



# INTER-PARLIAMENTARY UNION

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CL/183/SR.1  
5 January 2009

**SUMMARY RECORDS**

**OF THE**

**GOVERNING COUNCIL**

**(183<sup>rd</sup> SESSION)**

**13, 14 and 15 October 2008**

**GENEVA (*Centre international de Conférences de Genève*)**

## Participation

**President :** P.F. Casini (Italy)

**Members and substitutes:** M.N. Ataei, S.I. Gailani and Mrs. R. Jami (Afghanistan); F. Hoxha and M. Pandeli (Albania); A. Bensalah, Mrs. Z. Bitat Drif and B. Boutouiga (Algeria); V. Alay Ferrer, Mrs. L. Font Puigcernal and Mrs. B. Gaspà (Andorra); Mrs. H. Giri, A. Portela and C. Reutemann (Argentina); Mrs. H. Bisharyan and S. Nikoyan (Armenia); Ms. C. Moore, R. Price and Ms. D. Vale (Australia); A. Heinzl, Ms. G. Moser and Ms. M. Rauch-Kallat (Austria); A.A.R. Al Moawda, J. Fakhroo and Ms. A. Mubarak (Bahrain); A. Arkhipov, Ms. N. Baranova and V. Popov (Belarus); Mrs. S. de Bethune, F.-X. de Donnea and G. Versnick (Belgium); Mrs. C. Adjanohoun, E. Quenum and A. Seidou (Benin); O. Careaga and Ms. E. Salguero Carrillo (Bolivia); S. Dzaferović, D. Kalabić and V. Zorić (Bosnia and Herzegovina); P.K. Balopi, A. Magama, O. Molebatsi and Ms. S. Tlou (Botswana); Ms. R. Ciarlini, H. Fortes and A. Lins (Brazil); Mrs. M. Kaneva, K. Karakachanov and Y. Stoilov (Bulgaria); D.R. Bado, A.D. Dicko and Mrs. M.G. Dicko Agaleoue Adoua (Burkina Faso); Mrs. G. Bimazumute, D. Kiganahe and E. Nsabiyumva (Burundi); T. Nhem and C. Vun (Cambodia); M. Ahidjo, D. Ambassa Zang and Mrs. J. Fotso (Cameroon); Mrs. S. Carstairs, D. Dawson and D.H. Oliver (Canada); R. Leon, Mrs. M.A. Saa and F. Salaberry (Chile); Jin Shengguan, Mrs. Wu Qidi and Zha Peixin (China); J.M. Galán, R. Lara and Mrs. C. Rodriguez (Colombia); Mrs. P. Fouty-Soungou, A. Louzitou and Ms. C. Munari (Congo); Mrs. E. Arguedas Maklouf, Ms. H. González Ramírez and Ms. S. Quesada Hidalgo (Costa Rica); L. Akoun, T. Boa and Mrs. M.-O. Lorougnon Gnabry (Côte d'Ivoire); Ms. S. Bilić Vardić, Ms. M. Lugarić and B. Miletić (Croatia); T. Páez Hernández and Ms. Y. Regueiferos (Cuba); N. Anastasiades and T. Hadjigeorgiou (Cyprus); J. Pospíšil, D. Reiesiegel and Ms. H. Šedivá (Czech Republic); Ms. E. Bazaiba, G. Katende Wa Ndaya Muledi and E. Mokolo (Democratic Republic of the Congo); J.C. Lund (Denmark); K. El Chazli, Mrs. S. Greiss and M. Shehab Eddin (Egypt); J.R. Machuca Zelaya and Ms. Z. Quijada Solis (El Salvador); Mrs. I. Eenmaa, E. Nool and Mrs. M. Tuus (Estonia); Ms. H. Heikkinen, Ms. T. Nurmi and P. Salo (Finland); Mrs. A. Boumediene-Thiery, D. Cinieri, R. del Picchia and P. Martin-Lalande (France); Mrs. L. Andeme Mebale, L. Mbou Yembi and Mrs. C. Nkero Mougnoke (Gabon); Mrs. K. Gogorishvili and L. Vepkhvadze (Georgia); H.-J. Fuchtel, Mrs. M. Griefahn, N. Lammert and H. Raidel (Germany); K.S. Ackah Essuah, Mrs. C. Churcher and E.B. Sekyi Hughes (Ghana); H. Charalambous, Mrs. E. Papademetriou and P. Rigas (Greece); E.O. Bah and T.A.B. Diallo (Guinea); Ms. G. Beki, G. Hárs and J. Latorcai (Hungary); Ms. T. Backman and Ms. A. Möller (Iceland); C.S. Atwal, S.S. Hussain and Ms. P. Kaur (India); A. Laksono, Mrs. T.I. Loekman and A. Toha (Indonesia); Mrs. F. Ajoorlou, E. Ekhtiyari and H. Hassani (Iran, Islamic Republic of); H.J. Jabir and Ms. T. Talaat Mohammed (Iraq); J. Carty, Mrs. F. Fitzgerald and M. McCarthy (Ireland); E. Bianco, R. Merlo, Mrs. A. Napoli and L. Volonté (Italy); A. Al Huneidi, F. El-Fayez and Mrs. R. Qasim (Jordan); Mrs. B. Baimagambetova, S. Dyachenko and Y. Zhumabayev (Kazakhstan); Ms. P. Chepchumba, K. Marende and C. Muchiri (Kenya); M. Al-Saqer and W. Al-Tabtabae (Kuwait); K. Akhamouny and Ms. B. Bouphe (Lao People's Democratic Republic); O. Denisovs, Mrs. I. Druviete and Ms. K. Petersons (Latvia); A. Elzein, Mrs. G. Jalloul and A. Pakradounian (Lebanon); K. Diholo, Ms. N. Motsamai and Mrs. K. Raditapole (Lesotho); M. Elforjani, M. Madi and Ms. K. Nattah (Libyan Arab Jamahiriya); R. Büchel and K. Wanger (Liechtenstein); Mrs. C. Flesch (Luxembourg); L. Chin Tong, Ms. M.S. Halimah and A.H. Mohamad Hanadzlah (Malaysia); H.O. Diah, Mrs. M.M. Hedeid and H.B. Kane (Mauritania); Ms. K.R. Deerpalsing, Mrs. M.-A. Navarre-Marie and R. Purryag (Mauritius); A. Chanona and Mrs. M.T. Ortuño (Mexico); Mrs. B. Boccone-Pages, M. Burini and F. Notari (Monaco); Mrs. L. Bennani Smires, Mrs. Z. Bouayad, A. El Kadiri and M. Laenser (Morocco); Mrs. A. Benesse, J.M. Katupha and A.E. Namburete (Mozambique); T.-B. Gurirab, A. Kapere, Mrs. M. Mensah-Williams and

Mrs. N. Schimming-Chase (Namibia); U. Chaudhary, S.C. Nembang and Mrs. S. Pahadi (Nepal); J. Atsma, J. Snijder-Hazelhoff and Mrs. S. van Bijsterveld (Netherlands); P. Paraone and Ms. M. Wilson (New Zealand); Mrs. M.G. Chetima, O. Mahamane and M. Nouhou (Niger); U. Bayero, Ms. G. Bent, Mrs. B. Garba and D. Mark (Nigeria); Ms. I. Heggø, E. Johnsen, O.T. Lånke and F.M. Vallersnes (Norway); A. Al Issai, S. Al Sadi and F. Sajwani (Oman); M.R. Hussain Pirzada, F.K. Kundi, Ms. Y. Rehman and A.H. Shah Jilani (Pakistan); H. Al-Ashrawi, B. Al-Salhi and T. Quba'a (Palestine); H. Alemán and Mrs. M. Zuñiga (Panama); F. Marus (Papua New Guinea); Ms. K. Beteta Rubin and A. Rebaza (Peru); Mrs. P. Cayetano, M.O. Cojuangco, G.B. Honasan and P.C. Nograles (Philippines); Ms. I. Kloc, F. Stefaniuk and M. Ziolkowski (Poland); Ms. L. Coutinho, J. Couto and D. Pacheco (Portugal); Y.R. Al-Khater and R.H. Al-Ma'adadi (Qatar); Y. Chin, Ms. O.N. Chung and S.H. Yoon (Republic of Korea); G.V. Şerbu, Mrs. F.M. Toma and V.I.D. Ungureanu (Romania); Ms. A. Mukarugema and V. Munyabagisha (Rwanda); F. Tolofuaivalelei (Samoa); E. Carvalho, J. Costa and Mrs. M.N. Sousa (Sao Tome and Principe); O. Abu Ghararah and M. Al-Hulwah (Saudi Arabia); A.N. Lo, Mrs. N.B. Ndiongue and T. Seck (Senegal); Ms. S. Dukić Dejanović, Ms. V. Pešić and Ž. Tomić (Serbia); A.M. Magad, Ms. D. Puah Lay Peng and O. Seh Ong (Singapore); Ms. A. Belousovová, T. Cabaj, M. Číž and P. Hrušovský (Slovakia); K.O. Bapela, Ms. G. Mahlangu-Nkabinde and J. Selfe (South Africa); W. Lokubandara, R. Sampanthan and A.P. Yapa (Sri Lanka); M.D. Aligo, M. El-Tigani and Ms. M. Osman Gaknoun (Sudan); Mrs. S. Kajoeramari and R. Randjietsingh (Suriname); Ms. B. Eriksson, H. Gustafsson, K. Örnfjäder and Ms. I. René (Sweden); H. Bürgi, Mrs. C. Markwalder and Mrs. D. Stump (Switzerland); K. Al Sheikh Al Hussein, S. Haddad and Mrs. H. Hejazi (Syrian Arab Republic); Ms. T. Boontong, A. Ponlaboot and Ms. T. Thienthong (Thailand); Mrs. S. Boneva, Mrs. Z. Jakupi and J. Makraduli (The former Yugoslav Republic of Macedonia); A. Cardoso Machado, P. De Fátima Martins and Mrs. M. Paixão Da Costa (Timor-Leste); Mrs. F. Ben Amor Ben Abdallah and L. Nalouti (Tunisia); Z. Karabayir, Mrs. N. Serter and C. Yilmaz (Turkey); Ms. R. Kadaga, J. Kawanga and Ms. N. Naggayi Sempala (Uganda); O. Bilorus, Ms. N. Korolevska and O. Skybentskyi (Ukraine); K. Abu Shehab, A.A. Al Qubaisi and Y. Ali Bin Fadil (United Arab Emirates); J. Austin, R. Berry, Mrs. A. Clwyd and N. Evans (United Kingdom); Ms. C. Ishengoma, Ms. S. Lyimo and S.J. Sitta (United Republic of Tanzania); D. Canepa, J. Cardozo, L.A. Heber and Mrs. M. Xavier (Uruguay); Mrs. Y. Vallenilla and R.D. Vivas (Venezuela); Ngo Anh Dzung and Ms. Truong Thi Mai (Viet Nam); H. Al-Ahmar and S. Shamsan (Yemen); Mrs. L.S. Changwe, A.K. Mwanamwambwa and J.J. Mwiimbu (Zambia); W. Madzimore, Ms. V. Muchenje and L. Tapela (Zimbabwe)

**Associate Members:** H.A. Abdi, G. Akhaabi, Ms. R. Katabarumwe, D. Kidega and Ms. B. Ndayizeye (East African Legislative Assembly); C. Adelekan, M. Diakite, Y. Haidarava, M. Ousmane and Mrs. S. Sereme Sere (Parliament of the Economic Community of West Africa)

**Observers:** P. Martinot-Lagarde (International Labour Organization); J. Rao (United Nations Educational, Scientific and Cultural Organization); I. Rozov (World Health Organization); A. Abdalla (African Parliamentary Union); A.N. Bouchkouj and A. Mokayes (Arab Inter-Parliamentary Union); L. Osuji (Association of Senates, Shooraa and Equivalent Councils in Africa and the Arab World); A. Imlach (Commonwealth Parliamentary Association); J.A. Lagna (Confederation of Parliaments of the Americas); J. McKendry (European Parliamentarians for Africa); K. Mutukwa (Southern African Development Community Parliamentary Forum); I. Osman (International Federation of Red Cross and Red Crescent Societies)

**Special guest:** F. Songane (Countdown to 2015 Partnership for Maternal Newborn and Child Health)

**Secretariat :** A.B. Johnsson, Secretary General and J. Jennings, Secretary of the Governing Council

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## FIRST SITTING

**Monday, 13 October 2008**

(Morning)

The meeting was called to order at 9.40 a.m. with the President of the Inter-Parliamentary Union, Mr. P.F Casini (Italy), in the Chair.

Item 1 of the agenda

### ADOPTION OF THE AGENDA

(CL/183/A.1)

**The agenda was adopted by the Governing Council.**

Item 2 of the agenda

### APPROVAL OF THE SUMMARY RECORDS OF THE 182<sup>nd</sup> SESSION OF THE GOVERNING COUNCIL

(CL/182/SR.1)

**The summary records of the 182<sup>nd</sup> session of the Governing Council were approved.**

Item 3 of the agenda

### QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS

#### (a) Requests for affiliation and reaffiliation to the IPU

(CL/183/3(a)-R.1)

**The President** announced that two formal requests for reaffiliation had been received, the first from the Parliament of Comoros and the second from the Parliament of Sierra Leone. A request to join the IPU had been received from the Parliament of Oman. The Executive Committee had made a favourable recommendation in all three cases (CL/183/3(a)-R.1). In the absence of any objections, he took it that the request for reaffiliation from the Parliament of Comoros was approved.

*It was so decided.*

*The delegation of Comoros took places in the Governing Council.*

**The President** said that in the absence of any objections, he took it that the request for reaffiliation from the Parliament of Sierra Leone was approved.

*It was so decided.*

*The delegation of Sierra Leone took places in the Governing Council.*

**The President** said that in the absence of any objections, he took it that the request for affiliation from the Parliament of Oman was approved.

*It was so decided.*

*The delegation of Oman took places in the Governing Council.*

**Mr. A. Al Issai (Oman)** expressed his thanks to the President and the Secretary General of the IPU, and his appreciation for the support of the request for affiliation of the Majlis Al Shura of the Sultanate of Oman. Democracy in Oman had its roots in the history of the Sultanate. Under the leadership of the Sultan, considerable progress had been made in many aspects of life. The People of Oman lived in a modern society, which maintained the positive aspects of the past. The Majlis Al Shura had been elected by the people of Oman. Contemporary problems such as war and conflict, climate change and natural disasters, which led to epidemics and hunger, which were exacerbated by the present financial crisis, posed considerable challenges which parliamentarians must address with the support of the IPU, making the interests of humanity a priority, in order to ensure stability and well-being for all throughout the world.

**(b) Situation of certain Members**

(CL/183/3(b)-P.1)

**The President** said that the Executive Committee had examined the situation of two parliaments that were defaulting in their payments to the IPU. It had expressed particular concern regarding the situation of the Parliaments of Kyrgyzstan and Nicaragua, which were liable for suspension under Article 4.2 of the Statutes. The Executive Committee had recommended, in line with the statutory requirements, that both those parliaments should be suspended from the Organization at the final sitting of the Governing Council's current session, unless they had taken steps to rectify their financial situation by that time. He drew attention to a proposal for an amendment to the Statutes that had been submitted by the delegation of France, in order to provide a textual clarification of the different circumstances, financial or political, under which a parliament might be deemed eligible for suspension. The proposed amendment did not involve any substantive change to the content of the Statutes, and had been submitted to the Council for approval in principle. The customary procedure for final adoption would be followed at the 120<sup>th</sup> Assembly of the IPU. In the absence of any comments or objections, he took it that the proposed amendment was approved in principle.

*It was so decided.*

**(c) Requests for observer status**

(CL/183/3(c)-P.1)

**The President** announced that the Executive Committee had examined two requests for observer status, one from the International Institute for Democracy and Electoral Assistance (International IDEA), and a second from the Parliamentary Assembly of the Mediterranean (PAM), and recommended that the Council should approve those requests. In the absence of any objections, he took it that the requests were approved.

*It was so decided.*

Item 4 of the agenda

**REPORT OF THE PRESIDENT**

**(a) On his activities since the 182<sup>nd</sup> session of the Governing Council**

**The President** said that the IPU was intensifying its relations with the United Nations, and the life and work of the IPU drew much from the experience of United Nations organizations. The IPU was participating in the current session of the United Nations General Assembly. Considerable progress had been made in consolidating the relations between the two organizations. Efforts were being made to achieve the reaffiliation of the United States Congress, which was not an easy task, but positive and encouraging steps had been taken.

The IPU had a clear-cut and transparent position on many serious international issues, such as hunger, famine and poor water supplies, as well as political emergencies. As President of the IPU, he had kept abreast of events all over the world, and had participated in a number of missions. On the first International Day of Democracy, which had taken place on 15 September 2008, he had participated in an event in Athens, the birthplace of democracy. He had also been a guest of the Ethiopian parliament in Addis Ababa, where he had taken part in preliminary talks on the 120<sup>th</sup> Assembly, which would involve discussions on HIV/AIDS, exploitation of minors, famine, poor water supplies, and the need to strengthen parliaments and democracy in order to address ethnic conflicts, particularly in Africa. The IPU had always held a firm position in favour of religious freedom and stood firmly for the principle that no war could be waged in the name of God. The Organization encompassed Members of many different religions. The ongoing religious persecution around the world meant that the IPU must restate the need for freedom for all religions. He had paid a personal visit to the Greek Cypriot Parliament, which was developing a plan to overcome the crisis in Cyprus and reconcile the Greek and Turkish sides. Considerable work on that reunification process had been done in the context of the United Nations, and it was particularly important for the IPU also to contribute.

**(b) On the activities of the Executive Committee**

*The President* said that the Executive Committee had met on Friday and Saturday 10 and 11 October 2008, and would meet again on Tuesday and Wednesday 14 and 15 October 2008 to complete its agenda. Most of the subjects discussed were covered by items on the agenda of the Governing Council. The Committee had discussed the five categories of body eligible for observer status in IPU Assemblies, and had commented that the definitions excluded certain bodies with which the IPU had productive working relations. It had agreed to study the matter further and discuss it at its next session with a proposal to supplement those definitions to remedy that shortcoming.

Item 5 of the agenda

**INTERIM REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE IPU  
SINCE THE 182<sup>nd</sup> SESSION OF THE GOVERNING COUNCIL  
(CL/183/5-R.1 and R.2)**

*The Secretary General* presented two documents containing his interim report on the activities of the IPU since the 182<sup>nd</sup> session of the Governing Council, and the report on the activities of Members in respect of follow-up to three IPU resolutions (CL/183/5-R.1 and R.2). His interim report contained a section on activities in cooperation with the United Nations and its specialized agencies, and special emphasis had been placed on work to promote parliamentary involvement in, input to and oversight of international development cooperation and assistance efforts. In that context, the IPU had participated in the new Development Cooperation Forum (DCF) of the Economic and Social Council of the United Nations. In cooperation with the Italian Parliament, the IPU had organized a preparatory meeting for parliamentary experts on development cooperation issues, which had been held in Rome, the results of which had been used in the DCF meeting in July. The IPU had also provided suggestions for an intergovernmental meeting, which had been held in Accra, Ghana, in September, where Member States of the United Nations and donor countries had agreed on measures to be taken to increase aid effectiveness.

The report highlighted the numerous activities conducted relating to democracy. He drew particular attention to the paragraph of his report on the International Day of Democracy, which had been celebrated for the first time on 15 September 2008. The IPU had



written to all parliaments to encourage them to conduct activities on that day to highlight the central role of parliaments in democracy. The response to that invitation had been truly spectacular. The report described IPU activities with respect to human rights and promotion of gender equality and women's participation in politics, and also contained a section on financial aspects.

On the question of the work of the Members of the IPU, he said that Members were obliged to report on the activities they conducted to follow up to work done in the context of the IPU. They had been asked to focus on three issues: the role of parliaments in ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world; natural disasters: the role of parliaments in prevention, rehabilitation, reconstruction and the protection of vulnerable groups; and on follow-up to the IPU resolution on missing persons. The report (CL/183/5-R.2) contained responses from 50 parliaments, and further responses, including from the Parliaments of Croatia and Gabon, had been received after the report had gone to print. It was increasingly apparent that the work on IPU resolutions did not end at the close of the Assembly, but was continued by each parliament. The report gave interesting examples of legislative decisions made with contributions from IPU recommendations. The work of the Members was undertaken in partnership with international organizations, and in that regard the International Federation of Red Cross and Red Crescent Societies (IFRC) had been involved in follow-up to resolutions that called for action in respect of disaster preparedness.

**Mr. I. Osman, Deputy Secretary General, International Federation of Red Cross and Red Crescent Societies (IFRC)**, said that the work of the IPU had long been of great importance to the IFRC, and never more so than in the current situation of increasing disasters and humanitarian crises around the world, caused mainly by the effects of climate change. The IFRC was the world's largest humanitarian network, which deployed over 20 million active volunteers in 186 countries and territories around the world, to improve the lives of vulnerable people and empower them to mitigate the effects of emergencies.

Over the years the Federation had found much in common with the IPU, in light of the consistent interest in humanitarian concerns and preparing for issues relating to disasters. Parliamentarians had a critical role to play in establishing the legal foundations for an active disaster response. One aspect of disaster response that had not been given due attention was the role of national law in respect of the receipt of international assistance when it was needed. Without the relevant laws in place, urgent relief could be delayed or blocked by rules regarding visas, customs, tax and transport. The IFRC had been considering that issue for some years, in light of the problems it had faced in delivering relief.

In 2003 the IPU had acknowledged the worth of the IFRC in a resolution, and had called on parliaments to make use of the Federation's resources. Moreover, in 2005, the IPU had adopted a resolution calling on States to recognize the importance of an international framework to govern the provision of humanitarian assistance. In November 2007, during the International Conference of the Red Cross and Red Crescent, the States parties to the Geneva Conventions and the components of the Red Cross Red Crescent movement had unanimously adopted guidelines for the domestic facilitation and regulation of disaster relief and initial recovery assistance. The guidelines constituted a practical tool offering recommendations to lawmakers to increase legal preparedness for international disaster assistance. The next step was in the hands of lawmakers, who must consider the use of those guidelines in their national contexts. The Federation and members of national Red Cross and Red Crescent societies were ready to assist in that task. It was crucial to build on past cooperation, in order to ensure an appropriate response the next time disaster struck.

Item 16 of the agenda

**AMENDMENTS TO THE STATUTES AND RULES OF THE INTER-PARLIAMENTARY UNION**  
(CL/183/16-P.1)

**The President** recalled that during its previous session in Cape Town, the Governing Council had decided to take the necessary steps to be able to admit the Parliament of Palestine as a Member of the IPU, and had instructed the Executive Committee to draft an amendment to the Statutes and circulate it to Members in time for its adoption at the present Assembly. The Executive Committee had met in June 2008 and had prepared the amendment contained in document CL/183/16-P.1. The Governing Council should express its opinion on the draft amendment through a majority vote, and the Assembly would take a decision on it during its forthcoming meeting. Once approved, the amendment would enter into force with immediate effect. If the Assembly approved the amendment, the formal decision regarding the membership of the Parliament of Palestine would be taken by the Governing Council at its final sitting of the current session in accordance with Article 4.1 of the Statutes, after having heard the opinion of the Executive Committee. No sub-amendments had been submitted. In the absence of any comments or objections he took it that the amendment was approved.

*It was so decided.*

Item 7 of the agenda

**DRAFT PROGRAMME AND BUDGET FOR 2009**  
(CL/183/7-P.1)

**The President** recalled that more time was being given to the current session of the Governing Council than in previous sessions, in order to ensure that all Members were fully cognizant of the activities of the Organization so that they could contribute effectively to the setting of priorities for its programme of work. That was particularly significant in respect of the Organization's programme and budget. The draft programme and budget for 2009 had been circulated among all Members, and would be presented to the Council by the Secretary General.

**The Secretary General** said that all Members had been presented with two documents: the consolidated budget for 2009, and the planned activities and requirements for 2009-2011, which described activities to promote peace, democracy and development that the IPU proposed to undertake over the coming three years, and for which it would seek voluntary contributions in addition to the core budget.

The 2009 Consolidated Budget, entitled "Celebrating 120 Years of Parliamentary Diplomacy", had a simple framework, which described funds from all sources, be they from Members' assessed contributions, taxation of staff salaries, voluntary contributions, interest rates, or other sources. It was results-based, and described the resources required to achieve specific outcomes. It also projected a medium-term outlook, which was a statutory requirement, and it was fiscally and environmentally sustainable.

The consolidated budget for 2009 had a gross operating expenditure of CHF 18.4 million, which was less than in previous years, primarily because the requirements for voluntary funding had been reduced to more accurately represent what the institution could deliver. It contained a capital expenditure of CHF 100,000, which would be used primarily for equipment for the Organization's headquarters, for example, to improve access for people with disabilities. The Organization's total carbon emissions were included, which

were estimated at 1,700 tonnes. Five new staff positions were also included, which were required to implement the increased activities that were funded through voluntary contributions, and those positions were therefore not included in the core budget. The budget foresaw an increase of 2.5 per cent in Members' assessed contributions, which was less than the three per cent annual increase that had been agreed to on past occasions. The increase of less than three per cent had been set to compensate for the 2008 increase, which had been greater than three per cent. Of the CHF 18.4 million of gross operating expenditure, 5.3 million were being sought from voluntary contributions. Assessed contributions continued to make up the majority of revenue (64 per cent), 29 per cent of funding was expected from voluntary contributions, and the remainder would be obtained from staff taxation and interest payments. Growth in revenue was owing to an increase in stable and predictable voluntary funding, which enabled the IPU to plan. There was a core group of three main donors, Irish Aid, the Canadian International Development Cooperation Agency (CIDA) and the Swedish International Development Cooperation Agency (Sida), which provided important funding for activities primarily in the area of democracy. Together those three agencies would provide CHF 5.4 million over three years, more than half of which would be available for expenditure in 2009.

Each chapter of the budget contained a statement of overall objective, and a description of the issues and challenges that the budget sought to address, a statement on how gender would be mainstreamed, and a description of the specific objectives and outcomes, success indicators, as well as indications of estimated expenditure, broken down by nature, objectives, source of funding and year. There was also an environmental impact statement for each chapter. The format of the budget had been changed with a view to increasing transparency, which was not only a positive development for Members, but also for the Secretariat, since it required a more specific view of issues such as the gender balance and the environmental impact of all IPU activities. The format and transparency could still be improved, and all comments, feedback and suggestions from delegations would be welcome.

