



Provisional edition

Monday 23 January 2023, afternoon

Official report of debates

Opening of the sitting No. 2

Debate: Progress report of the Bureau and the Standing Committee

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): The sitting is open.

The next item on our Agenda is the debate on the Progress Report of the Bureau and Standing Committee (Doc. 15658 and Addendums 1, 2 and 3).

This debate must conclude by 4.15 p.m. and I will therefore interrupt the list of speakers at around 4.10 p.m.

I remind members that speaking time is limited to 3 minutes. And 3 minutes means 3 minutes.

In the debate, I first call Mr George KATROUGALOS to present the Progress Report on behalf of the Bureau. George, you have 7 minutes.

Mr George KATROUGALOS (Greece, UEL, Rapporteur): Thank you very much Mr Chairman.

Allow me to express my warm congratulations for your reelection. It's going to be difficult to have a second mandate [which is] more successful than the first one, but I would like to wish you this too.

So the Bureau appointed me as Rapporteur for this report which covers the period from October practically to this day.

It's going to be a very pedantic and futile exercise to refer to all that we have done at the Bureau, so I'm going to stick to the essential.

The essential is, that I think we have succeeded in responding to the basic challenge of this period, which is of course the Russian aggression, the Russian invasion of Ukraine, avoiding however the danger of becoming a mono-thematic Parliamentary Assembly - because we have a duty towards the peoples of Europe to respect all fundamental values and rights covered by our statutes, and the subsequent conventions.

Of course I consider our reaction to the Russian invasion not just as our response based on humanitarian reasons, or out of solidarity to our nation state which is a member of our Parliamentary Assembly, but also as an act of support to our fundamental values for peace; but also rule of law and justice.

In this report:

1. Speeches in English, French, German and Italian are reported in full in English.
2. Speeches in other languages are summarised from the interpretation and indicated by an asterisk (*).
3. Speeches in German and Italian are available in full on the Assembly's website.
4. The text of the amendments is available at the document centre and on the Assembly's website. Only oral amendments or oral sub-amendments are reproduced in the report of debates.
5. Corrections should be handed in at Room 1081 not later than 24 hours after the report has been published.

In this framework, on 14 October the Bureau approved the urgent procedure debate on, I quote: "recent outrageous and inhuman activities of the Russian Federation", which evolved to a report on the political consequences of the Russian Federation's aggression against Ukraine.

Then, on 24 November, the Bureau decided to hold a debate on escalation in the Russian Federation's war of aggression against Ukraine. This discussion was later transformed into a report on the political consequences of the Russian Federation's aggression against Ukraine. That was a report of the Committee on Political Affairs and Democracy.

And then another one by the Committee on Legal Affairs and Human Rights, regarding the legal and human rights aspects of the Russian Federation's aggression against Ukraine.

The second, let's say big decision-making of the Bureau, was related to the Fourth Summit of Heads of States and Governments, exactly like the previous series of discussions, decisions and reports on Ukraine, that of course was a collective act of the Assembly, of all of us.

But I think the Bureau has been very efficient in handling challenges related to a big event, and also trying to synthesise different suggestions and proposals, and trying also to make the Assembly at least as relevant as the Committee of Ministers.

In addition, as I said before, we tried at the Bureau - as we tried at this Parliamentary Assembly - to avoid the danger of a mono-thematic institution. So we had a current affairs debate on military hostilities between Azerbaijan and Armenia - a sequel, one could say, of this debate, the current affairs debate - is the decision we just recently took in the morning, to proceed with a debate on the humanitarian corridor there.

And we will not stay just on events which hold a high geo-strategic interest. We hold also a current affairs debate on the threatened bans of Pride events in Council of Europe member States, because it's obvious that we must have the same interest in protecting the values of our organisation at all levels.

Having said that, allow me also two remarks at a more personal level.

I think that all that we have done at the Bureau is of course a collegial effort, but I must not limit myself by again explaining my deep appreciation as to what Mr Tiny KOX has managed to do; to synthesise different opinions, sometimes divergent enough, so that we as an organisation have a unanimous standing on the most crucial issue of the period - the Russian aggression.

I think if one compares what we have done in comparison with the European Parliament - which is the only other analogue institution to our own - one could find that we have reacted in a swifter way, more efficient way, and above all, a more, let's say, coherent and unanimous way.

Finally, we must not allow ourselves to not face new challenges regarding other important cases of non-commitment with our values. I have in mind especially the reluctance of Turkiye to execute in many ways the judgment of the European Court of Human Rights - the case of Mr Osman Kavala is the most eminent, but not an exclusive one.

And I think we should remain focused on what's happening in Ukraine, supporting our solidarity there, but trying to investigate if we can also promote perspectives for peace there.

Many thanks, Chair.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Mr Rapporteur, Mr George KATROUGALOS, for your presentation of the Progress Report.

We now start with the list of speakers and the first five speakers on behalf of the political groups. And first in the debate, I call Ms Petra BAYR from Austria, who speaks on behalf of the Socialists, Democrats and Greens Group.

Petra, you have the floor.

Ms Petra BAYR (Austria, SOC, Spokesperson for the group): Thank you very much, Mr Tiny KOX.

Also, congratulations on your re-election. It really makes me happy.

It also makes me happy, and I'm sure you're aware, that it is our first meeting where the new requirements according a quota –like it is written in our rules of procedure– are in force.

It really makes me very happy that all the 46 delegations fulfil this requirement. That's great, and it's not only a paper exercise that we are doing here. It's really an important step closer to representing our constituencies, to improve the quality of our politics.

Because if we involve people, men and women, elderly, young ones, different genders and different abilities, then we really make politics that are close to people. I think that's also very important for, us to mirror the societies.

It is also then very important when it comes to the work in committees that are fed by the political groups. Thanks to all the leaders of the groups who made efforts to reach the goal of at least a third in all these three committees: the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), the Committee on Rules of Procedure, Immunities and Institutional Affairs, and the Committee on the Election of Judges to the European Court of Human Rights.

I want to remind you that it's really the task and the obligation of every single political group to fulfil these requirements. Not only the one of you. So if we improve a little bit now, we really scratch the one-third. I think there is some space for a direction to the ceiling still, but it's important to have the legal basis, to meet the requirements of the codes, of the procedures, and it's good.

We also, of course, have to look at when it comes to ad-hoc committees for election observation, that there we also have a good gender balance.

As the second point, let me shortly, briefly, inform you about my role as general rapporteur combating hate and intolerance.

You might know that there is a No Hate Parliamentary Alliance of which any of you can become a member. You just have to tell your national secretariat that you would like to, and then you are a member. Maybe, as a little asset, we will have a seminar in Vienna of the No Hate Parliamentary Alliance, a peer-to-peer seminar where we will try to share best practices on how to combat racism, anti-Semitism, othering of people...

We all know that it's still important to deal with these issues because racism is still on the rise. So I really very much hope to welcome you as a member in the No Hate Parliamentary Assembly, and then maybe also in Vienna this May.

Thank you very much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Petra [in German].

Next in the debate, I call Mr Aleksander POCIEJ from Poland and he speaks on behalf of the Group of the European People's Party.

Aleksander, you have the floor.

Mr Aleksander POCIEJ (Poland, EPP/CD, Spokesperson for the group): Thank you very much, Mister President.

First of all, I would like to congratulate you on your re-election.

There is no doubt that our activity, our life, our daily life, but also our rights are affected by the aggression in Ukraine. In front of such a drama, where not only human rights are annihilated, but also the lives of thousands of human beings, we should not remain without reaction. We are here to help, to bear witness, to exert pressure and to help Ukraine resist the invader.

Our decisions, our resolutions, our travels in Ukraine are testimony to this. The unprecedented situation in Europe has marked our Organisation. The war, the hybrid attacks on our democracy, the migrants destabilising the situation in many of our countries have created the challenges we have to face. I believe we are handling this very difficult situation quite well.

We want to respond to these challenges by organising the 4th Council of Europe Summit to be held in Reykjavik. We have high hopes for the outcome of this summit. We are going to prepare a report on this subject today: I hope that our voice, the voice of the parliamentarians and the content of this report will be taken into account. I also hope that the Icelandic government will take into consideration the experience of the 3rd Summit that took place in Warsaw in 2005, where there was a broad participation of civil society representatives.

We should also not forget the situation in the Caucasus and the Balkans. We should make sure that this situation does not degenerate.

Thank you very much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mr Aleksander POCIEJ [in French].

Next in the debate, I call Mr Iulian BULAI from Romania and he is speaking on behalf of the Alliance of Liberals and Democrats for Europe group.

Iulian, you have the floor.

Mr Iulian BULAI (Romania, ALDE, Spokesperson for the group): Thank you so much President and congratulations on your re-election on behalf of the Alliance of Liberals and Democrats for Europe group, I wish you good luck for the coming year.

Dear colleagues, it soon will be an entire year since war is raging in Europe, the assaulted country being a member of our Assembly. The war in Ukraine keeps making victims. It is still destroying not only the Ukrainian infrastructure and the lives of people but also decades of peaceful development in Europe. This was, like any war, is an insult to humanity and this reality shapes everything we are doing.

On behalf of my group, I would like to underline the key points of the upcoming session. The shadows of destruction and armed conflict risks spreading well beyond the current borders, activating frozen conflicts under the influence of war-mongering on the part of various political actors.

We see how the tensions between Armenia and Azerbaijan are rising again, fuelled by the same old geopolitical influences and it is replicating thousands of kilometres away at the Kosovan-Serbian border. The European community, and the international community, have to continue the efforts in finding lasting solutions for these tensions that are menacing continental peace.

We also need to find ways and means to offer the necessary framework of support for the country most exposed to the risk of an expanding armed conflict: namely the Republic of Moldova.

The Council of Europe and the European Union should work together in finding the best guarantees for Moldova, its borders and its sovereignty, to continue its path towards social economic and democratic development. In order to be a strong hand in protecting democracy and human rights on our continent, the Council of Europe needs a deep reflection on its mission and the Reykjavík Summit in May this year will be the starting point of this process. We are looking forward to the debate on the excellent report prepared by our colleague Ms Fiona O'LOUGHLIN.

Let me just underline the key areas where all the things Council of Europe could do more in order to be relevant. The international tribunal, the new generation of human rights, above all, the right to a healthy environment and a very important proposal of a commissioner for democracy.

I would very much like to thank our colleagues Mr Boriss CILEVIČS and Mr John HOWELL who visited recently Osman Kavala in the Turkish prison where he spent almost six years. The European Court of Human Rights system is a very special tool that we have put in place in Europe to have more democratic security and rule of law and it is extremely important that all member States abide by these rules.

Finally, on behalf of my group, I would like to draw attention of our Assembly to the growing number of political prisoners in Belarus and Russia. Maria Kalesnikava and Ales Bialiastki, Alexei Navalny and Vladimir Kara-Murza and many – too many – prisoners of conscience, fighters for freedom and democracy. We do need to work harder in order to support them and end the persecution that they are subject to. A general rapporteur for political prisoners could be a useful tool to keep this situation high on our Agenda. On behalf of the ALDE group, I invite colleagues to support this proposal in the Committee on Legal Affairs and Human Rights.

Dear colleagues, the Council of Europe is, we should agree, at the crossroads in a unique historical moment when it needs and it has to reinvent itself so that it stays true to its mission in a meaningful, not formal way.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mr Iulian BULAI.

