



Plenary sitting

B8-1344/2016 }
B8-1347/2016 }
B8-1349/2016 }
B8-1351/2016 }
B8-1355/2016 }
B8-1358/2016 }
B8-1362/2016 } RC1

14.12.2016

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

ECR (B8-1344/2016)
EFDD (B8-1347/2016)
Verts/ALE (B8-1349/2016)
GUE/NGL (B8-1351/2016)
PPE (B8-1355/2016)
ALDE (B8-1358/2016)
S&D (B8-1362/2016)

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

Cristian Dan Preda, Elmar Brok, Tunne Kelam, Eva Paunova, Thomas Mann, Stanislav Polčák, Luděk Niedermayer, Tomáš Zdechovský, Lefteris Christoforou, Jarosław Wałęsa, Bogdan Brunon Wenta, Csaba Sógor, Ivan Štefanec, Pavel Svoboda, Marijana Petir, Romana Tomc, Milan Zver, Eduard Kukan, Jaromír Štětina, Giovanni La Via, Dubravka Šuica, Jeroen Lenaers, Ildikó Gáll-Pelcz, David McAllister, Sven Schulze, Laima Liucija Andrikiienė, Michaela Šojdrová, Deirdre Clune, József Nagy,

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Adam Szejnfeld, Brian Hayes, László Tóké, Ivana Maletić, Ivo Belet, Mariya Gabriel, Therese Comodini Cachia, Patricija Šulin, Lars Adaktusson, Krzysztof Hetman, Seán Kelly, Elżbieta Katarzyna Łukacijewska, Andrey Kovatchev, Jiří Pospíšil, György Hölvényi, Inese Vaidere

on behalf of the PPE Group

Pier Antonio Panzeri, Victor Boștinaru, Knut Fleckenstein, Josef Weidenholzer, Clara Eugenia Aguilera García, Eric Andrieu, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, Vilija Blinkevičiūtė, Soledad Cabezón Ruiz, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Nicola Danti, Isabella De Monte, Doru-Claudian Frunzuliță, Elena Gentile, Lidia Joanna Geringer de Oedenberg, Neena Gill, Ana Gomes, Theresa Griffin, Sylvie Guillaume, Cătălin Sorin Ivan, Liisa Jaakonsaari, Afzal Khan, Jeppe Kofod, Cécile Kashetu Kyenge, Arne Lietz, Krystyna Lybacka, David Martin, Costas Mavrides, Alex Mayer, Sorin Moisă, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Demetris Papadakis, Pavel Poc, Miroslav Poche, Liliana Rodrigues, Daciana Octavia Sârbu, Monika Smolková, Tibor Szanyi, Claudia Țapardel, Marc Tarabella, Elena Valenciano, Julie Ward, Boris Zala, Damiano Zoffoli, Carlos Zorrinho

on behalf of the S&D Group

Charles Tannock, David Campbell Bannerman, Anna Elżbieta Fotyga, Ryszard Antoni Legutko, Tomasz Piotr Poręba, Ryszard Czarnecki, Karol Karski, Raffaele Fitto, Zdzisław Krasnodębski, Branislav Škripek, Angel Dzhambazki, Ruža Tomašić, Monica Macovei, Arne Gericke

on behalf of the ECR Group

Gérard Deprez, Nedzhami 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

Javier Couso Permuy, Merja Kyllönen, Marie-Christine Vergiat, Stelios Kouloglou

on behalf of the GUE/NGL Group

Barbara Lochbihler, Judith Sargentini, Heidi Hautala

on behalf of the Verts/ALE Group

Ignazio Corrao, Fabio Massimo Castaldo, Isabella Adinolfi, Rolandas Paksas, Beatrix von Storch

on behalf of the EFDD Group

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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/Mosul¹, of 27 February 2014 on the situation in Iraq², of 18 September 2014 on the situation in Iraq and Syria, and the IS offensive, including the persecution of minorities³, of 12 February 2015 on the humanitarian crisis in Iraq and Syria, in particular in the IS context⁴, of 12 March 2015 on recent attacks and abductions by ISIS/Daesh in the Middle East, notably of Assyrians⁵, and of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’⁶,
- having regard to the Council conclusions of 23 May 2016 on the EU Regional Strategy for Syria and Iraq as well as the Daesh 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/Daesh threat, of 20 October 2014 on the ISIS/Daesh crisis in Syria and Iraq, of 14 April 2014 and 12 October 2015 on Syria, and of 15 August 2014 on Iraq, and the European Council conclusions of 30 August 2014 on Iraq and Syria,
- 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 report of the Office of the UN High Commissioner for Human Rights and the UN Assistance Mission for Iraq (UNAMI) Human Rights Office entitled ‘A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL’ of August 2016,
- having regard to the Rome Statute of the International Criminal Court of 1998 and to the provisions thereof on jurisdiction with respect to the crime of genocide, crimes against humanity, war crimes and the crime of aggression,
- having regard to the Partnership and Cooperation Agreement between the EU and the Republic of Iraq,
- having regard to UN Security Council resolution 2253 (2015),
- having regard to the Charter of the United Nations,
- having regard to its decision to award the 2016 Sakharov Prize for Freedom of Thought

¹ Texts adopted, P8_TA(2016)0422.