The budget focused on the "four Ds": development, democracy, dialogue and dissemination and outreach. While development activities, which accounted for three per cent of the budget, had always been on the IPU agenda, particularly through the work of the Second Standing Committee on Sustainable Development, Finance and Trade, the IPU had thus far not had a specific development programme equivalent to its programme on democracy. The 2009 budget proposed to establish such a programme, through the work of the Standing Committees and through drafting resolutions, taking action on HIV/AIDS and achieving the fourth and fifth Millennium Development Goals (MDGs), building on existing efforts for development cooperation and international development assistance. The Organization was seeking to develop a comprehensive programme encompassing the MDGs and other internationally agreed development targets, to set out the role of parliamentarians in meeting those targets, through proper parliamentary oversight of national development activities, and to encourage parliamentary debate on development-related issues. The establishment of such a programme would take time, and three per cent of the budget would be devoted to it, as well as a larger proportion of voluntary funding. Democracy-related activities accounted for 47 per cent of the core budget resources, which was complemented by a significant portion of the revenue from voluntary funding. In that regard, Irish Aid and Canadian CIDA were providing specific funding for the gender partnership programme and for reconciliation and minority rights-related activities. Funds allocated to dialogue, specifically dialogue for peace, had increased slightly since previous years, to 16 per cent of budget resources. Dialogue would cover the work done during the Assembly, and would specifically include the possibility for the Committee on Middle East Questions to undertake missions and do more work to promote direct dialogue between Israeli and Palestinian legislators, and it included the possibility for the IPU to undertake troubleshooting missions to countries to

provide direct assistance for reconciliation and political dialogue. Dissemination and outreach activities had been allocated 13 per cent of resources, in order to promote the work of parliaments, particularly in the context of the United Nations.

The budget contained a gender perspective, since efforts were being made to mainstream gender. All IPU Committees were therefore being asked to prepare and adopt a statement on how they intended to address that in their work. Gender programmes had been allocated five per cent of regular funding and 28 per cent of voluntary funding. The budget also indicated the gender representation in the secretariat, which showed that parity had not been achieved at the most senior level, but at all other levels there were more women than men in the Secretariat.

The budget addressed the Organization's environmental impact, in line with the campaign that the IPU had begun in 2007 to promote parliamentary action on climate change. The Organization's carbon footprint was created by office heating, secretariat travel and Members' travel. A 10 per cent reduction in emissions by 2012 pursuant to the Kyoto Protocol would be difficult to achieve, since the main source of the Organization's carbon output was travel, and the goal of the Organization was to bring together the world's parliamentarians to share information and discuss their experiences. The Organization's carbon footprint could be reduced in part by increasing teleconferencing, which would reduce the need for staff travel. The IPU was committed to offsetting its environmental damage financially and to that end had set aside funds to support parliaments in advocacy on climate change.

The consolidated budget was results-based and therefore contained indicators of expected outcomes. The expectations included increased membership of the Organization, new donors, the two statutory Assemblies for dialogue, 10 specialized meetings, 10 national and regional seminars, planning to prepare for the next speakers' conference in 2010, peace missions and all work done on the promotion and protection of the human rights of parliamentarians, the promotion of women in politics, carbon neutrality, and improvement of access to meetings and events for persons with disabilities.

**The President** announced that the discussion on the draft budget would be postponed until the Council's second sitting, in order to give the geopolitical groups enough time to discuss the draft, and formulate their comments.

*It was so decided.*

#### Item 6 of the agenda

### **FINANCIAL SITUATION OF THE IPU**

(CL/183/6-R.1)

**The Secretary General** said that the income up to 30 September had been received from assessed contributions, which had been invoiced at the beginning of 2008. Nine new Members had been affiliated or reaffiliated, and their assessed contributions had also been recorded as revenue. Other revenue had come from the internal assessment of staff salaries, conditional grants from funding agencies and the Working Capital Fund. When the IPU budget for 2008 had been adopted, the United States dollar had been trading at CHF 1.17. That figure had fallen drastically by April 2008. That dramatic change had impacted on IPU spending, since all operating costs denominated in dollars had been reduced, resulting in a considerable saving over the first six months of 2008. The 118<sup>th</sup> Assembly in Cape Town had been carried out within the approved budget appropriation. Predicted expenditure for the year was below the approved budget, owing to a shortfall in donor funding. Donors must be confident in the ability of the Organization to deliver functioning projects and programmes.

The Organization had three institutional donors, and was working with Members to increase that number over the coming year. After nine months of operation, revenues were CHF 1.7 million below budget, and expenditure, including project expenses, was CHF 2.2 million below budget. A surplus of approximately CHF 500,000 was expected on the operating account at the end of the year, owing to the modification to the financial regulations whereby revenue was reported including interest and contributions from new members, which had previously been reported as revenue to the Working Capital Fund.

By 30 September the Organization had received 93 per cent of assessed contributions, amounting to CHF 10.6 million paid by 116 Members. Further payments of CHF 700,000 had been received against prior years' assessed contributions, 600,000 of which had been the balance of previous years' assessed contributions that had still been outstanding. At 30 September contributions in arrears had totalled CHF 1.5 million, and two Parliaments, Nicaragua and Kyrgyzstan, had been three years in arrears and were therefore liable to have their membership suspended. A total of 35 other Members and Associate Members accounted for the balance of arrears that totalled one million francs. The IPU had other accounts receivable to the tune of CHF 152,000, primarily related to technical assistance projects and advances to staff for travel. The Parliamentary Assembly of the Mediterranean had a debit balance of Euro 20,000. At 30 September 2008, the balance of the Working Capital Fund had amounted to CHF 5,796,103, and the IPU had a cash balance of CHF 11.7 million, compared to CHF 8.1 million at 30 September 2007. In the first six months of 2008, funds had been spent on a vehicle and computers for the Headquarters of the IPU. The Legacy Staff Pension Fund, for those who had retired during or before 2005, had a capital reserve of CHF 12.1 million. Owing to the disastrous performance by equities and bonds worldwide during 2008, the Fund had lost around 9 per cent of its value over the first nine months of the year. The situation of the Fund, which was managed conservatively, with the majority of holdings in bonds in Switzerland or in Europe, would be reviewed thoroughly at the end of 2008.

Item 11 of the agenda

**REPORTS ON RECENT IPU SPECIALIZED CONFERENCES AND MEETINGS**

- (a) **Seminar on the role of parliaments in Central America in reconciliation and democratization processes**  
(CL/183/11(a)-R.1)

*The Secretary General* introduced the report on the seminar on the role of parliaments in Central America in reconciliation and democratization processes (CL/183/11(a)-R.1). Over the past three years, the IPU had developed activities on action in parliaments to facilitate democratization processes through truth and reconciliation commissions, in order to provide reparation to victims. The first meeting on the subject had been held in Burundi in 2006, and had been followed up with a series of regional and subregional seminars. The second of those seminars had been held in San Salvador on 6 and 7 May 2008, during which the peace process in Central America in the late 1980s and 1990s had been examined, and consideration had been given to the role of the peace agreements that had been signed at the time, and how they had been implemented, with a particular focus on the role of parliaments in that regard. Recommendations had been made regarding necessary action in respect of social and justice issues.

**The Governing Council took note of the report on the Regional Seminar on the role of parliaments in Central America in reconciliation and democratization processes.**

**(b) African Parliamentary Conference "Africa and Migration: challenges, problems and solutions"**  
(CL/183/11(b)-R.1)

*The Secretary General* said that the IPU had been invited to sponsor and work with the African Parliamentary Union on a conference that had been held in Rabat, Morocco on 22-24 May 2008, to address the question of migration in Africa, and discuss some of the challenges and solutions. The report (CL/183/11(b)-R.1) contained an extensive resolution that had been adopted by the conference.

**The Governing Council took note of the report on the African Parliamentary Conference "Africa and Migration: challenges, problems and solutions".**

**(c) Parliamentary briefing on parliaments and HIV/AIDS**  
(CL/183/11(c)-R.1)

*The Secretary General* announced that a meeting on parliamentary action on HIV/AIDS had been held in New York on 9 June 2008, to which parliamentarians who were members of delegations to the United Nations General Assembly had been invited. The report (CL/183/11(c)-R.1) highlighted the recommendations made by the participants.

**The Governing Council took note of the report on the parliamentary briefing on parliaments and HIV/AIDS.**

**(d) Stakeholder Forum on the role of national and local stakeholders in contributing to aid quality and effectiveness**  
(CL/183/11(d)-R.1)

*Mr. F.-X. de Donnea (Belgium)* said that the Stakeholder Forum had been organized by the United Nations in cooperation with the IPU and other partners. It had brought together representatives of parliaments, civil society and local governments to discuss their role in strengthening aid quality and effectiveness at the country level.

The meeting had consisted of three sessions, the first on the role of parliaments in aligning aid to national development strategies, which had concluded that parliaments should play a more active role in planning, implementing and assessing national development policies and plans. Although parliaments were consulted in the process of drafting Poverty Reduction Strategy Papers (PRSPs) and other national development plans, that consultation was not sufficiently detailed. Parliaments should focus on macro-level issues, such as national development strategies and budget and aid policy. Effective oversight could only be achieved if parliaments had adequate information. Many only had a scant knowledge of what kind of aid came into the country and how it was used. Parliaments should make better use of information and policy analysis from civil society organizations, independent bodies and local authorities. Interaction between parliaments and the auditor general should be strengthened, as should interaction between parliaments, local governments and civil society, particularly given the key role of local governments and civil society in ensuring and evaluating development results at the grassroots level. Parliaments should establish separate development strategy committees to ensure more detailed scrutiny of aid plans, policies and their implementation. Aid from all sources should be coordinated with the national development

strategy and recorded on budget. Capacity building of parliaments in partner countries was crucial to enable them to analyse development strategies, budgets and results-oriented audits, particularly in countries in post-conflict situations. Capacity building should include the improvement of parliamentarians' working conditions and research support. South-south exchanges of information on best practices in parliaments should also be encouraged, and donor and partner country parliamentarians should also exchange best practices and experiences.

The second session, on reforming conditionality and tied aid had concluded that many donor countries were shifting from outright conditionality towards building partner countries' capacity for good governance. Much more investment in that regard was still required, as well as to ensure an improvement in controls and procedures for transparency, checks and balances and accountability. Aid given in support of parliaments should go directly to those parliaments. Conditions should always be transparent and acceptable to all parties, and should therefore be referred to as "mutually agreed objectives". Conditions were, however, often negotiated behind the backs of parliaments and civil society. Conditions should be derived from a nationally-led consultation process, and parliaments and civil society actors should be involved in establishing development plans and monitoring their implementation. There should also be a balance between conditions and aid given, since requirements should be relative to the quantity of aid allocated. Parliamentarians had agreed that the practice of tied aid should come to an end.

The third session on assessing aid modalities such as budget support, project aid and technical assistance had concluded that from a parliamentary perspective, budget support was the best aid modality, since it afforded more direct oversight while keeping transaction costs down and ensuring more direct alignment of aid with national development plans. A portion of budget support should also aim to strengthen national structures in order to ensure transparency and accountability. Budget support as an aid modality required the role of parliaments to be strengthened in the budgetary process in partner countries. Parliaments should at least have an opportunity to debate the financing of the government budget through the presentation of an annual report by the Government. Parliaments should also interact with local communities and civil society organizations to assess whether their needs were being addressed by government budget proposals. In performing their budgetary role, parliaments must ensure that all aid and loans from bilateral and multilateral donors, NGOs, local authorities and others were included in development budgets and were subject to parliamentary oversight.

**The Governing Council took note of the report on the Stakeholder Forum on the role of national and local stakeholders in contributing to aid quality and effectiveness.**

**(e) Panel Discussion on parliaments, peace-building and reconciliation**  
(CL/183/11(e)-R.1)

*The Secretary General* introduced the report on the panel discussion on parliaments, peace-building and reconciliation, which had been held in New York on 13 June 2008.

**The Governing Council took note of the report on the panel discussion on parliaments, peace-building and reconciliation.**

(f) **Regional Seminar on the role of parliaments in national reconciliation processes in English-speaking Africa**  
(CL/183/11(f)-R.1)

*The Secretary General* said that a regional seminar had been held in Sierra Leone on the role of parliaments in national peace and reconciliation, focusing on English-speaking countries in Africa.

**The Governing Council took note of the report on the regional seminar on the role of parliaments in national reconciliation processes in English-speaking Africa.**

(g) **Parliamentary briefing at the XVII International AIDS Conference**  
(CL/183/11(g)-R.1)

*The Secretary General* introduced the report on the parliamentary briefing at the XVII International AIDS Conference (CL/183/11(g)-R.1), which had been held in Mexico, and to which the IPU had made an important contribution.

**The Governing Council took note of the report on the parliamentary briefing at the XVII International AIDS Conference.**

(h) **Annual 2008 session of the Parliamentary Conference on the WTO**  
(CL/183/11(h)-R.1)

*The Secretary General* introduced the report on the Parliamentary Conference on the WTO (CL/183/11(h)-R.1), and said that the IPU held an annual conference to bring together Members of Parliament who specialized in trade issues. The report contained a brief outcome document on the discussions on the lack of progress in the Doha negotiations.

**The Governing Council took note of the report on the Parliamentary Conference on the WTO.**

(i) **Sub-Regional Workshop on special measures for women**  
(CL/183/11(i)-R.1)

*The Secretary General* said that a sub-regional workshop had been held in Papua New Guinea in September 2008, in the context of the IPU efforts in respect of the promotion of women's participation in political life, focussing on the Pacific region.

**The Governing Council took note of the report on the Sub-Regional Workshop on special measures for women.**

*The meeting rose at 11.20 a.m.*



## SECOND SITTING

**Tuesday, 14 October, 2008**

(Afternoon)

The meeting was called to order at 5.10 p.m. with the President of the Inter-Parliamentary Union, Mr. P.F. Casini (Italy), in the Chair.

**The President** said that violence against women was a priority item on the international human rights agenda. The continuation of violence against women was unacceptable, and must be addressed urgently. The IPU could play a role by encouraging parliaments to strive to end violence against women. In March 2008 the United Nations Development Fund for Women (UNIFEM) had launched a campaign to stop violence against women, which called for people to show their support by signing a petition. The objective was to have acquired one million signatures by the end of 2008. An increasing number of people wanted to be heard on the question of violence against women, which should be high on government agendas around the world. He called on all participants to sign the UNIFEM petition and demonstrate the will of the world's parliamentarians to bring an end to violence against women.

### Item 7 of the agenda

(continued)

## **DRAFT PROGRAMME AND BUDGET FOR 2009**

(CL/183/7-P.1)

**Mr. R. del Picchia (France)**, speaking on behalf of the Executive Committee of the IPU, said that the 2009 draft budget had a new layout, which was more realistic, simpler and more comprehensive than in previous years. The budget was particularly clear on the integration of gender issues and the environment in respect of the activities of the IPU. The budget was a technical policy document that established the goals and objectives of the IPU, to promote peace, democracy and development through a variety of activities conducted by Members. It therefore accounted for the future development of the Organization, and stressed the importance of voluntary contributions. The 2009 budget was results-based and contained indicators for success. The CHF 18.4 million budget included an increase of 2.5 per cent in assessed contributions, which was below the rate of inflation and was therefore within the boundaries that had been set by the Organization. An increase in spending had been foreseen for the promotion of international activities, and specifically the involvement of parliaments in the fight against HIV/AIDS, the attainment of the MDGs, and monitoring aid for development. Funds had also been foreseen for activities on Middle East issues, as well as for conference facilities, in particular security. Despite the fact that the world had been hit by financial crisis, it was hoped that the situation of the Legacy Staff Pension Fund would return to normal over the coming months. The Executive Committee recommended that the Governing Council should adopt the draft programme and budget for 2009, as presented by the Secretary General, by consensus.

**Mr. T. Páez Hernández (Cuba)**, speaking on behalf of the Group of Latin America and the Caribbean, said that the budget was an important issue that always attracted the attention of participants. The format of the 2009 budget was clearer, more specific, more transparent, and more realistic than in previous years. The programme of activities addressed important issues such as development, gender equality, environment and climate change, and the problems of parliamentarianism and democracy. The programme and budget for 2009 had the full support of the Group of Latin American and the Caribbean.

**Mr. J. Selfe (South Africa)**, speaking on behalf of the African Group, said that the consolidated budget was easy to read and understand, and it was uncluttered and brief. The fact that it not only calculated the Organization's carbon footprint, but also provided for the financial offsetting of the Organization's carbon emissions should set an example to all parliaments. Although the principle objective of the IPU was to deepen democracy and strengthen parliaments and a substantial portion of the budget was devoted to that objective, the Organization had strengthened its focus on development, and had identified functions that allowed parliaments to improve their decision-making, oversight, and public participation capacities. The IPU also made a direct contribution to action against HIV/AIDS and for the attainment of the fourth and fifth MDGs on child and maternal health. The resources allocated to gender equality in politics were equally important. Those programmes might require upward revision until equal participation of women was achieved in politics and society.

The African Group was concerned that the Legacy Staff Pension Fund had suffered losses. Cash injections might be required to fund any liabilities. While the budget accounted for funds and carbon for travel, some of both could be saved by improving coordination of meetings and making better use of teleconferencing services. The African Group welcomed the acquisition of teleconferencing facilities in the capital budget, and appealed to the Secretariat to give more attention to scheduling the times and places of statutory and specialized meetings to minimize the need for air travel and encourage national parliaments with teleconferencing facilities to make them available on a sub-regional basis.

The specification of activities, outcomes and indicators within each of the objectives set by the IPU was a recent innovation in the format of the budget, and the financial results that had been presented to the Executive Committee at the 118<sup>th</sup> Assembly in Cape Town in April 2008 had demonstrated solid and quantified progress towards those indicators. They had also shown, however, that some planned activities had not taken place owing to lack of funds, including a regional seminar on violence against women. He therefore noted with appreciation the President's statement on the priority that would be given to that issue in future activities of the Organization.

Although many of the 37 African States Members of the IPU paid some of the lowest assessed contributions, those amounts still constituted a substantial and sometimes unaffordable item in national budgets that needed to prioritise healthcare, education and housing. Some African countries could not participate fully or at all in IPU activities for financial reasons. In order to make the IPU fully effective, creative ways should be devised to ensure full participation for all Members, and make the IPU accessible to all. The African Group supported the draft consolidated budget for 2009.

**Mr. D.H. Oliver (Canada)**, speaking on behalf of the Asia-Pacific Group, said that the Asia-Pacific Group had discussed a number of ideas regarding the budget. It had been suggested that the Asia-Pacific Group could use the expertise of its members to work between IPU Assemblies to give thought to such budgetary issues as exchange rates, an enhanced role for parliamentary or internal auditors, and a defined budgetary role for the new Vice-Presidents. The Group intended to work to set development projects for the Asia-Pacific region. One Member of the Group had recalled that it was important for the IPU to channel its funds to assist countries that were not on track to meet the Millennium Development Goals by the target date of 2015. There were currently 68 nations, several of which were in the Asia-Pacific region, that were not on target to meet those goals. The IPU could play an active role in that regard by directing future budgetary expenditures and activities towards Members that required assistance to meet those targets. The Asia-Pacific Group intended to engage its Members to assess the situation in the region and submit a report on the situation to the forthcoming 120<sup>th</sup> IPU Assembly in Addis Ababa. The Asia-Pacific Group appreciated the

possibility to discuss the budget, and particularly welcomed the efforts to improve transparency and accountability. It approved the draft programme and budget for 2009.

**Mr. J. Austin (United Kingdom)**, speaking on behalf of the Twelve Plus Group, said he welcomed the emphasis placed by the President on the importance of eliminating violence against women, which had recently been the subject of a campaign in the Parliamentary Assembly of the Council of Europe. He drew attention to the Council of Europe's Convention against Trafficking in Persons, which was open to all for signature.

The Twelve Plus Group endorsed the statement made on behalf of the African Group. Although in the past the Twelve Plus Group had expressed scepticism with regard to carbon offsetting schemes, it welcomed the Organization's commitment not to use third parties, but rather to engage in direct investment in energy renewal and advocacy. The Twelve Plus Group also welcomed the efforts to account for the gender impact of IPU activities, which was better refined each year. The programme of work for 2009 was more detailed and documented than ever before. His Group welcomed the 2.5 per cent increase in assessed contributions.

The Twelve Plus Group felt that targets for voluntary funding should be more realistic, while it acknowledged that often the criteria for use of voluntary funds were set by donors. The increase in funds for the Committee on the Human Rights of Parliamentarians and the Committee on Middle East Questions was particularly positive, since the work of those Committees, in particular the Committee on the Human Rights of Parliamentarians, was a core function of the IPU. The Twelve Plus Group wished to know the real impact of the financial crisis on the Legacy Staff Pension Fund. He also asked why the budget item entitled "Peace-building in Africa" was not in the project section of the budget, and would be interested to see the results of the implementation of the recommendations from the Saatchi and Saatchi report of 2006. He wished to draw attention to the comments of the Internal Auditor, regarding several projects with significant travel costs that had been started, but not completed. In that regard, the Executive Committee should give due consideration to the recommendations made by the African Group.

**Mr. V. Popov (Belarus)**, speaking on behalf of the Eurasia Group, noted that the budget was increasing owing to increased contributions from Member States, while at the same time, increased cooperation with the United Nations and other organizations would require further funding. It was therefore necessary to continue to appeal for voluntary funding. The Eurasia Group supported the draft programme and budget for 2009.

**Mr. C.S. Atwal (India)** said that while the Secretary General had stated that the net result of the volatility in financial and capital markets in 2008 on IPU finances had been neutral, it might not be wise to assume that the same would be true for 2009. The only medium term concern expressed by the Secretary General had been that falling equity and bond values and rising interest rates had diminished the value of the Legacy Staff Pension Fund. His delegation urged the Governing Council to consider making provisions for the pension fund from as early as 2009. Although the 2.5 per cent increase in assessed contributions had been achieved through increased voluntary funding commitments, it would be prudent to revise the proposed Member contributions in light of current developments, and raise the increase to 3 per cent, which might prove more adequate. The need for increased contributions was also indicated by the reduction of CHF 220,000 in the regular budget for the human rights programme. While spending on parliamentary input to the United Nations agenda had been increasing over time and in 2009 would amount to almost 10 per cent of total IPU spending, new activities to address violence against women and children's rights would be contingent on the availability of voluntary funding. Some seed money would be required in the regular budget to formulate projects and solicit funds from donors, the use of which should be guided by the IPU agenda,

rather than entirely dictated by donors. No provision had been proposed in the regular budget of the IPU corresponding to the expectation of donor funding. Some allocation should be made in the regular budget for new programmes to prevent violence against women and promote children's rights. He requested clarification on the allocation for developing and applying best practices in human resources management, which appeared to be rather high.

**Mr. R. del Picchia (France)**, speaking on behalf of the Executive Committee of the IPU, said that the Members seemed to share the views of the Executive Committee.

**The Secretary General** said that the Members' comments had been noted, and he thanked those who had made suggestions for the further improvement of the budget. The Secretariat would try to respond to those suggestions. There seemed to be a general desire to reduce allocations for travel. The budget mentioned the possibility of conducting some training with video conferencing. The other suggestions made by Members would also be considered. The Indian delegation had made reference to the interrelation between voluntary funding and the core budget, and a balance must be struck between what the IPU Members wanted to achieve and what donors were willing to support. Donor priority issues tended to be placed outside the core budget. Issues such as violence against women received full funding from outside the core budget. Longer term activities could not be entirely dependent on the wishes of voluntary donors and must therefore be included in the core budget.

An objective had been set in the 2009 budget for best practices in human resources management, under which there was a statement of available funds for human resources, which the IPU was trying to use as resourcefully as possible. Efforts were being made to improve staff capacities through training. The representative of the African Group had referred to the need for innovative means to reduce the cost of participation for countries and parliaments that did not have the means necessary to pay their assessed contributions. Three years previously an agreement had been adopted by the members, under which lower levels of assessment of some Members were recouped by increased contributions from those who had the means. That agreement was being implemented gradually over a period of six years, and it was hoped that in three years' time, when it had been implemented fully, all parliaments would be able to afford their membership of the IPU.

### **The Governing Council adopted the draft programme and budget for 2009.**

#### Item 9 of the Agenda

### **CONSOLIDATION OF THE REFORM OF THE INTER-PARLIAMENTARY UNION**

(CL/183/9-P.1 and P.2)

**The Secretary General** introduced a document on IPU activities undertaken in respect of development (CL/183/9-P.1). Efforts were being made to link together HIV/AIDS programmes and international development assistance and development cooperation initiatives, and to build a programme on climate change and environmental sustainability, as well as to build on the initiatives launched at the 118<sup>th</sup> Assembly to promote MDGs 4 and 5, and to bring those together into a more coherent programme of activities. Some funding had been achieved in the form of voluntary contributions, in addition to that set aside in the core budget, and further voluntary funding was being sought.

Efforts had been made to circulate the policy paper on persons with disabilities (CL/183/9-P.2) among several parliaments, and it had been the subject of a number of discussions in the Executive Committee. The paper aimed to show how the United Nations

Convention on the Rights of Persons with Disabilities could be translated into a policy to ensure that persons with disabilities could participate fully in the work of the IPU. The paper contained a simple policy statement and explained how the IPU proposed to implement that policy. The Executive Committee recommended that the Governing Council should adopt the policy on the clear understanding that it would be implemented gradually within a reasonable timeframe, and without imposing undue burden, financial or otherwise, on the Organization.

**The President** said that in the absence of any comments or objections, he would take it that the Governing Council approved the two documents.

*It was so decided.*

Item 13 of the agenda

**120<sup>th</sup> IPU ASSEMBLY**

(Addis Ababa, Ethiopia, 5-10 April 2009)

(CL/183/13-P.1)

**The President** said that the Ethiopian Parliament was preparing for the forthcoming Assembly in April 2009 with a great deal of drive and enthusiasm. He invited the Governing Council to approve the list of international organizations and other bodies invited to follow the work of the Assembly as observers (CL/183/13-P.1).

