized on February 4, 2016, that ISIS/DAESH is committing genocide against Christian, Kurdish, Yazidi, Turkmen, Shabak, Kaka'i, Sabeen and Shia communities, as well as many Arabs and Sunni Muslims and other persons belonging to ethnic or religious minorities, who do not agree with the so-called ISIS/DAESH interpretation of Islam” and “that the persecution, atrocities and international crimes amount to war crimes and crimes against humanity”;
- C. Whereas an internationally agreed definition of *a* mass grave does not exist; whereas the former UN Rapporteur on extra-judicial, summary or arbitrary execution, Bacre Ndiaye, defined mass graves as locations where three or more victims of extra-judicial, summary or arbitrary executions were buried, not having died in combat or armed confrontations (1991); whereas this definition was used by the UN tribunals for Rwanda and former Yugoslavia;
- D. Whereas the Parliament has been joined by the Council of Europe, the US State Department, the US Congress, the UK Parliament, the Australian Parliament and other nations and institutions in recognising that the atrocities perpetrated by ISIS/Daesh against persons belonging to ethnic or religious minorities in Iraq include war crimes, crimes against humanity and genocide;
- E. whereas accordingly to UNHCR some 3.3 million of Iraqis have been displaced due to war in caused by the ongoing conflict and the violence and repression by the terrorist organisation ISIS/Daesh since 2014;
- F. whereas regional external actors, including Iran, their affiliates and proxies are active within Iraqi territory; whereas the political and logistical support of these external actors to armed groups, militia and militants fuels sectarian conflict within Iraq, risks further destabilising the country and can hinder post-conflict reconciliation and reconstruction;
- G. whereas up until August 2016, 72 mass graves, containing between 5,200 to 15,000 victims, dug by ISIS/DAESH were uncovered, of which 55 in Iraq and 17 in Syria; whereas since August mass graves at the hands of IS continues to be discovered as troops march towards;
- H. whereas hundreds of brutally massacred victims were found buried north-west of Raqqa in Syria, the de facto Isis capital;

- I. whereas Isis killed up to 1,000 members of the Shaitat tribe when they took territory near Deir ez-Zor in August 2014;
 - J. whereas ISIS/DAESH killed more than 300 members, including women and children, of the Albu Nimr tribe in November 2014
 - K. whereas there are believed to be up to 35 mass graves, containing the remains of Yazidis executed in August 2014 while trying to flee, around Mount Sinjar;
 - L. whereas ISIS/DAESH executed around 600 Shia inmates after seizing Badoush prison near Mosul; whereas satellite images show the likely mass grave of these victims;
 - M. whereas ISIS/DAESH overran Camp Speicher airbase (Tikrit) in June 2014, killing more than 1,500 army cadets and dumping the bodies in mass graves;
 - N. whereas in June 2016 the Iraqi army found in Fallujah a mass grave containing the bodies of 400 Iraqi soldiers killed during the two-year ISIS/DAESH occupation of the city;
 - O. whereas a mass grave discovered in the town of Hamam al Alil, near Mosul discovered by Iraqi Security Forces on November 7, 2016, most likely contains the bodies of at least 300 former local police officers executed by ISIS/DAESH; whereas another mass grave near the town is believed to contain at least 100 decapitated bodies
 - P. whereas 16 mass graves are located in regions in a de facto state of war hampering the access needed to conduct a comprehensive analysis;
 - Q. whereas the protection, preservation and analysis of all mass graves in Iraq, as well as in Syria, are essential for ~~to~~ the preservation and gathering of evidence of war crimes, crimes against humanity and genocide committed by ISIS/DAESH and to hold the perpetrators of the crimes to account;
1. Expresses extreme concern on the continuing atrocities and flagrant violations of international (humanitarian) law committed by ISIS/DAESH; Notes, with an overwhelming dismay the ongoing discoveries of new mass graves in Iraq and Syria;
 2. Offers its heartfelt condolences to all those in Iraq that lost their relatives as a result of the barbaric acts committed by ISIS/DAESH and its affiliates barbaric crimes against humanity and war crimes;
 3. Condemns without reservation, any kind of murder, attacks intentionally directed against the civilian population, including women and children, the use of kidnapping, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence as acts of war, mutilation, cruel humiliating and

PE596.628

degrading treatment, torture, the conscript and enlisting of children under the age of fifteen years into armed forces, the use of women, children and elderly as “human shields” by any party in the conflict in Iraq and Syria: recalls that all these crimes constitute war crimes and crimes against humanity;

4. Strongly condemns the use of chemical weapons, including chlorine and mustard gas by any party in the conflict in Iraq;
5. Is extremely worried by and condemns in the strongest possible terms ~~by~~ the genocide committed by ISIS/DAES against Christians, Yazidis and other religious groups and ethnic minorities
6. Recalls that crimes against humanity and war crimes can be prosecuted under the Statute of the International Criminal Court, under an ad hoc international prosecution and international criminal tribunal or under the domestic courts of the state of Iraq;
7. Urges Iraq to ratify without further delays the Rome Statute so that those responsible for the atrocities committed in Iraq can be prosecuted and held accountable under international law
8. Calls upon all (external) governmental and non-governmental actors and groups active in Iraq, including Iran, to cooperate fully with any international investigation into the atrocities committed by ISIS/DAESH in Iraq and to refrain from any actions that may further fuel sectarian tension within Iraq and may impede future reconciliation and reconstruction efforts
9. Calls on the Security Council of the United Nations to refer to the International Court of Justice with the mission to help and support the Iraqi authorities to investigate all violations and abuses of international law committed by all parties in the conflict in Iraq to prevent impunity and ensure accountability;
10. Urges the Iraq authorities to become a member of the International Criminal Court to enable when applicable legal prosecution of war crimes, genocide and crimes against humanity;
11. Expresses growing concern about the deteriorating conditions of all identified mass graves and the resulting impediments forensic investigations necessary for future prosecutions;

12. Urges the government of Iraq and all other relevant bodies to take all necessary steps to protect and preserve all mass graves in Iraq, thereby making use of the definition of a mass grave determined by the international tribunals of the former Yugoslavia and Rwanda; Calls for all the mass graves in the relevant territory to be mapped, irrespective of their origin, thereby giving priority to recent graves because they are more exposed to destruction; stresses that exhumations without forensic experts can destroy critical evidence and complicate the identification of bodies;
13. Calls on the government of Iraq and relevant international bodies and organisations to organise an-ante mortem collection of data; stresses the need to provide the relatives of the victims with psychological and logistical support and to address and take seriously their doubts and expectations;
14. Calls on the EU and the international community to facilitate and lend its full support to the government of Iraq in setting up the human resources and infrastructure needed for the exhumation, storage and analysis of recovered remains, the proper exhumation of bodies and associated evidence and the forensic analysis of the recovered bodies and evidence;
15. Stresses that identification and determination of cause of death of family and loved ones are key elements in the grievance process of the Iraqi population and stand at the basis of any process of reconciliation
16. calls for the urgent establishment of a fund to enable the preservation of the all identified gravesites the evidence contained therein;
17. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Government and Council of Representatives of Iraq, the Regional Government of Kurdistan, the Secretary-General of the United Nations and the United Nations Human Rights Council;