



Plenary sitting

B8-1362/2016

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 mass graves in Iraq
(2016/3028(RSP))

Pier Antonio Panzeri, Victor Boștinaru, Knut Fleckenstein, Josef Weidenholzer, Ana Gomes, Enrique Guerrero Salom, Clara Eugenia Aguilera García, Eric Andrieu, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Biljana Borzan, Soledad Cabezón Ruiz, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Jonás Fernández, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Eider Gardiazabal Rubial, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Neena Gill, Theresa Griffin, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Afzal Khan, Arne Lietz, Krystyna Lybacka, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Victor Negrescu, Norbert Neuser, Demetris Papadakis, Pina Picierno, Kati Piri, Miroslav Poche, Soraya Post, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Tibor Szanyi, Claudia Țapardel, Marc Tarabella, Elena Valenciano, Julie Ward, Damiano Zoffoli, Carlos Zorrinho

on behalf of the S&D Group

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

The European Parliament,

- having regard to its resolutions of 27 October 2016 on the situation in Northern Iraq/Mosul, of 27 February 2014 on the situation in Iraq, of 18 September 2014 on the situation in Iraq and Syria, and the IS offensive, including the persecution of minorities, of 12 February 2015 on the humanitarian crisis in Iraq and Syria, in particular in the IS context, of 12 March 2015 on recent attacks and abductions by ISIS/Da'esh in the Middle East, notably of Assyrians, and of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh,
- having regard to the Council conclusions of 23 May 2016 on the EU Regional Strategy for Syria and Iraq as well as the Da'esh threat, of 14 December 2015 on Iraq, of 16 March 2015 on the EU Regional Strategy for Syria and Iraq as well as the ISIS/Da'esh threat, of 20 October 2014 on the ISIS/Da'esh 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 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,
- 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 Charter of the United Nations,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

A. Whereas in August 2014, ISIS/Daesh attacked Yazidi communities around Sinjar city in Iraq's Nineveh province, reportedly killing thousands; whereas several mass graves were found after Kurdish forces retook areas north of Mount Sinjar by December 2014; whereas when the Kurdish forces retook Sinjar city in mid-November 2015, additional killing sites and apparent mass graves were discovered;

B. Whereas the atrocities carried out by ISIS/Daesh clearly point to an intent to destroy the Yezidi people; whereas up to 15,000 victims were reportedly buried 72 mass graves;

C. Whereas the Parliament, which recognised on 4 February 2016 that ISIS/Daesh is committing genocide against Christians and Yazidis and other religious and ethnic minorities, 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 religious and ethnic minorities in Iraq include war crimes, crimes against humanity and genocide;

D. Whereas the Nineveh Plain, Tal Afar and Sinjar, as well as the wider region, have been the

ancestral homeland of Christians (Chaldeans/Syriacs/Assyrians), Yazidis, Sunni and Shia Arabs, Kurds, Shabak, Turkmen, Kaka'i, Sabaeen-Mandaeans, and others where they lived for centuries in a spirit of general pluralism, stability and communal cooperation despite periods of external violence and persecution, until the beginning of this century and the occupation of much of the region by ISIS/Daesh in 2014;

E. Whereas the Iraqi army, with the support of the global anti-ISIS/Daesh coalition and the Peshmerga forces of the Kurdish Regional Government (KRG), has launched an operation to liberate Mosul, Iraq's second largest city, and the rest of the Iraqi territory still under the ISIS/Daesh occupation;

F. Whereas the Ministry of Martyrs and Anfal Victims of the Kurdish Regional Government (KRG) in September 2014 set up the High Committee for Identification of Genocide Crimes against Residents of Kurdistan Areas Outside of KRG, tasked with collecting evidence and determining means of protection and analysis;

G. Whereas several local organizations have been documenting ISIS/Daesh crimes against the Yazidi community, but they have only limited capacity; whereas according to international human rights organisations, such as the Human Rights Watch, no international forensic experts have conducted work in the area, despite political support for such a mission from a variety of countries, including the USA and Germany.

1. Calls on the Iraqi authorities, including the KRG, to take urgent steps to protect the gravesites around Mount Sinjar that became accessible after the area was recaptured from the terrorist ISIS/Daesh, as well as to take all the other necessary measures to preserve the evidence of the war crimes and crimes against humanity committed by ISIS/Daesh in order to ensure accountability;

2. Stresses that the justice for the Yazidi victims of the mass killings by ISIS/Daesh that amount to genocide depends on preservation of the Mount Sinjar gravesites;

3. Calls on the Iraqi authorities to invite international forensic experts, including those with experience working before criminal tribunals, to help preserve and analyze evidence in newly accessible mass graves, since exhumations without forensic experts can destroy critical evidence and greatly complicate the identification of bodies;

4. Calls on the EU, its Member States and other potential international donors to help finance the preservation and analysis of evidence that could be vital to future domestic and international accountability processes to address war crimes, crimes against humanity and genocide;

5. Reiterates its strong support for the operation by Iraq to liberate Mosul and other parts of the country from ISIS/Daesh presence, as well as Iraq's independence, territorial integrity and sovereignty;

6. Recalls that the Iraqi authorities must take concrete steps to protect civilians during the campaign, including by taking all feasible precautions to avoid civilian casualties and human rights violations during the assault; stresses that the forces on the ground have to abide by international humanitarian and human rights law during their operations;

7. Expresses its support for the Republic of Iraq and its people in recognising a politically, socially and economically viable and sustainable province in the Nineveh Plain, Tal Afar and Sinjar regions, consistent with lawful expressions of regional autonomy by its indigenous peoples;

8. Stresses that the right of return to their ancestral homeland for the displaced indigenous peoples of the Nineveh Plain, Tal Afar and Sinjar – many of whom are displaced within Iraq – should be a policy priority of the Iraqi Government supported by the EU, including its Member States, and the international community; emphasises that, with the support of the Government of Iraq and the Kurdish Regional Government, these peoples should have their fundamental human rights fully restored, including their property rights which should supersede any claims of property rights by others;

9. Strongly condemns the ongoing violence and mass executions by ISIS/Daesh in Iraq and Syria; expresses its deep concern at the continual reports on ISIS/Daesh's use of children, the elderly, women and vulnerable persons as shields against the ongoing military liberation operations taking place in Northern Iraq;

10. Urges Iraq to become a member of the ICC to allow for possible prosecution of war crimes, genocide, and crimes against humanity by ISIS/Daesh;

11. 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 Council of Representatives of Iraq, the Regional Government of Kurdistan, and the United Nations Secretary