**The Governing Council approved the list of observers for the 120<sup>th</sup> Assembly of the IPU.<sup>1</sup>**

Item 14 of the agenda

**FUTURE INTER-PARLIAMENTARY MEETINGS**

(CL/183/14-P.1)

**The President** said that given the improvement in the political situation in Thailand, the Executive Committee hoped that the 122<sup>nd</sup> Assembly could be held in Bangkok. He invited the Governing Council to approve the list of future inter-parliamentary meetings (CL/183/14-P.1).

**The list of future inter-parliamentary meetings was adopted.<sup>2</sup>**

*The meeting rose at 6.05 p.m.*

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<sup>1</sup> See Annex II for the list of observers.

<sup>2</sup> See Annex I for the calendar of meetings.

## THIRD SITTING

Wednesday, 15 October, 2008

(Morning)

The meeting was called to order at 11.10 a.m. with the President of the Inter-Parliamentary Union, Mr. P.F. Casini (Italy), in the Chair.

Item 3 of the agenda

(continued)

### QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS

#### (a) Requests for affiliation and reaffiliation to the IPU

(CL/183/3(a)-R.2)

*The President* announced that at its sitting on Monday, 13 October, the Assembly of the Inter-Parliamentary Union had approved the amendment to Article 3 of the Statutes in order to be able to admit the Parliament of Palestine as a Member of the IPU. The Executive Committee had met to consider the application for membership and submitted its recommendation to the Governing Council (CL/183/3(a)-R.2). He asked the Governing Council if it was prepared to endorse that recommendation and approve the Parliament of Palestine's application for membership of the IPU.

**The Governing Council approved the Parliament of Palestine's application for membership of the Inter-Parliamentary Union.**

*The President* welcomed the delegation of Palestine, and said that the approval of Palestine's application for full membership of the IPU was a historic occasion, and he hoped that the conflict between Palestine and Israel would be brought to an end, and that the two could live side by side in peace.

*Mr. T. Quba'a (Palestine)* expressed his delegation's gratitude for the acceptance of Palestine's application for full membership of the IPU, which was an historic event for the people and Parliament of Palestine. The Palestinian Parliament had been involved in the work of the IPU for 31 years, and was pleased to have acquired full membership. The Palestinian Parliament would do its utmost to participate in the work of the Organization to strengthen democracy and peaceful co-existence throughout the world. The Palestine National Council represented all Palestinians and would do so until there was an independent Palestinian State. The Palestinian Parliament would continue to work with its colleagues in the Arab world to defend all just causes around the world and work for international peace and justice. Palestine's acquisition of full membership of the IPU was a significant step towards peace and was tantamount to international recognition of Palestine's right to be recognized as an independent and sovereign State. His delegation pledged to fulfil all of its responsibilities as a Member of the IPU. The acceptance of Palestine's application for full membership, in spite of Israel's opposition, constituted a significant step forward.

*The President* said he was pleased to note that the debate on the issue of Palestine's accession to the IPU had been peaceful and democratic.

**(b) Situation of certain Members**  
(CL/183/3(b)-P.2)

**The President** said that during the first sitting of the current session, he had informed the Governing Council that the Parliaments of Kyrgyzstan and Nicaragua were defaulting in their payments to the IPU. Since that time, a payment had been received from the Parliament of Nicaragua, which although it remained in arrears, was no longer liable for suspension. Document CL/183/3(b)-P.2 contained a decision to suspend the Parliament of Kyrgyzstan. The Secretariat had been informed that Kyrgyzstan intended to pay its dues forthwith, and he therefore suggested that the decision to suspend its membership should be withheld. If no payment was received, the decision on Kyrgyzstan's suspension would come into force by the end of 2008.

*It was so decided.*

Item 8 of the agenda

**COOPERATION WITH THE UNITED NATIONS SYSTEM**  
(CL/183/8-R.1, 8-P.1 and P.2)

**The President** announced that document CL/183/8-R.1 contained a list of activities that had been undertaken in cooperation with the United Nations over the past six months. It was a comprehensive and diverse list, which testified to the remarkable expansion of the work that the IPU conducted in cooperation with the United Nations. The Governing Council also had before it a draft resolution on cooperation between the United Nations and the IPU (CL/183/8-P.1). Once that resolution was adopted, it was important that Members should lobby their respective governments so that their Ambassadors in New York received the necessary instructions to support the resolution. All documents adopted by the General Assembly of the United Nations were discussed in diplomatic missions. Those missions should also be made aware of the work of the IPU. Members of the IPU must report back to their parliaments on the work done during statutory assemblies, in order to create a link between the meetings of the IPU and the work of parliaments at the national level.

**The Secretary General** said that, on the question of cooperation with the United Nations system, the Governing Council had before it a list of activities undertaken between 19 April and 12 October 2008, which included meetings in New York, regional meetings and activities with United Nations bodies in national parliaments. It focussed primarily on work on development, and it also referred to work conducted in cooperation with specialized agencies of the United Nations, such as the United Nations Development Programme (UNDP), the Committee on the Elimination of Discrimination against Women, the United Nations Conference on Trade and Development (UNCTAD), and others. One of the many activities of the IPU was to promote the attainment of the MDGs, and during its 118<sup>th</sup> Assembly in Cape Town, South Africa, in April 2008 the IPU had undertaken an activity in cooperation with the Countdown to 2015 Maternal, Newborn and Child Survival initiative. The draft resolution on cooperation with the United Nations built on the recommendations of the United Nations Secretary-General, from his report to the General Assembly. The draft resolution pointed to further possibilities for strengthening cooperation between the two organizations, since much could be done to build a mutually reinforcing and strategic partnership. It was also important that the Member States of the United Nations should place greater focus on the relationship between their national parliaments and the United Nations. The IPU would suggest that the

United Nations General Assembly should add a separate item to its agenda to address the issue of cooperation between the United Nations, national parliaments and the IPU. Member Parliaments of the IPU should communicate with their national Ambassadors to the United Nations on that issue, and request that they should become formal co-sponsors to the resolution. Decisive follow-up action was required on that issue.

**Mr. F. Songane, Countdown to 2015 Maternal, Newborn and Child Survival**, said that global health partners had been encouraged and inspired by the Countdown to 2015 initiative's cooperation with the 118<sup>th</sup> Assembly of the IPU. It was unacceptable that billions of women and children were denied their right to basic healthcare in many countries. That situation caused nearly 10 million innocent deaths each year. Every minute a mother died from pregnancy and childbirth-related causes, and every three seconds a child died from lack of adequate healthcare. Lack of basic healthcare constituted the most serious threat to the lives of the most vulnerable people, when combined with the current global food, energy and economic crises. Of the 68 countries where 97 per cent of global maternal and child deaths occurred, only 16 were on track to meet MDGs 4 and 5 on maternal and child health.

Almost all the causes of maternal mortality were known, preventable and treatable and could be overcome if political and financial investments were put in place. While child mortality from measles had reduced by 91 per cent in Africa, since vaccinations had been scaled up, vital investment was lacking in other areas of care. In that regard, effective treatment for pneumonia, malaria, and diarrhoea reached less than 50 per cent of children in sub-Saharan Africa. Nearly half of all mothers in Africa and South Asia did not have access to skilled care during childbirth, and 99 per cent of maternal deaths occurred in developing countries. Such discrepancies called for urgent investment to ensure that all women and children could access the full range of healthcare services they required.

Maternal and newborn child issues required greater political attention, improved legislation and increased investment, and parliamentarians, as the voice of the voiceless, had a vital role to play in approving national budgets and approving aid delivery for child and maternal health, overseeing government implementation of healthcare policies and advocate support for the attainment of the MDGs. Parliamentarians had been entrusted with the privilege of making change happen. The goals pertaining to maternal and child health could only be met through increased political will and investment. Global investment was also insufficient, and approximately US\$ 10 billion would be required each year, in order to meet the MDGs by the target date of 2015. The increasing commitment of political leaders to the cause of maternal and child health represented a beacon of hope for the future. Many members of parliaments were also initiating efforts in their constituencies.

Urgent effort was required to change the course of the tragedy of maternal and infant mortality. Parliamentarians had the power to initiate that change, and to work together to ensure respect for the rights of millions of women and children. Accountability was key to achieving the MDGs, and it was hoped that at the forthcoming Assembly of the IPU in April 2009, parliamentarians would be able to report on the successes in their countries, communities and societies.

**The Secretary General** said that he wished to underscore that at the 120<sup>th</sup> Assembly of the IPU to be held in Addis Ababa in April 2009, a report would be submitted on the measures taken by individual parliaments to increase the chances of attaining the two MDGs on child and maternal health. He therefore urged all Members to ensure that all parliamentary committees were aware of the need for commitment in respect of meeting those goals. Efforts in that regard would prove that it was possible to make a real change by working with the IPU and national parliaments.



He reminded all Members that there would be four IPU events in New York in November 2008: a joint United Nations/IPU hearing, which would focus on the international community's responsibility to protect citizens from harm, and the work of the United Nations in keeping and building peace, and the need to protect women in armed conflicts. On 19 November, the Advisory Group would report to the United Nations and a discussion would be held on parliamentary involvement in the United Nations reform process. A United Nations Children's Fund (UNICEF) event was due to be held, with the support and cooperation of the IPU, which would examine the protection of children's rights. It was also hoped that on that occasion, governments could adopt, in the General Assembly, the resolution on cooperation between the United Nations and the IPU. He encouraged all Members to ensure that their government delegations in New York included members of parliament, and that they participated actively in those events.

*The President* said that document CL/183/8-P.2 contained a draft parliamentary Message on the Follow-Up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus. The Conference would take place in Qatar from 29 November to 2 December 2008. The IPU would hold a parliamentary hearing in Qatar on 28 November. He hoped that many Members would be present in their country's national delegation to that conference, and that they would participate in the parliamentary hearing.

*The Secretary General* suggested that the Governing Council should agree that the Secretariat would add the relevant language to the parliamentary Message to reflect the resolution on the role of parliaments in containing the global financial crisis and its economic impact that was due to be adopted by the Assembly.

**The Governing Council adopted the draft parliamentary Message on that understanding.**

Item 10 of the agenda

**ACTION BY THE IPU TO STRENGTHEN DEMOCRACY  
AND PARLIAMENTARY INSTITUTIONS**

(CL/183/10-R.1 and R.2)

*The Secretary General* introduced document CL/183/10-R.1, contained a succinct description of the activities that the Members of the IPU undertook each year to implement projects in the area of democracy. Those projects included activities at the national level where the IPU had worked to strengthen parliamentary institutions through technical assistance and capacity building, programmes that focussed increasingly on substantive issues and less on procedural matters, programmes that branched out into areas such as human rights, such as those conducted in French speaking African countries, and political reconciliation, such as those conducted in English speaking African countries, and programmes to help parliaments in least developed countries to fulfil their commitments. The document also contained information on activities in the area of human rights.

The Committee on the Human Rights of Parliamentarians had found that the clash that could exist between the parliamentary mandates and membership of political parties constituted a challenge, and the IPU was therefore engaging in an in-depth study of that issue, and would report back to Members in future sessions, with recommendations for action on that issue. Efforts were also being made to build a coalition of parliamentary human rights committees, to offer them a forum for annual meetings in which they could exchange

experiences and build their capacities to defend human rights in parliament. The programme to promote real partnership between men and women in parliamentary activities was a flagship programme of the IPU, which aimed to build capacities in certain States, such as the Gulf States and some Pacific States, where women very poorly represented in parliament, and tried to build knowledge of parliaments and democracy.

The IPU had recently published a tool to assist parliaments in assessing how they could improve their work to become more accountable, representative, transparent, accessible and effective. The report concluded by emphasizing that the programme foresaw Members working together, through the IPU, to help those parliaments in countries emerging from conflict, which faced particularly intense challenges. Efforts would continue to expand the work of the Committee on the Human Rights of Parliamentarians, and to expand on the gender partnership programme. The IPU would continue its efforts to raise awareness of the work of parliaments and promote democracy, and it would focus on the inclusion of minorities in parliaments. Many of those activities had been begun and funded through the core budget, but they could not be continued without the contributions of voluntary donors. The support of a further four or five institutional donors would provide the IPU with the support its activities required.

Turning to document CL/183/10-R.2, he said that on 15 September 2008 the world had celebrated the first International Day of Democracy, after the decision of the United Nations General Assembly. The President of the IPU had written to all parliaments and urged them to undertake an activity to celebrate democracy in their countries on 15 September, since parliaments represented the heart and essence of democracy and should therefore take the opportunity to commemorate the event as part of their interaction with society. An extraordinary response had been received from Member parliaments. Almost 50 parliaments had reported on the activities they had undertaken, and many more had conducted activities but had not yet submitted their reports. Those activities constituted a very welcome development and should be encouraged further in future, to become an annual, global movement. Information on the type of activities that had been conducted could be found in an annex to the document. The President of the IPU had been invited to participate in the ceremony that had taken place in the Greek Parliament, on behalf of the world parliamentary community. He encouraged all Members to examine those examples, and take inspiration from them for the International Day of Democracy in 2009. The IPU had produced information on the Universal Declaration on Democracy, and would continue to do so, and would work with national parliaments to plan for an even more successful celebration of the International Day of Democracy in 2009.

**The President** expressed his gratitude to the Hellenic Parliament for the organization of the event in which he had participated on 15 September 2008, which had been both moving and politically significant.

**Mr. L. Volonté (Italy)** said that the Italian delegation was committed to human rights and cooperation with the United Nations, and would participate actively when chances arose to focus in select groups and work together to draft documents for parliamentarians. 2008, as the sixtieth anniversary of the Universal Declaration on Human Rights, was a pertinent time to consider that issue. He urged the Secretary General to focus on cooperation between national parliaments and delegations, and to encourage parliaments to be proactive in respect of activities to promote human rights and support democracy.

Item 12 of the agenda

**ACTIVITIES OF COMMITTEES AND OTHER BODIES**

**(b) Committee on the Human Rights of Parliamentarians**  
(CL/183/12(b)-R.1 to R.3)

*Mrs. S. Carstairs (Canada)*, Chairperson of the Committee on the Human Rights of Parliamentarians, thanked all the delegations that had attended the Committee's meetings to provide information and grant the Committee the opportunity to express its concerns. She also expressed the Committee's gratitude to all parliaments that had provided written submissions. During its session, the Committee had examined 63 cases, in 33 countries, and had held seven meetings with delegations and parliamentary representatives. The Committee had also met with victims and their representatives in respect of 5 cases. The resolutions submitted for the Governing Council's approval pertained to the cases of 220 parliamentarians in 20 countries around the world. The Committee had also worked on a number of confidential cases. The Committee was increasingly confronted with the problem of being asked for assistance in finding asylum abroad for parliamentarians who, in their own countries, feared for their lives and the safety of their families. They almost always faced difficulties owing to the increasingly strict asylum procedures in many countries around the world. While the Committee would discuss how the IPU could be of assistance in that regard, the Members of the IPU should also consider how the problem could be overcome.

**Afghanistan**

With respect to Afghanistan, the Committee had examined the case of Ms. Malalai Joya, a member of the Lower House of the Parliament of Afghanistan. She was a well-known human rights defender, whose parliamentary mandate had been suspended on 21 May 2007, for what the House had considered "insulting remarks" that she had made on television, regarding Parliament and parliamentarians, in the context of her criticism of the warlords. The Committee believed that Ms. Joya's continued suspension was both unlawful and out of place, and had therefore been pleased that the Deputy Speaker of the Lower House had acknowledged that her mandate should be restored as soon as possible, and the Committee hoped that would happen before the end of the current parliamentary session. The Committee remained concerned about the continued death threats against Ms. Joya, who had already been subject to several attempts on her life, and urged the authorities to do everything possible to identify those responsible and bring them to justice. She invited the Governing Council to adopt the draft resolution pertaining to that case.

**The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Malalai Joya, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>3</sup>**

**Bangladesh**

The Committee had serious concerns about the investigations into the grenade attacks in January 2005 against Mr. Shah Ams Kibria, the former finance minister of Bangladesh, which had claimed his life, and in August 2004 against Ms. Sheikh Hasina, a former prime minister of Bangladesh. In 2007, the authorities had shifted the focus of the investigations towards the possible implication of members of an Islamist extremist group, although it appeared that the allegations were not based on any solid evidence, since there were serious allegations that

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<sup>3</sup> See Annex III for the text of the resolution.

confessions had been obtained under torture. The Committee called on the authorities to ensure that a prompt, full and impartial inquiry would be conducted into those allegations. Given that there would soon be elections in Bangladesh, the Committee also called on the authorities to ensure adequate protection for Ms. Hasina, who had expressed her intention to stand as a candidate.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Shah Ams Kibria and to the case of Ms. Sheikh Hasina, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>4</sup>**

#### **Belarus**

The Committee had no further information on the whereabouts of Mr. Victor Gonchar who had disappeared in Belarus in 1999 and had still not been found. In 2004, the Parliamentary Assembly of the Council of Europe, on the basis of an investigation, had concluded that steps had been taken at the highest State level to cover up the real circumstances of his disappearance. The Committee continued to believe that there were certain elements, which, if investigated fully, could shed light on the circumstances and motivation behind the disappearance, and would raise that matter with the newly elected Belorussian authorities.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Victor Gonchar, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>5</sup>**

#### **Burundi**

In addition to two existing cases that the Committee was examining in Burundi, the report contained an examination of the case of 22 parliamentarians, who had been members of the ruling party, who had either resigned or been expelled from the party, and had continued to sit as independent parliamentarians. Together with members of the opposition party they had refrained from attending that National Assembly, which as a result had failed to attain the quorum required to adopt decisions, and its work had therefore been blocked. Under its programme of assistance to the Parliament of Burundi, the IPU had made every effort, in cooperation with the parliamentary authorities, to bring an end to the stalemate. The Committee was deeply concerned that in stead of pursuing the political dialogue, a judicial solution had been sought. In June 2008, as a consequence of a ruling by the Constitutional Court, the 22 members of parliament had been expelled. The United Nations Independent Expert on the Situation of Human Rights in Burundi had stated that the Court appeared to have been enlisted by the Executive to serve a specific political objective, thereby bringing into question its independence and credibility. Since then, arrest warrants had been issued for six of the 22 parliamentarians, and four of them had been arrested, reportedly on arbitrary grounds. In light of that situation, the Committee urged the National Assembly and the competent authorities to return to the negotiating table, and requested that the Assembly should receive urgently the planned IPU follow-up mission, so that it could resume its function in support of political dialogue.

The Committee had been dealing with two long-running cases in Burundi concerning the murder of six parliamentarians, and an attempt on the life of another, which had taken place in the 1990s. While the Truth and Reconciliation Commission could make a crucial contribution to shedding light on those cases, its long-awaited establishment would not occur

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<sup>4</sup> See Annexes IV and V for the texts of the resolutions.

<sup>5</sup> See Annex VI for the text of the resolution.

in the immediate future. It was also disappointing that the parliamentary working group that had been established to see how the investigation could be revived had not been able to function. The Committee was confident that the latest expression of support from the Speaker of the Parliament of Burundi would rectify that.

**Mr. D. Kiganahe (Burundi)** said that his delegation had noted the resolutions pertaining to Burundi and thanked the Committee for having taken the time to hear additional information. He recalled that the cases before the Committee, particularly those regarding the deaths of certain parliamentarians, were the result of some 10 years of warfare in Burundi. Others had also died, but complaints had not been filed. The cases would be dealt with satisfactorily in the context of the work of the Truth and Reconciliation Commission, which was currently being established in cooperation with the United Nations. He recalled that the cases before the Committee reflected the fragile nature of the situation of the parliamentarians of Burundi. He wished to inform the Governing Council that the National Assembly and the authorities of Burundi were committed to continuing dialogue with the IPU to strengthen national institutions and democracy in Burundi. The authorities were prepared to welcome an IPU mission to help the Committee obtain first hand information on all those cases.

**The Governing Council unanimously adopted the three draft resolutions relating to the case of Mr. S. Mfayokurera, Mr. I. Ndikumana, Mr. G. Gahungu, Ms. L. Ntamutumba, Mr. P. Sirahenda and Mr. G. Gisabwamana, to the case of Mr. Norbert Ndiwokubwayo, and to the case of 22 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>6</sup>**

### Colombia

In respect of Colombia, five of the six former Congress members who had been in the hands of Colombia's main guerrilla group FARC had been released, as had Ingrid Bettancourt and 14 other hostages who had been held by the group. The Committee remained concerned about Mr. Oscar Lizcano, the only former Congressman who remained in FARC hands, whose health had seriously deteriorated. Efforts to obtain his release and the swift conclusion of a humanitarian agreement leading to the release of all hostages held by FARC should be pursued with resolve. In the case of the seven parliamentarians who belonged to the Patriotic Union party, who had been assassinated or forced into exile, the Inter-American Commission on Human Rights had sent its preliminary conclusions to the Colombian Government. The Committee urged that the Government should take all the necessary actions to ensure that justice was done and would continue to follow the proceedings before the Inter-American Commission on Human Rights and the Inter-American Court.

Security was a real concern for many Colombian Congressmen, such as Mr. Wilson Borja. The only viable solution in such cases was to combine protection and action to identify and punish the culprits. The Committee therefore urged the authorities to address the serious concerns about his security details, and the actual enforcement of the prison sentences handed down against those who had been responsible for the attack on his life in 2000. Mr. Borja was being prosecuted for alleged links with FARC. The Committee was concerned about the highly polarized climate in Colombia, in which some did not hesitate to label him "guilty" without proof. It was essential that his rights should be fully respected during the course of the investigation and proceedings.

In the case of former Congressman Jorge Tadeo Lozano Osorio, while the Committee had been initially concerned about the fundamentally flawed proceedings to which he had been subjected, it was becoming increasingly worried about his security and that of his family. In July 2008 his son had been shot dead in the streets of Medellin. The Committee called on

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<sup>6</sup> See Annexes VII to IX for the texts of the resolutions.

the authorities to do everything possible to find and punish the murderers and provide protection for Mr. Lozano and his family. With regard to the fair trial concerns, it was hoped that the Colombian Congress would modify the procedure that had been applied to Mr. Lozano.

Senator Gustavo Petro Urrego had been prominent in denouncing links between paramilitary groups and members of the Colombian Congress, which had given rise to a major political scandal. Although he had security protection, the Committee was concerned that those measures would ultimately fail if those threatening him were not identified and brought to justice. The same was true of the case of Senator Piedad Córdoba. Despite those serious concerns, the Committee was obliged to recommend that the Governing Council should close those cases given the prolonged absence of information from the sources.

**The Governing Council unanimously adopted the six draft resolutions relating to the case of seven Colombian parliamentarians, to the case of Ms. Piedad Córdoba, to the case of Mr. Oscar Lizcano, to the case of Mr. Jorge Tadeo Lozano Osorio, to the case of Mr. Gustavo Petro Urrego and to the case of Mr. Wilson Borja, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>7</sup>**

### **Democratic Republic of the Congo**

The Committee had considered for the first time, the case of 14 parliamentarians who had all been declared elected of the first multi-party elections in the Democratic Republic of the Congo in July 2006. Almost a year later, the Supreme Court, in a judgement that had been seriously marred by irregularities, had invalidated their mandates. There was no doubt about the seriousness of those irregularities, which had included the removal from office of non-existent deputies, modification of the method of voting, and the inflation of the number of votes in some constituencies beyond the real number of voters. Following requests for the correction of that injustice, the Supreme Court had reinstated two of the parliamentarians concerned, but had refused to entertain similar requests from the others. The National Assembly had clearly denounced the arbitrary invalidation, and had stated its readiness to repair the injustice. The Committee therefore welcomed the invitation extended to it by the Congolese delegation to conduct an on-site mission with a view to settling the case.

**The Governing Council unanimously adopted the draft resolution relating to the case of 14 parliamentarians from the Democratic Republic of the Congo, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>8</sup>**

### **Ecuador**

Parliamentary immunity for opinions expressed and votes passed in parliament was a cornerstone of representative democracy. Respect for that principle was at the heart of the case of the dismissal of 56 members of Congress in Ecuador. Following its on-site mission, the Committee had concluded that they had been dismissed in breach of the Constitution of Ecuador and on account of the votes they had passed in the exercise of their parliamentary mandate. Since that time, there had been significant developments in Ecuador, including the adoption of a new Constitution by the people, setting out a new institutional framework for the country. In light of those developments the Committee trusted that the 56 deputies would be able to stand in the forthcoming legislative elections.

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<sup>7</sup> See Annexes X to XV for the texts of the resolutions.

<sup>8</sup> See Annex XVI for the text of the resolution.

Regarding the other long-standing cases of Mr. Hurtado Gonzalez and Mr. Tapia Farinango, who had been shot dead in 1999, the Committee had been pleased to meet Mr. Hurtado's son in July 2008, who was the president of the special inquiry commission, which had been entrusted with elucidating the circumstances of the murders. He had told the Committee that the commission received all the necessary political and financial support to do its work. Regrettably its detailed and extensively substantiated conclusions had fallen on deaf ears in the trial courts. It was crucial that the findings should be given due consideration in the appeal proceedings, which were pending against the two persons convicted of the murder. Owing to the statute of limitations, time was running out for the authorities to take the suspects into custody. The Committee called on the authorities to make extra efforts in the coming months to apprehend them.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Jaime Ricaurte Hurtado Gonzalez and Mr. Pablo Vicente Tapia Farinango, and to the case of 56 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>9</sup>**

### **Egypt**

On the case of Mr. Nour, the founder of the Al-Ghad opposition party in Egypt, who was serving a five-year prison term after having been found guilty in December 2005 of forgery and counterfeiting for the purpose of registering his party, the Committee was grateful for the cooperation of the Speaker of the People's Assembly of Egypt, and looked forward to continuing that dialogue. The Committee deeply regretted that the Attorney General had not allowed the Committee to visit Mr. Nour, despite the fact that permission to visit Egyptian prisoners had been granted to foreigners in the past. The Committee remained deeply concerned about Mr. Nour's state of health, since he required constant medical check-ups and frequent admissions to hospital. In July and October 2008 pardon decrees had been issued in Egypt, which covered crimes such as murder, torture, corruption, espionage and State security crimes. The Committee regretted that Mr. Nour had not been covered in the decree, and believed that it was not only his state of health that warranted a pardon, but also the fact that the fraud of which he had been found guilty had been of no direct harm to anyone.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Ayman Nour, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>10</sup>**

### **Eritrea**

Eleven former Eritrean parliamentarians who had called for democratic reforms in Eritrea had likely, for the past seven years, been locked in a tiny cell, with no contact with the outside world, no medical care, and had not been told where they were or why they had been detained. The Committee was appalled that the Eritrean authorities continued to remain deaf to the pleas of the IPU and the African Commission on Human and Peoples' Rights to release them immediately. The Committee considered that in the year of the sixtieth anniversary of the Universal Declaration of Human Rights, the international community, and the international parliamentary community in particular, could not disregard the situation, which flew in the face of all respect for human dignity. The Committee appealed urgently to its African

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<sup>9</sup> See Annexes XVII and XVIII for the texts of the resolutions.

