



Plenary sitting

B8-1355/2016

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))

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on behalf of the PPE Group

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

The European Parliament,

- having regard to its resolutions 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, of 12 March 2015 on recent attacks and abductions by ISIS/Da'esh in the Middle East, notably of Assyrians, of 4 February 2016 on the systematic mass murder of religious minorities by the so-called 'ISIS/Daesh' and of 26 October 2016 on the Situation in Northern Iraq/Mosul,
 - having regard to the Partnership and Cooperation Agreement between the EU and the Republic of Iraq,
 - 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 Charter of the United Nations,
 - having regard to Rule 135 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 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, Sabaeon-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;
- C. whereas two other mass graves have been discovered in November 2016 by troops advancing into ISIS/Daesh territories in Hammam al-Alil and near the city of Mosul

and there has been further evidence of sexual exploitation, torture and killings, child recruitment and other grave human rights abuses committed by ISIS/Daesh;

- D. whereas the UN High Commissioner for Human Rights has stated on 11 November 2016: “By referring the situation in Iraq to the International Criminal Court; by giving Iraqi courts jurisdiction over international crimes; by reforming the criminal justice system and reinforcing the capacity of judicial officers to document, investigate and prosecute violations, the Government of Iraq can ensure justice and secure the foundations for a lasting peace for the country. Failure to do so may seriously jeopardize the long-term peace and security that the people of Iraq deserve,”;
- E. whereas the Parliament, the Council of Europe, the US State Department, the US Congress, the UK Parliament, the Australian Parliament and other nations and institutions have recognised that the atrocities perpetrated by ISIS/Daesh against religious and ethnic minorities in Iraq include war crimes, crimes against humanity and genocide;
- F. 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;
1. Is shocked about the mass graves that were discovered in Iraq which are the evidence of the terror and human rights abuses committed by ISIS/Daesh; expresses its condolences to the families of the victims;
 2. Recalls its strong condemnation of ISIS/Daesh and its egregious human rights abuses, which amount to crimes against humanity and war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC), and that action should be taken for it to be recognised as genocide by the UN Security Council;
 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. Urges the Iraq-led military coalition to take all the necessary measures to preserve the evidence of the war crimes and crimes against humanity committed by ISIS/Daesh in order to ensure accountability;

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. 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;
7. 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;
8. 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;
9. 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 the Parliaments of the Member States, the Government and the Council of Representatives of Iraq, the Regional Government of Kurdistan.