



Plenary sitting

B8-1349/2016

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

Barbara Lochbihler, Heidi Hautala, Bodil Valero, Igor Šoltés, Michèle Rivasi
on behalf of the Verts/ALE Group

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

The European Parliament,

- having regard to its resolutions on Iraq, notably the one of 27 October 2016 on the situation in Northern Iraq/Mosul, 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,
 - 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 report of the Office of the UN High Commissioner for Human Rights and UNAMI - Human Rights office: A call for accountability and Protection: Yazidi Survivors of atrocities committed by ISIL, August 2016
 - having regard to the news release of UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein of 11 November 2016
 - 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 according to estimates up to 15,000 victims of the Islamic States were buried 72 mass graves located in Iraq and Syria;
- B Whereas during August 2014, the Islamic State (IS) 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; Whereas the atrocities carried out by IS lead to the conclusion that these have been committed in a systematic and widespread manner, targeting and seeking to destroy the Yazidi people, in whole or in part;
- C. Whereas the United Nations Office of the High Commissioner for Human Rights stated that gross human rights abuses and violations of international humanitarian law committed by the IS against the Yazidis may have amounted to genocide;
- D. Whereas a mass grave was discovered near Mosul by Iraq Security Forces on November 7, 2016, which most likely contains the bodies of at least 300 former local police officers executed by the IS;

E. Whereas widespread or systematic murder carried out by a state or organized group as part of an attack against a civilian population – as part of a policy to commit murder – constitutes a crime against humanity; whereas the killing of prisoners, civilian or military, during an armed conflict constitutes a war crime;

F. Whereas the Parliament, recognised on 4 February 2016 that IS is committing genocide against Christians and Yazidis and other religious and ethnic minorities,

G. 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

H. Whereas following abuses and war crimes that occurred in the course of the liberation of Fallujah (May-June 2016), precaution measures have been taken in order to prevent such incidents in the Mosul operation; However, serious concerns remain about the involvement of Shia militias in the military operation against the IS;

I. Whereas also security forces of Iraq's Kurdistan Regional Government have unlawfully destroyed large numbers of Arab homes, and sometimes entire villages, in areas retaken from the Islamic State, as Human Rights Watch has documented;

J. 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;

K. Whereas several local organizations have been documenting ISIS/Daesh crimes against the Yazidi community, but have only limited capacity; whereas according to international human rights organisations, 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 grave sites around Mount Sinjar that have become accessible after the area was recaptured from 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 which could amount to genocide depends on preservation of the Mount Sinjar grave sites;

3. Calls on the Iraqi authorities to invite international forensic experts, including those with experience working before criminal tribunals, to help preserve and analyse evidence in 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 for future domestic and

international accountability processes to address war crimes, crimes against humanity and genocide;

5. Urges the United Nations Human Rights Council to expand the investigation mandate of the Office of the High Commissioner for Human Rights on ISIS abuses to include serious violations by all parties, including KRG security forces and Shia militias;

6. Urges Iraq to become a member of the ICC to allow for possible prosecution of war crimes, genocide, and crimes against humanity;

7. Calls on the international community including the Member States to bring to justice IS members within their jurisdiction, including by applying universal jurisdiction;

8. 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-General.