<sup>10</sup> See Annex XIX for the text of the resolution.

colleagues, the African Union, the African Parliamentary Union and the Pan-African Parliament, to do their utmost to ensure the release of those Eritrean parliamentarians.



**The Governing Council unanimously adopted the draft resolution relating to the case of 11 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>11</sup>**

### **Lebanon**

In the past three years four members of parliament had been assassinated in Lebanon. The recent assassination in a car bomb attack of Mr. Saleh Aridi, a senior member of the Lebanese Democratic Party, showed that the string of assassinations of prominent Lebanese politicians had not come to an end and continued to deter others from speaking out on critical issues. The Committee believed that the agreement reached between the main Lebanese political stakeholders in Qatar in May 2008 offered them a significant opportunity to help the course of justice and turn the tide of violence. The Committee remained convinced that the Parliament of Lebanon had a specific responsibility to ensure that the murder of four of its members did not go unpunished. It trusted that the National Assembly was monitoring and facilitating action and cooperation between the national judicial system and the international independent investigation commission, which was examining the assassination of the former Prime Minister Hariri, and was also looking into the four cases, and ensuring a smooth transition to the prompt establishment of the Special Court.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>12</sup>**

### **Mongolia**

Mr. Sanjasuuren of Mongolia had been murdered in 1998. The Committee's efforts had focused on arranging the technical assistance necessary for the Mongolian authorities to conduct an effective investigation. In response to an official request from Mongolia, the German Government, thanks largely to the German Parliament, was providing assistance and had conducted analyses of certain pieces of evidence. The Committee hoped that with that help, and some assistance from the Japanese Government, the new Mongolian Government and the Parliament would vigorously pursue their efforts and soon elucidate the murder.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Zorig Sanjasuuren, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>13</sup>**

### **Myanmar**

A year previously the military in Myanmar had ruthlessly repressed peaceful demonstrations and arrested thousands of protestors, including parliamentarians elect. The Members of the IPU had firmly denounced those acts and shown great unity in their public disapproval of the military regime's despicable methods and in their wish for change in Myanmar. One year later, many of the parliamentarians who had been arrested in the autumn of 2007 had gradually been released, but their release had often been immediately offset by

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<sup>11</sup> See Annex XX for the text of the resolution.

<sup>12</sup> See Annex XXI for the text of the resolution.

<sup>13</sup> See Annex XXII for the text of the resolution.

the arrest and detention of other parliamentarians, which added to the state of fear and arbitrariness that reigned in Myanmar. The treatment and conditions in prisons in Myanmar were abominable. Six parliamentarians had died in custody or soon after their release. The health of several of the 17 parliamentarians who continued to languish in prison was extremely poor. The Committee urged the authorities to release them immediately and stop any further political harassment. There was reason to believe that the Junta was not serious about the transition to democracy. In May 2008 the people of Myanmar had been asked to vote on a constitution drafted under the complete control of the military. The constitution provided sweeping and overriding powers for the military. Reports of widespread and grave irregularities had increased concerns that the referendum would take place in a climate of fear, repression, distrust and total lack of transparency. The Committee insisted that the only way out of the current crisis was for the military regime to engage in a genuine dialogue with Aung San Su Kyi and all concerned parties and ethnic nationality groups. The Committee called on the international community to persevere in its united stand to promote change in Myanmar, and called on Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support.

**The Governing Council unanimously adopted the draft resolution relating to the case of 30 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>14</sup>**

#### **Palestine/Israel**

Mr. Hussam Khader who had been serving a seven year prison sentence had been released in August 2008. The Committee thanked the Israeli authorities, in particular the Speaker and the Minister for Foreign Affairs, for their assistance in that case. Ms. Mariam Saleh had also been released. The Committee recommended that both cases should be closed. The Committee would be delighted to be able to propose the closure of the many other cases concerning members of the Palestinian Legislative Council who were being prosecuted for membership of or activities for a terrorist organization: Hamas. The charge related to the fact that they had been elected through the Change and Reform list in the January 2006 elections. The IPU had always held that being elected in a free and fair election could not be considered a crime, and had consequently called for their release. The trials against them continued, and the Committee recommended that the Governing Council should send an observer to attend the trial of Dr. Abdel Aziz Dweik and Mr. Ahmad Sa'adat.

**The Governing Council unanimously adopted the six draft resolutions relating to the case of Mr. Marwhan Barghouti, to the case of Mr. Hussam Khader, to the case of Mr. Ahmad Sa'adat, to the case of Mr. Abdel Aziz Dweik, and to the case of Ms. Mariam Saleh, to the case of 34 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>15</sup>**

#### **Philippines**

In July 2007 the Supreme Court had cleared the parliamentarians concerned of the rebellion charges that had been brought against them, which it deemed to have been politically motivated. A multiple murder case against Mr. Ocampo was still pending, however. Although one murder charge brought against Senators Ocampo, Casiño, Maza and Mariano had recently been dismissed for lack of evidence, two others, based on the same flimsy evidence, were being pursued. New cases had also been brought against Senators Casiño and

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<sup>14</sup> See Annex XXIII for the text of the resolution.

<sup>15</sup> See Annexes XXIV to XXIX for the texts of the resolutions.

Ocampo, which were still pending. Given the political motivation behind the previous rebellion charges against the parliamentarians, the Committee feared that all the proceedings were part of an ongoing effort of the Government to remove them and their political parties from the democratic political process.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Crispin Beltrán, Mr. Saturnino Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>16</sup>**

#### **Rwanda**

Mr. Leonard Hitimana had disappeared in April 2003, and had not yet been found. The authorities had always affirmed that he had left the country and that they would be able to locate him abroad. That had not been the case, and the Committee was therefore concerned that Mr. Hitimana had been the victim of an enforced disappearance. The Committee would raise the issue with the newly elected authorities in the hope that they would take the necessary actions to determine what had happened to him.

**The Governing Council unanimously adopted the draft resolutions relating to the case of Mr. Leonard Hitimana, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>17</sup>**

#### **Sri Lanka**

Document CL/183/12(b)-R.2 contained the Committee's report on mission to Sri Lanka and the observations of the authorities. In the seven months since the mission there had been some positive developments. A person suspected of the car bomb attack against Mr. Dissanayake had been identified, and an indictment had been filed in the case of the murder of Mr. Maheswaran. No progress had been made in the case of Mr. Joseph Pararajasingham, who had been shot dead while attending Christmas midnight mass in 2005, and no progress had been made in the investigations into the death threats and attacks on parliamentarians belonging to the Tamil National Alliance. The Committee was concerned at the growing climate of intimidation and fear, which was making the life of opposition parliamentarians increasingly difficult. The Committee believed that even in troubled situations, freedom of expression and respect for the rule of law must be upheld, and that the best deterrent against violence against members of parliament and the community at large was to combat impunity. The Committee urged the authorities to take firm action to that end.

Freedom of expression and the right to a fair and impartial trial were at the heart of the case of D.M.S.B. Dissanayake, who had criticized an advisory opinion of the Supreme Court in 2003, and one year later had been convicted of contempt of court and sentenced to two years' imprisonment. He had lost his parliamentary mandate and been disqualified from voting or standing for election for seven years. The Human Rights Committee of the United Nations had found a violation of his rights to liberty, freedom of expression and to participate in elections. The Committee urged the authorities to restore his right to vote, and to be elected as recommended by the Human Rights Committee of the United Nations.

**The Governing Council unanimously adopted the draft resolution relating to the case of 17 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>18</sup>**

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<sup>16</sup> See Annex XXX for the text of the resolution.

<sup>17</sup> See Annex XXXI for the text of the resolution.

### Turkey

The case of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak, which the Committee had been presenting to the IPU for many years, had finally drawn to a close. In December 1994 they had been sentenced to 15 years' imprisonment for membership of an armed organization. In 2001 the European Court of Human Rights had ruled that the proceedings had failed to comply with trial guarantees. Two retrials had been held, which had also fallen short of fair trial standards. At the second they had been sentenced to 7 years and 6 months' imprisonment, which they had already more than served. They had been released in July 2004. Leyla Zana and her colleagues had brought the case before the cassation court, which by upholding that verdict in February 2008 had brought an end to the judicial proceedings in the case. The Committee simply requested a copy of the cassation ruling.

Mr. Sinçar had been killed in 1993 in circumstances that suggested he had been the victim of an extrajudicial execution. An initial investigation had concluded that members of Hizbollah had been responsible for his death, but no-one had been arrested. The Parliament had reported that a trial was underway, and from the information provided by the authorities it had appeared that an indictment had been issued in May 2000, and that the proceedings had been conducted. Questions remained about the identity of the suspect and the outcome of the proceedings, along with concerns that none of Mr. Sinçar's family members had been informed about the proceedings, and therefore prevented from participating. The Committee hoped that the authorities would provide clarification of the proceedings.

**The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>19</sup>**

### Zimbabwe

Zimbabwe had received considerable news coverage over recent months owing to the presidential elections and the violence they had generated. While negotiations regarding the power-sharing agreement were still underway, the Parliament had held its opening session in August 2008 and had recently resumed its work. The Committee hoped that the new Parliament would make every effort to ensure that the cases of torture against Zimbabwean parliamentarians that the Committee was examining would not remain unpunished.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>20</sup>**

*The President* reminded the Members of the Governing Council that it was their moral duty to remember the plight of all the parliamentarians whose cases were being examined by the Committee on the Human Rights of Parliamentarians, and to remember that the Committee's work was particularly important to protect the rights of parliamentarians all over the world who were persecuted owing to their political and institutional activities.

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<sup>18</sup> See Annex XXXII for the text of the resolution.

<sup>19</sup> See Annex XXXIII for the text of the resolution.

<sup>20</sup> See Annex XXXIV for the text of the resolution.

(a) **Coordinating Committee of the meeting of Women Parliamentarians**  
(CL/183/12(a)-R.1)

**Mrs. P. Cayetano (Philippines)**, Chairperson of the Coordinating Committee of Women Parliamentarians, introduced the report of the Committee (CL/183/12(a)-R.1) and said that the Committee had met on 12 October 2008 to follow up to the work of its previous meeting held in Cape Town, South Africa during the 118<sup>th</sup> Assembly of the IPU, and to prepare for its next meeting due to be held in Addis Ababa, Ethiopia, during the 120<sup>th</sup> Assembly in April 2009. Many women had reported on the developments in women's political participation in their countries. Information had also been shared on follow-up action at the parliamentary level with regard to IPU activities, in particular the survey on equality in politics, and had encouraged parliaments to take the example of Mexico and translate the report on that survey into their working languages. Follow-up action on *Women in the media* had been discussed. The Committee had regretted that the work of the IPU was not known in all parliaments, and had urged that greater efforts should be made to disseminate the IPU's resolutions and research. All parliamentarians should take up the work of the IPU in their national parliaments, and promote it among their parliamentary peers.

A discussion had been held on the gender dimension of the work of the three Standing Committee panel discussions. With regard to nuclear non-proliferation, the Committee had noted the threats posed by dumping of nuclear waste and radiation, particularly the health risks to women and children, and had stressed that women should be included as decision-makers in the international arena. On the second panel discussion on climate change, the Committee had noted that the adverse effects of climate change directly affected the livelihoods of communities, often hitting women and children living in poverty the hardest. With regard to the third panel, the right to information should be universal and without exception. Often women's economic disempowerment or cultural and traditional practices that blocked information from women meant that they did not enjoy that right.

Preparations for the fourteenth meeting of women parliamentarians had been made and the Committee had agreed to discuss item 5 of the agenda for the 120<sup>th</sup> Assembly on *Climate change, sustainable development models and renewable energies*. The Committee had agreed to hold a dialogue session between men and women on the role of women in ensuring financial stability and contributing to economic development, since the current financial climate posed a threat to women's development and the attainment of the MDGs. The representative of UNICEF had made a presentation and the Committee had proposed that the panel discussion for 120<sup>th</sup> Assembly should consider the question of *Adolescent girls: the girls left behind*. The Committee had examined the forthcoming activities of the IPU, including Countdown 2015, under the aegis of which the Committee members had committed to following up on action for maternal and child health promotion at the national level, and urged all other IPU Members to do the same. The members of the Committee had also all signed the UNIFEM petition on violence against women and encouraged all participants in the present Assembly to do so. The Committee had also met the two candidates for the IPU presidency.

(c) **Committee on Middle East Questions**  
(CL/183/12(c)-R.1)

**Mrs. A. Clwyd (United Kingdom)**, Chairperson of the Committee on Middle East Questions, presented the report of meeting of the Committee (CL/183/12(c)-R.1). She had presented to the Committee the report on the recent mission to Israel and Palestine, which she had attended, and which had been led by Mr. J. Carter (New Zealand), accompanied by the Secretary General of the IPU. The mission had aimed to examine the current status of the

peace process and consider the prospect of both sides reaching a negotiated settlement, to support the peace process and to ensure that the channels of communication between Israel and Palestine remained open by enabling parliamentarians from both sides to meet and exchange views on relevant issues. The mission had not been able to go to Gaza, but hoped to do so during its next visit. Both sides had told the Committee about the difficulties in reaching a settlement, owing to several factors such as internal Israeli politics, lack of decision-making on the part of leaders, the short-term outlook of some western politicians, the continuing growth of Israeli settlements on occupied Palestinian territory, the large numbers of Palestinians in detention including elected politicians in jail in Israel, the situation in Gaza, and the wider influence of extremist elements. The Palestinians had stressed the importance of the new United States administration becoming involved in the process as soon as possible.

It was felt that time was of the essence and the longer negotiations continued without any real results, the more likely it would be that those advocating violence and extremism would benefit. Both sides had expressed a willingness to get the Committee's work back on track. In that regard, the Israelis had referred to a scenario that had been employed by the Committee in the past, whereby it could act as facilitator to encourage dialogue between Israeli and Palestinian legislators. The Palestinians had agreed with that suggestion, while emphasizing that those talks could not amount to negotiations, but would simply allow the participants to exchange views. Those talks would be held in closed session, and would remain confidential. Talks would occur more regularly, up to four times per year, and would focus on agenda items agreed by both parties in advance.

She hoped that the Committee's work would get back on course, owing to the dedication of the new members. The Committee had agreed that its work would be helped by more frequent visits to the region, which would serve to increase knowledge of the day to day situation, for both sides, to meet with parliamentarians and members of civil society in order to obtain as much information as possible and try to encourage practical confidence building measures. She welcomed the fact that Palestine had been granted full membership of the IPU and hoped that would help the work of Committee. The Committee hoped to be able to contribute to the peace process that was so desperately needed in the region.

**(d) Gender Partnership Group**

(CL/183/12(d)-R.1)

**Mr. R. del Picchia (France)**, Chairperson of the Gender Partnership Group, presented the report of the Group (CL/183/12(d)-R.1), and said that on a positive note, 30 per cent of the participants in the Assembly were women. The draft programme and budget gave precise indicators on women's participation, and included a table that showed women's participation in specific activities of the IPU. At the current Assembly there were 13 delegations of two or more participants with no women present, and two delegations with no men present. Five delegations had been sanctioned for not having included a female member in three consecutive sessions. Seven parliaments still did not have any female members. Mrs. Mensah-Williams of Namibia had visited the Pacific Islands to examine the situation of women parliamentarians, and had reported that while progress was being made, there were a number of cultural barriers to women's political participation, and discussions in the region therefore focussed on the need for voluntary measures and heightened advocacy. The Group had held hearings with delegations from Kuwait and Papua New Guinea. Although the situation in Papua New Guinea was particularly complex, since there were 1000 ethnic groups and 800 languages, the IPU hoped to be able to contribute to improvement in parliamentary participation.

*The meeting rose at 12.55 p.m.*

## FOURTH SITTING

**Wednesday, 15 October, 2008**

(Afternoon)

The meeting was called to order at 2.05 p.m. with the President of the Inter-Parliamentary Union, Mr. P.F. Casini (Italy) in the Chair.

### Item 18 of the agenda

#### **ELECTION OF THE PRESIDENT OF THE INTER-PARLIAMENTARY UNION**

(CL/183/18-P.1 and P.2)

**Mr. T.-B. Gurirab (Namibia)** appealed to the Members of the IPU to support his candidature for the presidency of the IPU, and said that he had spent the best part of his political life preparing for that responsibility. In 1962 he had fled Namibia into exile. In 1964, he had become the associate representative of the Namibian liberation movement in the United Nations, and in 1972 had been appointed chief representative of that movement at the United Nations. He had served as Namibia's Foreign Minister from 1992 to 2000, and had presided over the United Nations General Assembly from 1999 to 2000, when the Millennium Declaration had been drafted under his chairmanship. One of the recommendations of the Millennium Declaration concerned the unique contribution that the IPU could make to facing global challenges through a structured relationship with the United Nations, which had made him aware of the invaluable role played by the IPU. He was proud to have been able to broker the relationship between the IPU and the United Nations, which had resulted in the IPU being granted permanent observer status. That process had been the beginning of his long and fruitful relationship with the IPU.

He expressed his firm belief in the mission of the IPU and its critical mandate for the future. The IPU had played a creative role, through its effective engagement with other key associates, in the promotion of world peace, respect for the rule of law, empowerment of women, children's protection, environmental protection and sustainable social development. The Universal Declaration on Democracy and the strategic programme for planned activities for the period 2009 to 2011 had enlarged the scope of the IPU's global commitments. Much remained to be done to continue to develop the cooperative partnership between the IPU and the United Nations, which would help to add value to policy-making frameworks and capacity-building efforts of national parliaments. They were the primary vehicles for democratization innovations and bridge-building, which were necessary to ensure the transparent governance and leadership transformations at the local and global levels.

The global economy was a decisive factor in inter-State relations and was critical to the well-being of the people. There was no doubt that the international community must work together to manage the global economy. The new world order must shun any ideology of might, power and domination from any side, or any machinations that perpetuated enmity and injustice in the world. The common enemies that must be defeated were poverty, gender inequality, climate change and global warming, and those who were manipulating the global financial market in order to undermine world security and social progress must face the wrath of the rest of the world. Children must be equipped with the knowledge and compassion to become self-assured citizens and the future leaders of a just and inclusive world order. The IPU could not be credible in a world where women, particularly in the developing world, were tantamount to second class citizens, and which was dominated by men in all respects. The

international community must commit to seeking a new beginning. Parliamentarians represented the peoples of the world, and provided a voice for the voiceless. Parliamentarians' thoughts, words and actions must relate to human dignity, security and the empowerment of the people. Parliamentarians must work together to overcome daunting global challenges and contribute with liberated hearts, minds and souls towards achieving peace, development and a democratic global community. All parliaments and communities could count on his support in that process.

His years involved in the struggle for liberation and nation-building efforts in Namibia, as a negotiator, peace maker, Foreign Minister, Prime Minister and Speaker of Parliament had prepared him for the post of President of the IPU, and he was ready to make a contribution to the service of humanity. He called on the Members of the IPU to grant him the opportunity to serve without fear, favour or prejudice, and with loyalty and impartiality, as President of the Inter-Parliamentary Union.

**Mr. A. Laksono (Indonesia)** said that the present Assembly of the Inter-Parliamentary Union had enabled him to engage in particularly intensive dialogue with his fellow parliamentarians, which had provided an opportunity to discuss ideas and views on issues of common concern. The global issues that were emerging, and which required feasible solutions, had resulted in a need for the IPU to conduct internal reform in order to make the IPU more effective, responsive, inclusive, transparent, accountable and sustainable. Given the complexity of the issues generated by globalization, the IPU required a fresh approach to its internal management, introduce new visions, develop measurable and accountable projects, and create an innovative and enabling environment. The reform must cover the organizational aspects of the functioning of the IPU, and the substance of its role and operational activities.

He presented a multi-faceted vision of the reform of the IPU: firstly, changes should be implemented to ensure a clear division of labour among the Organization's Vice-Presidents, which would include regular monitoring and evaluation of their work. Second, a stronger role should be ensured for women parliamentarians in IPU policy and decision-making processes, inter alia by requiring that at least two Vice-Presidents of the IPU were women. Capacity building, education and empowerment of women should be implemented in a gradual and consistent manner, supported by a gender-sensitive budget, and young parliamentarians should be encouraged to be increasingly involved in the work of the IPU. Third, with respect to the budget and financial resources for broadening IPU activities, efforts should be made to seek voluntary funding for IPU projects. At the same time it was essential to review the scale of the contribution of new Members, in order to ensure the maximum possible participation of parliamentarians from countries that would otherwise not be able to pay regular contributions. The budget should target programmes to eradicate violence against women and children, address global environmental issues, human trafficking, ensure assistance for developing countries to attain the MDGs. IPU projects should aim to create a culture of peace through enhanced dialogue, thematic workshops and activities, and reaching out to stakeholders through inclusive participation. The tackling of increasingly complex issues and the need for conflict resolution required increased cooperation between executive and legislative branches of government, at the national and international levels. Cooperation between the United Nations and the IPU with real results that took account of the role of parliamentarians in United Nations projects was therefore indispensable. With strong organization and the continued commitment of parliamentarians to bring a real and meaningful change, the IPU would be in a better position to face the challenges of the contemporary world, across sectors, borders, cultures and civilizations. He invited the parliamentarians of the world to join together to reach for common dreams and translate them into reality, to help the IPU to contribute to the creation of a peaceful, just and prosperous world. He thanked all those who had expressed their support for making his ideas a reality for the benefit of the Organization, and the world.



*The Secretary General* explained the voting procedure, and proposed that Mrs. P. Cayetano (Philippines) and Mr. J. Austin (United Kingdom) should act as tellers.

**Mrs. P. Cayetano and Mr. J. Austin were appointed as tellers for the secret ballot vote for the Presidency of the Inter-Parliamentary Union.**

Item 12 of the agenda  
(continued)

**ACTIVITIES OF COMMITTEES AND OTHER BODIES**

**(c) Committee on Middle East Questions**

**(i) Election of two titular and one substitute members**  
(CL/183/12(c)-P.1 to P.3)

*The President* announced that the Governing Council must elect two titular members and one substitute member for the Committee on Middle East Questions. The Council had received the candidatures of Mr. A. Ponlaboot (Thailand) and Mr. F.-X. de Donnea (Belgium) for the titular posts.

**The Governing Council elected by acclamation Mr. A. Ponlaboot (Thailand) and Mr. F.-X. de Donnea (Belgium) as titular members of the Committee on Middle East Questions.**

*The President* announced that the Governing Council had received the candidature of Mr. S. Janquin (France) to complete the term of the substitute post of Mr. R. Bret (France).

**The Governing Council elected by acclamation Mr. S. Janquin (France) as a substitute member of the Committee on Middle East Questions to complete Mr. R. Bret's mandate.**

Item 15 of the agenda

**APPOINTMENT OF TWO AUDITORS FOR THE 2009 ACCOUNTS**  
(CL/183/15-P.1)

*The President* said that the candidature of Mr. D. Reiesiegel (Czech Republic) had been submitted.

**Mr. D.H. Oliver (Canada)** nominated Mr. C.S. Atwal (India) as the second auditor.

**The Governing Council elected by acclamation Mr. D. Reiesiegel (Czech Republic) and Mr. C.S. Atwal (India) as auditors for the 2009 accounts.**

Item 17 of the agenda

**ELECTIONS TO THE EXECUTIVE COMMITTEE**

(CL/183/17-P.1 to P.4)

*The President* announced that the Governing Council must elect three new members to replace Mr. A. Radi (Morocco) and Ms. K. Serrano Puig (Cuba), whose terms of office would expire at the end of the 183<sup>rd</sup> session, and Mr. J.-K. Yoo (Republic of Korea) who was no longer a member of parliament.

The Arab Group had submitted the candidature of Mr. R.M.K. Al Shariqi (United Arab Emirates) to replace Mr. A. Radi (Morocco).

**The Governing Council elected by acclamation Mr. R.M.K. Al Shariqi as a member of the Executive Committee.**

*The President* said that the Group of Latin American and the Caribbean had submitted the candidatures of Mr. J.R. Machuca Zelaya (El Salvador) and Mr. A. Alonso Díaz-Caneja (Mexico) to replace Ms. K. Serrano Puig (Cuba). Mr. J.R. Machuca Zelaya had withdrawn his candidature.

**The Governing Council elected by acclamation Mr. A.A. Díaz-Caneja (Mexico) as a member of the Executive Committee.**

*The President* announced that the Asia-Pacific Group had submitted the candidature of Mr. Chin Young (Republic of Korea) to complete the term of Mr. J.-K. Yoo (Republic of Korea).

**The Governing Council elected by acclamation Mr. Chin Young (Republic of Korea) to complete Mr. J.-K. Yoo's mandate.**

Item 18 of the agenda  
(continued)

**ELECTION OF THE PRESIDENT OF THE  
INTER-PARLIAMENTARY UNION**

*Ms. E. Papademetriou (Greece)*, Vice-President of the Executive Committee, paid tribute to the work of Mr. P.F. Casini (Italy) the out-going President of the Inter-Parliamentary Union, who had been elected in 2005. He had set an example of stateliness to all Members of the IPU, engaging his opponents as indispensable allies, which was neither a natural nor an easy task. Mr. P.F. Casini had proved to be an inspiring political leader and a great manager who had diminished the scale of problems and suspicions and synthesized diverging opinions in ways that had been fully trusted for bearing honesty, constantly referring to values and principles, and addressing straightforward political realism. His presidency had empowered the presence of the IPU in the United Nations and gained remarkable visibility, which had offered parliamentarians a prominent position in the global structure. With his initiatives for the Middle East, the environment, HIV/AIDS, for members of society living in poverty, thirst, hunger and illiteracy, Mr. P.F. Casini had opened a window of hope, using the IPU as a school of democracy as a critical agent for change.

The new President would be elected from two great men, and the IPU would wish him every success and support him in the continuation of Mr. P.F. Casini's work. The Members of the IPU wished to keep Mr. P.F. Casini present and active in the Organization, and the Executive Committee had therefore decided unanimously to propose that the Governing Council should offer Mr. P.F. Casini the position of life-long honorary President of the IPU.

