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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 Pasqualina Napoletano, Richard Howitt

on behalf of the PPE-DE 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 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 - according to Human Rights' organisations - it cannot be excluded that the grave sites contain the remains of victims of unlawful killings, enforced disappearances, torture and other abuses which have occurred in the context of armed conflict persisting in Jammu and Kashmir since 1989,
- D. 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 governmental authorities claiming less than 4000,
- E. 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,
- F. whereas a state police report of 2006 confirmed the deaths in custody of 331 persons and 111 enforced disappearances 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. Calls on the Member States to address the issue in the forthcoming dialogue on Human Rights which is to take place in the second half of 2008;
 4. Re-iterates its call on the Indian and Pakistani governments and the state authorities to cooperate to investigate all allegations of enforced disappearances; calls on EU Member States to facilitate and support all possible cooperation between the Indian

and Pakistani Governments in relation to this investigation and urges the assignment of 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 irrespective of where the victims are located;
6. Calls on the Indian and Pakistani Governments 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 for full access to be granted to both sides of the Line of Control 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 Governments and Parliaments of the Republic of India and of the Islamic Republic of Pakistan, the competent authorities or Governments of Indian and Pakistani-administered Jammu and Kashmir and the UN Secretary-General.