Next in the debate I call Mr Zsolt NÉMETH from Hungary and he speaks on behalf of the European Conservatives Group and Democratic Alliance.

Zsolt, you have the floor.

Mr Zsolt NÉMETH (Hungary, EC/DA, Spokesperson for the group): Thank you, President, I would like to congratulate you and all new office holders of this Assembly.

I wish you a successful work to all of you in the coming year.

I would like to congratulate also all national delegations. We have not had an easy challenge in front of us. We had to create an appropriate gender balance in the organisation. One third of all national delegations are now ladies and we have done it. I was doubtful about our ability to do this, but we have done it. So, congratulations to all national delegations who have been able to fulfil this debated target.

I do agree with all my colleagues who said that the Fourth Summit in front of us is a major challenge for the year and I believe that our preparations for the Fourth Summit have been extremely important.

I would rather say that the Parliamentary Assembly has been the driving force behind this Fourth Summit and now, I think, in the coming period, in the last phase of the preparations we will have to make it a success story and this will be not to a small extent on the shoulders of the Parliamentary Assembly and on us. We should not forget that until now we have done quite a few important steps into this direction.

Ms Fiona O'LOUGHLIN had a fantastic work and congratulations to her. We should all remember that the war was the spark of the whole initiative and we shouldn't forget that the Russian aggression cannot stay without consequences. Impunity is unacceptable in all ways and I think our organisation has responsibility and possibility in this regard. But also, for our organisation, it is a unique opportunity to redefine our identity, who we are, why we are, what we do. And in the last 18 years there was no such a similar opportunity like this Fourth Summit, and I think all the decided elements, for example the environmental rights, just to mention one, is showing the right direction.

And another element I would like to mention finally is the co-operation between the Council of Europe and the European Union: we need to create a much closer co-operation if we are thinking about the future of the whole continent.

Ladies and gentlemen, we have to make the Fourth Summit a success.

Thank you very much for your attention.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mr Zsolt NÉMETH.

Now, I call on Mr Andrej HUNKO, from Germany.

Mr Andrej HUNKO speaks on behalf of the Group of the Unified European Left.

Mr Andrej HUNKO (Germany, UEL, Spokesperson for the group): Thank you very much.

Mister President,

Also on behalf of the Left Group, congratulations on your election, Mister Tiny KOX. You really did an outstanding job last year. I also agree with everything that our rapporteur, Mr George KATROUGALOS, said, perhaps a word again about the war that we have all condemned here, the Russian war of aggression. I believe that in addition to this clear condemnation, we must also think more about what possibilities there are to end this war. In my country, in Germany, 75% of the people would like to see more diplomatic initiatives. I think we have not discussed this enough. I think that is urgently needed, because otherwise there is a danger that this war will lead to a war of attrition that will last for years and perhaps to further escalation.

As far as the summit in Reykjavík is concerned, a lot has been said. I share what Mr Iulian BULAI said about the extension of fundamental rights, about environmental rights, about possibly the establishment of a commissioner for democracy, because we are also getting into a democracy problem in some states. Of course, EU accession to the European Convention on Human Rights, which has been overdue since 2009, for 13 years, so to speak, so that we can finally reach a conclusion.

The possibility of establishing a kind of rapporteur or commissioner for political prisoners has also been mentioned. I would like to remind you in this context that we have a very central political prisoner on the ground of the European Convention on Human Rights, in Great Britain, Julian Assange, who has been sitting in an eight-square-meter cell for almost four years now and is waiting to be extradited to the U.S. because he has uncovered war crimes, where he could possibly face 170 years in prison. I want to remind you that in January 2020, this Assembly endorsed the assessment of the UN rapporteur, Nils Melzer, and the demand to immediately release Julian Assange and prevent his extradition. The Commissioner for Human Rights has also spoken in this direction.

I want to point out that we will make a time event tomorrow also on the topic, where all the lawyers will also be there to talk about the concrete situation, because this case, as I said, is indeed basis of the Convention on Human Rights, is on a member State of the Convention on Human Rights, and it can just also end up at the European Court of Human Rights.

Thank you very much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, Mr Andrej HUNKO.

Now I call in the debate Mr Ruben RUBINYAN, from Armenia.

You have the floor.

Mr Ruben RUBINYAN (Armenia, EPP/CD): Thank you.

Dear colleagues,

Since Mr George KATROUGALOS and some of the other speakers mentioned the Armenia-Azerbaijan issue, I'd like to update you on that.

I won't talk about Nagorno-Karabakh itself because we will have a different debate on that, a separate debate. But I will update you on the relations between Armenia and Azerbaijan.

Dear colleagues,

During the last session we held a debate after Azerbaijan attacked the sovereign territory of the Republic of Armenia, occupied some part of it, and bombed civilian infrastructures deep inside Armenian territory.

Back then, during the debate, most of the speakers called on Azerbaijan to immediately withdraw its troops from the sovereign territory of Armenia.

Now, a couple of months have passed, and unfortunately I can't say that this has happened. Azerbaijan continues to occupy sovereign Armenian territory, and recently, the president of Azerbaijan, Mr Aliyev, proudly said that Azerbaijan now has better positions which will be needed in the future, and that Azerbaijan reserves itself the right to strike objects both within Azerbaijan and outside of it, whether it will be needed.

But this is not the most horrendous thing that Mr Aliyev said.

In an act of revisionism and warmongering, he said that half of Armenia is historic Azerbaijan, including the capital Yerevan. He called Armenia Western Azerbaijan. This term, this revisionist, irredentist term, Western Azerbaijan, has now entered official Azerbaijani language. It's an obvious intent to continue the aggression against the Republic of Armenia. They shouldn't be acceptable.

Dear colleagues,

You all, better than no one, know that wars, aggressions, start with words. You can easily recognise words which can potentially lead to aggression, to unlawful aggression.

I think this is the time that we should stop just talking about the aggressive state of Azerbaijan, but it is this time that we need a resolution on Azerbaijan. A state the president of which openly talks about his plans to create aggression against its democratic neighbour. This shouldn't be acceptable for our organisation. It shouldn't be acceptable for Europe.

I count on your support.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mr Ruben RUBINYAN.

The next speaker in our debate is our former president, Mr Rik DAEMS, from Belgium and he speaks from Belgium.

Rick, you have the floor.

Mr Rik DAEMS (Belgium, ALDE): Thank you, Chair.

I am not speaking on behalf of the Alliance of Liberals and Democrats for Europe, I am speaking on behalf of the Parliamentary Network for a Healthy Environment, which was established in January last year on the basis of the resolutions and recommendations that we passed unanimously in 2021, where we asked to establish a protocol on the Convention of Human Rights and even also to have some legally binding instruments as others in the Social Charter.

What I am doing now is I am trying to give some kind of a progress report, the sub-progress report to Mr George KATROUGALOS, because we believe in the Network – that all networks, all five of them – should on a regular basis inform the plenum on what it does, where it stands, what are its targets, how far off the targets they are, and basically, ask for support, but at the same hand giving way to the fact that a parliamentary network is kind of a special forces unit into national parliaments. This is what we are. And so this is a very extremely important potential tool to bring issues from this House into the 46 houses nationally. So just a small report: we now have 55 members out of 30 countries. We even extended it to the national delegation leaders, which basically means that we cover all of the member states. Not all of them are active enough, but we are working on it. We basically already had seven meetings with a number of results. We will have our eighth meeting on Wednesday. We will have our ninth meeting in Marrakesh and the tool or the target is to have kind of a business plan – you know me, Mr Chair – in the April session, in order to hit hard and get towards results because the April session is before the Summit in Reykjavík.

The point is that the Steering Committee for Human Rights (CDDH) needs to make a legally binding tool. They are dragging their feet, so we need to go through the national parliaments and put pressure on the governments where they are, in all of their countries, in order to push them to go to the Summit and to agree through their heads of state that environment is a human right, whether it is through a protocol, whether it is through some other legally binding matter, but the network as such is the bottom-up tool that we can use in a proper way to, indeed, push governments in our national parliaments to do what we, in this case, in a unanimous way, have put on the table. So this is why I think it is very important. This is why we think from the network, we should have a progress report on a regular basis here, not only to ask for your support but to give your support because we are developing tools for our members to use in their national parliaments. Just one example: we now have a kind of a resolution on the environment and human rights – it is ready-made, It is like a copy-paste that each and every one of our members can put on the table in their national parliaments, move on it. I hope this can go fast because then in April we can indeed have kind of a business plan and by the Summit this can come on the table.

And let me end by congratulating you on your re-election and putting immediately the pressure on you because we from the network, Mr Chair, we expect you to put the environment and human rights on the Agenda and to push it through and we thank you in advance.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): I have heard the progress report of our former president, and I'm taking very well note of it. I think it's our common obligation because, as you said, Rik, we have adopted this unanimously. We have to show now that we stand for our decisions.

Thank you very much.

Next in the debate I call Mr Samad SEYIDOV from Azerbaijan.

Mr Samad SEYIDOV (Azerbaijan, EC/DA): Thank you, Mr President.

Actually I was going to speak about the forthcoming Summit of the Member State leaders, but my Armenian colleague pulled me back again to the problem which we have. Unfortunately, the information which Mr Ruben RUBINYAN just gave to our colleagues and friends [is] absolutely out of agenda. Two years ago we brought justice to our territory. We liberated our land from occupation. And I want to remind my respectable colleagues that half of Azerbaijan had been occupied by Armenia. One million refugees we had and we still have in Azerbaijan and they have been waiting the homelands, because my territories which we just recently liberated [are] completely mined by Armenian military troops and we are not able to return back.

Just recently we lost again Azerbaijanis, and that's why this problem still exists. And on Thursday we are going to organise the side event about this terrible problem in this hemicycle. Please, I invite you all to take part in this side event. Unfortunately, Armenia is not able to understand that two years we have done a lot for peace and in order to disrupt the peaceful negotiations they just try to mislead the International Community with so-called blockade of the Lachin corridor, with unwillingness of Azerbaijan, with some terrible things which had happened. Why? Because they're afraid. Afraid of what? Losing the power. Because they promised to their own nation to restore the peace and they are not able to fulfil their obligation in front of their own nation, they are not able to come together with Azerbaijan to see and to discuss the future of the region.

And instead of that, they provoke those who are living in Karabakh, and now, now [an] oligarch from Russia came to power in Karabakh, Mr Vladimir VARDANYAN. You know very well this guy, the person who has been sanctioned by European Union, Council of Europe, United States of America. And they are afraid of him! Because this guy is coming to the power not in Karabakh, no, in Armenia! And that's why they try to disrupt everything.

My dear colleagues from Armenia, if you are looking for the peace, if you are thinking about the future of your nation, stop begging to international organisations. Enough! Everybody is fed up of your begging. Just together with Azerbaijan, let's start to think about sustainable peace in the region.

Thank you very much.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Mister Samad SEYIDOV.

Now, the last speaker in the debate will be Mr Serhii SOBOLIEV, from Ukraine.

Mister Serhii SOBOLIEV, you have the floor.

You should use another microphone.

Mr Serhii SOBOLIEV (Ukraine, EPP/CD): Thank you, Mr President.

I want to thank the work of the Bureau and the Standing Committee for all this period.

I think that our organisation is a real forward organisation, not only in Europe but in the whole world.