*It was so decided.*

**The President** thanked all the Members of the IPU, the members of the Secretariat, and the Secretary General for their support in the exercise of his mandate. Following his election to the presidency of the IPU, he had engaged in cooperation with his opponents in order ensure that all Members of the IPU were working in the same direction to overcome the many challenges affecting the world. The candidates for the presidency of the IPU were both important political figures with strong passion and different ideas. The Organization's work should not become set in its ways, and should not seek to impose models of democracy. Each Member brought with them their pride, history, tradition and religion. There must be no wars in the name of God, and all parties must engage in dialogue. The new President should cooperate with his opponent, whose contribution would remain essential to the work of the IPU. He welcomed the acceptance of the full membership of the Parliament of Palestine, the delegation of which had participated in a vote for the first time in the history of the Organization. Despite the different views on the membership of Palestine, which had led to dramatic debate, mutual respect and understanding had prevailed. The IPU's work with the United Nations must be pursued, and he wished the new President and Vice-Presidents every success in moving the work of the Organization forward.

*The meeting was suspended at 3.55 p.m. and resumed at 4.05 p.m.*

**Mr. Theo-Ben Gurirab (Namibia) was elected President of the Inter-Parliamentary Union by 200 votes to 113, with 7 abstentions.**

**Mr. T.-B. Gurirab (Namibia)**, President of the Inter-Parliamentary Union, thanked all those who had voted in his favour. Democracy had spoken and the verdict was clear, and the IPU would celebrate the renewal of its commitment to the ideas of democracy and its reaffirmation of the principles of accountable governance, as well as the legitimate rights of the people represented by national parliaments. The transition of authority and peaceful succession of leadership had rekindled the IPU's cherished mission of parliamentary democracy as embodied in the Universal Declaration on Democracy, and the International Day of Democracy celebrated on 15 September.

He thanked the leaders of the African parliaments, for having made his candidature the pride of the continent and the African people. His candidature had been sustained by the efforts of clusters of parliamentarians from the African Union, the IPU, the Pan-African Parliament and African national parliaments. He had also received support and encouragement from parliamentarians in other regions.

Namibia knew the meaning of international solidarity. He pledged to represent all IPU constituents during his presidency, and to be involved fully in every worthy cause to promote world peace, social development, human security and gender equality in all aspects of life, and in opportunities to facilitate empowerment of the people. He paid tribute to the out-going President, Mr. P.F. Casini, and to the Secretary General. He expressed his gratitude to his fellow candidate for the presidency of the IPU, Mr. A. Laksono, the Speaker of the National Assembly of Indonesia, who was also a believer in the non-aligned movement and south-south cooperation. Namibia and Indonesia enjoyed long-standing and friendly relations that would

endure. He would seek Mr. A. Laksono's support in fulfilling his mandate as President of the IPU.

Leadership required courage, dedication, accountability, bridge-building across conflict zones and competing interests, and helping to ensure a new beginning and mutual acceptance of common humanity. The world needed trust. Leadership must remain in line with developments throughout the world and mitigate change in order to face global challenges. Parliamentarians were expected to influence change towards a better world. The future must end wars, nuclear proliferation, regional conflict, domestic violence, poverty, hunger, HIV/AIDS, youth unemployment, and disparity between cities and villages. Parliamentarians must be committed to defending the rule of law, social justice, moral fortitude, human compassion and public interest. In the context of the current global financial crisis, in which the poor were the worst affected, consideration must be given to how to move forward to attain the MDGs. Quoting Professor Joseph Stiglitz, he said that neoliberal market fundamentalism had always been a political doctrine serving certain interests. It had never been supported by economic theory or by historical experience. Learning that lesson could be the silver lining to the cloud that was hanging over the global economy. The third world had its work cut out. Although it would not be easy, the current climate of financial turbulence was not a time to hold back development ambitions. Pressure on resources and energy could not be solved without the involvement of Africa and developing countries.

Parliamentarians and international civil servants were duty bound to understand the concerns and aspirations of the people, and take collective measures for their well-being and security by providing them with the resources and means to acquire knowledge and obtain information. By enlarging the opportunities for self-empowerment, parliamentarians encouraged the people to interact more effectively as communities and peoples. He emphasized the interdependence between peace, development, and observance of the rule of law, which he had striven to embody as his personal commitments during his career, in the search for human brotherhood, social development and harmony between women, men, children and the environment. International calls for democracy and leadership required promotion of dialogue, multilateralism, international law and political legitimacy as the common heritage of humankind. By bringing a parliamentary dimension to the United Nations, the IPU must protect its unique identity and mission, which stood for promoting public interest and ensuring accountability. While the growing partnership sought to promote human development and social stability and create economic opportunities for the people, the oversight function of parliaments must be the priority for all parliamentarians. That partnership must focus on complementarity and reciprocity, rather than fusion. The President of the IPU and the Office of the United Nations Secretary-General had a vital role to play in bringing to bear mutual understanding between the two Organizations. The IPU and legislators of key powers should come together to promote dialogue and democracy, investment in human development and make peace building a priority.

He offered his commitment, vision and service to the IPU through his internationalism, dedication to the Organization's mission and the ideas of democracy. He pledged to serve the IPU without fear, favour or prejudice, and with loyalty and impartiality.

**The President** declared the 183<sup>rd</sup> session of the Governing Council of the Inter-Parliamentary Union closed.

*The meeting rose at 4.25 p.m.*

## FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 14 October 2008)*

IPU/ASGP/IFLA Meeting on parliamentary information	GENEVA 16 October 2008
Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 16 October 2008
Seminar for members of parliamentary human rights committees	GENEVA 3-5 November 2008
Regional training seminar on HIV/AIDS for the parliaments of the Southern African Development Community (SADC) and the East African Community (EAC), followed by a meeting of the IPU Advisory Group on HIV/AIDS	KAMPALA (Uganda) 10-11 November 2008
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA 10-14 November 2008
Joint IPU/UN Parliamentary Hearing at the United Nations	NEW YORK 20-21 November 2008
Seminar on Maternal Health and Child Survival	The Netherlands 26-28 November 2008
Parliamentary Hearing at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus (29 November - 2 December)	DOHA (Qatar) 28 November 2008
Conference on the parliamentary response to violence against women for members of parliamentary gender committees and other committees dealing with gender equality	GENEVA 2-4 December 2008
Third Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	MUSCAT (Oman) 21-22 December 2008
Regional seminar on children's rights for European/CIS countries	Venue to be decided December 2008
124 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA January 2009
Regional Seminar for francophone Africa on women and children's rights	LOME (Togo) January/February 2009
Regional meeting for Twelve Plus parliaments on the rights of persons with disabilities	LONDON (United Kingdom) 24-25 February 2009
Parliamentary Day on the occasion of the CSW	NEW YORK End February/early March 2009

19 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA March 2009
Regional seminar for parliaments of Latin America and the Caribbean on violence against women	Argentina Early March 2009
Regional seminar for French-speaking African parliaments, concluding the first cycle of the treaty body project	LIBREVILLE (Gabon) 4-6 March 2009
Regional seminar for ASEAN parliaments on reconciliation	PHNOM PENH (Cambodia) 9-11 March 2009
120 <sup>th</sup> Assembly and related meetings	ADDIS ABABA (Ethiopia) 5-10 April 2009
Meeting of Women Speakers of Parliament	Venue to be decided May 2009
Regional seminar for the Arab region on the rights of persons with disabilities	KUWAIT May 2009
Regional seminar on child protection	Venue to be decided May/June 2009
First Preparatory Meeting of the Third Conference of Speakers of Parliament	GENEVA June 2009
Second Global Parliamentary Meeting on HIV/AIDS	Venue to be decided June/July 2009
126 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA July 2009
20 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA September 2009
Conference on representation of minorities and indigenous peoples	Venue to be decided September 2009
Regional meeting for Twelve Plus parliaments on HIV/AIDS	GREECE September 2009
Seminar for the Great Lakes Region on parliamentary involvement in security sector reform	Venue to be decided September 2009
Parliamentary Conference on Democracy in Africa (with a special focus on the African Charter on Democracy, Elections and Governance)	Venue to be decided 14-16 September 2009
Conference of iKNOW Politics Partners on the contribution of media and information technology to the number and effectiveness of women in politics	Venue to be decided September 2009
121 <sup>st</sup> Assembly and related meetings	GENEVA (CICG) 19-21 October 2009

ASGP-IPU joint event	GENEVA 22 October 2009
Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 22 October 2009
Conference for women parliamentarians of the GCC States	Venue to be decided October/November 2009
Second Preparatory Meeting of the 3 <sup>rd</sup> Conference of Speakers of Parliament	NEW YORK November 2009
Seminar for members of Parliamentary Human Rights Committees	GENEVA November 2009
Meeting for members of parliamentary gender committees	GENEVA November 2009
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA November 2009
Joint UN-IPU Parliamentary Hearing at the United Nations	NEW YORK November 2009
122 <sup>nd</sup> Assembly and related meetings	BANGKOK (Thailand) 2010

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 120<sup>th</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)*

United Nations  
United Nations Conference on Trade and Development (UNCTAD)  
International Labour Organization (ILO)  
Food and Agriculture Organization of the United Nations (FAO)  
United Nations Educational, Scientific and Cultural Organization (UNESCO)  
World Health Organization (WHO)  
World Bank  
International Monetary Fund (IMF)  
International Fund for Agricultural Development (IFAD)  
Organisation for the Prohibition of Chemical Weapons (OPCW)  
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)  
World Trade Organization (WTO)

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African Union (AU)  
Council of Europe  
International Organization for Migration (IOM)  
Latin American Economic System (LAES)  
League of Arab States  
Organization of American States (OAS)

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ACP-EU Joint Parliamentary Assembly (JPA)  
African Parliamentary Union (APU)  
AMANI Forum - The Great Lakes Parliamentary Forum on Peace  
Amazonian Parliament  
Arab Inter-Parliamentary Union  
ASEAN Inter-Parliamentary Assembly (AIPA)  
Asian Parliamentary Assembly (APA)  
Assemblée parlementaire de la Francophonie  
Assembly of the Western European Union (WEU)  
Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)  
Baltic Assembly  
Commonwealth Parliamentary Association (CPA)  
Confederation of Parliaments of the Americas (COPA)  
European Parliamentarians for Africa (AWEPA)  
Indigenous Parliament of the Americas  
Inter-Parliamentary Assembly of the Commonwealth of Independent States  
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)  
Interparliamentary Assembly on Orthodoxy (IAO)  
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)  
Inter-Parliamentary Council against Antisemitism  
Maghreb Consultative Council  
Nordic Council  
Pan-African Parliament (PAP)  
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
Parliamentary Assembly of the Mediterranean (PAM)



Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)  
Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)  
Southern African Development Community (SADC) Parliamentary Forum  
Transitional Arab Parliament (TAP)

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Centrist Democrat International (CDI)

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Amnesty International  
Human Rights Watch  
International Committee of the Red Cross (ICRC)  
International Institute for Democracy and Electoral Assistance (International IDEA)  
International Federation of Red Cross and Red Crescent Societies (IFRC)  
World Federation of United Nations Associations (WFUNA)

**CASE No. AFG/01 - MALALAI JOYA - AFGHANISTAN**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Malalai Joya, a member of the House of the People of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Noting* that the Committee met with the Deputy Speaker of the House of Representatives and two other members of the Afghan delegation at the session it held during the 119<sup>th</sup> Assembly, and *taking account* of the information the delegation provided,

*Taking account* of the information provided by various sources on 5 September and 10 October 2008,

*Recalling* that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya, member of parliament for Farah province, until the end of her term for violating Article 70 of the Standing Orders in respect of a television interview in which she had spoken disparagingly of members of parliament, apparently in the context of her staunch criticism of the former warlords; *noting* that the recording of the television interview in question was reportedly edited intentionally to discredit her and to provoke her suspension and that she herself, despite requests, has not been given a recording of the interview,

*Considering* that, according to Article 70 of the Standing Orders (Rules of Procedure), the Speaker of the House of the People can apply as a disciplinary measure advice, warning, publishing the name of the offender in the official Gazette of the Jirga and depriving the offending member from attending the session of that day, but that a member can be suspended for a period of longer than one day only at the request of the Administrative Board and with the subsequent approval of Parliament; however, this procedure was not followed in Ms. Joya's case as the Administrative Board was not seized and did not issue any recommendation,

*Considering* in this respect that, according to a report published on 25 September 2008 in the Pajhwok Afghan News Agency, the Chairman of the parliamentary Committee on Immunity and Privileges of Members of Parliament, Mr. Gul Padshan Majedi, stated that Ms. Joya's expulsion was unlawful, of which statement the Afghan delegation was unaware; that, however, while affirming that Ms. Joya's words were highly insulting, the Deputy Speaker stated that her suspension was against parliamentary norms and should not have happened; that Ms. Joya should contact the Speaker or himself to ensure a smooth restoration of her mandate; and *noting* that he affirmed that every effort would be made to restore Ms. Joya's mandate before the end of the current parliamentary session, which would be in one and a half months' time,

*Recalling* that Ms. Joya had immediately protested against her suspension and the procedure followed to secure it; but that only in February 2008, after she had collected the money to pay for legal counsel and found a lawyer willing to take up her case, was she able to file a petition with the Supreme Court; that, according to the sources, the Supreme Court has, however, taken no action so far, claiming to be awaiting a response from parliament; that the efforts of Ms. Joya and her lawyer to obtain such a response have been to no avail and that she and anyone representing her have been banned from going to parliament; *noting* nevertheless that, according to the Deputy Speaker, she was not banned and should have written a letter to the Speaker or himself,

*Recalling* that, according to the sources, members of parliament have regularly criticized one another, but that no one else has been suspended on such grounds, not even those who have called Ms. Joya a "prostitute" and a "whore" and have reportedly called for her to be raped and killed; *noting* that, according to the Deputy Speaker, no one has been suspended as no one else had used such disparaging language and that any member who had indisputably called Ms. Joya a whore or prostitute should also be punished,

*Bearing in mind* lastly that Ms. Joya has constantly been receiving death threats and that her safety in Afghanistan is at risk, in common with that of many other members of parliament,

1. *Thanks* the Afghan delegation for its cooperation and for the information and observations provided;
2. *Stresses* that suspension is a disciplinary measure usually applied as a last resort only and necessarily limited in time, normally one day and only in extreme cases and for recidivist members can it, in some parliaments, amount to a maximum of 30 days, and that a suspension for the entire term is in fact tantamount to a revocation of the parliamentary mandate, wholly unlawful in this case as insulting language is not a proper cause for the dismissal of a member of parliament; *points out* therefore that the parliament is not entitled to pronounce a suspension for the entire term of a member of parliament;
3. *Deeply regrets* that Ms. Joya has been prevented from exercising her mandate for 17 months and her electorate deprived of representation in parliament on the basis of an unlawful decision by parliament;
4. *Is therefore very pleased* to note that the parliamentary authorities recognize that Ms. Joya's mandate should be restored as quickly as possible, and *earnestly hopes* that this will indeed happen before the end of the current parliamentary session;
5. *Calls once again on* the authorities to do everything in their power to identify and bring to justice those making the death threats against Ms. Joya; *reaffirms* in this respect that the Parliament of Afghanistan has a special responsibility when the security of its members is at stake and that preventing impunity is in the last analysis the best means of protecting the safety of members not only of parliament but also of the people; *would appreciate* information as to the steps the parliamentary authorities have taken or envisage taking to this end;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009), when it hopes to be able to close the case following its satisfactory settlement.

**CASE No. BGL/14 - SHAH AMS KIBRIA - BANGLADESH**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the investigation into the grenade attack of 27 January 2005 that took Mr. Kibria's life was closed in April 2006 despite petitions by Mr. Kibria's family for further investigation, but reopened in March 2007 on the grounds that additional and significant information had emerged suggesting the involvement of other persons who had yet to be investigated; after a new investigating officer took over in May 2007 three Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including their leader Mufti Abdul Hannan, were shown arrested in this case, as they had confessed to having collecting several grenades to eliminate Awami League leaders, including Mr. Shah Ams Kibria,

*Considering* that, according to media reports of August 2008 forwarded by one of the sources in this case, Mufti Abdul Hannan and two of his co-accused have retracted their statements, affirming that they had been obtained under torture; the court reportedly accepted their retraction petitions,

*Recalling also* that 10 suspects were initially arrested in this case; four of whom were allowed to retract their statements as they had been obtained under torture; the initial main accused, Mr. Quayum, who had not been allowed to retract his statement, was released on bail in September 2008 and made public statements about how the Criminal Investigation Department (CID) had tortured him to extract a false confession,

*Noting lastly* that Mr. Kibria's family has received no further information on the investigation and is unaware of any scheduled court proceedings,

*Bearing in mind finally* that Bangladesh is a party to the International Covenant on Civil and Political Rights and to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

1. *Deeply regrets* that the authorities have failed to provide any information on the proceedings under way in this case;
2. *Recalls* that the Bangladeshi authorities have a duty to identify and bring to justice those responsible for Mr. Kibria's murder and to this effect to conduct a thorough, independent and diligent investigation; *is led to consider* that the failure of the authorities to provide official information on progress made in the investigation, in particular to Mr. Kibria's family, coupled with the persistent allegations of torture in this case, sheds a harsh light on the administration of justice in this case;

3. *Invites therefore* the authorities once again to provide information on the current stage of the investigation and the prospects that the case will be brought to trial within a reasonable time;
4. *Stresses once again* that, under the international human rights treaties which Bangladesh has ratified, the authorities have an obligation to institute a prompt and impartial investigation whenever there are reasonable grounds for believing that an act of torture has been committed; consequently *wishes to ascertain* whether the authorities have now instituted an investigation into the alleged torture of suspects in this case, including Mr. Quayum and Mufti Abdul Hannan;
5. *Requests* the Secretary General to inform the authorities and the sources of information accordingly;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, a member of the Parliament of Bangladesh and Leader of the Opposition at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the initial line of investigation into the grenade attack of 21 August 2004 against Sheikh Hasina and other Awami League leaders, which claimed the lives of 25 people and injured hundreds, proved to be based on the "confession", reportedly obtained under duress, of a petty criminal, Joj Miah, who admitted to carrying out the attack with a criminal gang, and that several persons were arrested; *noting* in this respect that Joj Miah's family has reportedly been provided with a long-term government subsidy,

*Recalling* that the Caretaker Government ordered a new investigation which, through the confession of Mufti Abdul Hannan, leader of the Horkatul Jihad al Islami (Huji) and others, revealed that the attack had been carried out by Huji elements and enabled the police to arrest more suspects and to recover grenades, rifles and a large quantity of explosives; according to media reports, the investigation also revealed that one of the suspects who was, however, on the run, Moulana Tajudin, a brother of former deputy minister and Bangladesh National Party (BNP) leader Abdus Salam Pintu, had supplied the grenades used in the attack; and that Mr. Salam Pintu himself had been arrested; *noting* also that a new charge sheet has reportedly been drawn up and the Police Chief has assured the public that those responsible for diverting the course of the investigation would be taken to task,

*Considering* that, according to media reports of August 2008, forwarded by one of the sources, Mufti Abdul Hannan and two of his co-accused have retracted their statements, affirming that they had been obtained under torture; the court reportedly accepted their retraction petitions,

*Recalling* that: four criminal cases, three based on charges of extortion and one on corruption, have been brought against Sheikh Hasina; two of the extortion cases and the corruption case were brought under the Emergency Power Rules 2007 (EPR), which have been criticized as infringing fundamental fair trial guarantees; Sheikh Hasina challenged her trial under the EPR with regard to one of the extortion cases; on 17 February 2008 the High Court ruled on her application, concluding that "the case in question ... cannot proceed under the EPR" and "any action taken and/or initiated and continuation of any proceeding or trial of any case" arising out of the case in question under the EPR, "in any court of law or authority, is declared to be without lawful authority and stands quashed"; however, on 17 March 2008 the Chief Justice stripped the High Court division bench which had issued the above ruling of its writ jurisdiction; one of Sheikh Hasina's fellow accused, Sheikh Fazlul Karim Selim, has reportedly given testimony under duress,

*Recalling* that Sheikh Hasina was arrested on 17 July 2007 and was refused bail; *noting* in this respect that she has meanwhile been released on parole and allowed to go abroad for medical treatment,

*Bearing in mind* that Bangladesh is a party to the International Covenant on Civil and Political Rights, Articles 14 and 15 of which stipulate fair trial guarantees and Article 9, paragraph 5, of which provides for an enforceable right to compensation in the event of unlawful arrest and detention,

1. *Regrets* that the authorities have failed to provide information on the current stage of the investigation into the grenade attack of August 2004 and the criminal proceedings under way against Sheikh Hasina;
2. *Can only express deep concern*, in the absence of official information, at reports alleging that the current investigation into the grenade attack is based on testimony extracted under torture, particularly in view of the initial attempt to divert the investigation in what can only be called a travesty of justice;
3. *Reiterates its wish* to ascertain the current stage of the investigation, to receive a copy of the charge sheet and to ascertain whether those responsible for diverting the case in the first place have been held responsible; *believes* in this respect that the conclusions of the judicial inquiry commission should now be published;
4. *Is deeply concerned* at the alleged torture of suspects in the grenade attack case and of one of Sheikh Hasina's fellow accused; *recalls* that, under international human rights law, a prompt and impartial investigation must be instituted wherever there are reasonable grounds for believing that an act of torture has been committed, and *wishes to ascertain* whether the authorities have instituted any such investigation in this respect;
5. *Is pleased to note* that Sheikh Hasina has been allowed to go abroad for medical treatment; *stresses* that the prevailing impunity in the grenade attack against her may constitute a serious risk for her safety when she returns to Bangladesh after her medical treatment, and *trusts* that the authorities will take the necessary measures to ensure her security, as it is their duty to do so; *reiterates* its wish to receive information on the stage of the criminal proceedings brought against her, with respect in particular to the justification for applying the EPR in this case;
6. *Requests* the Secretary General to invite the competent authorities to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. BLS/05 - VICTOR GONCHAR - BELARUS**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared in September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Noting* that legislative elections took place in Belarus on 28 September 2008,

*Requests* the Committee to contact the newly elected parliamentary authorities and to report to it at its next session (April 2009) in the light of any new information it may have obtained in the meantime.



**BURUNDI**

**CASE No. BDI/01 - S. MFAYOKURERA**  
**CASE No. BDI/05 - I. NDIKUMANA**  
**CASE No. BDI/06 - G. GAHUNGU**

**CASE No. BDI/07 - L. NTAMUTUMBA**  
**CASE No. BDI/29 - P. SIRAHENDA**  
**CASE No. BDI/35 - G. GISABWAMANA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter of the President of the National Assembly of 8 October 2008 and of the information provided on the occasion of the hearing with the Committee by the Burundian delegation to the 119<sup>th</sup> IPU Assembly,

*Recalling* that: the parliamentarians concerned were killed between 1994 and 1999 and that only in the case of Mr. Gisabwamana has the perpetrator - a military officer - been identified and brought to justice, although the victim's family has received no reparation; in 2004 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera and the attempted murder of Mr. Ndiokubwayo, albeit in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi, and the return from Rwanda, where they had fled, of two suspects in the case of Mr. Ndikumana, Mr. Ivan Bigendanko and Mr. Désiré Banuma, who were in hiding in Burundi; in the case of Mr. Sirahenda, a member of the military at Mabanda camp who subsequently deserted stated that he could one day testify to the horrendous manner of Mr. Sirahenda's killing at the camp,

*Noting* that Mr. Mugenzi is reportedly no longer in detention but on the run, his escape from prison having allegedly been organized by the former Prosecutor General, who is said to have provided him with a passport,

*Recalling* that the National Assembly set up a parliamentary working group to examine the cases in question and *noting* in this respect that, since its first meeting in October 2006, at which it worked out a strategy to obtain information on the cases in question, the working group has held no further meetings; *considering* that the President of the National Assembly, in his communication of 8 October 2008, stated that "after a whole year of crisis in the National Assembly, the Bureau intends to reactivate the working group on human rights to enable it to monitor how all these cases evolve judicially",

*Recalling also* that the President of the National Assembly has stated that the cases would be dealt with by the Truth and Reconciliation Commission; *considering* that, according to his letter of 8 October 2008, a Tripartite Commission (United Nations, Government and Civil Society) had been in place to conduct popular consultations on the questions not having produced consensus between the United Nations and the Government and had recently produced a memorandum laying down the basic principles of the consultations; the commission reckoned that these field consultations and the drafting of the report could take a year; the Human Rights Committee of the National Assembly would continue to monitor this matter,

*Bearing in mind* the work of the IPU, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country and the difficulties encountered in this task,

1. *Thanks* the President of the National Assembly and the Burundian delegation for the information provided;
2. *Is nevertheless deeply disappointed* that, despite the parliamentary authorities' repeatedly stated commitment to the working group, it has been totally ineffective since it first met two years ago and that, as a result its strategy to provide the much needed fresh impetus to these cases, it has only gathered dust; *is confident* that the President of the National Assembly's latest expression of support for the working group will bear fruit, and *wishes* to be kept informed in this respect;
3. *Is dismayed* that the National Truth and Reconciliation Commission, as provided for under the 2000 Arusha Peace and Reconciliation Agreement for Burundi, has yet to be established after years of discussion; *trusts* that the Tripartite Commission will carry out its consultations diligently and efficiently and set a clear timetable for the establishment in the near future of the Truth and Reconciliation Commission; *would greatly appreciate* receiving information in this respect;
4. *Reaffirms* that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *reiterates* that there are sufficient leads and evidence available in several of the cases to permit the authorities to make substantive progress in this respect; *therefore once again calls on* the authorities to take the necessary steps to reactivate the investigations in these cases;
5. *Notes with concern* that Mr. Mugenzi is reportedly no longer in custody, and *would appreciate* receiving detailed information as to whether or not Mr. Mugenzi has ever been questioned regarding his implication in the murder of Mr. Mfayokurera and, if so, the results of the questioning, and if not, why not; and what steps are being taken to locate and apprehend him;
6. *Requests* the Secretary General to convey the present resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Norbert Ndishokubwayo, a member of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter of the President of the National Assembly of 8 October 2008 and of the information provided on the occasion of the hearing with the Committee by the Burundian delegation to the 119<sup>th</sup> IPU Assembly,

