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MOTION FOR A RESOLUTION

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

pursuant to Rule 115 of the Rules of Procedure

by Angelika Beer, Joost Lagendijk, Cem Özdemir, Kathalijne Maria Buitenweg, Hélène Flautre, Jean Lambert, and Raül Romeva i Rueda,

on behalf of the Verts/ALE Group

on the situation of the Assyrian community and in prisons in Iraq

European Parliament resolution on the situation of the Assyrian community and in prisons in Iraq

The European Parliament,

- having regard to UN Security Council resolution 1546 (2004) and its attached exchange of letters between the Iraqi and US authorities granting members of the Multinational Forces (MNF) immunity from prosecution under Iraqi criminal and civil law,
 - having regard to the Coalition Provisional Authority Memorandum No. 3 (revised) of 27 June 2004, which sets out the process of arrest and detention of criminal suspects and "security detainees" detained by members of the MNF after 28 June 2004,
 - having regard to the Defence Authorization Bill signed by President Bush on 30 December 2005 containing the McCain amendment which outlaws the use of torture,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of which all states contributing to the MNF are members,
 - having regard to Article 35 of the Iraqi Constitution of 2005, Article 333 of the Penal Code and Article 127 of the Code of Criminal Procedure prohibiting all forms of torture,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas, since the invasion of Iraq in March 2003, tens of thousands of people have been detained by foreign, mainly US and to a lesser extent UK, forces, most of them without being charged or tried and without the right to challenge their detention before a juridical body and whereas thousands of those detainees have been held for more than one year,
- B. whereas, according to various testimonies, close to 15 000 people are still being held, mainly in four US sites in Iraq, and an unknown number of persons are being detained without any contact with the outside world, not even the ICRC, in breach of international standards, these persons being referred to as "ghost detainees",
- C. whereas, since the handover of power to the Iraqi authorities on 28 June 2004, there have also been many reports of cases of torture and ill-treatment of detainees held in facilities controlled by the Iraqi forces, the most notorious one being the Wolf Brigade, founded in October 2004 and trained by US military trainers in order to be deployed in security operations against armed groups,
- D. whereas images from Iraq that emerged in April 2004 and February/March 2006 showing inmates being tortured and humiliated by US guards at Abu Ghraib prison and Iraqi youths being beaten by UK troops after they were seized during a riot, alerted the international public to the unlawful treatment of prisoners in Iraq by the Multinational Forces (MNF),
- E. whereas the US military investigation headed by Major General Antonio Taguba found

that Coalition Forces were responsible for "systematic" and "illegal abuse of detainees" held at Abu Ghraib prison between August 2004 and February 2004 and concluded that soldiers had "committed egregious acts and grave breaches of international law at Abu Ghraib",

- F. whereas former detainees reported that they had had to endure prolonged isolation, were frequently forced to lie on the ground while handcuffed, hooded and blindfolded for long periods, repeatedly beaten and maltreated by taser (electric rod), forced to stand motionless for hours on end, restrained for prolonged periods in painful "stress" positions, subjected to sleep deprivation, and exposed to loud music and bright lights, threatened by dogs or mock executions, exposed to extremes of hot and cold and sexual and other forms of humiliation,
- G. whereas numerous detainees are reported to have died in custody,
- H. whereas there is close day-to-day collaboration between MNF and Iraqi government forces and the torture practices of Iraqi forces are widely known, yet only as recently as December 2005 a US military commander announced that his forces were suspending their practice of handing over detainees to the Iraqi authorities,
- I. whereas, while dozens of US soldiers and several UK soldiers have been court-martialed in connection with the abuse and death of detainees, sentences have generally not corresponded with the crimes committed and senior US administration officials have remained free from independent scrutiny,
- J. whereas, with the official end of the armed conflict in June 2004, the International Covenant on Civil and Political Rights, to which the US, the UK and Iraq are parties, applies, which stipulates that no-one should be subjected to arbitrary detention and that deprivation of liberty must be based on grounds and procedures established by law,
 - 1. Condemns the grave human rights violations against many of the tens of thousands of detainees in custody in Iraqi detention centres;
 - 2. Regards the torture and ill-treatment to which prisoners were subjected in places of detention controlled by the occupying powers prior to June 2004 as war crimes;
 - 3. Expresses its grave concern that Iraqi forces who commit human rights violations enjoy widespread immunity;
 - 4. Is equally concerned that the prosecution by military commissions of violators in the MNF, who are entirely in the hands of their own national authorities, do not meet international standards of impartiality;
 - 5. Calls on the Iraqi government publicly to declare its unequivocal opposition to torture and other cruel, inhuman and degrading treatment or punishment and to ensure that allegations of such acts or cases of death in custody are promptly, impartially and effectively investigated by an independent body and that its findings are made public;
 - 6. Calls on the US, UK and Iraqi governments immediately to release the identities of all remaining detainees kept in various Iraqi detention centres and to ensure that they have

access to legal counsel within 24 hours, prompt access to their families and are being informed of the reasons for their detention;

7. Insists equally that the respective UN bodies and international human rights organisations be granted unimpeded access to the detainees;
8. Calls on the US, UK and Iraqi forces to release promptly all those currently held without charge or to prosecute them for having committed internationally recognizable criminal offences in proceedings that meet international standards of fairness;
9. Calls on the US and UK forces to ensure that detainees are only handed over to the Iraqi authorities if sufficient safeguards are put in place to prevent torture and ill-treatment;
10. Condemns the application of the death penalty in Iraq and reiterates its firm position against capital punishment in all circumstances;
11. Calls on the Iraqi Parliament to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
12. Calls on the respective governments to suspend officials suspected of committing torture and other ill-treatment from active duty and to ensure that complainants, witnesses and others at risk are protected from intimidation and reprisals;
13. Calls on the US and UK authorities to ensure that all allegations of torture and other ill-treatment involving US or British personnel are subject to prompt, thorough, independent and impartial civilian investigation in strict conformity with international law and standards concerning investigations of human rights violations and that the perpetrators in the whole line of command are brought to trial;
14. Underlines that those who have suffered unlawful arrest and/or torture or ill-treatment should receive full reparation including restitution, compensation, rehabilitation, and guarantees of non-repetition, wherever they reside;
15. Instructs its President to forward this resolution to the Council, the Commission, the UNHRC, the Government and Parliament of Iraq and the Government of the United States of America.