As well as we were the first who excluded the Russian Federation from more organs of the Council of Europe, especially from the Parliamentary Assembly of the Council of Europe, we were the first organisation that in a previous session, did everything in order to recognise the Russian Putin's regime as a terrorist regime.

But I think we need now to move forward. Very important thing not only on this session, it's not a theme of this session, it's a long period session for future special tribunal. It's the theme of private army, the so-called Wagner private army in the Russian Federation.

It's very similar to the Nazi fascist special troops of Heinrich Himmler that were organised for organising of concentration camps for ethnic cleansing.

I think that for our organisation it's very important just on our future reports to move this theme, in order to recognise the Wagner organisation as a terrorist organisation.

Ukraine is not their last, but I think it must be the last for such private army.

We remember the role of France and the French troops in the Central African Republic, where they were excluded by Wagner troops. Then the role of the Wagner organisation in Libya, in Syria, in the previous period. Now in Ukraine.

I think that it is very important to understand is that all methods of organising concentration camps that were organised by Wagner troops, all their methods that they're doing now in Ukraine, where they have an excellent lesson from previous countries, I think it's the main danger now in order to understand that the future of war is now in the most dangerous stage.

I think it's very important to understand that in the future special tribunal, that will be maybe in Nuremberg or maybe in Rublyovka Moscow, we need to recognise Putin, Prigozhin and others from the Russian Federation as the main organisers of the new fascist regime in the 21st century.

Thank you.

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you, Serhii.

It's good to see you here with together with so many colleagues from Ukraine. Stay safe and sound when you return after this week.

I must now interrupt the list of speakers. The speeches of members on the speakers list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the Official Report. I remind colleagues that texts are to be submitted in typescript, electronically if possible, no later than four hours after the list of speakers is interrupted.

I now ask Mr George KATROUGALOS to reply.

You have 3 minutes, George.

Mr George KATROUGALOS (Greece, UEL, Rapporteur): I will not exhaust this time. I understand that I am speaking on behalf of the whole Bureau not to express the political views of my group or my personal viewpoint. But I would like to stress the fact that all of you have witnessed that despite the very important political and ideological differences we have, we demonstrated, even in this discussion, the spirit of respect and full commitment to the values of this organisation. I think this is going to continue to the future.

Thanks, Mister Chairman.

Mr Armen GEVORGYAN (Armenia, EC/DA): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Mr President:

As you well know, for more than 40 days Nagorno Karabakh has been under siege by Azerbaijan. For the entire period of its membership in our organisation, Azerbaijan both in its domestic and foreign politics has been guided by political violence and war as tools and means of state policy. The Azerbaijani government has continuously pursued a politics of radical racism and ethnic cleansings against "the others" and specifically against Armenians. Another certain characteristic of state policy by Azerbaijan is the manipulation of its export potential of oil and gas to Europe as its unique asset. Each of us can determine whether such policy is fascism, national radicalism or state terrorism.

Today I would ask you to reflect on three fundamental dimensions.

The state policy of siege of 120.000 people, with daily threats of the use of force against them, is being implemented by a member of Council of Europe. The unpunished membership of Azerbaijan has resulted in further strengthening of a certain sense of impunity for this authoritarian regime and has turned our Organisation into a legitimising agency of it's aggressive policies against Armenian people.

Many nations, represented in this Assembly, have recognised the Armenian Genocide of 1915. The siege of Nagorno Karabakh is the next stage of that crime, still denied by Turkey and Azerbaijan. This state policy by Azerbaijan shall be decoupled from any peace process there may be or will be: collective punishment of an ethnic group is a war crime, not a negotiation strategy that we shall endorse, and hence not condemning that clearly means aiding the commission of this crime, not diplomacy.

What is happening in Nagorno Karabakh today is not just a humanitarian catastrophe. It's now a bigger issue than just an Armenian-Azerbaijani affair, or self-determination issue of Nagorno Karabakh people. This is about a civilisational identity of Europe. It is now about a choice between, on one hand, democracy, dignity and peace, and "energy security", shame and violations on the other hand. History tells us what the price for disgraceful choices is.

Mr President, let me conclude by saying that the Armenians in South Caucasus be that in Armenia or Nagorno Karabakh under siege these days, for many centuries have created conditions for the preservation and development of not only our own, indigenous national culture and identity, but also helped many other nations to do so. Despite our geographic and demographic sizes and ongoing challenges, we will carry on this mission further whether someone likes it or not.

Ms Emine Nur GÜNAY (Türkiye, NR): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President,

Dear Colleagues,

I would like to thank the Rapporteur for briefing us on the activities of the Bureau and the Standing Committee, as well as our colleagues and secretariat of the Parliamentary Assembly for their work through this period.

I would like to make a few points regarding our recent agenda and work, in view of the report.

Before all else, one of the biggest challenges we face, the Russian Federation's continuing war of aggression against Ukraine and the multifaceted effects of this aggression has been and still is a crucial part of our agenda.

While this is not the only challenge we face, returning of the war to Europe has reminded us all of the importance of our shared values and how we should adapt to the changing conditions and environment in the face of challenges.

I believe the 4th Summit of Heads of State and Government of the Council of Europe will guide us on the steps we need to take for a common solution against the challenges we face.

Therefore, I appreciate that our Assembly has worked and continues to work diligently to contribute to the 4th Summit in this regard.

I also think that we, as members, should adopt an attitude aligned with this spirit. We should stand together, united around our shared values, focusing on our common future instead of bringing forward bilateral issues repetitively, which should be resolved through dialogue between the member States concerned.

Our Assembly should also continue to work featuring coordination and constructive dialogue with mutual respect and understanding and encourage the members to do so.

Supporting and allowing provocative hate crimes that insults to sacred values cannot be defended under the guise of 'democratic rights' and it does not help promoting the core values of CoE.

As a member of PACE, and the Grand National Assembly of Türkiye, we strongly condemn this provocative act of a racist burning the holy book Quran in Stockholm, which is clearly a hate crime.

Finally, I would like to welcome our new members who have joined us, I look forward to collaborating with you. Also, I wish you all a successful year ahead in which we uphold our shared values and further our mission.

Thank you.

Mr Rafael HUSEYNOV (Azerbaijan, ALDE): *(Undelivered speech, Rules of Procedure Art. 31.2)*

I would like to share some of my thoughts on the example of a letter that I received from the chairmanship of the Council of Europe at the end of last year. This is not an attempt to give a positive or negative assessment of the Progress Report or the work in general. These are just thoughts on how we can build our business towards making overall development more successful as well as the results more acceptable.

My written question addressed to the Committee of Ministers, titled "Opportunities for the effective impact of global projects on political developments that ensure the economic rapprochement of member states" and officially published on 21 September 2021 under the number 15372, speaks of truths that are clear as daylight to all and focuses on the essential role the Council of Europe can play in establishing further cooperation and

rapprochement as well as closer cooperation in Europe. The question stated that Azerbaijan has occupied an important place with many energy and transport projects of European and global importance implemented by it in recent years thus having grown into one of the most significant players in ensuring the progress and energy security of Europe. After mentioning the afore-stated it was asked Given the fact that such an economic background which is vital for rapprochement of European countries along with deepening their cooperation and partnership, also carries a very serious political significance and burden, how is the Committee of Ministers of the Council of Europe ready to contribute to such kind of developments via performing its protective, supportive, and coordinating functions aimed at helping resolve political and humanitarian issues between member states and promote further mutual understanding?

In response to this document, the reply by the Table office signed by the acting chairman of the Committee of Ministers which was sent to me only on December 19 2022, is surprising and regrettable, therefore raises deep doubts about the sincerity of the words uttered here from time to time in order to make the work of the Council of Europe more efficient. The reply says that “in the absence of consensus in the Committee of Ministers in this matter, it has not been possible to adopt a reply to your written question”.

What kind of moral right do we have to speak of progress when even the best initiatives are blocked under the influence of such undesirable feelings and attitudes?!

Mr Pavlo BAKUNETS (Ukraine, NR): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear mister President, dear members of the Parliament Assamble of the Council of Europe!

It's a great pleasure for me - to be here with you.

My name is Pavlo Bakunets, and I am a member of Verkhovna Rada – Ukrainian Parliament.

I thank you for the decisions that you made last year.

Especially for the brave and correct decision to exclude a delegation of terrorist state russia from the Assembly.

Thank you for regularly raising the question of russian agression against Ukraine. And it is good that you raised the issue of escalation of the war against Ukraine in Reykjavik.

We are here to remind the world that a hard war is going in Ukraine. This war is a fight for peace in Europe.

While some European governments are thinking about possibility of supplying tanks to Ukraine, the time for reflection is over, and it is time for real steps to help the brave Ukrainian soldiers.

We are here to once again ask the world for a fair International Tribunal for Russian terrorists.

Our Heroes will stand on our borders of 1991 and protecting security in Europe.

Mr Harald WEYEL (Germany, EC/DA): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Mr President,

Congratulations on your reelection! Perhaps the rule of written and unwritten law will also be reelected and enjoy a renaissance. To name one example: When one member of a delegation or the Parliamentary Assembly of Europe is explicitly “challenging the credentials” of a delegation, it should be dealt with according to the rules. The video of the topic and the speaker and the protocol offer sufficient proof and may serve as verification tools. Even a false “decision” by an Interim President or Chair of a session can and must be revised.

Regarding the coming summit of Reykjavik etc.: The CoE and its organs should withstand the temptation of acting as a second “NATO” or second “EU.” The CoE has already missed its opportunity to successfully intervene in the case of “Russia vs Ukraine” (and vice versa). An ultimatum to both concerning the fulfillment of the Minsk Accords was overdue. The CoE also has to tackle other complicated bilateral negotiations. The CoE should not be hijacked by a single country or group of countries and interests.

And there is another very important issue: What is the use of a CoE that acts as another #metoo-activist in charge of enforcing all aspects of the “Zeitgeist?” Quotas, for instance, have been challenged and dismissed on various levels and often run counter to real “fair play” and real equality. Positive discrimination is somewhat

of an oxymoron. It is not really in the best interest of “the people” and their representatives to push ideologically-driven “climate” policies, but rather in the interest of certain pressure groups or vested material interests.

CoE should give a better example by acting as a rational and less corruptible institution, opposing corrupted countries and institutions instead of collaborating with them!

Mr Tiny KOX (Netherlands, UEL, President of the Assembly): Thank you very much, George.

The debate is now closed.

The Bureau has proposed references to committees for ratification by the Assembly. Is there any objection to the proposed references to committees? I do not see any. So, they are approved.

I now propose that the other decisions in the progress report, which you find in document 15658 and Addendums 1, 2, and 3 be ratified. Are there any objections? That is not the case. The progress report is approved.

Debate: Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Then we continue. The next item on the Agenda is the debate on the report title, "Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe". It is document 15591, presented by Mr Pieter OMTZIGT on behalf of the Committee on Legal Affairs and Human Rights.

You shall now also hear an opinion from Mr Stefan SCHENNACH on behalf of the Committee on Social Affairs, Health and Sustainable Development. It is document 15672.

In order to finish by 5:30 p.m., I will interrupt a list of speakers at about 5:00 p.m. to allow time for the reply and vote on the draft resolution and recommendations.

I call Mr Pieter OMTZIGT, the rapporteur. You have 7 minutes now and 5 minutes at the end to reply to the debate.