*Recalling* that Mr. Ndishokubwayo was the target of two attempts on his life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the alleged attackers, albeit in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi,

*Noting* that Mr. Mugenzi is reportedly no longer in detention, his escape from prison having allegedly been organized by the former Prosecutor General, who is said to have provided him with a passport,

*Recalling* that the National Assembly set up a parliamentary working group to examine this and other cases, and *noting* in this respect that since its first meeting in October 2006, at which it worked out a strategy to obtain information on the cases in question, the working group has held no further meetings; *considering* that the President of the National Assembly, in his communication of 8 October 2008, stated that "after a whole year of crisis in the National Assembly, the Bureau intends to reactivate the working group on human rights to enable it to monitor how all these cases evolve judicially",

*Recalling also* that the President of the National Assembly has stated that the cases would be dealt with by the Truth and Reconciliation Commission; *considering* that, according to his letter of 8 October 2008, a Tripartite Commission (United Nations, Government and Civil Society) had been in place to conduct popular consultations on the questions not having produced consensus between the United Nations and the Government and had recently produced a memorandum laying down the basic principles of the consultations; the commission reckoned that these field consultations and the drafting of the report could take a year; the Human Rights Committee of the National Assembly would continue to monitor this matter,

*Bearing in mind* the work of the IPU, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country and the difficulties encountered in this task,

1. *Thanks* the President of the National Assembly and the Burundian delegation for the information provided;
2. *Is nevertheless deeply disappointed* that, despite the parliamentary authorities' repeatedly stated commitment to the working group, it has been totally ineffective since it first met two years ago and that, as a result its strategy to provide the much needed fresh impetus to this case, it has only gathered dust; *is confident* that the President of the National Assembly's latest expression of support for the working group will bear fruit, and *wishes* to be kept informed in this respect;

3. *Is dismayed* that the National Truth and Reconciliation Commission, as provided for under the 2000 Arusha Peace and Reconciliation Agreement for Burundi, has yet to be established after years of discussion; *trusts* that the Tripartite Commission will carry out its consultations diligently and efficiently and set a clear timetable for the establishment in the near future of the Truth and Reconciliation Commission; *would greatly appreciate* receiving information in this respect;
4. *Reaffirms* that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *reiterates* that there are sufficient leads and evidence available in this case to permit the authorities to make substantive progress; *therefore once again calls on* the authorities to take the necessary steps to reactivate the investigation in this case;
5. *Notes with concern* that Mr. Mugenzi is reportedly no longer in custody, and *would appreciate* receiving detailed information in this respect, in particular whether he has ever been questioned regarding his implication in the attempt on Mr. Ndiwokubwayo's life and, if so, the results of the questioning, and if not, why not; and what steps are being taken to locate and apprehend him;
6. *Requests* the Secretary General to convey the present resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009)

**BURUNDI**

CASE No. BDI/36 - MATHIAS BASABOSE	CASE No. BDI/53 - THÉOPHILE MINYURANO
CASE No. BDI/42 - PASTEUR MPAWENAYO	CASE No. BDI/54 - OMAR MOUSSA
CASE No. BDI/44 - HUSSEIN RADJABU	CASE No. BDI/55 - JOSÉPHINE MUKERABIRORI
CASE No. BDI/45 - ALICE NZOMUKUNDA	CASE No. BDI/56 - DÉO NYABENDA
CASE No. BDI/46 - ZAITUNI RADJABU	CASE No. BDI/57 - GÉRARD NKURUNZIZA
CASE No. BDI/47 - PASCALINE KAMPAYANO	CASE No. BDI/58 - JEAN FIDELE KANA
CASE No. BDI/48 - MARGUERITE NSHIMIRIMANA	CASE No. BDI/59 - MARIE SINDARUSIBA
CASE No. BDI/49 - NADINE NZOMUKUNDA	CASE No. BDI/60 - DEO NSHIMIRIMANA
CASE No. BDI/50 - BÉATRICE NIBIMPA	CASE No. BDI/61 - F. XAVIER NSABABANDI
CASE No. BDI/51 - MARIE GORETH NIYONZIMA	CASE No. BDI/62 - JEAN MARIE NGENDAHAYO
CASE No. BDI/52 - MOUSSA SAIDI	CASE No. BDI/63 - ALINE NITANGA

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the above-mentioned members of parliament of Burundi, who lost their parliamentary seats on 5 June 2008, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/183/12(b)-R.1),

*Taking account* of the hearing the Committee held with the President of the CNDD-FDD to the 119<sup>th</sup> IPU Assembly,

*Considering* the following information on file:

- The parliamentarians in question were elected in July 2005 on the CNDD-FDD list, which obtained the majority of seats in the National Assembly; as time passed the party experienced internal dissent, which became more pronounced after the party convention of 7 February 2007, during which Mr. Hussein Radjabu was ousted as party leader; as a result, one wing was formed that backed the party's new president, Mr. Jérémie Ngendakumana, while another backed Mr. Radjabu; the persons concerned belong to the latter wing; except for Ms. Nzomukunda,<sup>21</sup> the former Vice-President of the National Assembly, and Mr. Basabose, both of whom were expelled from the party, and Mr. Kana and Ms. Sindarusiba, the other members of parliament resigned from the party and continued to sit in the National Assembly as independent members;
- Other political parties, in particular FRODEBU, also met with dissidence, which encouraged some of its members to join the dissenting members of the CNDD-FDD in abstaining from (regular) participation in the work of the National Assembly, as a consequence of which the National Assembly failed to reach the quorum needed to adopt decisions, and its work was blocked;

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<sup>21</sup> Ms. Nzomukunda was excluded from the party during the CNDD-FDD convention held on 26 January 2008 in Muyinga.

- The IPU, under its programme of assistance to the Parliament of Burundi, made every effort, in common with the parliamentary authorities, to find a solution to the stalemate and, after consultations with all the parties concerned during a working mission in May 2008, submitted a possible solution for resolving the ongoing stalemate;
- On 30 May 2008, the President of the National Assembly sent a letter to the President of the Constitutional Court concerning an "Application relating to unconstitutional occupation of seats at the National Assembly"; in justification of his application that the Court "rule on the unconstitutional occupation" of the seats held by the members of parliament concerned, the President cited Articles 98 and 169 of the Constitution and a letter from the President of the CNDD-FDD asking him to bring the cases of those persons, who were no longer members of the party, before the Court; the President further argued that "certain people consider that a member of parliament who has resigned from his party automatically loses his right to sit in parliament, since that right is only recognized in respect of elected officials who can prove they are on either a list of independents or the list of a political party having obtained two per cent or more of all the ballots cast";
- In its decision RCCB 213 of 5 June 2008, the Court declared the application admissible by virtue of its competence to ensure respect for the Constitution, including the Charter of Fundamental Rights, by State bodies and other institutions (Article 228 [2]) and ruled that the members of parliament concerned held their seats unconstitutionally; in so doing, the Court based its arguments in particular on Article 169 of the Constitution, which stipulates that "candidates presented by the political parties or lists of independents can only be considered to have been elected and sit in the National Assembly if, nationwide, their party or their list has obtained two per cent or more of all the votes cast"; it pointed out that members of parliament "are elected before the parliament's term and sit during the parliament's term"; consequently, according to the Court, the members of parliament concerned no longer fulfilled any of the conditions of the article: they could not sit as independents because the list of independents had not obtained two per cent of votes, and they could not sit as members of the party on whose list they had been elected because they were no longer members of it,

*Noting* the following constitutional and statutory provisions:

- Article 149 of the Constitution stipulates: "The mandate of deputies and senators is national in character. There shall be no imperative mandate. The deputies and senators vote in their own name";
- Article 156 (section 1) of the Constitution stipulates: "The term of office of a deputy or a senator ends if the deputy or senator in question dies, resigns, is permanently incapacitated or unjustifiably fails to attend over one quarter of the meetings in a session or when the deputy or senator finds himself in one of the cases of disqualification provided for in statutory law" (such as the Electoral Code and the Standing Orders);
- Article 132 of the Electoral Code stipulates: "The term of office of a deputy may end prematurely if his seat is vacant as a result of death, resignation, physical incapacity, permanent disability, unjustified absence at more than one quarter of a session's meetings, or disqualification following loss of a criterion for eligibility or the occurrence of a case of ineligibility ...";
- Article 15 of the Standing Orders of the National Assembly stipulates: "The term of office of a deputy ends if his seat is vacant as a result of death, resignation, physical incapacity, permanent disability, unjustified absence at more than one quarter of a session's meetings, or disqualification following a penal sentence of more than twelve months. However, there shall be no disqualification if the deputy is convicted of unintentional offences"; Article 16 stipulates: "The vacancy is confirmed by decision of the Constitutional Court ruling at the request of the Bureau of the National Assembly",

*Bearing in mind* that, according to information received, the preparatory work on the Constitution shows that a proposal to disqualify members of parliament if they change political party was expressly rejected and replaced by the present constitutional provisions on the termination of the parliamentary mandate, which do not provide for such termination in the case of expulsion or resignation from the political party on whose list the parliamentarian was elected,

*Considering further* that four of the parliamentarians concerned, namely Mathias Basabose, Pasteur Mpawenayo, Alice Nzomukunda and Zaituni Radjabu, were the target of grenade attacks in August 2007 and March 2008 respectively, which have remained unpunished to date; *noting* that, moreover, according to one of the sources, arrest warrants have been issued for Mr. Nkurunziza, Mr. Nsababandi, Mr. Nshimirimana, Mr. Nyabenda, Mr. Basabose and Mr. Mpawenayo; *noting* that the latter was arrested on 4 July 2008, that Mr. Nkurunziza was arrested by the Deputy Director of Police on 15 July 2008, reportedly without a warrant, and that Mr. Minyurano was arrested on 1 October 2008 reportedly on an accusation of assault and battery and public insult which, according to the sources, originated in the failure of Mr. Minyurano's tenant, a magistrate, to pay his rent,

*Noting* that a dissenting group within FRODEBU has set up a new party and that the President of FRODEBU has requested the President of the National Assembly, on the same basis as referred to above, to ask the Constitutional Court likewise to declare the occupation of the seats of the dissenting parliamentarians unconstitutional, but that the President of the National Assembly has so far taken no such action; *noting* also that a leading member of this new party has asked the President of the National Assembly to dismiss 15 members of the FRODEBU party from parliament on the grounds that they were absent from parliament for more than a quarter of the current session and can therefore be dismissed by virtue of Article 156 of the Constitution and Article 15 of the Standing Orders; that an application of that provision would affect not only the 15 members of the FRODEBU in question but a certain number of parliamentarians belonging to the CNDD-FDD and UPRONA, who likewise boycotted a large number of parliamentary sittings,

*Considering* that, according to the President of the CNDD-FDD to the 119<sup>th</sup> IPU Assembly, the aim of the parliamentarians concerned was to block the National Assembly and they succeeded as other opposition parliamentarians joined them in this effort, a total of more than 40 members, so that the quorum for adopting legislation was no longer reached; that, however, major problems would have been created had the Assembly sought the expulsion of all of them, for which reason only the expulsion of the 22 members who no longer belonged to the CNDD-FDD was sought; that, in any event, had it not been for the Constitutional Court's interpretation of Article 169, they would have lost their mandate by virtue of Article 156 of the Constitution; that since their expulsion the Assembly functioned normally, having meanwhile adopted 29 of the 35 bills proposed by the Government; *noting* also that the President of the CNDD-FDD welcomed the assistance of the IPU insofar as capacity-building in the field of democracy, human rights and the participation of women in politics are concerned as this contributes to the stabilization of the country,

1. *Thanks* the President of the National Assembly for his cooperation; also *thanks* the President of the CNDD-FDD for having shared his view with the Committee;
2. *Recognizes* that Burundi has faced a critical situation owing to the virtual inability of the National Assembly to muster the necessary quorum, and that as a result, parliamentary and governmental business came to a halt early this year; *acknowledges*, therefore, that there was an urgent need to find a solution enabling the National Assembly to resume its work;
3. *Commends* the IPU for its efforts to work with all the parties concerned in Burundi to identify a negotiated, comprehensive and agreed solution to the problems faced in parliament that would allow all political parties and factions to participate effectively in the work of the National Assembly; *regrets* that this process was interrupted before it came to fruition;

4. *Recalls* that the revocation of the parliamentary mandate is a serious measure, as it irrevocably deprives the members of parliament concerned of the possibility of carrying out the mandate entrusted to them by the people, and that it must therefore be decided in full accordance with the law and only for serious reasons stipulated in the law;
5. *Expresses therefore deep concern* at the Constitutional Court ruling, as it takes account neither of the provisions in the Constitution dealing explicitly with the loss of the parliamentary mandate, nor of the relevant provisions in the Electoral Law and the Standing Orders; nor does it refer to the preparatory work of the Constitution or to the views and legal arguments of the parliamentarians concerned;
6. *Notes* in this respect that, in his report to the United Nations Human Rights Council at its 9<sup>th</sup> session, the independent expert on the situation of human rights in Burundi expressed deep concern at this decision, stating as follows: "the Court appears to have been enlisted by the executive to serve a specific political objective, thereby bringing into question its independence and credibility. By acting in this compliant manner, the Court has lent credence to the widely-held belief that the whole machinery of justice in Burundi is beholden to the executive";<sup>22</sup>
7. *Expresses, moreover, deep concern* at the reported issuing of arrest warrants for the six persons mentioned above, and the arrest of four of them on reportedly arbitrary grounds and in violation of procedural rules; and *wishes to ascertain* as a matter of urgency the legal and factual grounds to justify the issuing of such warrants, as well as the arrest and detention of the persons concerned;
8. *Urges* the National Assembly and the competent authorities to return to the negotiating table, and *requests* the Assembly to receive urgently the planned IPU follow-up mission so that it can resume its good offices function in support of political dialogue, which alone can provide a lasting solution to the problems that have arisen and contribute to the stabilization and democracy-building called for by the Burundi parliamentary authorities;
9. *Requests* the Secretary General to convey this resolution to the Presidents of the National Assembly and of the Senate;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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<sup>22</sup> A/HRC/9/14, 15 August 2008.



CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO ) COLOMBIA  
CASE No. CO/02 - LEONARDO POSADA PEDRAZA )  
CASE No. CO/03 - OCTAVIO VARGAS CUELLAR )  
CASE No. CO/04 - PEDRO LUIS VALENCIA GIRALDO )  
CASE No. CO/06 - BERNARDO JARAMILLO OSSA )  
CASE No. CO/08 - MANUEL CEPEDA VARGAS )  
CASE No. CO/09 - HERNAN MOTTA MOTTA )

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case concerning the murders between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas and the death threats against Mr. Motta, which forced him into exile in October 1997, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that all these persons were Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party and that none of the murderers of five of the six then congressmen nor the perpetrators of the death threats against Mr. Motta, who still lives in exile, have been held to account,

*Recalling* that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, which includes - directly and indirectly - the parliamentarians concerned, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination,

*Considering* that the Inter-American Commission adopted its confidential preliminary report in mid-August 2008 on the case of Mr. Cepeda, which it subsequently sent to the Colombian authorities, and that it is likely to adopt its report on the *Unión Patriótica* case shortly; that the petitioners in the case of Mr. Cepeda have already stated their wish to the Commission that the case be referred to the Inter-American Court of Human Rights, which, if this occurs, is expected to consider the case before the end of 2009 or early in 2010; *recalling* that the Committee has been requested to act as *amicus curiae* in each of these cases should they come before the Court,

*Recalling* that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Recalls* that the Inter-American Convention on Human Rights, to which the State of Colombia is a party, and the jurisprudence developed by its supervisory bodies firmly guarantee the right to justice, truth and reparation for victims of human rights violations;
2. *Reaffirms its conviction* that a full and swift examination of the case of Mr. Cepeda and that of the *Unión Patriótica* by the Inter-American Commission on Human Rights and, if necessary, the Inter-American Court is essential to helping effectively protect these rights in both cases;

3. *Notes therefore with satisfaction* that the Inter-American Commission has presented its preliminary report in the case of Mr. Cepeda; *trusts* that the authorities have given it full consideration and acted on any recommendations that the Commission may have made; *would greatly appreciate* receiving information on developments in the consideration of the case of Mr. Cepeda by the Inter-American system, if and when this becomes publicly available;
4. *Trusts* that the Commission will soon adopt its report on the *Unión Patriótica* case; *would greatly appreciate* being kept informed in this respect;
5. *Is confident* that, through its oversight role, the Colombian Congress is doing everything in its power to ensure that the competent authorities take the necessary action to comply with Colombia's obligations under the Inter-American Convention in the cases at hand; *would greatly appreciate* receiving information on this point;
6. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. CO/121 - PIEDAD CORDOBA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Piedad Córdoba, a member of the Senate of Colombia and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking into account* the communication from the Prosecutor General's Office of 16 July 2008,

*Recalling* that Senator Córdoba was abducted and held by the paramilitary group *Autodefensas Unidas de Colombia* (AUC) between 21 May and 4 June 1999, and that a suspect has been identified, detained and heard in this case,

*Recalling* that an attempt was made on Ms. Córdoba's life in January 2003 and that the three persons arrested in that connection were all acquitted on 5 March 2005,

*Considering* that Ms. Córdoba is regularly threatened in connection with her vocal criticism of the Colombian Government and outspoken denunciation of human rights violations in Colombia, and enjoys a security detail,

*Noting* that, despite the Committee's many requests, no substantive information has been forthcoming from the source in this case,

1. *Remains deeply concerned* at the de facto impunity of those who have shown, in either word or deed, their intention to kill Senator Córdoba;
2. *Stresses* that her only effective protection ultimately combines an appropriate security detail with resolute and effective action to identify the culprits and bring them to trial;
3. *Calls on* the authorities, under their obligation to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times;
4. *Considers* that, although the concerns in this case are very serious, the prolonged silence of the source prevents it from examining the case effectively any further;
5. *Decides therefore* to close its examination of the case, while reserving the right to reopen it should any information be forthcoming to warrant such action;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source

**CASE No. CO/122 - OSCAR LIZCANO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Oscar Lizcano, former member of the Congress of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that Mr. Lizcano was kidnapped by the Revolutionary Armed Forces of Colombia (FARC) on 5 August 2000 and that in early April 2008 a video was circulated in which he appeared seriously weakened,

*Considering* that on 9 October 2008 the Colombian High Commissioner for Peace confirmed before the Colombian Congress that Mr. Lizcano's health was precarious, stating that the President of Colombia had authorized two persons to maintain contact with the FARC section holding Mr. Lizcano and that those contacts had been in place for three weeks,

*Considering* that the Colombian Armed Forces liberated Ms. Ingrid Betancourt and fourteen other hostages held by FARC on 2 July 2008; *recalling* that five former congressmen and Ms. Clara Rojas, Ms. Betancourt's former assistant, were released by FARC in early 2008, and that FARC continues to hold an estimated 700 persons in captivity,

*Recalling furthermore* that the Colombian Congress set up the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement to promote the conclusion of a humanitarian agreement,

1. *Welcomes with deep satisfaction* the fact that Ms. Betancourt and fourteen other hostages have recovered their freedom after years of captivity by FARC and agonizing uncertainty for them and their families;
2. *Is encouraged* by the wave of releases that have taken place since the beginning of the year and the efforts made to obtain the liberation of Mr. Lizcano, whose precarious health requires urgent medical attention;
3. *Trusts* that the Government of Colombia and FARC will act with resolve to obtain the release of Oscar Lizcano and the swift conclusion of a humanitarian agreement leading to the release of all hostages held by FARC;
4. *Is confident* that the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement is keeping up its important work to this end, and *wishes to ascertain* the steps it has recently taken in this respect;
5. *Recalls* that the abduction of persons who play no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. CO/130 - JORGE TADEO LOZANO OSORIO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the Coordinator of the Human Rights and Hearings Committee of the Colombian Senate, dated 17 September 2008,

*Taking account also* of the information regularly provided by the source,

*Recalling* that: Mr. Lozano was convicted and given a heavy prison sentence following fundamentally flawed proceedings without being afforded the possibility of challenging them as, under Colombian law, members of Congress are tried in single instance; in 2001 he submitted a petition to the Inter-American Commission on Human Rights regarding the flawed judicial proceedings; despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming to date,

*Considering* that by Decision C-545/08 of 28 May 2008, the Colombian Constitutional Court recognized for the first time that the constitutional procedure applicable to criminal proceedings against members of the Colombian Congress, such as Mr. Lozano at the time, in which the Supreme Court Penal Chamber acts as both prosecutor and judge, was not in keeping with respect for the right to a fair trial and had to be modified accordingly; that a bill of law is now pending before the Colombian Congress to change the procedure accordingly along with introducing the possibility of appeal,

*Considering* that on 23 July 2008, Mr. Lozano's son, Mr. Ivanovich Lozano, was murdered in the streets of Medellin; that four weeks before his death, Mr. Lozano received direct and indirect extortionist threats, which were brought to the attention of the city's competent police authorities (Gaula), who nevertheless reportedly took no action; *recalling* that, in the past, several attempts have apparently been made to silence Mr. Lozano and that his security and that of his family had been at risk for some time as a result of his critical attitude towards those who acted against him and who hold political, military or paramilitary power in Colombia,

1. *Is shocked* at the killing of Mr. Lozano's son and the apparent inaction of the authorities in the face of the threats communicated to them; *calls on* the authorities, in keeping with their duty, to do everything in their power to conduct a full investigation into the murder with a view to identifying and bringing to trial the culprits and to provide Mr. Lozano and his family with the necessary protection; *would greatly appreciate* receiving information on what steps have been taken to this end;

2. *Reiterates its call* on the Inter-American Commission to give full and swift consideration to Mr. Lozano's petition so as to help redress the injustice he has suffered; *considers* that the decision by Colombia's Constitutional Court lends the petition further weight as it constitutes a public and official acknowledgement by the Colombian courts at the highest level that, on an essential point, the legal procedure followed in his case was flawed; *anxiously awaits* the Commission's decision, which it hopes, in the light of precedents and the latest Colombian jurisprudence, will be positive;
3. *Notes with satisfaction* that the Colombian Congress is reviewing the procedure applicable to criminal cases against its members; *trusts* that a new procedure which ensures full compatibility with fundamental fair trial standards, including the right to appeal and non-discrimination of members of parliament, will soon be in place; *would greatly appreciate* being kept informed of progress in this respect;
4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission and the source of this resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. CO/138 - GUSTAVO PETRO URREGO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gustavo Petro Urrego, a member of the Colombian Senate and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking into account* the communication from the Prosecutor General's Office of 16 July 2008,

*Recalling* that Mr. Petro has constantly received death threats and that, with respect to one such threat, the Commander of the *Bloque Tolima* of the *Autodefensas Unidas de Colombia* (AUC), a paramilitary group disbanded on 22 October 2005, was identified as a suspect and heard in court on 22 January and 12 February 2007; the investigation has been at the preliminary stage since 2004 and the prosecuting authorities have requested further evidence-taking,

*Noting* that, despite its many requests, no substantive information has been forthcoming from the source in this case,

1. *Remains deeply concerned* that, with possibly one exception, those behind the numerous death threats against Mr. Petro have enjoyed de facto impunity;
2. *Stresses* that ultimately his only effective protection combines an appropriate security detail with resolute and effective action to identify the culprits and bring them to trial;
3. *Calls on* the authorities, under their obligation to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times;
4. *Considers* that, although the concerns in this case are very serious, the prolonged silence of the source prevents it from further examining the case effectively;
5. *Decides therefore* to close its examination of the case, while reserving the right to reopen it should any information be forthcoming to warrant such action;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source.

