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Mass Graves in Indian-Administered Kashmir

Greens/EFA motion for a resolution

Tabled by ***Cem Özdemir, Jean Lambert, Raül Romeva i Rueda, Hélène Flautre***

on behalf of the Greens/EFA Group

The European Parliament,

- having regard to the recommendationsof 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 Annual Report on Human Rights in the World 2005 and the EU's policy on the matterof 18 May 2006,

- having regard to its report on the EU's economic and trade relations with India of 28 September 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 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 the grave sites are believed to 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 Indian central and state authorities claiming less than 4000,

E. whereas a state police report of 2006 confirmed the deaths in custody of 331 persons and 111 enforced disappearances since 1989,

F. whereas human rights violations committed by the armed forces of India continue in an atmosphere of impunity despite the government of India's commitment in September 2005 not to tolerate human rights violations in Jammu and Kashmir any longer,

G. whereas Parvez 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, survived an armed attack on June 30 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 Association of the Parents of Disappeared Persons (APDP), have reportedly been harassed,

1. 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;

2. 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;

3. Urges the authorities to conduct a prompt and impartial investigation into the attack on Imroz Pervez, to make the results public and to bring the responsible to justice;

2. 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;

3. Calls on the Commission to offer financial and technical support to the Indian Government in the context of the Stability Instrument for such an inquiry;

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. Calls on the state authorities to ensure that all detentions meet 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;

6. Insists that victims of unlawful killings, enforced disappearances, torture and rape or their families be granted full reparation;

7. 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;

8. 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;

9. 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;

10. 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.

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