The floor is yours, Mister Pieter OMTZIGT.

Mr Pieter OMTZIGT (Netherlands, EPP/CD, Rapporteur): Thank you, Madam Chair.

After the horrors of the Second World War we founded this Council of Europe. We had two objectives: no more war and no large-scale war and no genocide. We had a number of smaller wars and now we have a large-scale war. And today we are discussing the issue of a genocide committed by thousands of Europeans in Syria and Iraq.

That is a failure in what we sought to do.

In 2017 we decided that Daesh had committed genocide and other serious crimes on their international law. We called for an effective prosecution of these crimes by national courts, in Syria and Iraq, member states, by the application of universal jurisdiction or by international hybrid courts. Unfortunately there hasn't been any progress over the last five years.

There has been further evidence that Daesh committed genocide against first and foremost Yazidis, but also against Muslim minority groups like Shia Muslims and Christians.

If we are to take the 1948 Genocide Convention seriously, we have to consider that thousands of citizens of our Council of Europe member states have taken part in genocide. And states have and had the legal obligation to prevent and punish it. For instance, by impeding the flow of foreign terrorists fighters who joined Daesh in Syria and Iraq, and by effectively prosecuting them to deter further crimes.

We should not just focus on lesser crimes, like membership of terrorist organisations.

Germany last year showed us how to do it and convicted a female Daesh member for genocide.

At the same time, suspects must be punished in a fair way with a fair trial.

Many Daesh fighters remain detained for years in camps and prisons in north-east Syria and Iraq. It's unlikely that they will receive a fair trial in compliance with international standards. And in Iraq there is the death penalty. This situation is counterproductive in terms of security, given the risk of further radicalisation by Daesh and the recurrence of prisons outbreak. That's why we state that there should be an international tribunal given the international nature of crimes committed and the fact that these fighters come from all over the world.

We reiterate, to actually establish an international tribunal or a hybrid tribunal and, mind you, if we're now at the state that we think we don't even punish genocide anymore, we're losing our credibility. As long as we haven't managed that, member states should give priority to prosecution of Daesh foreign fighters by the national courts on the basis of active personality or universal jurisdiction.

And we asked all countries what they did, and most prosecutions take place only for terrorists-related offences. That's why we ask you: please, prosecute for war crimes and genocide. We make several recommendations in this regard. Do not forget female Daesh fighters, use battlefield evidence, and cooperate with UN investigative mechanisms for collecting evidence, and use mutual legal assistance tools, such as joint investigation teams.

In any event, when these people come home, implement de-radicalisation, rehabilitation, reintegration measures for all returnees, especially when you talk about children. But these programmes should never, I repeat never, be a substitute for prosecution and punishment.

Finally, President, there are three points that I would like to include in the resolution which go beyond the issue of prosecution as such, but that we should insist on. 1. More than 150,000 victims of Daesh, Yazidis, still live in camps in dire circumstances without a possibility of safe return to their homes. They seem to be the forgotten group. So there's lots of countries that focus on repatriating their members of Daesh. No one seems to care about these women and these children, and thousands of them are still missing. They may either be killed or be held in slavery in really appalling circumstances. We should help them.

2. Daesh fighters who are suspected of having taken part in a genocide pose a serious threat to European societies. There are different legitimate grounds, including national security and the prevention of crime, that should be taken into account if countries want to repatriate them. Article 8, the right to family life, is not absolute in the Convention.

3. Last but not least, we should invite states to consider bringing proceedings under the Genocide Convention before the International Court of Justice in The Hague against those states which allegedly failed to prevent and punish acts of genocides.

According to a report published by the Yazidi Justice Committee in July last year, there are reasonable grounds to conclude that Iraq, Syria and Türkiye failed to discharge one or more of their obligations under the Genocide Convention.

I would like to thank the colleagues from the Social Affairs Committee for their suggestions contained in their Opinion. I have sought to accommodate amendments where these were compatible with our Committee's main line of reasoning.

And I would like to state here that I'm really impressed by the survivors I met over the last 10 years. They've been waiting patiently for 10 years and are looking at assemblies like ours, or parliaments like ours, to finally start doing some form of justice for what happened to their families. And if you want to, you can look at a few of the films which were put and sent to you before this meeting.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Pieter OMTZIGT.

You have now 3 minutes at the end to reply to the debate.

I now call Mr Stefan SCHENNACH, the rapporteur of the Committee on Social Affairs, Health and Sustainable Development, to present the Committee's opinion. It's Document 15672, and you have 3 minutes, Mr SCHENNACH.

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur for opinion): Thank you, Madam Chair.

Dear colleagues, ladies and gentlemen, nearly exactly three years ago, I was standing at the exact same spot as your rapporteur on the urgent debate on the "International obligations concerning the repatriation of children from war and conflict zones". Three years later we are discussing once more the fate of thousands of children still stranded in horrible, inhumane conditions in squalid camps in Syria and Iraq.

According to Human Rights Watch, nearly 43 000 men, women and children of foreign origin linked to Daesh are still detained in Syria alone. What has changed in the last three years? On the positive side – and I am really thankful about that – several European countries have made great efforts and have managed to repatriate their national children, often together with their mothers as primary caregivers, but many other children remain in this camp, and sadly, a lot of children have died in those camps.

Children should primarily be regarded as victims, and should not be blamed for the crime of their parents. There is not one child in the world who is responsible for their parents and the situation when they got life.

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur for opinion): *At last in my mother tongue.*

I am not a lawyer. Nor do I need to be a lawyer to stand up for human rights and children's rights. I believe that it is very important that our Assembly not lose the idea of revenge or legal sophistry. Children must not be punished for the crimes of their parents. I am glad that Mr Pieter OMTZIGT and I have found a compromise this morning as far as the amendments are concerned. Neither of us is completely happy, that is the nature of a compromise.

I ask you to support the compromise amendment number 13 in that way as well because, for the children, after three years of hell, that should be enough. It is time, again, to emphasise: let's get the children back.

Thank you.

Ms Ingrid SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister Stefan SCHENNACH.

We continue with the list of speakers on behalf of political groups.

In the debate I call first Mr Davor Ivo STIER, from Croatia, and representing the Group of the European People's Party.

Mister Davor Ivo STIER, the floor is yours.

Mr Davor Ivo STIER (Croatia, EPP/CD, Spokesperson for the group): Thank you.

Thank you, Madam Chair.

Let me also thank Mr Pieter OMTZIGT for this report, as well as Mr Stefan SCHENNACH for preparing the opinion.

As explained in the report, there is conclusive evidence that Daesh has committed genocidal acts against the Yazidis as well as against Christians and non-Sunni Muslim minorities.

This evidence has been collected and reported by the UN Commission of inquiry on Syria as well as the UN investigative team to promote accountability for crimes committed by Daesh.

As the rapporteur has said, the Council of Europe was founded after the terrible experience of World War II with the aim to prevent future wars, war crimes, crimes against humanity, and genocide.

Unfortunately, today we're again witnessing a war of aggression on European soil, that was launched by Putin's regime against Ukraine.

This can only remind us of the original purpose of our organisation and the obligation of our member States, and as Mr Pieter OMTZIGT rightly does in his report, by insisting on the prosecution of suspected Daesh fighters.

In this sense, the European People's Party supports the recommendation to encourage all member States to participate in setting up a special international tribunal, or a hybrid tribunal with jurisdiction over international crimes committed by Daesh foreign fighters. Pending the setting up of such a tribunal, to give priority to the

prosecution by national courts, prioritising where possible, cumulative prosecution of Daesh and foreign fighters for both terrorism related offences and international crimes such as genocide, crimes against humanity, and war crimes.

At the same time, we also stress the importance of designing and implementing rehabilitation and reintegration strategies for returning Daesh fighters and their families. With regards to foreign fighters' children, the best interest of the child should always be the guiding principle.

Finally, let us not forget that at the centre of all our efforts should always be the victim, the victims of Daesh in this case. Therefore, it is essential to support the Iraqi authorities, the UN, and other organisations, in locating the missing Daesh victims and ensuring the safe and voluntary return of survivors to their areas of origin.

Once again, let me use these last seconds to thank Mr Pieter OMTZIGT for his report.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister Davor Ivo STIER.

The next speaker is Mr Rik DAEMS on behalf of the Alliance of Liberals and Democrats for Europe and from Belgium.

The floor is yours.

Mr Rik DAEMS (Belgium, ALDE, Spokesperson for the group): Thank you, Madam Chair.

Our group has had a profound discussion regarding the prosecution of Daesh foreign fighters from Syria. Our group supported the establishment of a special international tribunal or hybrid tribunal with jurisdiction over international crimes committed by Daesh foreign fighters.

Now the report insists that a trial at home is essential because prosecution in Iraq is currently not an adequate and human-rights-compliant solution and there is a risk of further radicalisation by Daesh in camps and the resurrection or the recurrence of prison breakouts, which may lead to an increase in the number of foreign fighters returning to Europe.

The report points out that in some countries the public prosecutor insists on having a trial in the country of origin, this would ensure – so they say – that they are effectively prosecuted and that there is a real follow-up during and after their detention. Part of our group is of a different opinion; part of our group is of this opinion. So those who are of a different opinion feel that the report puts too much emphasis on the priority that should be given to the prosecution by the respective national courts of suspected Daesh fighters, amongst other things, a trial at home, in their opinion, poses serious problems regarding the gathering of proof of the heinous crimes they committed and, therefore, influences the charges and influences a far too low potential sentence.

Thus, one should not dismiss the establishment of hybrid tribunals within the international courts with assistance from international experts, on the grounds that the Iraqi or Syrian authorities are not giving enough support. These two positions are not reconcilable, it is as simple as that.

Another element we wish to, as a group, put forward is the fact that regarding the implementation and rehabilitation and reintegration strategies for all returning Daesh foreign fighters and their families, we insist that the focus should, first and foremost, be on the interest of the child and not, as is currently is the case, the parents. The rights of the child prevail over any other rights. We insisted in our Assembly as a mere moral duty to ensure that innocent children do not pay for their parents' crimes. We proposed an amendment, I believe there is a compromise, which probably will be supported by all of our group.

Finally, there is a problem with fighters that have double nationality. Also, this gives little redemption towards the crimes committed against Yazidis, Christians and Sunni Muslim minorities. Many of these acts such as enslavement, sexual slavery, rape, imprisonment, torture and murder also amount to war crimes and crimes against humanity and we feel that they should be more explicitly in the report.

As a result of these different opinions, we do congratulate the rapporteur on the report because it is an important one, but our members will vote according to their opinion concerning the report.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister Rik DAEMS.

Now I call... I do not see here in seat 208.

Ms Olena KHOMENKO, from the European Conservatives Group?

Is she in the plenary?

No. I do not see her.

Then we go to Mr Emmanuel FERNANDES, from the Group of the Unified European Left, from France.

The floor is yours.

Mr Emmanuel FERNANDES (France, UEL, Spokesperson for the group): Thank you, Madam President.

Thank you, Ladies and Gentlemen.

We would like to welcome the fact that the subject of the treatment of foreign fighters of Daesh and their families who are nationals of our member States is finally being addressed.

First of all, I would like to salute the Kurdish armed forces for their decisive contribution in the concrete fight against the forces of Daesh. The courage and exemplary determination of these men and women oblige us to defend them and to ensure their safety, but they also oblige us to find a solution to judge and condemn the members of Daesh who are currently held in camps or prisons in Syria and Iraq. The undignified conditions of detention that prevail must push us to act with measure and precision, but without delay.

