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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Adam Bielan, Hanna Foltyn-Kubicka, Ryszard Czarnecki, Ewa Tomaszewska, Konrad Szymański

on behalf of the UEN Group

on allegations of mass graves in Indian-Administered Kashmir

**European Parliament resolution on allegations of mass graves in Indian-Administered Kashmir**

*The European Parliament,*

- having regard to Rule 115(5) of its Rules of Procedure,
  - A. whereas hundreds of unidentified graves believed to contain unlawful killings, enforced disappearances, torture and other abuses have been discovered since 2006 in Jammu and Kashmir and whereas at least 940 persons have reportedly been found in 18 villages in Uri district alone,
  - B. whereas the Srinagar-based Association of the Parents of Disappeared Persons (APDP) issued a report on 29 March 2008 indicating the existence of multiple graves in localities which, because of their proximity of the Line of Control with Pakistan, are not accessible without the specific permission of the security forces,
  - C. whereas estimates on numbers of persons having gone missing since 1989 vary greatly between associations of families of victims speaking of more than 8000 and the Indian central and state authorities claiming less than 4000,
  - D. whereas EU concerns over Human Rights in Kashmir and Indian laws relating to possible abuses in security forces operations have been discussed with the Indian authorities,
  - E. whereas in 2006 a state police report confirmed the deaths in custody of 331 persons and 111 enforced disappearances following detention since 1989,
1. Calls on the Government of India to urgently ensure independent and impartial investigations into all suspected sites of mass graves in Jammu and Kashmir and as an immediate first step to secure the grave sites in order to preserve the evidence;
  2. Calls on the Commission to offer financial and technical assistance to the Indian Government in the context of the Stability Instrument for such a thorough inquiry and possible further measures of conflict resolution in Kashmir;
  3. Strongly condemns the alleged unlawful killings, enforced disappearances, torture and other abuses that have been discovered in Jammu and Kashmir since 1989;
  4. Re-iterates its call on the Indian government and the state authorities to investigate all allegations of enforced disappearances; urges to assign a civilian prosecutor's office with the jurisdiction for all cases in which military, security or law enforcement agents are suspected of being involved, and to create a single public database of all persons who have gone missing and of all bodies which have been recovered;

5. Insists that victims of unlawful killings, enforced disappearances, torture and rape or their families be granted full reparation;
6. Calls on the Indian Government to ratify and implement the UN Convention for the Protection of All Persons from Enforced Disappearance without reservations, including declarations pursuant to Articles 31 and 32 to recognize the competence of the Committee on enforced Disappearances, and to ratify the Rome Statute of the International Criminal Court;
7. Calls on the Indian Government to grant access to Jammu and Kashmir for the UN Special Rapporteurs under the terms of reference of the UN Special Procedures, notably the Special Rapporteur on Torture, on Extrajudicial, Summary or Arbitrary Executions and the UN Working Group on Enforced or Voluntary Disappearances;
8. Re-iterates the call on the Lok Sabha to amend the Human Rights Protection Act in order to allow the National Human Rights Commission to investigate independently allegations of abuse by members of the armed forces;
9. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of India, the Government and Parliament of the State of Jammu and Kashmir and the UN Secretary-General.