



**Doc. 14167**

11 October 2016

## Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh

### Motion for a resolution

tabled by Mr Alain DESTEXHE and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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According to Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), “crimes of unspeakable cruelty have been reported, such as sexual slavery, rape and other forms of sexual and gender-based violence, torture, mutilation, enlistment and forced recruitment of children and the persecution of ethnic and religious minorities, not to mention the wanton destruction of cultural property”.

Some, such as the Chair of the UN’s Independent International Commission of Inquiry on Syria, the US Congress, the European Parliament and even the Parliamentary Assembly of the Council of Europe have described these acts as “genocide”.

Although this remains open to debate, as the term must be used with care, despite the existence of strong evidence, such crimes, which are at the very least war crimes and crimes against humanity, call for concerted and co-ordinated action. Every level of government working to protect human rights must see to it that they do not go unpunished.

The fact that neither Syria nor Iraq are parties to the Rome Statute renders the situation legally complex as the ICC has no territorial jurisdiction over crimes committed on their soil. There are, however, two other methods of referral: via the UN Security Council or via a State Party.

The Parliamentary Assembly cannot remain impassive and stoic in the face of crimes of such magnitude and gravity. Some Daesh fighters, furthermore, are nationals of Assembly member States. On this basis, States should be encouraged to apply to the ICC. Likewise, the Assembly will need to support and encourage any steps the UN Security Council may take to this end. Lastly, the presumption of genocide will need to be studied in order to establish whether this is an appropriate term for the criminal acts in question.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

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1. ALDE: Alliance of Liberals and Democrats for Europe  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
NR: Representatives not belonging to a Political Group