We support the call for the indictment of Daesh fighters for genocide and crimes against humanity, in addition to charges of war crimes and terrorism. All member States must, therefore, deploy the appropriate legal arsenal to respond to these crimes. We also support the request for the creation of an international tribunal to judge these crimes. Indeed, this conflict and these crimes concern all the countries of the world, both because of the significant presence of foreign combatants and because of the very nature of the crimes that were committed.

Moreover, we cannot be satisfied with the current situation. We share deep concerns about the guarantees that must surround the trials that are already taking place. The right to a defense and to a fair and equitable trial is non-negotiable, even for the most heinous crimes. We also reiterate our firm opposition to the death penalty.

In the event that the creation of an international tribunal to judge these crimes is not possible, it will be necessary to do everything possible to set up these hybrid courts. However, time is running out and the report emphasises that it is untenable to continue for years to come with the current operation of the prison camps, in which Daesh fighters are held with their families and children. The Kurdish people have given 12 000 lives to defeat Daesh. Now we cannot accept that Daesh can be reborn in these camps, so our member States must resolve to try their own people.

I conclude by also addressing the issue of children in relation to paragraph 11, which called for the automatic severance of all family ties. Indeed, while the rapporteur was quite rightly talking about the need for rehabilitation work for offenders and criminals who would not be sentenced to long terms, it seemed to us that this request contravened that. But it seems to me that we will be able to move towards a compromise in a few minutes.

Thank you.

Ms Ingrid SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Emmanuel FERNANDES.

The next speaker, on behalf of the Socialists, Democrats and Greens Group, is Mr Fourat BEN CHIKHA, from Belgium.

The floor is yours.

Mr Fourat BEN CHIKHA (Belgium, SOC, Spokesperson for the group): Thank you, Madam Chair.

First of all, congratulations to the rapporteur for this comprehensive report on the issue of Daesh foreign fighters returning to the member states of this Council.

The report addresses several important issues linked to complex topics.

It's crucial that all member states take responsibility for their citizens, bring them to trial, and punish them for the atrocities they committed abroad.

The report proves extensively that we cannot leave these Daesh fighters with European citizenship in detention in Syria or Iraq.

These countries don't have the means, or in the case of Iraq, not even the legal framework to punish those who committed heinous crimes against humanity, including enslavement, sexual slavery, rape, torture, and genocide.

However, and this is stated clearly in the report, states have a general obligation under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, to prevent genocide.

If we, the member states, are serious about this, we have to take a look in the mirror. We have to look at our own foreigner policy regarding the Middle East in the past decades. We need to investigate why people are willing to leave their home countries behind to commit crimes in the name of an evil ideology.

Therefore it is essential that the children of these criminals are repatriated to the European states of which they are citizens. Children should never pay the price of their parents' crimes.

Every decision regarding separating children from their mother or primary caregiver should be taken with the best interest of the child in mind. We owe it to these children who are victims too, who are the future generation of Europe, to reintegrate them in our society. This includes children who have recently reached adulthood and spent their formative years suffering under a criminal regime.

We learned from this report that international terrorism is an enormous challenge to our legal system and puts a burden on our society. Therefore, let's not forget to invest in researching and tackling the root causes of terrorism, and invest in pre-radicalisation, not only in de-radicalisation. This is the best investment in our shared European values and or safety.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you Mr Fourat BEN CHIKHA.

Then we continue on the speaker's list and the next speaker is Mr André VALLINI from France and representing the Socialist Group.

The floor is yours.

Mr André VALLINI (France, SOC): Thank you, Madam President.

Today, in Iraq and Syria, children are living in atrocious conditions. Some are European citizens. Their only fault is that they were born to jihadist parents. These children live surrounded by barbed wire, in tents, malnourished. They suffer from the extreme cold of winter and the overwhelming heat of summer. They are unoccupied, left to their own devices, witnesses and hostages to the cruelty of life in the camps, they can be victims of physical and sexual abuse at any time. Without care or food worthy of the name, often without school or psychological support, they are physically and psychologically mistreated because their parents have made the obviously reprehensible choice of jihadism. But since when, in our legal states, do we punish children for the crimes of their parents?

I personally went to one of these camps in Iraq and I questioned, in the French Senate, twice, the government of my country so that France finally proceeds to the repatriation of all the children that it has left in these sordid camps for four years now.

Many states have given precedence to justice and reason over revenge. The unspoken fear of a public opinion that is wrongly assumed to be inaccessible to a measure of justice and humanity must not distract us from our fundamental humanistic values. Even though our colleague Mr Stefan SCHENNACH interprets the ECHR ruling of 14 September 2022 in a broad manner, I fully agree with his analysis that the best interests of the child must always be our compass. The next issue to be addressed is that of the European citizens of full age who are currently detained in Iraq or Syria: I remain convinced that, given the crimes they have committed, they should be judged by an international jurisdiction.

In any case, all the evidence and testimony relating to these crimes must be collected and preserved. In 2021, France and Sweden set up a joint investigation team to support proceedings relating to the main international crimes committed by foreign terrorist fighters, notably against the Yazidi population in Syria and Iraq. Such initiatives are of course to be encouraged.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you so much, Mr André VALLINI and then we continue to Austria and Mr Reinhold LOPATKA, representing the Group of the European People's Party.

Mr Reinhold LOPATKA (Austria, EPP/CD): Madam President,

Dear Colleagues,

Thousands of individuals who acted in the name of Daesh perpetrated serious crimes under international law. There is conclusive evidence that Daesh has committed genocidal acts against members of Yazidi, Christians and non-Sunni Muslims. Many of these acts, such as enslavement, sexual slavery, rape, imprisonment, torture, and murder also amounted to war crimes and crimes against humanity.

With the territorial defeat of Daesh in 2017, thousands of people from these terrorist groups, mostly women and children, were stranded in crowded camps in Syria and Iraq with limited access to food and, of course, also limited access to medical care. The largest camps in the northeast area are al-Hawl and al-Roj. I had the chance to visit these camps in December 2019 and I got direct information about the dire situation there and the security concerns, which were mentioned already today.

To address this foreign terrorist fighters (FTF) phenomenon, the UN Security Council adopted a series of resolutions that established requirements for member States to develop and implement comprehensive and tailored prosecution, rehabilitation, and reintegration strategies for individuals. In January 2020, the UN also issued a report on monitoring of nearly a thousand trials held by Iraqi courts in the previous two years resulting in conviction programmes related to ISIL activities. These trials also convicted people under the age of 14, and moreover, the fairness of these decisions was questioned by UN officials.

The international response to the issue of foreign terrorist fighters, including repatriation and prosecution by their respective home countries, has been inadequate, of course. This also shifts the security risks elsewhere on a temporary basis and further amplifies a future terrorist threat.

Because of the war in Ukraine and other big challenges, like inflation and climate change, we have not put this issue on the priority list of our national parliaments. It is very important that we have this report today on our Agenda. Children are, first and foremost, victims and should not be held accountable for the acts of their parents.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Reinhold LOPATKA.

And then we continue to Hungary and Ms Mónica BARTOS from the European Conservatives Group and Democratic Alliance.

The floor is yours.

Ms Mónica BARTOS (Hungary, EC/DA): Thank you, Chair.

Thank you for the floor.

Dear colleagues,

The member states of the Council of Europe contributed tens of thousands of soldiers to peacekeeping operations.

My country, Hungary, participated with more than a thousand people in peacemaking and peacekeeping missions in crisis zones. This is essential because local conflicts can easily escalate and lead to regional or global tensions.

Crisis management is an important tool for prevention. But the prevention of terrorism and violent extremism requires a holistic approach combining military operations and other related counterterrorism activities such as border controls and the fight against terrorist propaganda and funding, with a strong emphasis on providing humanitarian assistance.

Humanitarian efforts contribute to pushing back terrorism, first and foremost by improving livelihood and creating a secular environment, thereby, eliminating factors which may lead to radicalisation.

Furthermore, this approach contributes to preventing illegal migration, which is often used by terrorists to expand their activities into other countries and spread their violent ideology.

The UN Security Council adopted several resolutions calling on member states to increase the effectiveness of justice, prevention, detection, criminalisation, and information-sharing against foreign terrorist fighters.

The resolution of the UN Security Council also called on member states to repatriate their citizens.

At the same time, it is important to state that foreign terrorist fighters are persons who travel to conflict zones to carry out terrorist acts.

Returning foreign terrorist fighters poses a significant threat to the peace and security of the country of origin, as the risk of these fighters committing terrorist acts again remains high.

Actions against known offenders who are disconnected from organisations present enormous challenges to the services.

Since early 2021, Budapest has been hosting the regional United Nations Office of Counterterrorism. Hungary supports the accountability of foreign terrorist fighters and also national and international programmes focused on the reintegration of their families.

In October 2022, the last meeting of the Foreign Terrorist Fighters Working Group of the Global Coalition against Daesh was held in Budapest, so you can always count on Hungary always in the fight against terrorism.

Thank you for your kind attention.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Madam Mónica BARTOS.

The next speaker is Mr Pierre-Alain FRIDEZ from Switzerland and the Socialist Group. After him I allow the speaker on behalf of the European Conservatives, Ms Olena KHOMENKO, to take the floor.

First it's Mr FRIDEZ.

The floor is yours.

Mr Pierre-Alain FRIDEZ (Switzerland, SOC): Thank you, Madam President.

In our world, which is going a little crazy, we forget quickly, and the horrors that follow one another soon make us forget, overshadow the previous horrors. Today, the war in Ukraine with the heinous crimes perpetrated by the Russian forces and the Wagner militia have replaced in our minds the appalling images that were our daily life in the days of the omnipotence of Daesh and the Islamic State less than a decade ago.

Today, many former Daesh fighters and their families, nationals of several European countries, remain detained in Syria and Iraq in camps controlled by Kurdish forces. This concerns tens of thousands of people. Their conditions of detention are very difficult, shameful, and we must think especially of the children who are stuck in this hell, innocent victims of the murderous madness of their parents. Some Kurds would like to leave, but the situation is complex, as most states are opposed or at least reluctant to the idea of their return, which is in any case difficult, as the remaining Daesh fighters are lurking in the vicinity; and as it is theoretically and practically necessary to go through Turkey, this complicates matters further.

The question of return, in humanitarian terms, concerns first and foremost children and their mothers in many cases. Our various countries are not doing enough on this subject. As proof, this Saturday, 21 January, I saw and heard on France 24 that France was being criticised by the United Nations Committee on Torture because "the country is not taking the necessary measures to avoid inhuman and degrading treatment", I quote.

Last September, it was the ECHR that criticised France for its inaction in this case and for not studying in depth the requests for repatriation. I am talking about France as an example, but many other countries have the same attitude – my country, Switzerland, is no exception.

The subject is delicate, but what is certain is that the *status quo* is not the solution. The political situation in the region remains unstable. The Kurds are being targeted by the states around them, and the remnants of Daesh regularly attack detention facilities to free their followers and build up their military strength again. Escapes are possible, with the risk of lone wolves returning to our countries to carry out new attacks. These camps are an ideal place for radicalisation. Let's think of the children in this context.