**CASE No. CO/140 - WILSON BORJA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the source on 11 August 2008,

*Considering* the following information on file:

- Mr. Wilson Borja suffered an attempt on his life on 15 December 2000, after he had received repeated death threats; on 26 August 2005, an indictment was brought against five accused who had not yet been apprehended following the sentencing of four persons to prison terms ranging between 28 and 60 years; one of the convicts, Army Major César Alonso Maldonado Vidales, escaped from the Military Police Battalion 13 detention centre in November 2004, even though he was being guarded by some 30 prison officers, but was captured again on 15 July 2008; two army officers were punished - one for a disciplinary offence leading to his suspension for 80 days and the other to a two-year suspended prison sentence - for their responsibility in the escape; two of the other convicts, former Sergeant Evangelista Basto Bernal and Mr. Regulo Rueda Chávez were reportedly included by the Colombian Government in the list of those enjoying the privileges offered under the Justice and Peace Law, which is applicable exclusively to demobilized members of illegal armed groups, on the grounds that they belonged to the *Bloque Centauros* of the *Autodefensas Unidad de Colombia*, even though no such claim had been made by this group itself; given the time already spent in detention, these persons may soon be released; the alleged masterminds of the attack, paramilitary leaders Salvatore Mancuso and Evert Veloza Garcia (alias "HH"), will reportedly stand trial in the United States of America, but only on drug-related charges;
- There have reportedly been deficiencies on several occasions (starting in May 2006) in Mr. Borja's protection scheme, in particular with respect to his security vehicles, about which he has regularly complained to the Ministry of Interior and Justice without any action being taken; Mr. Borja has therefore felt obliged on several occasions, most recently at the end of March 2008, to stay at home until his security was fully ensured;
- Following the killing on 1 March 2008 by the Colombian military of high-ranking FARC member Raúl Reyes and the discovery of reportedly compromising material in his computers, on 22 May 2008 the Attorney General requested the Colombian Supreme Court to investigate Mr. Borja, along with others, for his alleged links with the Revolutionary Armed Forces of Colombia (FARC); on 4 July 2008, the Supreme Court opened a preliminary investigation in this respect; the source affirms that the documents found are written by others in which Mr. Borja's name appears, as do those of many others, and described his public activities as a parliamentarian and previously as a labour union leader; the source affirms that the authorities passed the collected information to selected media even though the investigation was ongoing; when Mr. Borja was publicly linked to FARC in a radio interview on 20 February 2007, he lodged a complaint with the Committee on Accusations of the House of Representatives, whose investigation is under way,



Recalling that Mr. Borja has been a strong and persistent advocate for a peaceful solution to the conflict in Colombia,

1. *Is deeply concerned* at the reportedly recurring problems in Mr. Borja's security detail; *can but consider* that the failed attempt on his life shows that his protection has to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities are responsible for putting him at great and unnecessary risk; *urges* the Colombian authorities to ensure, as is their duty, that an effective security arrangement is in place for Mr. Borja at all times; *wishes* to receive confirmation on this point;
2. *Expresses deep concern* about the actual enforcement of prison sentences in the case of the attack on Mr. Borja's life; *considers* that the escape in suspicious circumstances of the army Major bearing chief responsibility for the crime and the limited action to hold those responsible to account, together with the proposed reduction of sentence for two convicts on highly contested grounds, raise doubts about how sincerely the authorities are seeking to ensure full justice in this case; *considers* that, as the main convicts were serving or former members of the armed forces, the authorities have an even greater responsibility to ensure that they are indeed serving their sentences, and *urges* them to take all necessary measures to this end; *would greatly appreciate* receiving further information in this respect;
3. *Is deeply concerned* that the criminal investigation instituted against Mr. Borja is taking place in a climate in which, along with other vocal opponents to the current government, he is publicly discredited and, in disrespect of the presumption of innocence, is labelled a FARC associate before any court of law has ruled on these serious accusations; *calls on* the authorities to refrain from making such statements and to let justice take its course; *trusts* that the investigation and proceedings are carried out diligently and independently and that they fully respect Mr. Borja's rights; *wishes* to be informed of the precise accusations, and the facts underpinning them, against Mr. Borja and the stage reached in the proceedings before the Supreme Court;
4. *Considers* that the Congress of Colombia has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation, and therefore *calls upon* Congress to do everything in its power to ensure due administration of justice in all proceedings relating to Mr. Borja, and the provision of appropriate security arrangement for him; *would greatly appreciate* receiving information on any steps taken in this respect, including by the Committee on Accusations of the House of Representatives, on Mr. Borja's complaint;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**DEMOCRATIC REPUBLIC OF THE CONGO**

<b>CASE No. DRC/30 - PIERRE DIBENGA TSHIBUNDI</b>	<b>CASE No. DRC/40 - CHARLES MAKENGO</b>
<b>CASE No. DRC/31 - FRANCK DIONGO SHAMBA</b>	<b>CASE No. DRC/41 - EDMOND LOFONDE BOSENGA</b>
<b>CASE No. DRC/32 - PIERRE JACQUES CHALUPA</b>	<b>CASE No. DRC/42 - JOSEPH UCCI MOMBELE</b>
<b>CASE No. DRC/33 - KAMBA MANDUNDU</b>	<b>CASE No. DRC/43 - JUSTIN KARHIBAHAZA MUKUBA</b>
<b>CASE No. DRC/34 - LIÉVIN LUMANDE MADA</b>	<b>CASE No. DRC/44 - MULENDA MBO</b>
<b>CASE No. DRC/38 - BLAISE DITU MONIZI</b>	<b>CASE No. DRC/45 - MILOLO TSHANDA</b>
<b>CASE No. DRC/39 - JOSEPH MBENZA THUBI</b>	<b>CASE No. DRC/47 - RENE ISEKEMANGA</b>

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo (DRC) whose mandates were invalidated, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/183/12(b)-R.1),

*Taking into consideration* the information and observations provided to the Committee by members of the Congolese delegation to the 119<sup>th</sup> IPU Assembly on the occasion of a hearing organized for it,

*Also taking into consideration* the information provided on that occasion by Mr. Chalupa and Mr. Diongo,

*Considering* the following information on file:

- the mandates of the persons in question, all declared elected in the first multiparty elections held in the Democratic Republic of the Congo (July 2006), were invalidated by Judgment R.E. 007 delivered by the Supreme Court of Justice on 5 May 2007; given the considerable criticism voiced of how the Court ruled on the electoral appeals, and in particular the fact that it handed down most of those rulings outside the two-month time limit set by the electoral law and allowed third-party objections, not provided for under that law, the National Assembly decided to establish a "Special Committee to examine follow-up to be taken on the rulings of the Supreme Court of Justice with respect to the electoral disputes of the national deputies"; in its final report of 24 May 2007, the Special Committee finds many irregularities committed by the Court, including the removal from office of non-existent deputies, modification of the method of voting, removal of the deputies for whom no appeal had been lodged and their replacement with candidates having received fewer votes, the absence of any recount of votes under cross-checking conditions despite an interim order issued by the Court on 9 February 2007 directing such a recount, and despite the legal provisions on the subject, inflating of the number of votes in some constituencies beyond the real number of voters; the Special Committee submitted two proposals to the Assembly, namely (a) rejection of the rulings given outside the time limit on the grounds of excess of jurisdiction, and (b) application of Judgment R.E. 007 of 5 May 2007;

- in its resolution of 17 July 2007, the National Assembly adopted a resolution on this case denouncing the rulings of the Supreme Court of Justice as being "marred by serious irregularities and abuse of rights"; the resolution requests the President of the Republic: (i) urgently to convene an inter-institutional meeting of various authorities in order "to draw all relevant conclusions from the dysfunction of our justice and to lay down the major policy lines for a reform of our judicial system", and (ii) "to contemplate any possible political solution in favour of the victims of the injustice of the Supreme Court of Justice, in a context of reconciliation and national solidarity and in order to preserve civil peace in the country"; the resolution further requests the Higher Council of Magistrates "to assume its responsibilities and institute disciplinary proceedings against the offending magistrates of the Supreme Court of Justice. Magistrates found guilty should be disbarred and banned from any judicial and legal professions"; with respect to the rulings under consideration, the National Assembly, in order not to "go from irregularity to irregularity", recommended their application in keeping with Articles 151 and 158 of the Constitution, while nevertheless demanding that all material errors committed by the Supreme Court of Justice be corrected by the Court itself;
- following that resolution the parliamentarians concerned were replaced by persons declared to have been elected by the Supreme Court of Justice and, according to the sources, close to the President of the Republic;
- the parliamentarians concerned, who constituted the "Group of Deputies victims of injustice and discrimination (G 18)", argue that, although Articles 151 and 168 establish the immediate enforceability of the rulings of the Constitutional Court/ Supreme Court of Justice, that body is nevertheless subject to the authority of the law and bound to respect it (Article 150 of the Constitution); that had not happened as the Court had breached several provisions not only of the electoral law but also of the Constitution, a state of affairs determined by the National Assembly itself;
- the inter-institutional meeting recommended in the National Assembly was held on 23 July 2007 under the direction of the President of the Republic, and at the meeting the First President of the Court agreed to the correction of two cases of material error in Judgment R.E. 007; however, according to the sources, the results of the meeting were not made public;
- following a request for the correction of material error, the Supreme Court of Justice, by judgment delivered on 14 December 2007, reinstated two of the parliamentarians concerned, Ms. Dembo and Mr. Kingotolo, and two other parliamentarians concerned accepted posts on boards of directors of public enterprises and one parliamentarian concerned, standing in a by-election, was not re-elected;
- in the judgment it delivered in the case of Ms. Dembo, the Supreme Court noted, inter alia, that "it is accepted that the judge cannot refuse to rectify a material error ... , that the electoral magistrate is judge of the accuracy and genuineness of the result and that, in the case under consideration, the rectification of such errors, to the extent that they concern figures, is such as will restore the genuineness of the ballot",

*Considering* that the invalidation of the election of the other persons concerned is also due to material errors, as evident from the documents on file; but that the Supreme Court refused to receive the applications for rectification of material error submitted by Mr. Chalupa and Mr. Diongo, apparently by order of the Office of the President of the Republic, and that when Mr. Chalupa and Mr. Diongo sent their applications by DHL, the Court simply returned them by DHL after an interval of 20 days, proof of which was provided to the Committee,

*Considering* that, in its meeting with the Committee, the Congolese delegation contended that, owing to the separation of powers and the fact of the final character of Supreme Court judgments and the obligation of all State institutions to apply them, the National Assembly would have caused a grave institutional crisis had it refused to apply Judgment R.E. 007; that the National Assembly was conscious of the need not only to reform the judicial system, but also to find solutions for repairing the injustices done to the parliamentarians concerned, and *noting* that the National Assembly invited the Committee in this respect to carry out an on-site mission to contribute to the settlement of this matter,

*Considering* lastly that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, Articles 25 and 26 of which establish the right to vote and be a candidate in elections ensuring the free expression of the will of the electors, and the right to equality before the law, respectively,

1. *Thanks* the delegation of the Democratic Republic of the Congo for its cooperation;
2. *Emphasizes* that the arbitrary invalidation of election results, by distorting the truth of the ballot box, violates not only the right of the persons concerned to exercise the parliamentary mandate entrusted to them by the people, but also the right of their electors to be represented by persons of their choice; *commends* the fact that the National Assembly has clearly voiced its disapproval of the arbitrary invalidation of the parliamentarians concerned and has stated its readiness to repair the injustice done to them;
3. *Is alarmed* at the refusal of the Supreme Court to rule on the applications for rectification of material error duly filed, and *affirms* that such refusal constitutes a grave fault denying the persons concerned their fundamental right of access to justice and throws unflattering light on how the highest jurisdiction of the country administers justice;
4. *Therefore urges* the authorities immediately to redress this state of affairs, which is an affront to a fundamental principle of democracy, namely that the results of free and fair elections must be respected;
5. *Welcomes* the invitation extended to the Committee to carry out an on-site mission with a view to contributing to the rapid settlement of this case, and *requests* the Secretary General and the Committee to take the necessary steps to this end;
6. *Requests* the Secretary General to convey this resolution to the President of the National Assembly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. EC/02 - JAIME RICAURTE HURTADO GONZALEZ ) ECUADOR**  
**CASE No. EC/03 - PABLO VICENTE TAPIA FARINANGO )**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, member and substitute member, respectively, of the National Congress of Ecuador, who were murdered in broad daylight in the centre of Quito on 17 February 1999 along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the President of the Special Commission of Inquiry and the Commission's legal adviser at the hearing held with the Committee on 15 July 2008,

*Recalling* the following:

- the Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation authorities, in particular the line of inquiry that the police presented in their preliminary report and as announced on 19 February 1999 by the then President of the Republic, namely that the motive for the killing was Jaime Hurtado's links with the Colombian guerrilla movement, which conclusion has subsequently never been elaborated or substantiated;
- the CEI has pointed to numerous inconsistencies in the police investigation and concluded that deliberate efforts were made by some police officers to thwart its conduct; the CEI also expressed its strong disapproval of the inactive attitude of the prosecuting authorities and the courts when it came to shedding full light on the murder, in particular that they took the preliminary police conclusions at face value;
- the CEI conducted an extensive inquiry that took account of Mr. Hurtado's critical stance on the then Government and his investigations into corruption cases, which are said to have led him to unravel a web of drug trafficking featuring high-profile figures from both banking and political circles; none of the serious leads presented in this regard in the CEI's extensive reports has so far been seriously investigated or taken into account by the prosecuting authorities;
- on 23 October 2003, the judge in the case declared the plenary phase of the trial open against six accused, while ordering a stay of proceedings against 21 other persons, mainly police officers; on 20 December 2005, Mr. Freddy Contreras Luna was sentenced to 16 years in prison for his involvement in the triple murder; he started serving his sentence on 20 January 2006; an appeal against the ruling is pending before the Supreme Court; on 3 February 2007, Mr. Steven Ponce was arrested in the United States of America, extradited to Ecuador and subsequently sentenced to 16 years in prison for his part in the crime; the CEI affirms that neither of the judgments takes into consideration any of its findings; the proceedings against the four accused who are at large remain suspended and those against the 21 other persons continue to be stayed,

*Considering* that the CEI has completed its inquiry and is now concentrating on ensuring that the full truth is ascertained about the triple murder and its mastermind(s), and that in this respect it is participating in the appeal proceedings in the case of Mr. Contreras, arguing that the basis for his conviction in fact invalidates the preliminary findings of the police on the motive of the murder, and in order to ensure that the Court takes full account of its conclusions,

*Considering* that the CEI is preparing a submission to the Inter-American Commission on Human Rights to obtain a ruling that the State of Ecuador has failed to comply with its duty to advance the cause of justice in this case and to provide the victims' families with reparation,

*Considering* that in Ecuador the offence of murder is subject to a ten-year statute of limitations,

1. *Urges* the authorities to take full account of the CEI's findings since its thorough investigation has provided substantive leads and revealed serious contradictions and omissions in the conduct of the competent authorities in this case, which, if not taken seriously, can only lend credence to the allegation that a deliberate effort has been made to prevent the full truth from emerging;
2. *Trusts* that, at this crucial juncture, the authorities are doing their utmost to ensure that the accused who remain at large are apprehended and can still be prosecuted, particularly since such proceedings would offer a fresh opportunity to give critical consideration in court to all the material on file in this case, in particular the work of the CEI;
3. *Is confident* that in the meantime the appeal proceedings concerning Mr. Contreras are taking due account of the findings of the CEI, and *wishes* to be kept informed in this respect;
4. *Would also appreciate* being kept informed of developments regarding the submission of the petition to the Inter-American Commission on Human Rights;
5. *Requests* the Secretary General to inform the competent authorities, the CEI and the source of this resolution and to seek the requested information from them;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

## ECUADOR

CASE No. EC/11 - F. AGUIRRE CORDERO	CASE No. EC/39 - J. E. ITURRALDE MAYA
CASE No. EC/12 - A. ALVAREZ MORENO	CASE No. EC/40 - F. J. JALIL SALMON
CASE No. EC/13 - F. ALARCON SAENZ	CASE No. EC/42 - C. LARREATEGUI NARDI
CASE No. EC/14 - N. MACIAS	CASE No. EC/43 - I. G. MARCILLO ZABALA
CASE No. EC/15 - R. AUQUILLA ORTEGA	CASE No. EC/44 - M. MARQUEZ GUTIERREZ
CASE No. EC/16 - A. E. AZUERO RODAS	CASE No. EC/45 - C. R. MAYA MONTESDEOCA
CASE No. EC/17 - E. A. BAUTISTA QUIJE	CASE No. EC/46 - J. I. MEJIA ORBE
CASE No. EC/18 - R. V. BORJA JONES	CASE No. EC/47 - E. MONTAÑO CORTEZ
CASE No. EC/19 - S. G. BORJA BONILLA	CASE No. EC/48 - L. U. MORALES SOLIS
CASE No. EC/20 - F. G. BRAVO BRAVO	CASE No. EC/49 - T. A. MOSCOL CONTRERAS
CASE No. EC/21 - M. L. BURNEO ALVAREZ	CASE No. EC/50 - B. L. NICOLALDE CORDERO
CASE No. EC/22 - J. C. CARMIGNIANI GARCES	CASE No. EC/51 - A. L. NOBOA YCAZA
CASE No. EC/23 - J. H. CARRASCAL CHIQUITO	CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO
CASE No. EC/24 - L. O. CEDEÑO ROSADO	CASE No. EC/53 - C. G. OBACO DIAZ
CASE No. EC/25 - F. A. COBO MONTALVO	CASE No. EC/54 - L. A. PACHALA POMA
CASE No. EC/26 - E. G. CHAVEZ VARGAS	CASE No. EC/55 - J. F. PEREZ INTRIAGO
CASE No. EC/27 - L. A. CHICA ARTEAGA	CASE No. EC/56 - M. X. PONCE CARTWRIGHT
CASE No. EC/28 - P. DEL CIOPPPO ARANGUNDI	CASE No. EC/57 - H. L. ROMERO CORONEL
CASE No. EC/29 - M. S. DIAB AGUILAR	CASE No. EC/58 - W. F. ROMO CARPIO
CASE No. EC/30 - J. DURAN MACKLIFF	CASE No. EC/59 - G. M. SALTOS ESPINOZA
CASE No. EC/31 - E. B. ESPIN CARDENAS	CASE No. EC/60 - G. R. SALTOS FUENTES
CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS	CASE No. EC/61 - M. L. SANCHEZ CIFUENTES
CASE No. EC/33 - P. FIERRO OVIEDO	CASE No. EC/62 - S. E. SANCHEZ CAMPOS
CASE No. EC/34 - O. P. FLORES MANZANO	CASE No. EC/63 - A. SERRANO VALLADARES
CASE No. EC/35 - A. G. GALLARDO ZAVALA	CASE No. EC/64 - L. F. TAPIA LONBEIDA
CASE No. EC/36 - M. V. GRANIZO CASCO	CASE No. EC/65 - L. F. TORRES TORRES
CASE No. EC/37 - A. X. HARB VITERI	CASE No. EC/66 - W. VALLEJO GARAY
CASE No. EC/38 - O. IBARRA SARMIENTO	CASE No. EC/67 - N. VITERI JIMENEZ

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the former members of the Parliament of Ecuador listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the information provided by the Vice-President of the Supreme Electoral Court at the hearing held with the Committee on 15 July 2008 and of his letter of 7 September 2008,

*Taking account also* of the information provided regularly by the source,

*Recalling* the following undisputed information on file:

- On 7 March 2007, the Supreme Electoral Court (TSE) dismissed 56 Congress members and debarred them for one year from participating in political life, declaring that they had interfered with the electoral process by voting in favour of the two National Congress resolutions calling for the dismissal and replacement of the TSE President, for lodging with the Constitutional Court an application for annulment of the resolution by the TSE to call for the referendum on the establishment of a Constituent Assembly as being unconstitutional, and for proposing impeachment proceedings against the four TSE members who had approved the resolution for a referendum; the dismissed members of Congress, who constituted more than half of its total membership, continued to meet in Quito, though outside of the parliamentary premises, as the Parliament of Ecuador;

- On 23 April 2007, the Constitutional Court ruled that the revocation of the mandates of the Congress members was unlawful, whereupon the TSE filed a request for clarification and amplification; on 24 April 2007, the National Congress, which had meanwhile replaced most of the dismissed parliamentarians with their substitutes, decided to dismiss the judges of the Constitutional Court on the grounds that their mandate had expired in January 2007;
- On 25 July 2007, the newly-designated Constitutional Court overturned their predecessor's decision of 23 April 2007, finding constitutional breaches and procedural flaws, the new decision being unappealable and hence final;
- On 12 October 2007, the dismissed parliamentarians presented a formal petition regarding their situation to the Inter-American Commission on Human Rights;
- On 10 January 2008, the Pichincha District Attorney General reactivated a previous request that criminal proceedings be instituted against 24 of the dismissed deputies for compromising State security and for overstepping their functions by setting up an unlawful parallel congress, which proceedings, if pursued, may again affect their political rights, the suspension of which - as part of the decision by the TSE to revoke their parliamentary mandate - expired in March 2008,

*Considering* that, on 28 September 2008, the people of Ecuador approved the draft Constitution; that elections for the newly created National Assembly, to replace the Congress, are expected to be held in early 2009,

1. *Thanks* the Vice-President of the Supreme Electoral Court for his cooperation and the extensive information provided in this complex case;
2. *Remains nevertheless convinced* that the case raises fundamental concerns regarding a breach of parliamentary immunity and the unlawful revocation of the parliamentary mandate of more than half of the members of the Ecuadorian Congress;
3. *Notes* that since then significant developments have taken place in Ecuador, the most notable and recent being the adoption of a new Constitution by the people setting out a new institutional framework for the country;
4. *Trusts* that the 56 dismissed deputies can all stand in the forthcoming legislative elections should they so wish; *calls therefore on* the authorities to shelve any legal action that may be under way against 24 of the dismissed deputies in connection with activities directly linked to their parliamentary mandate and its revocation; *would greatly appreciate* receiving information on this point;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).



**CASE No. EGY/02 - AYMAN NOUR - EGYPT**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ayman Nour, a member of the People's Assembly of Egypt at the time that the communication regarding him was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter from the Speaker of the People's Assembly of 29 May 2008 whereby he conveyed the Attorney General's response to its request for a Committee delegation to be authorized to visit Mr. Nour; *also taking account* of his letter of 31 August and of his letter of 13 October 2008, which was hand-delivered to the IPU Secretariat,

*Considering* that Mr. Ayman Nour, founder of the opposition Al-Ghad party, who stood in the presidential elections of September 2005 in which he came second to president Mubarak, had his parliamentary immunity lifted on 29 January 2005, and was forthwith arrested on charges of forgery and counterfeiting for the purpose of founding his party; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at final instance and which he is now serving; Mr. Nour's state of health is said to be poor; a petition for release on medical grounds which Mr. Nour filed in August 2006 was rejected on the basis of an official medical report conveyed to the prison authorities in January 2007 to the effect that Mr. Nour's continuing imprisonment did not endanger his life; appeals against that decision were rejected, on 31 May 2007 by the Cairo Felonies Court, on 31 July 2007 by the State Council and at final instance, on 17 March 2008, by the High Administrative Court; in mid-May 2007, Mr. Nour was assaulted by security officers in court where he had to attend a hearing in connection with another case; on 6 September 2007, one of Mr. Nour's co-accused, Mr. Ayman Hassan Ismail El-Refa'y, who had retracted his statement against Mr. Nour, was found hanged in his cell, which he shared with three other prisoners; the authorities claim he committed suicide,

*Noting* more particularly the following details, as outlined in the Committee's report:

- Mr. Nour's parliamentary immunity was lifted in less than one day, the Speaker having received the request for the lifting on Friday, 29 January 2005 at 1 a.m., the Committee on Constitutional and Legislative Affairs having met from 11 to 11.35 a.m. to discuss the case and the plenary from 12.20 to 2 p.m. when it voted in favour of the lifting of Mr. Nour's immunity; the sources have pointed out that procedures for the lifting of immunity normally take several months, even years, and mentioned in this context the cases of Mr. Fa'ek El Tenneihy, Mr. Ragab Helal Hemeida, Mr. Hany Serour, Mr. Emad El-Gelda and Mr. Mamadou Ismail (a member of the Upper House), accused, respectively, of falsifying powers of attorney, furnishing contaminated blood to hospitals, corruption and manslaughter;
- Mr. Nour was accused, and later convicted, for having forged signatures to obtain the registration of his political party for which, according to Article 7 of the Law on Political Parties, 50 signatures are required; the Speaker stated in this respect that Mr. Nour, who had already gathered more than the 50 signatures, required more than 50 signatures because previous applications for registration had been rejected and a greater number of signatures would be "a proof of the popularity of the party" and have a stronger impact on the decision by the Political Parties Affairs Committee; however, according to the sources, Mr. Nour's previous applications were rejected not owing to a lack of signatures but because the party's programme, in the view of the Political Party Affairs Committee, did not differ from other political parties' programmes;

- Ayman Hassan Ismail, one of Mr. Nour's co-accused, retracted his statement against Mr. Nour in court, claiming that it had been extracted from him under pressure; the Court concluded that no evidence as to such coercion had been adduced; while in prison, Hassan Ismail asked to be authorized to make new statements regarding the Nour case. Mr. Nour informed the prosecutor of that on 21 August and again on 1 September 2007, forwarding to him a report which he had received from Ayman Hassan Ismail and requested - to no avail - that he be heard by the Prosecutor. On 6 September 2007, Mr. Ayman Hassan Ismail was found hanged in his cell, which he shared with three other prisoners. According to the authorities, he had hanged himself with his bed sheet at the cell door, his cellmates having noticed nothing and found him dead at the time of the morning prayers. The authorities affirm that Mr. Ayman Hassan Ismail had committed suicide. The Prosecutor has refused repeated requests by Mr. Nour to be heard in this respect; he reportedly also refused to answer Mr. Nour's reiterated petitions for a retrial;
- Mr. Nour has not been granted a full review of the merits of his case, since the Cassation Court is competent only to oversee the proper application of the law but not to look into the merits of a case;
- On 12 May 2007, while in court attending a labour lawsuit, Mr. Nour was reportedly assaulted and beaten by security officers because, owing to his state of health, he refused to walk up several flights of stairs and had requested use of the lift, complaining of joint problems; the authorities shelved his complaint against the officers in question stating that testimony gathered proved the accusations against them to have been false; according to the sources, the case has never been submitted to court;
- Mr. Nour suffers from various ailments, in particular diabetes and high blood pressure; he has a heart condition and has stents implanted, for which reason he lodged a petition for his early release on health grounds pursuant to Article 36 of Law No. 396/1956, which provides for the early release of prisoners suffering from a disease endangering their life or causing permanent incapacitation; in the course of the proceedings, the Attorney General/South Cairo Prosecution established a tripartite committee to examine the matter; in January 2007, that committee concluded that "the condition of the convict is but a disease, as per the diagnosis, shown in high blood sugar and hypertension that produced neither congested cardiac failure nor stiffness of knees" and that keeping him in detention constituted "no danger to his life if placed under medical care and supervision through frequent admissions to the prison specialized hospital for follow-up and treatment"; at the request of Mr. Nour, medical doctors and university professors at Al-Qasr El-Ainy Hospital, Ain Shams University and Alexandria University drew up reports in which, on the basis of the medical data gathered by the tripartite committee, concluded that Mr. Nour's conditions were life-threatening, that continued imprisonment would render him disabled and that, moreover, some expressed doubt about how far the required treatment could be provided in prison hospitals; in its decision of 31 July 2007, the Administrative Judiciary Court concluded that it was established that Mr. Nour's ailments affected the kidneys and could narrow heart coronary blood vessels, but that it trusted the tripartite committee's report that Mr. Nour's ailments did not constitute at the time of his examination any life-threatening complication; it has been consistently alleged that Mr. Nour is not provided with the necessary medical treatment, and information provided by the authorities to the contrary has been contradicted by information from the sources;
- According to the sources, Mr. Nour is not given special meals for diabetics and medication, although a court decision of 4 September 2007 ordered the authorities meet that requirement,

*Considering* that several requests by the Committee to carry out a mission and gather first-hand information from the competent authorities and from Mr. Nour, his family and his lawyer to clarify the sometimes conflicting information on file were rejected despite the Speaker's efforts to organize the mission and, more particularly, to secure a visit to Mr. Nour, which the Attorney General, however, deemed contrary to Egyptian law and interference with the Egyptian judiciary,

*Considering* that, in May 2008, the Attorney General reiterated his previous position and stressed that there was no precedent for a foreign body or representative thereof to visit an Egyptian prisoner; *noting* in this respect that the international non-governmental organization Human Rights Watch/Middle East Watch (HRW/MEW) had been authorized to conduct a fact-finding mission to Egypt in January and February 1992 to investigate arrest and detention practices and allegations of torture of individuals held in the custody of the security forces, that the HRW/MEW delegation, composed only of foreign nationals, had been able to visit six Egyptian prisons, including Tora Liman prison, over an eight-day period, and that the public report on the mission, issued in March 1992, clearly indicates that the HRW/MEW representatives were authorized to interview prisoners in their prisons; that, however, the Prison administration, in a letter forwarded by the Speaker stated that it had no information in this respect; that, furthermore, Egyptian sociologist Professor Saad Eddin Ibrahim, founder of two important human rights organizations, when incarcerated in Tora Farm Prison from 2000 to 2003 was visited by former Canadian Foreign Minister Flora McDonald, Ambassadors of various European Union countries, the President of the American University in Cairo, a US citizen as well as representatives of Amnesty International and Human Rights Watch,

*Noting* that in late May 2008 Mr. Nour reportedly suffered from food poisoning which severely affected his health and left marks on his skin, that he was apparently not taken to hospital until a week later; that, in his letter of 31 August 2008 the Speaker provided documents indicating that, according to the authorities, on 8 June 2008 Mr. Nour was taken to the hospital because of a suspected heart attack and received the necessary treatment before being taken back to prison,

*Bearing in mind* lastly that on 23 July 2008 President Mubarak, by Presidential Decree No. 200 pardoned over 1,500 prisoners having, like Mr. Nour, served half of their sentences; that, however, forgery was exempted from the Decree while, according to the sources, crimes such as murder, torture, corruption, espionage and state security crimes along with 60 other crimes were included and that Mr. Nour consequently was not covered by the pardon; that another pardon decree of October likewise excluded forgery from its scope; that, according to the Speaker, all presidential pardon decrees since 2002 have excluded forgery; that, however, according to the source, the majority of pardon decrees issued in the past by President Mubarak did not exclude forgery from their scope,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation, in particular his letters of 31 August and 13 October 2008, and *regrets* that the Committee was unable to meet with him at the session it held during the 119<sup>th</sup> IPU Assembly;
2. *Deeply regrets* that the Attorney General has not authorized the Committee to visit Mr. Nour, although permission to visit Egyptian prisoners was granted in the past to foreigners, including to non-governmental human rights organizations;
3. *Remains deeply concerned* at Ayman Nour's state of health, which, as stated by the tripartite committee, requires constant medical check-ups and frequent admissions to hospital; *stresses* in this context that, in its ruling of July 2007, the Administrative Judiciary Court specified that, at the time of the examination by the tripartite committee in January 2007, there was no life-threatening condition and that since then more than 18 months have elapsed without another thorough examination of his state of health;
4. *Deeply regrets* that Mr. Nour was not covered by the pardon decrees issued in July and October this year, and *calls on* the President to pardon Mr. Nour,

5. *Believes* that it is not only Mr. Nour's state of health which would justify a pardon but also the fact that the forgery of which the Egyptian courts found him guilty did not affect the rights or life of anyone and appears to have been immaterial since Mr. Nour had gathered far more than the 50 signatures necessary in order to register the Al-Ghad Party;
6. *Recalls* that Egypt, as a member of the United Nations Human Rights Council, has pledged to uphold the highest standards in the field of human rights, and *believes* that pardoning Mr. Nour would be consonant with that commitment;
7. *Sincerely hopes* that a meeting between the Speaker of the People's Assembly and the Committee can be arranged on the occasion of the next IPU Assembly with a view to their continued dialogue, and *requests* the Secretary General to take the necessary steps to this end;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009), when it hopes to be able to close the case following its satisfactory settlement.

