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Session document

9.7.2008

B6-0349/2008 }
B6-0355/2008 }
B6-0359/2008 }
B6-0362/2008 }
B6-0367/2008 }
B6-0368/2008 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 115(5) of the Rules of Procedure, by

- James Elles, Bernd Posselt, Eija-Riitta Korhola, Tunne Kelam, Thomas Mann, Laima Liucija Andrikienė, Sajjad Karim, on behalf of the PPE-DE Group
- Pasqualina Napoletano, Richard Howitt, on behalf of the PSE Group
- Elizabeth Lynne, Sarah Ludford, Frédérique Ries, Marios Matsakis, on behalf of the ALDE Group
- Adam Bielan, Ryszard Czarnecki, Konrad Szymański, on behalf of the UEN Group
- Jean Lambert, Cem Özdemir, on behalf of the Verts/ALE Group
- André Brie, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- ALDE (B6-0349/2008)
- UEN (B6-0355/2008)
- Verts/ALE (B6-0359/2008)
- GUE/NGL (B6-0362/2008)
- PPE-DE (B6-0367/2008)
- PSE (B6-0368/2008)

on Kashmir

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PE410.726v01-00}
PE410.732v01-00}
PE410.736v01-00}
PE410.739v01-00}
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PE410.745v01-00} RC1

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European Parliament resolution on Kashmir

The European Parliament,

- having regard to the recommendations of the ad hoc delegation of the European Parliament, following its visits to Kashmir from 8 to 11 December 2003 and from 20 to 24 June 2004,
 - having regard to its resolution on the Annual Report on Human Rights in the World 2005 and the EU's policy on the matter of 18 May 2006,
 - having regard to its report on Kashmir: present situation and future prospects of 24 May 2007,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas it is reported that hundreds of unidentified graves have been discovered since 2006 in Jammu and Kashmir and whereas at least 940 bodies 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 to 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 occurred in the context of armed conflict persisting in Jammu and Kashmir since 1989,
- D. whereas estimates of the number of persons having gone missing since 1989 vary greatly, with associations of families of victims speaking of more than 8 000 and government authorities claiming fewer than 4 000,
- E. whereas a state police report of 2006 confirmed the deaths in custody of 331 persons and 111 enforced disappearances since 1989,
- F. whereas allegations of human rights violations continue despite the Government of India's commitment in September 2005 not to tolerate human rights violations in Jammu and Kashmir any longer,
- G. whereas Pervez Imroz, an award-winning human rights lawyer, president of the Jammu and Kashmir Coalition of Civil Society and founder of the Association of Parents of Disappeared Persons (APDP), survived an armed attack on 30 June in Srinagar by alleged security forces members, and whereas other members of the International Tribunal on Human Rights and Justice in Kashmir, which is being facilitated by the APDP, have reportedly been harassed,

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 a thorough inquiry and possible further conflict resolution measures in Kashmir;
3. Calls on the EU 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. Expresses its concern for the safety of Pervez Imroz and other human rights activists who are investigating the unmarked graves and other allegations of human rights abuses in Jammu and Kashmir and calls on the Indian authorities to ensure their protection and allow them to operate without fear of harassment and violence; urges the authorities to conduct a prompt and impartial investigation into the attack on Pervez Imroz, to make the results public and to bring those responsible to justice;
5. Reiterates its call on the Indian Government and the state authorities to investigate all allegations of enforced disappearances; urges jurisdiction for all cases in which military, security or law enforcement agents are suspected of being involved to be assigned to a civilian prosecutor's office, and a single public database of all persons who have gone missing and all bodies that have been recovered to be created; calls on EU Member States to facilitate and support all possible cooperation between the Indian and Pakistan Governments in relation to this investigation;
6. Calls on the state authorities to ensure that all detention procedures meet the minimum requirements of international legal standards, proper treatment, registration and prosecution, prompt access to family members, lawyers and independent courts, as well as accountability for any violation of such procedures;
7. Strongly condemns the unlawful killings, enforced disappearances, torture, rape and other human rights abuses which have occurred in Jammu and Kashmir since the beginning of the armed conflict in 1989; insists that the families of the victims are granted full reparation;
8. Calls on all governments to ratify and implement the UN Convention for the Protection of All Persons from Enforced Disappearance without reservation, including the declarations pursuant to Articles 31 and 32, to recognise the competence of the Committee on Enforced Disappearances and to ratify the Rome Statute of the International Criminal Court;
9. 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 Rapporteurs on Torture and on Extrajudicial, Summary or Arbitrary Executions and the UN Working Group on Enforced or Voluntary Disappearances;
10. Reiterates 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;

11. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of India, the Government and Parliament of the Islamic Republic of Pakistan, the Government and Parliament of the State of Jammu and Kashmir and the UN Secretary-General.

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