For European jihadists who are or will be judged by local authorities, which is apparently not the rule, the death penalty is often pronounced. This contravenes our fundamental values. Certainly, these jihadists must be tried for their horrible crimes, crimes against humanity, murders, beheadings, genocide against the Yazidis, rapes, enslavement, but they must be tried according to the rule of law. The idea of an international tribunal is a proposal, but the countries of origin of the jihadists could and should ideally take charge.

The Daesh fighters represent the ultimate horror, but even in the face of their terrible abuses, it is essential that our various democracies apply the demanding standards of the rule of law to their citizens.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Pierre-Alain FRIDEZ.

Then we go to the speakers on behalf of political groups.

European Conservatives Group, Ms Olena KHOMENKO from Ukraine.

Ms Olena KHOMENKO (Ukraine, EC/DA, Spokesperson for the group): Dear Mr Rapporteur,

Dear members of the Assembly,

On behalf of the European Conservatives Group and Democratic Alliance, I would like to raise two points around bringing justice back.

The first is about the model or to administer justice against Daesh foreign fighters. The struggle to decide on it erodes trust on international cooperation efforts.

I believe we have to narrow down our options towards international tribunal leaving the options of the United Nations or the common European Union with Council of Europe umbrella.

Such a tribunal could have jurisdiction over Daesh members who have the nationality of member states, are detained in Iraq and/or Syria, and cannot face trial there in accordance with international human rights standards.

Moreover, to avoid European bias accusations, it may still have universal jurisdictions towards nationals of other countries, for us, justice to be the main objective.

This format would also provide that due process rights would be guaranteed in the charter to the new tribunal, which would exclude the death penalty as inconsistent with international human rights standards.

We support the idea that pending the setting up of a tribunal we should give priority to the prosecution of the national courts of suspected Daesh fighters and members who come within their jurisdiction or control, on the basis of principle of active personality or universal jurisdiction. Especially, what comes to universal jurisdiction. Our state should not eventually become a cosy home for war criminals, no matter where they committed crimes: in Syria, Iraq, or Ukraine. Their return to their own countries, be it in Europe, be it anywhere else, should not be assumed as something that is a logical chain of events.

Not only do they pose a great security risk upon returning. Public opinion in these countries is very much against them returning. This also takes away the chance of the countries and people who were victims to their crimes to see justice done on the shortest notice possible.

On this background, the action of individual member states is very commendable, and we should perceive it as an example. They might provide wider support to our other states to make us stronger collectively.

Secondly, we should pay close attention towards preventing the spread of their activity globally.

Vast efforts have been invested towards curbing the ability of such organisations to commit war crimes. This has to continue.

We deem it essential to keep a strong position against the exploitation of war crimes and genocide. Foreign fighters and mercenaries are strong as ever before. For instance, the Wagner group, that became very important to the Russian military machinery and the brutal genocidal efforts in Ukraine, keeps undermining the right to self-determination, and committing war crimes all over the world: in the Central African Republic, Mali, Libya, Sudan, to only name a few.

If we cannot prevent war criminals and genocide, we must at least punish it. Unfortunately, justice is not inevitable. We are here to prove we care.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Madam Olena KHOMENKO.

We continue to Ms Boriana ÅBERG from Sweden and the Group of the European People's Party.

Ms Boriana ÅBERG (Sweden, EPP/CD): Madam President,

Dear Colleagues,

I'd like to thank Mr Pieter OMTZIGT for the excellent report. It clearly illustrates the importance of punishing the Daesh perpetrators for the abhorrent crimes they have committed: genocide, enslavement, murder, torture, rape, and sexual slavery of women and children. The report also shows the difficulties in prosecution of the committed crimes due to a lack of the necessary structures needed for an international court process. The situation seems unsolvable, and there truly is no "silver bullet".

To send these perpetrators to the European countries in which they have citizenship is not without complications. Some countries completely lack adequate legislation. Pursuing legal proceedings for gross violations of international law which have occurred in a different country is difficult, not the least for the victims of the crimes and witnesses who lack the possibility to appear in court. In Sweden preliminary investigations of Daesh women for crimes against humanity and war crimes have been dropped due to difficulties with the evidence. It is truly offensive that Daesh women are let free to take use of Swedish welfare while the survivors from their crimes remain in camps or makeshift shelters.

Sweden has also been late with criminalisation of torture, which means that a Daesh perpetrator who is brought back to Sweden and is responsible for torturing hundreds of individuals in Syria during 2018 is able to avoid criminal liability. If the act has occurred before an armed conflict in Syria is legally recognised, the crime can not be classified as a war crime. The law criminalising crimes against humanity became effective first in July 2014 and cannot be applied retroactively.

It is worth remembering that Daesh is only defeated territorially, and many active cells remain, even in Europe. To bring back terrorists from the camps in Syria to later fail convicting them and allow them to roam freely is not only mockery against the victims of the crimes, but also a severe security risk. This is why member States need to intensify their efforts toward establishing a special international tribunal or hybrid tribunal.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you Ms Boriana ÅBERG and then we continue with Mr László TOROCZKAI from Hungary.

The floor is yours.

Mr László TOROCZKAI (Hungary, NR): Thank you, Madam President.

There is no place for terrorists or terrorism in Europe. The only issue we can discuss is children's rights. First of all, we have to talk about the fact that the very idea of even raising the question of whether we want to allow terrorists back into our countries is absolutely crazy.

Secondly, we need to talk about the fact that European countries, especially the left-liberal politicians, are defending real terrorists and terrorist organisations while at the same time, they are easily labelling those who have nothing to do with terrorism with all kinds of offensive remarks.

In this building, in this hemicycle, at the Parliamentary Assembly of the Council of Europe, Mr Paul GAVAN did the same: he called my speech, in which I also spoke about the rights of taxpaying, law-abiding Europeans in relation to migration, his speech, meanwhile Mr Paul GAVAN himself, is protesting and fighting

for the leader of a terrorist organisation, the Kurdistan Workers' Party, which is based on communist ideology and is responsible for the deaths of thousands of people. In addition, many members and leaders of this Kurdish terrorist organisation are free to live in the European Union. This is also unacceptable, as is allowing members of the Daesh or the Islamic State terrorist organisation into Europe.

It is almost impossible to understand why the leaders of the European Union have left our borders open, through which terrorists have already been able to enter our countries almost without any control. The perpetrators of the horrific bloody terrorist attack in Paris, who killed more than 100 innocent people, were also allowed to cross the Hungarian–Serbian border freely.

In 2015, members of the field police under my comment captured the terrorists near the Hungarian–Serbian border who later committed the terrorist attack in Würzburg, Germany, on 18 July 2016 because we were forced by European law to allow these terrorists to continue their journey. This is madness. This policy must end. Terrorists must not be allowed into Europe either at border crossings with passports or illegally through open borders. So once again, the only issue we can discuss is children's rights.

Thank you very much.

Ms Ingrid SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister László TOROCZKAI.

We continue with Lord Leslie GRIFFITHS from the United Kingdom and the Socialist Group.

The floor is yours.

Lord Leslie GRIFFITHS (United Kingdom, SOC): Madam Chair and Colleagues,

I have listened to the debate very intently and have been alarmed by the repeated descriptions of the camps in which tens of thousands of people are simply left basically to rot.

If we could think that Guantanamo was itself a denial of human rights, then it's not far removed from that to ask the same question about people who without hope, without horizons, without perspectives must face the rest of their lives, it seems, to be in these camps with the dreadful conditions that have been so well described by a number of people.

It's obvious that some thing has got to be done. I don't want terrorists shipped into Europe like the previous speaker mentioned, but I do want justice to be done.

Now, even the Yazidis, against whom the most awful crimes have been committed, recognising that an international tribunal will not be set up between now and tomorrow, are calling for the repatriation of the people who are in those camps, in order, not that they roam freely anywhere, but that they face judgment in their country of origin.

The United Kingdom has removed the citizenship of over 200 people in this category.

I don't know what statelessness amounts to in the eyes and the hearts of a body like this, but somebody's got to give some thought to it. It needs to be dealt with. The one thing that's sure is that if we worry about bringing people from the camps into our different countries, terrorists walking freely in our lands, let it be certain that they're where they are now.

The day will come when the cross-fertilisation of terrorist ideas will explode into an eruption of terrorism worse than any we've seen right now. I'm very concerned that we have fine speeches made in this hemicycle, that we see an objective that we'd all like, but the practical steps to realise it seem so elusive and difficult to discover and define.

My friends, I think that we've got to get a note of urgency into this debate. Surely not another 10 years are going to pass where we're asking the same questions and describing the same conditions in those dreadful camps.

Please, let's inject this sense of urgency. Let's find a way through the maze of complications, and let's assure ourselves that next time we meet something will have been done.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you so much, Lord Leslie GRIFFITHS, and the last speaker before I interrupt the list is Ms Isabel MEIRELLES from Portugal from Group of the European People's Party.

Ms Isabel MEIRELLES (Portugal, EPP/CD): Madam President,

Dear Colleagues,

Given the ongoing threat posed by Daesh fighters, it is true that these children have their own right to family life, enshrined in Article 8 of the Convention, which they cannot be deprived of by virtue of their parents' crimes.

The tools for combating the ongoing threat posed by the fighters of Daesh are fundamentally different from those that allow children to develop harmoniously into responsible adults participating in society.

The function of acts of terrorism is only part of the solution for effectively combatting the obscurantism of Daesh. All children living in the region who have suffered from the acts committed in the name of Daesh must be considered as victims of this terrorist regime. Most of the children in the Al-Roj camp were very young at the time of the events. They need special care and attention to have a balanced and peaceful development. The children cannot be judged as members or supporters of Daesh: they too are victims of Daesh. Even though some of them have become young adults in the meantime, they were children at that time. They are first and foremost victims of a criminal regime that does not recognise the importance of the welfare of the child. It is necessary that these children are welcomed in the best conditions in order to allow their construction while respecting their specific needs.

These children have been living in inhuman and degrading conditions for a very long time: it is urgent that they return to their countries and that the perpetrators and accomplices of these crimes be judged, including by our courts and by our jurisdictions.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you so much.

And I now must interrupt the list of speakers and the speeches from members on the speaker's list who have been present during the debate but have not been able to speak may be given to the Table Office for publication in the official report.

I remind colleagues that typewritten text must be submitted electronically no later than 4 hours after the list of speakers is interrupted.

I call Mr Pieter OMTZIGT rapporteur to reply to the debate. You have 3 minutes, sir.

Mr Pieter OMTZIGT (Netherlands, EPP/CD, Rapporteur): Thank you, colleagues and thanks for this debate, for not forgetting about what happened because that, and our colleagues reminded us of it, since Ukraine, we may tend to forget the thing that happened before. And we should not fall into that trap. If justice is not being done and seen to be done with the most heinous of crimes, genocide, then we lose credibility as an international community in other very serious crimes, but less serious than genocide.

So I fully understand my British colleague, Lord Leslie GRIFFITHS, who says let's not have this debate in 4–5 years' time again because we were here in 2017. That means two things: it means that all of us go home after this debate and ask our governments to put some pressure on setting up this international tribunal and at the same time push our own governments to start prosecuting those people who are there. And that is not happening.

And I would like to thank Ms Borianna ÅBERG for being clear about what happens in Sweden. She was just most clear but it has happened in many countries: fighters returned, were not prosecuted, could restart their lives, their children could not restart their lives, the Yazidis are living in camps and thousands of people are missing. That is the opposite of justice being done and justice being seen to be done.

