Resolution on allegations of mass graves in Indian-administered Kashmir

2008/2616(RSP) - 10/07/2008 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 10 July 2008, the European Parliament adopted a resolution on allegations of mass graves in Indian-administered Kashmir. The resolution had been tabled for consideration in plenary by the EPP-ED, PES, ALDE, UEN, Greens/EFA and GUE/NGL groups. It calls on the Government of India urgently to ensure independent and impartial investigations are undertaken 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.

Parliament recalls that there are reports of hundreds of unidentified graves, discovered since 2006 in Jammu and Kashmir and at least 940 bodies have reportedly been found in 18 villages in the Uri district alone. 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. 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.

Members call on the Commission to offer financial and technical assistance to the Indian Government in the context of the Stability Instrument for the thorough investigations and possible further conflict resolution measures in Kashmir. Member States are asked to address the issue in the forthcoming dialogue on human rights, which is to take place in the second half of 2008.

Parliament expresses its concern for the safety of Parvez Imroz and other human rights activists who are investigating the unmarked graves and other allegations of human rights abuses in Jammu and Kashmir. It calls on the Indian authorities to ensure their protection and allow them to operate without fear of harassment and violence. The authorities are urged to conduct a prompt and impartial investigation into the attack on Parvez Imroz, who survived an armed attack on 30 June 2008 in Srinagar by alleged security forces members. The results should be made public and those responsible brought to justice.

Members reiterate their call on the Indian Government and the state authorities to investigate all allegations of enforced disappearances. Jurisdiction for all cases in which military, security or law-enforcement agents are suspected of being involved must 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. Member States are asked to facilitate and support all possible cooperation between the Indian and Pakistani Governments in relation to this investigation.

Parliament 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, to lawyers and to independent courts, as well as accountability for any violation of such procedures. It 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, and insists that the families of the victims be granted full reparation;

The resolution 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 Involuntary Disappearances. Parliament calls again 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.

Lastly, Parliament calls on all governments to ratify the Rome Statute of the International Criminal Court, to ratify and implement without reservation the UN Convention for the Protection of All Persons from Enforced Disappearance, and, pursuant to Articles 31 and 32 of that Convention, to declare that they recognise the competence of the Committee on Enforced Disappearances.