² Texts adopted, P7_TA(2014)0171.

³ OJ C 234, 28.6.2016, p. 25.

⁴ OJ C 310, 25.8.2016, p. 35.

⁵ OJ C 316, 30.8.2016, p. 113.

⁶ Texts adopted, P8_TA(2016)0051.

to Iraqi Yazidi activists and former captives of ISIS/Daesh Nadia Murad and Lamiya Aji Bashar,

- having regard to Rules 135(5) and 123(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 in a systematic and widespread manner targeted and sought to destroy the Yazidi people; whereas, under international law, notably in accordance with Article II of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, such atrocities constitute genocide;
- C. whereas Parliament, which recognised on 4 February 2016 that ISIS/Daesh is committing genocide against Christians and Yazidis and other persons belonging to 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 national and international 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 long 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 since 27 October 2016 ISIS/Daesh has been relocating abducted women, including Yezidi women, to Mosul city and Tel Afar town; whereas some of these women were reportedly ‘distributed’ to ISIS/Daesh fighters, while others have been told they will be used to accompany ISIS/Daesh convoys;
- F. whereas the protection, preservation and analysis of all mass graves in Iraq, as well as in Syria, are essential for the preservation and gathering of evidence of war crimes, crimes against humanity and genocide committed by ISIS/Daesh and in order to hold the perpetrators of the crimes to account; whereas the relatives of the victims should be provided with psychological and logistical support;
- G. whereas several local organisations 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 Human Rights Watch, no international forensic experts have conducted work in the area, despite political support for such a

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mission from a variety of countries, including the US and Germany;

- H. whereas the UN High Commissioner for Human Rights stated on 11 November 2016 that: ‘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 jeopardise the long-term peace and security that the people of Iraq deserve’;
- I. 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 ISIS/Daesh occupation;
1. Condemns without reservation the continuing atrocities and flagrant violations of international humanitarian and human rights law committed by ISIS/Daesh; notes with overwhelming dismay the ongoing discoveries of new mass graves in Iraq and Syria, which are evidence of the terror committed by ISIS/Daesh; expresses its condolences to all those in Iraq who have lost their relatives as a result of the crimes against humanity and war crimes committed by ISIS/Daesh and its affiliates;
 2. Strongly appeals to the international community, in particular to the UN Security Council, to consider the reported mass graves in Iraq as further evidence of genocide and to refer ISIS/Daesh to the International Criminal Court (ICC);
 3. 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 ISIS/Daesh, and to take all other necessary measures to preserve the evidence of the war crimes and crimes against humanity committed by ISIS/Daesh, in order to ensure accountability;
 4. Calls on the Iraqi authorities to invite international forensic experts, including those with experience of working before criminal tribunals, to map all the mass graves and help preserve and analyse the evidence found in newly accessible mass graves, since exhumations without forensic experts can destroy critical evidence and greatly complicate the identification of bodies;
 5. Calls for the EU, its Member States and other potential international donors to facilitate and lend their full support to the Government of Iraq in setting up the human resources and infrastructure needed for the preservation and analysis of evidence that could be vital to future domestic and international accountability processes aimed at addressing war crimes, crimes against humanity and genocide;
 6. Is particularly alarmed by the situation of women and children in the conflict, in particular the Yazidi women and children who are victims of persecution, executions, torture, sexual exploitation and other atrocities; insist that a full range of medical

services should be made available, in particular for rape victims; calls, as a matter of urgency, for the EU and its Member States to work closely with the World Health Organisation (WHO) and to support it to this end; calls for the immediate release of all women and children who remain captives of ISIS/Daesh;

7. Reiterates its full support to the Iraqi army, the armies of the global anti-ISIS/Daesh coalition, the Peshmerga forces of the KRG and their allies in their efforts to liberate Mosul and other parts of the country from ISIS/Daesh presence, as well as its support for Iraq's independence, territorial integrity and sovereignty;
8. 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 must abide by international humanitarian and human rights law during their operations;
9. 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, as guaranteed by the Iraqi constitution;
10. Stresses that the right to 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 KRG, these peoples should have their human rights, including political equality, fully guaranteed, as well as their property rights, which should supersede any claims of property rights by others;
11. Urges Iraq to become a member of the ICC in order to make it possible to prosecute ISIS/Daesh for war crimes, genocide and crimes against humanity;
12. Calls on the international community, including the EU Member States, to bring to justice ISIS/Daesh members within their jurisdiction, including by applying the principle of universal jurisdiction;
13. 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, and the Regional Government of Kurdistan.

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