Now, there is this issue of the children. And just to be able to allow countries that want to repatriate these children to repatriate them, you have to make sure that you read the second part of Article 8 which is the Right to family life in the European Convention on Human Rights, "There shall be no interference by a public

authority with the exercise of this right – that is the right to family life – except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country." And it goes on about crime and other things.

So that is why we chose exactly the text to refer back to Article 8 of the European Convention on Human Rights and the exceptions there. And we believe it is not always in the interest of the child to have a primary caregiver who has been involved in genocide. So that is where basically we are looking for. But let's take it on ourselves, if we only talk about it over here, we fail and then we talk about it again in five years' time. So it's now up to us to make sure our own countries start doing it.

Thank you very much.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister Pieter OMTZIGT.

Does the Chairperson of the Committee, Mr Damien COTTIER, wish to speak?

You have 3 minutes, Sir.

Mr Jacques LE NAY (France, ALDE): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French.*

Ms Ada MARRA (Switzerland, SOC): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French.*

Mr Kamal JAFAROV (Azerbaijan, EC/DA): *(Undelivered speech, Rules of Procedure Art. 31.2)*

My country, my people also suffered from genocide and terrorism. Armenian armed forces committed genocide in Khojaly and brutally murdered 613 civilians in one night. Human Rights Watch, many countries and parliaments all over the world recognized the atrocities committed in Khojaly as genocide. Armenia also illegally transferred foreign terrorist fighters to the previously occupied territories of Azerbaijan. The import of foreign terrorist fighters by Armenia to the region intensified during the 2nd Karabakh War.

According to the Working Group on the use of mercenaries at United Nations, Armenia involved in the deployment of the foreign national fighters from France, Livan and Middle East during the war. But we have not seen or heard any foreign terrorist fighter that participated in Karabakh War was brought to justice neither in France nor in Armenia. I really hope that one day we, all will come to the same conclusion not only by our statements, but also through our deeds.

Mr Allal AMRAOUI (Morocco): *Speech not pronounced (Rules of Procedure, Art. 31.2), only available in French.*

Mr Ahmet YILDIZ (Türkiye, NR): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President, Dear Colleagues,

While it is crucial to defeat DAESH on ground, it is also of great importance to bring those responsible from the crimes of DAESH to the justice.

For this reason, I thank to the rapporteur for his detailed work on how we could hold those fighters to account in line with the international humanitarian law.

We believe that the ideal resolution to the problem of foreign DAESH fighters is that foreign fighters must be repatriated to the countries of origin as enshrined in the relevant UN Security Council Resolutions. Only then can they be prosecuted and rehabilitated in the best possible manner.

These countries must assume the responsibility to prevent fighters from leaving the country and must share further information with the international community and other countries.

Türkiye assumed a significant role in combatting DAESH over the years. Türkiye not only fought chest to chest against DAESH, but also resolutely worked to stop foreign fighters from reaching the region.

Türkiye also established Risk Analysis Groups in airports and bus terminals, where more than 40 thousand of foreigner were screened, around 25 thousand of them were interviewed and more than 11 thousand of them were denied entry into Türkiye.

On a separate not, I would like to draw your attention to the fact that PKK/YPG, another terrorist organization as dangerous as DAESH, exploits the pretext of “fighting against DEASH” for gaining legitimacy and visibility.

It is known that foreign fighters are released from these camps by the PKK/PYD/YPG, in exchange for money with the condition to perpetrate attacks in Türkiye.

This interaction between the two terrorist organizations, PKK/PYD/YPG and DEASH, operating in conflict zones in collaboration, pose a significant threat against peace, stability and security in the region and beyond.

In this regard, cooperation and political support from member States is key to combat terrorism in the region.

Thank you.

Mr Mehmet Mehdi EKER (Türkiye, NR): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Dear President, Dear Colleagues,

I would like to express my gratitude to the rapporteur for his hard work on the situation of DAESH's foreign fighters.

In the context of this very important report, I would like to raise couple of points regarding the situation in parts of Syria and Iraq, where DAESH was operating.

Firstly, fight against terrorism must be based on an integrative and uncompromising strategy. To be clear, while combatting terrorism in the region, we must not differentiate among various terrorist organizations.

Unfortunately, PKK/YPG exploits our combat against DAESH for its own interests in order to gain visibility and legitimacy. However, we know that PKK/YPG cooperates with DAESH.

Foreign fighters are released from these camps by the PKK/PYD/YPG, in exchange for money with the condition to perpetrate attacks in Türkiye. In some cases, PKK/PYD/YPG uses them as couriers for explosives.

While we undertook operations to reduce the presence of DAESH in the region, we must not overlook other terrorist organizations in the region.

Secondly, as various human rights watchdogs have already reported, there are some worrying developments in detention camps where foreign fighters were held.

Many children, whose parents are DAESH fighters, remain in inhumane conditions in these camps and are in dire risk of abuse, ill-treatment and radicalization.

Dire situation for children means that they could be recruited by DAESH and that may contribute to the re-emergence of DAESH in the region.

Finally, while we address the issue of foreign fighters of DAESH, we must not neglect the other aspects of the combat against terrorism. Other terrorist organizations in the region merit attention and immediate action.

Relatives of foreign fighters, particularly their children, also require immediate response for both protecting their human rights and preventing new recruitments for the terrorist organizations.

Thank you.

Ms Feleknas UCA (Türkiye, UEL): *(Undelivered speech, Rules of Procedure Art. 31.2)*

Mr President, dear members. I respectfully greet you all.

First of all, I would like to thank Mr. Pieter OMTZIGT for his report.

Dear friends;

On August 3, 2014, ISIS attacked Shengal, the holy home of Yazidis, and carried out one of the biggest genocides in history in front of the whole world. ISIS killed thousands of Yazidis, hundreds of thousands of Yazidis were forced to migrate. Thousands of women and girls were kidnapped by ISIS and sold in slave markets. The fate of thousands of women and girls is still unknown. Some of the Yazidi women and girls were

bought and rescued from the homes of ISIS member families in Turkey. In addition to the genocide they carried out in Shengal, ISIS gangs also caused the death of tens of thousands of Kurds in Rojava (Syrian Kurdistan).

Protecting the world against the threat of ISIS, the Kurdish people continue to be exposed to ISIS attacks in Rojava as well. Kurds have to keep thousands of ISIS families under control in camps in Rojava. The Kurds have to do what Europe has to do. Thousands of ISIS families stay in the al-Hol camp in Hasakah, and an extremely radical generation is inevitably raised here.

Female and male ISIS members are like a ticking time bomb trying to implant their ideology into the minds of camp residents, especially children. Children growing up in the camp receive ideological education from their parents who are members of ISIS, and they swear every day to take revenge. In order for this threat to disappear, the families of ISIS must be expelled from there, sent to their own countries and put on trial. Europe needs to take this issue seriously and take responsibility as soon as possible. There is a threat of ISIS reorganizing and committing genocide in Rojava. Europe should not leave the people of Rojava alone with such a threat. For this reason, it is very important that such a report will pass the PACE.

Last year, during the prison raid in Haseke, dozens of ISIS members escaped from prison. The escapes were prevented by the intervention of the Kurdish forces, but many Kurds were killed during this raid. It is clear that there is a secret organization supported from the outside and a weapon support here. It is necessary to investigate where the ISIS members got the weapons they used in the prison raid and from whom they received support, and this danger should be prevented.

Is there any research being done on this? Is there an effort to have the families of ISIS taken from there and put on trial in their country? Has a dialogue been established with the Kurds in Rojava on this issue?

This is a common issue not only for the Kurds, but for the whole world. This is the common problem of the whole world against the ISIS threat. Everyone must do their part. Cooperation with the Syrian Kurds is the only way to prevent possible future genocides.

Thanks.

Vote: Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): Thank you, Madam President.

Dear Colleagues,

This report is based on a motion for a resolution tabled back in 2019. It deals with a very complex issue indeed, which raises serious security and humanitarian concerns for European states whose nationals travelled to Syria and to Iraq to join Daesh.

We have seen that some of these states have repatriated nationals with their families from camps in the north-east of Syria.

Other states are more reluctant to do so.

The European Court of Human Rights delivered an important judgment on this topic last autumn. The Committee on Legal Affairs and Human Rights adopted the report unanimously last June following a questionnaire sent to national parliaments, and two hearings held with experts, including NGOs representing Yazidi victims of Daesh.

The Committee had a meeting this afternoon and supported, actually, the compromise –we will look at that later– that was found when it regards the amendments proposed by the Committee on Social Affairs, Health and Sustainable Development.

The report by Mr Pieter OMTZIGT focuses on the issue of prosecution of Daesh fighters for genocide and other international crimes. It follows the line of reasoning of previous PACE resolutions in 2016 and 2017 prepared by our Committee.

While the Assembly recognised that Daesh has committed genocide, we ask now the Assembly to support again the idea of a special international tribunal to try Daesh foreign fighters as the best possible solution.

In the meantime, the Committee expresses the opinion that member States should prosecute their own nationals or other Daesh fighters who come within their jurisdiction, not only for terrorism, but more importantly, for genocide and other serious international crimes committed in Syria and in Iraq.

I know that some of you and some of the countries represented here are reluctant to do so, also fearing that the indictment would be too low in regard with the crimes, depending on the national legislation. This is why it is so important to look at the idea of an international court, and also to look at the crime of genocide or other important international crimes committed in this context.

Of course, the question of the security of our citizens is of the utmost importance and has to be taken into full consideration, which the rapporteur correctly and exactly says in Paragraph 10 of the Resolution.

In the name of the Committee, Madam President, I would like to conclude by thanking the rapporteur for his work, for producing what the Committee sees as a balanced report on this very sensitive topic.

I would also like to thank the Secretariat for the great support they always give to our Committee and its rapporteurs.

Thank you .

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, good words.

And thank you, Mister COTTIER.

The debate is closed.

The Committee on Legal Affairs and Human Rights has presented a draft resolution [Doc. 15591] to which 10 Amendments have been tabled and a draft recommendation to which 3 Amendments have been tabled.

The amendments will be taken in the order in which they appear in the compendium.

I remind you that speeches on amendments are limited to 30 seconds.

We will start with consideration of the draft resolution and will then consider the draft recommendation.

I understand that the Chairperson of the Committee on Legal Affairs and Human Rights wishes to propose to the Assembly that Amendments 13, 3, 5 and 9, which were unanimously approved by the Committee, are unanimously accepted.

However, 13 and 9 have consequently implications and will be discussed in the order in which they were laid.

The chairperson wishes to propose to the Assembly that Amendment 3 and 5 to the draft resolution, which were unanimously approved by the Committee, should be declared as agreed by the Assembly.

Is it so Mister COTTIER?

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): I can confirm, Ms President.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Yes. Yes it is.

Does anyone object?

If so, please ask for the floor by raising your hand.

I can see none.

As there is no objection, I declare that Amendment 3 and 5 to the draft resolution have been agreed.

There is an objection. So the amendments will be taken in the order as on the compendium.

And the amendments which have been rejected by the Committee for report by a two-thirds majority of the votes cast shall not be put to the vote in plenary and shall be declared as definitively rejected unless 10 or more members of the Assembly object.

I understand that the Chairperson of the Committee wishes to propose to the Assembly that Amendments 4, 8, 10 and 11 to the draft resolution, which were rejected by the Committee with a two-thirds majority, be declared as rejected.

Is it so, Mr Damien COTTIER?

Yes, it is so.

Does anyone object?

No.

As there is no objection, I declare that Amendments 4, 8, 10 and 11 to the draft resolution are rejected.

I remind the Assembly that...

Yes, you put your hand.

257, say your name.

Mr Max LUCKS (Germany, SOC): Mr Max LUCKS, Germany.

I would like to keep Amendment 11.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): You want to keep Amendment 11?

I remind the Assembly that the objection must be supported by at least 10 members.

So, if you want to keep it, you need nine or even more. I cannot see. I see only you....two, three, four, five, six... it's still less than 10. So, once again, so that I do not make any mistake: raise your hands.

One, two, three, four, five, six, seven.

Sorry, yes, it is less than 10.

So, then I continue.

Fewer than 10 members objected and so the amendments are rejected.

I called the chair of the Committee on Social Affairs, Health and Sustainable Development to support Amendment 1.

You have 30 seconds.

Chair of the Committee?

No, Mr Stefan SCHENNACH.

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur for opinion): Amendment 1 and Amendment 2 are part of the compromise in Amendment 13. Both amendments were unanimously adopted in the Committee on Social Affairs, Health and Sustainable Development, so I cannot withdraw them officially, but I cannot support them.

Please understand Amendment 1 and Amendment 2 are now included in Amendment 13 as a compromise.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you.

Does anyone wish to speak against the amendment?

Mr Pieter OMTZIGT?

Mr Pieter OMTZIGT (Netherlands, EPP/CD, Rapporteur): I would like to repeat the words of Mr Stefan SCHENNACH, we reached a compromise text on number 13 and that is why we would like you to reject this amendment and accept Amendment 13.

Now, we will not vote on Amendment 13 because it was voted unanimously but then we would have a consistent text which also takes into account some of the points raised by Mr Rik DAEMS.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mister OMTZIGT.

What is the opinion of the Committee on the Amendment?

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): It's the same opinion actually, Madam President.

The Committee unanimously supported Amendment 13 and rejected, with a clear majority, Amendment 1.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): So you are against Amendment 1?

Okay, I shall now put the amendment to the vote and the vote is open.

The vote is closed.

I call for the result to be displayed and you see the result and *the amendment is rejected*.

Then we continue and I call Mr Stefan SCHENNACH to support Amendment 13. You have 30 seconds. Is this Mr Stefan SCHENNACH?

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur for opinion): No, it was not read, so I was waiting.

Yes, this was, I think, we did it today in the morning. It was not so easy for us because we have to move from both sides for the Social Committee and the committee that is responsible for children's rights. It was important that the sentence "forfeited their right to family life" not be there anymore.

I stay behind this compromise, and I hope this compromise gets the big majority.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Stefan SCHENNACH.

Does anyone wish to speak against the Amendment?

No. The compromise seems to be in a way... The Committee is obviously in favour.

Mr Damien COTTIER?

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): Yes, it is the case actually, Madam President.

It was actually supported unanimously by the Committee.

For procedural reasons it was not possible before. We had to vote on it because it was linked with other amendments, but it's a unanimous support from the Committee.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Damien COTTIER.

And I shall now put the amendment to the vote and the vote is open.

The vote is closed.

I call for the result to be displayed, and you see *Amendment 13 is agreed to*.

Then we continue. I call the Chair of the Committee on Social Affairs, Health and Sustainable Development to support Amendment 2.

You have 30 seconds. It is also still Mr Stefan SCHENNACH?

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur for opinion): I see you didn't forget that I was long time the Chair of this Committee, but now I'm only the rapporteur. But it's no problem.

I always feel in a very positive to this wonderful Committee.

As I said before, I cannot withdraw because it was unanimously adopted, but it's now a part of the compromise, and so I'm not supporting this amendment.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): You are not supporting? Does anyone else wish to support this amendment? No.

What is the opinion of the Committee? I have to ask. I have heard Mr Stefan SCHENNACH speak against, so I do not repeat that anymore.

The Committee, please, the Chair of the Committee.

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): Yes. The Committee is against by a clear majority.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you.

The Committee is against.

I shall now put the Amendment to the vote.

And the vote is open.

The vote is closed.

I call for the result to be displayed.

Amendment 2 is rejected.

Then we continue and I call Ms Olena KHOMENKO to support Amendment 9. And you have 30 seconds.

She's not here?

Yes, you are.

Ms Olena KHOMENKO (Ukraine, EC/DA): Madam President, I think you were mentioning Amendment 8.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): I have Amendment 9.

I can ask otherwise.

Does anyone else wish to support this Amendment?

Ms Olena KHOMENKO (Ukraine, EC/DA): Sorry.

My apologies.

Yes, besides the work of the law enforcement bodies there are more actors who track atrocities in such cases. These are the journalists and media. Their role as social media and human rights activists and ordinary citizens is huge in collecting, preserving, and verifying open-source information related to the war crimes.

This demand is in line with the recently adopted Digital Services Act of the EU.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you.

Does anyone else wish to support this Amendment?

No, I don't see.

I have been informed that Mr Pieter OMTZIGT wishes to propose an oral sub-amendment as follows and that's about to replace the words "evidence of war crimes and human rights violations" with "evidence of genocides, war crimes, and other human rights violations".

In my opinion, the oral sub-amendment is in order under our rules. However, do 10 or more members object to the oral sub-amendment being debated?

No. I do not see.

Fewer and not at all members object to the oral sub-amendment being debated. Therefore, I call Mr OMTZIGT to support his oral sub-amendment.

You have 30 seconds.

Mr Pieter OMTZIGT (Netherlands, EPP/CD, Rapporteur): It is a very useful amendment but it left out one word and that is evidence of "genocide", so I propose to also if we ask these online platforms, and will be quite difficult to ask them, and if they preserve evidence and they should not only preserve evidence of war crimes and other human right violations but also genocide, because we determine that genocide happened there. So to insert the word "genocide".

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Pieter OMTZIGT.

Does anyone wish to speak against the oral sub-amendment? No. I see no one.

What is the opinion of the mover of the main Amendment and then I go back to, I think, I go back to Ms Olena KHOMENKO. What is your opinion?

Ms Olena KHOMENKO (Ukraine, EC/DA): I agree with Mr Rapporteur.

Thank you.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): You agree with Mr Pieter OMTZIGT.

The Committee is obviously in favour of the Amendment?

Yes.

I will now put the oral sub-amendment to the vote.

The vote is open.

The vote is closed.

I call for the result to be displayed.

The oral sub-amendment is agreed to.

We will now consider the main amendment.

Does anyone wish to speak against the amendment as presented by Ms Olena KHOMENKO?

Someone wants to speak against the amendment?

No?

What is the opinion of the Committee on the amendment as amended?

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): That is unanimous support for the amendment as sub-amendment, Madam President.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Unanimously supported.

I shall now put Amendment 9 as amended to the vote and the vote is open.

And the vote is closed.

I call for the result to be displayed.

Amendment 9 as amended is agreed to.

I will now proceed to the vote on the draft resolution contained in Document 15591 as amended. A simple majority is required.

The vote is open.

And the vote is closed.

And I call for the result to be displayed and *draft resolution as amended in Document 15591 is adopted.*

And I understand that the Chairperson or the Committee on Legal Affairs and Human Rights wishes to propose to the Assembly that Amendment 6 to the draft recommendation which was unanimously approved by the Committee should be declared as agreed by the Assembly. Is it so Mr Damien COTTIER? Yes.

Does anyone object? If so, please ask for the floor by raising your hand. I see none.

As there is no objection, I declare that Amendment 6 to the draft resolution has been agreed. There is an objection, so the Amendment will be... No, this is not right. Any amendment which has been rejected by the Committee seized for report by a two-thirds majority of the votes cast shall not be put to the vote in plenary and shall be declared as definitively rejected, unless 10 or more members of the Assembly object.

I understand that the Chairperson of the Committee wishes to propose to the Assembly that Amendment 7 to the draft resolution which was rejected by the Committee with a two-thirds majority be declared as rejected.

Is it so Mr Damien COTTIER? Yes, it is.

Does anyone object? I see none.

As there is no objection, I declare that Amendment 7 to the draft resolution is rejected.

I now call Ms Sibel ARSLAN to support Amendment 12. You have 30 seconds.

Mr Damien COTTIER?

Mr Damien COTTIER (Switzerland, ALDE, Chairperson of the Committee on Legal Affairs and Human Rights): I'm sorry. I misunderstood you, Madam Chair.

Amendment 12 was also rejected by the Committee by a two-thirds majority, 16 to 7 actually, a two-thirds majority.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): It is also rejected by the Committee.

So then I have to ask if someone wants to keep it.

Yes, 52, say your name.

Ms Sibel ARSLAN (Switzerland, SOC): Thank you, Madam President.

I'm Ms Sibel ARSLAN.

I would also like to support Amendment 12.

I want to vote.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Yeah, you need nine more people.

So, if I see nine more people to keep this Amendment 12... I see one, two... and can you stand up so it's easier to count you?

Yes.

12! That's more than 10. Yes, so we have to vote about it.

That's okay.

Does anyone want to... you have supported it. We know the the position of the Committee... but Ms ARSLAN, you want to move it, so then the floor is yours.

Ms Sibel ARSLAN (Switzerland, SOC): Dear Colleagues,

I would like to thank you for this report. I would just like to add that it is important that we ensure that children are not allowed to lose their citizenship. They are victims, as this has been mentioned several times, and they are not perpetrators. It is also important that we put the best interests of the child at the centre in the criminal justice system. That is, this proposal is about us representing the interests of children.

Please support this motion.

Merci.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you so much.

Does anyone want to speak against?

Mister Pieter OMTZIGT, you want to speak against.

The floor is yours.

Mr Pieter OMTZIGT (Netherlands, EPP/CD, Rapporteur): The objection is not against that the children should not lose the nationality of their state.

That would not be a problem. They should keep their nationality.

You shouldn't deprive children which have a Dutch, or Swedish, or a German nationality, and live in those camps from a nationality.

The problem is the line afterwards: "they may return with at least one of their parents".

If they have one parent, and if it's in the interest –and that's what we said earlier in the resolution– in the interest of the child not to return with their parent, because it's better for the child or it's better for national security, in that case, there shouldn't be the absolute right.

Of course, if a state chooses that it's possible, it can, but that should not be an absolute right. That's why I would like you, I would ask you to reject this particular amendment.

Ms Ingjerd SCHOU (Norway, EPP/CD, President of the Assembly): Thank you, Mr Pieter OMTZIGT.

The Committee was also against, as I heard Mr Damien COTTIER, the Chairperson of the Committee.

I will now put the amendment to the vote, Amendment 12.

The vote is open.

The vote is closed.

I call for the result to be displayed.

The Amendment is agreed to.

We will now proceed to vote on the draft recommendation contained in Document 15591 as amended.

A two-thirds majority is required.

The vote is open.

The vote is closed.

I call for the result to be displayed.

The draft recommendation in Document 15591 is adopted.

The Assembly will hold its next public sitting tomorrow at 10:00 a.m. with the agenda that was approved this morning.

The sitting is adjourned.