## ERITREA

CASE No. ERI/01 - OGBE ABRAHA  
CASE No. ERI/02 - ASTER FISSEHATSION  
CASE No. ERI/03 - BERHANE GEBREGZIABEHER  
CASE No. ERI/04 - BERAKI GEBRESELASSIE  
CASE No. ERI/05 - HAMAD HAMID HAMAD  
CASE No. ERI/06 - SALEH KEKIYA  
CASE No. ERI/07 - GERMANO NATI  
CASE No. ERI/08 - ESTIFANOS SEYOUM  
CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO  
CASE No. ERI/10 - PETROS SOLOMON  
CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the parliamentarians listed above, former members of the Parliament of Eritrea who have been held incommunicado since 18 September 2001, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* the following:

- the parliamentarians concerned were arrested on 18 September 2001 after publishing an open letter criticizing President Issayas Afwerki's policies and have been held incommunicado ever since, accused of conspiracy and attempting to overthrow the legal government without ever being formally charged or tried;
- in November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which address the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and urged the State of Eritrea to order the immediate release of the former parliamentarians and to compensate them,

*Recalling* that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxemburg, Portugal and Spain reported that he did not know whether "anyone from outside or a member of their family has recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians,

1. *Is appalled* by the continued silence of the Eritrean authorities to its persistent pleas to end the prolonged incommunicado detention of the former parliamentarians in flagrant breach of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights;
2. *Urges* them once again to put an end to this shocking situation, which flies in the face of all respect for human dignity, by releasing the former parliamentarians forthwith;
3. *Considers* that, in the 60<sup>th</sup> anniversary year of the Universal Declaration of Human Rights, the international community, in particular the global parliamentary community, cannot remain silent in the face of such a violation, and *requests* the Secretary General to make every effort to draw international attention to this case; *invites* in particular those parliaments in the region that have strong ties with Eritrea to intervene with a view to securing the release of the persons concerned;

4. *Appeals once again* to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power to reach this objective and thus to ensure Eritrea's compliance with the decision of the African Commission on Human and Peoples' Rights in this case, and so prevent the Commission's authority from being undermined by the attitude of a party to the African Charter on Human and Peoples' Rights;
5. *Maintains its wish* to conduct an on-site visit, since it remains convinced that such a visit would help resolve this case;
6. *Requests* the Secretary General to take any other action that may lead to the release of the persons concerned;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

CASE No. LEB/01 - GIBRAN TUENI ) LEBANON  
CASE No. LEB/02 - WALID EIDO )  
CASE No. LEB/03 - ANTOINE GHANEM )  
CASE No. LEB/04 - PIERRE GEMAYEL )

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* the following:

- Mr. Tueni, Mr. Eido, Mr. Ghanem and Mr. Gemayel were all outspoken critics of the Syrian Arab Republic and its allies in Lebanon and were all killed between 2005 and 2007 in car-bomb attacks, except for Mr. Gemayel, who was gunned down;
- after Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor in his case,

*Recalling* that: the International Independent Investigation Commission set up under United Nations Security Council resolution 1644 (2005) to investigate former Lebanese Prime Minister Hariri's murder was subsequently also entrusted with devoting part of its capacity to giving technical assistance to the Lebanese authorities with respect to several cases of attempted assassination, assassination and bombing carried out in Lebanon since 1 October 2004, including the murders of the four members of the National Assembly; its investigations have since confirmed the hypothesis of operational links between some of the possible perpetrators of these various crimes; the Commission has held regular meetings with each of the investigating judges in Lebanon in charge of the cases and with the Prosecutor General to discuss investigative leads, evaluate the status of each investigation, and identify areas where it could provide additional technical assistance,

*Recalling* that the Commission has started preparing for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon, which will have concurrent jurisdiction with the national courts and will try those alleged to be responsible for Mr. Hariri's assassination and for any other attacks since October 2004 which are "connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005", and that on 13 November 2007 the United Nations Secretary-General appointed a new Commissioner to head the Commission and subsequently act as the Prosecutor of the Tribunal; *considering* that the mandate of the Commission has been extended until the end of 2008,

*Considering* that, in the light of the political deadlock in Lebanon during which the National Assembly failed to meet and ratify the agreement between the United Nations and Lebanon to set up the Special Tribunal, the United Nations Security Council, acting under Chapter VII of the Charter, adopted resolution [1757](#) on 30 May 2007, establishing the Special Tribunal and providing for the automatic entry into force of the aforesaid agreement on 10 June 2007, unless the Lebanese National Assembly agreed to ratify it before that date; *considering* that the political stalemate was only resolved after an agreement was reached by the main Lebanese political stakeholders in Qatar on 21 May 2008 and that the said agreement subsequently led to the election of a new President of Lebanon by the National Assembly and the creation of a government of national unity,

*Bearing in mind* that Lebanon is a State party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life,

*Considering* that Mr. Sheik Saleh Aridi, a senior member of the Lebanese Democratic Party, was assassinated in a car-bomb attack in the hills east of Beirut on 10 September 2008,

1. *Is deeply concerned* that the string of assassinations of prominent politicians in Lebanon continues to this day;
2. *Remains convinced* that the - as yet unresolved - murder of four members of the National Assembly of Lebanon strongly dissuades other members from speaking out on critical issues, and is thus a threat to the institution of parliament and ultimately to the people it represents; *reaffirms* therefore that the National Assembly has a special responsibility and interest to ensure that these crimes do not go unpunished;
3. *Trusts* that the National Assembly is making every effort to monitor and facilitate action and cooperation between the Commission and the national judicial system in these cases and a smooth transition to the prompt establishment of the Special Court; *also trusts* that, as in the case of Mr. Tueni, it has associated itself with the court action taken by the public prosecutor in the other three cases; *would greatly appreciate* receiving further information on these points;
4. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly of Lebanon;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).



**CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of a communication from the Executive Committee of the Mongolian Inter-Parliamentary Group, dated 7 October 2008, and of information provided by the Japanese House of Representatives and by one of the sources,

*Recalling* that, during an on-site visit to Mongolia by the Committee in August 2001, the Mongolian investigative authorities stated that technical assistance with some aspects of the investigation into Mr. Zorig's murder would help them to make progress; in August 2007, the then Prime Minister of Mongolia sent an official request for technical and other assistance to the Governments of Germany and Japan,

*Considering* that, following a favourable answer by the German Chancellor, technical assistance is being provided by the German authorities, who have inter alia conducted an analysis of certain pieces of evidence; that the Mongolian authorities have now to ascertain whether such expertise can be used as evidence under Mongolian criminal procedure; *considering* further that the Japanese Government has not as yet responded to the request for technical assistance since it has so far not received a request in due form,

*Noting finally* that elections took place in Mongolia in June 2008 and that it is envisaged that the Subcommittee of the Standing Committee on Legal Affairs will re-establish a working group to follow the investigation into Mr. Zorig's murder,

1. *Thanks* the Mongolian Inter-Parliamentary Group for its cooperation; *looks forward* to receiving confirmation of the establishment by the Standing Committee on Legal Affairs and its Subcommittee on Human Rights of a working group regarding the Zorig case, thus pursuing efforts by the previous legislature to help elucidate this case;
2. *Is pleased* to note that the German offer to provide technical assistance has materialized, and *looks forward* to receiving further information as the investigation advances; *hopes* that the new Mongolian Government will vigorously pursue efforts to elucidate this case, inter alia by pursuing efforts to obtain technical assistance from those States, in particular Japan, to which a request was already addressed a year ago;
3. *Requests* the Committee to keep itself informed of any developments in this case and to report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**MYANMAR**

**Parliamentarians reportedly still serving their sentences:**

CASE No. MYN/04 - KHIN MAUNG SWE	CASE No. MYN/215 - AUNG SOE MYINT
CASE No. MYN/13 - SAW NAING NAING	CASE No. MYN/236 - KHUN HTUN OO
CASE No. MYN/35 - SAW HLAING	CASE No. MYN/237 - KYAW SAN
CASE No. MYN/60 - ZAW MYINT MAUNG	CASE No. MYN/238 - KYAW MIN
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/241 - KHIN MAUNG WIN
CASE No. MYN/118 - THAN NYEIN	CASE No. MYN/242 - KYAW KYAW
CASE No. MYN/119 - MAY WIN MYINT	

**Parliamentarians arrested during and since the government crackdown on mass protests in the autumn of 2007 and at present in detention:**

CASE No. MYN/254 - THAN LWIN<sup>23</sup>  
CASE No. MYN/256 - HLAING AYE\*  
CASE No. MYN/257 - KYAW MAUNG\*  
CASE No. MYN/258 - MYINT KYI\*  
CASE No. MYN/259 - SAW LWIN\*  
CASE No. MYN/260 - OHN KYAING  
CASE No. MYN/261 - U NYI PU  
CASE No. MYN/262 - TIN MIN HTUT

**Parliamentarians who died in custody or soon after their release:**

CASE No. MYN/53 - HLA THAN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/132 - AUN MIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/245 - MYINT THEIN <sup>24</sup>
CASE No. MYN/83 - KYAW MIN	

**Parliamentarians assassinated:**

CASE No. MYN/66 - WIN KO  
CASE No. MYN/67 - HLA PE

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

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<sup>23</sup> He remains in detention and is being tried.

\* Meanwhile sentenced to prison terms.

<sup>24</sup> On 2 April 2008, MPU-Burma stated that Mr. Myint Thein had died following his release, as his health had seriously worsened during his detention.

*Referring also to the resolution adopted by the 117<sup>th</sup> IPU Assembly (Geneva, October 2007) entitled "The urgent need to immediately stop the widespread human rights violations and to restore the democratic rights of the people of Myanmar",*

*Recalling its long-standing concerns about:*

- the complete disregard for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats;
- the continuous removal from the political process of many parliamentarians-elect by various means, as a result of which numerous parliamentarians-elect have been imprisoned, in some instances their detention having been continuously extended without their ever having appeared in court, as in the cases of Dr. May Win Myint and Dr. Than Nyein, whose health, together with that of U Kyaw San, remains highly precarious;
- the violent repression by the military regime of the widespread protests in Myanmar in August and September 2007; the repression was denounced on many occasions by the international community, inter alia by the IPU at its 117<sup>th</sup> Assembly (Geneva, October 2007); between 3,000 and 4,000 protestors, including 17 parliamentarians-elect, were arrested; while 12 have since been released, the remaining five, except for Mr. Saw Lin, whose trial is pending, have been sentenced on account of their participation in the peaceful demonstrations; one of those parliamentarians-elect, Mr. Than Lwin, was ill-treated with total impunity by the regime's paramilitary group;
- the National Convention, an assembly chiefly consisting of members hand-picked by the authorities; the National Convention completed its work to draft a new Constitution, which gives the military sweeping and overriding powers, in early September 2007 without allowing a free exchange of opinions and ideas and criminalizing any criticism of its work; the authorities announced that the document would be put to a public referendum on 10 May 2008 and turned down a United Nations offer to provide international monitoring for the referendum,

*Considering that, despite the serious concerns about the drafting exercise performed by the National Convention and the fact that the devastating cyclone that hit Myanmar in early May 2008 made parts of the country inaccessible, the authorities went ahead with the referendum, which, according to official reports, overwhelmingly endorsed the new Constitution; that serious and detailed reports exist indicating that voters were pressured or blackmailed into voting 'yes' on the day of the referendum, which had become an entirely military-run exercise, and the night before, when local authorities went from house to house to collect people's votes, and that the authorities then decided to close the polling stations hours before the time originally scheduled,*

*Considering that on 23 September 2008, the military authorities released some 9,000 prisoners, including parliamentarians-elect Than Nyein, May Win Myint, Khin Maung Shwe and Aung Soe Myint; on 12 August 2008, parliamentarians-elect U Nyi Pu and Tin Min Htut were arrested at their houses; they were both signatories of a letter to the United Nations Secretary-General Mr. Ban Ki-moon at the end of July 2008, in which they declared their opposition to the 2010 elections and expressed concern about the United Nations stance on Myanmar; on 2 October 2008, parliamentarian Ohn Kyaing was arrested by the police,*

*Considering that the United Nations Secretary-General is scheduled to travel to Myanmar before the end of 2008,*

1. *Recalls that, as a result of the abominable prison conditions and treatment in Myanmar, six parliamentarians-elect have died in custody or soon after their release and that the health of several of the parliamentarians-elect still in detention is highly precarious; remains deeply concerned that 17 parliamentarians-elect are languishing in prison on the basis of legal provisions that blatantly disregard their most basic rights;*

2. *Is deeply concerned* that even when parliamentarians-elect are released, as in the case of the recent and long-awaited release of four of them, similar numbers of parliamentarians-elect are detained, often rearrested, by the authorities; *considers* that this situation, rather than giving weight to the claim by the authorities that they genuinely wish to move towards political change, merely adds to the state of fear and arbitrariness in Myanmar;
3. *Urges* the authorities to release all 17 parliamentarians forthwith and to refrain from any further political harassment;
4. *Reaffirms its long-standing conviction* that the National Convention, owing to how it was set up and functioned, was illegitimate from the start and bound to produce a text that would fail to reflect the democratic values to which the people of Myanmar have long aspired; *considers* that the widespread and grave irregularities which have been reported with respect to the referendum on the draft Constitution have only confirmed initial concerns that it would take place in a climate of fear, repression, distrust and total lack of transparency, thus turning the whole exercise into a deliberate attempt to erect a democratic façade for sustained military power;
5. *Stresses once again* that any transition to democracy will fail so long as it is not genuinely free and transparent, does not reflect the people's will, and is not preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
6. *Urges again* the authorities to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups for the purpose of initiating a genuine democratic transition in Myanmar; *calls on* the authorities to take the necessary steps without further delay and to cooperate fully in this respect with the United Nations;
7. *Appeals* to the international community to persevere in its united stand to promote change in Myanmar and publicly to express its rejection of the referendum process and outcome in the current circumstances, and *appeals especially* to the Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support in this respect;
8. *Appeals more particularly* to the Association of Southeast Asian Nations (ASEAN), through its Secretary-General, Dr. Surin Pitsuwan, to take any measures that may lead to the restoration of democracy in Myanmar, and *refers* in this respect to the 117<sup>th</sup> IPU Assembly's recommendation that ASEAN consider suspending Myanmar's membership until such time as the process of reconciliation with the forces of democracy gains momentum;
9. *Requests* the Secretary General to convey this resolution to the authorities and to all other parties concerned;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman (CL/177/11(a)-R.2),

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 13 May 2008, which he addressed to the IPU Secretary General on behalf of the Deputy Prime Minister and Minister for Foreign Affairs of Israel,

*Recalling* that, in response to its as yet unfulfilled wish to pay a private visit on Mr. Barghouti, the Israeli Minister for Foreign Affairs, at the meeting she had with the IPU President and the Secretary General during their visit to Israel in early February 2008, stated that such a visit could be arranged; *noting*, however, that in his letter the Permanent Representative stated that the matter was still being processed by the authorities,

*Recalling* that on numerous past occasions the authorities have allowed Palestinian friends and political associates of Mr. Barghouti to visit him and even allowed Al Jazeera and Al Arabyia television crews to interview him in prison,

*Recalling also* that there have been calls from within Israel for the release of Mr. Barghouti, most recently by Mr. Amir Peretz in March 2008 when he stated that Mr. Barghouti could be a key element in achieving stability and helping the Palestinian National Authority (PNA) assume responsibility,

*Bearing in mind* also the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Reaffirms further*, in the light of the expert report, that Mr. Barghouti was transferred to Israel in breach of the Fourth 1949 Geneva Convention and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities;
3. *Deeply regrets* that it has still received no answer to its request to visit Mr. Barghouti and *fails to understand* why it should take so long to process this long-standing request when even television crews have obtained such authorization;
4. *Expresses the earnest hope* that Mr. Barghouti and the other detained Palestinian legislators will be included in any prisoner exchange, which it hopes will take place soon;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Hussam Khader, a former member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to Mr. Simon Foreman's report on Mr. Khader's trial (CL/177/11(a)-R.2) and to Mr. Sadakat Kadri's report on the proceedings relating to Mr. Khader's application for early release (CL/182/12(b)-R.2),

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, which he addressed to the IPU Secretary General on behalf of the Speaker of the Knesset; *also taking account* of the information provided by one of the sources on 5 September 2008,

*Recalling* the following:

- Mr. Hussam Khader was convicted and sentenced in September/November 2005 on the basis of a plea bargain regarding both the conviction and the sentencing; the IPU trial observer, Mr. Simon Foreman, concluded in his report on the trial of Mr. Khader that he "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial"; in his report, Mr. Foreman also referred to the cruel, inhuman and degrading treatment inflicted on Mr. Khader while in detention, on which no convincing evidence to the contrary has been submitted by the Israeli authorities; the IPU has been consistently calling for his release;
- Mr. Khader's petition for early release was dismissed on 17 February 2008; in his report on the proceedings before the release committee, Mr. Kadri concluded that "the serious concerns Mr. Foreman expressed in his report about the fairness of Mr. Khader's trial have been compounded by the release committee's refusal to grant him early release. Although the adjournments that preceded the committee's final decision suggest that its members were concerned not simply to rubber-stamp the security service's views about Mr. Khader, their eventual reliance on the Shabak's secret report ultimately left him in a hopeless position. The committee's ruling was founded on allegations made by unidentified people for unidentifiable reasons, which Mr. Khader and his lawyer were not permitted to know, let alone test. The only additional input came from Mr. Khader himself, and the release committee's insistence that he satisfactorily explain his 'ideology' to obtain release effectively turned his offence into a thought crime - imposing a demand for mental capitulation that his vocalized support for peace could not satisfy",

*Considering* that Mr. Khader was among the 200 Palestinian prisoners released on 25 August 2008 by the Israeli authorities as a goodwill gesture to the Palestinian Authority,

1. *Thanks* the Israeli authorities, in particular the Speaker of the Knesset and the Minister for Foreign Affairs, for their assistance in this case;
2. *Is pleased* that Mr. Khader has finally been released and *decides* to close his case;
3. *Nevertheless reaffirms its conviction*, in the light of Mr. Foreman's and Mr. Kadri's reports on Mr. Khader's trial and the proceedings before the release committee, that Mr. Khader did not enjoy a fair trial.

**CASE No. PAL/05 - AHMAD SA'ADAT - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring* also to the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled "Backyard Proceedings",

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, as well as of information provided the same day by one of the sources,

*Recalling* that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to an Israeli jail; that in late April 2006, in the absence of sufficient evidence, the Israeli authorities dropped the charge of involvement in Mr. Zeevi's murder and subsequently brought 19 other charges against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP) and none of which allege direct involvement in crimes of violence, although seven (dating from 1998 or earlier) allege preparatory or secondary involvement in such acts, and that Mr. Sa'adat has refused to accept the court's jurisdiction since the start of his trial,

*Noting* that a hearing in Mr. Sa'adat's case was scheduled for 28 July 2008, at which the court intended to ascertain whether Mr. Sa'adat was prepared to present his defence regarding the prosecution evidence, and that the judge prolonged his imprisonment without adducing any grounds,

*Recalling* that, at the meeting the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *noting*, however, that no such information has been provided,

*Noting* in this respect that, in his letter of 8 October, the Permanent Representative of Israel stated that the "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind* also the prisoner exchange between Israel and the Lebanese group Hezbollah, which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it does not provide the requested information on Ahmed Sa'adat's conditions of detention, his state of health and the judicial proceedings brought against him;
2. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was not related to the murder charge but rather to his political activities as PFLP General Secretary and that the proceedings against him are therefore based on considerations alien to the law;
3. *Reiterates its wish* to be authorized to pay Mr. Sa'adat a private visit; and *reiterates its wish* to receive official information regarding Mr. Sa'adat's conditions of detention and the judicial proceedings against him;
4. *Requests* the Secretary General to take steps with a view to ensuring international observation of Mr. Sa'adat's trial;
5. *Earnestly hopes* that Mr. Sa'adat and the other detained Palestinian parliamentarians will be included in any prisoner exchange, which it hopes will take place soon;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).



**CASE No. PAL/40 - ABDEL AZIZ DWEIK - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled "Backyard Proceedings", as well as to the study of B'tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact" on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October 2008, as well as of information provided by one of the sources on 8 October 2008,

*Recalling* that Dr. Dweik has remained in detention since his arrest during the night of 5 to 6 August 2006 by the Israeli Defence Forces, which came in the context of the kidnapping of Israeli soldier Gilad Shalit, and that he is reportedly being held in deplorable conditions and denied access to the medical care he needs as a diabetic with a gall bladder condition; *noting* that he is apparently accused of having stood as a candidate on the Change and Reform list and assumed the function of Speaker on behalf of a terrorist organization, namely Hamas; that the hearing of witnesses finished four months ago and that the judge has yet to return the verdict,

*Recalling* that at the meeting the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *noting* in this respect that, in his letter of 8 October, the Permanent Representative of Israel stated that the "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind* the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it does not provide the requested information on Dr. Dweik's conditions of detention, his state of health and the judicial proceedings brought against him;

2. *Can only rely*, in the absence of any official information, on the details provided by other sources, according to which he does not receive the medical care he requires and is held in harsh conditions, as well as on general reports on the conditions of detention of Palestinian prisoners such as B'tselem's study on the violation of the right to visit Palestinians held in Israeli prisons;
3. *Notes* that there is nothing to incline it to change its position that Dr. Dweik's arrest, detention and prosecution are unrelated to any criminal activity on his part - as being elected in a free and fair election cannot be considered a crime, as neither can assuming the role of Speaker in a duly elected parliament; that his detention is therefore arbitrary and violates his fundamental right to freedom and his prosecution is based on considerations alien to the law;
4. *Reiterates its wish* to be permitted to pay Dr. Dweik a private visit;
5. *Requests* the Secretary General to take steps with a view to ensuring international observation of the remaining hearings in Dr. Dweik's trial;
6. *Earnestly hopes* that Dr. Dweik and the other detained Palestinian parliamentarians will be included in any prisoner exchange, which it hopes will take place soon;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. PAL/50 - MARIAM SALEH - PALESTINE / ISRAEL**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Mariam Saleh, a member of the Palestinian Legislative Council and Minister for Women's Affairs from March 2006 to March 2007, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* the following:

- Ms. Mariam Saleh was arrested on 13 November 2007 and accused of: (i) membership in the Change and Reform bloc; (ii) membership in the Huda Society for Women; (iii) travelling abroad while Minister for Women's Affairs and meeting with Prime Minister Ismail Haniyeh and Khaled Mashaal; and (iv) other acts which the prosecution classified as confidential and refused to disclose to the defence; however, the prosecution was unable to adduce any evidence to sustain the accusations and to charge her;
- On 17 December 2007, the Ofer military court ordered her release on payment of 7,000 shekels, but gave the prosecution the right to appeal, which it did; the next day Ms. Saleh was transferred to administrative detention; on 30 December her administrative detention was prolonged to six months at the request of the Israeli Intelligence Service, but this period was reduced by the court to three months; on 30 March 2008, the Appeal Court prolonged the administrative detention order until June 2008 without adducing any grounds,

*Considering* the source's report of 8 July 2008 that Ms. Saleh has been released,

*Decides* in the light of Ms. Saleh's release to close this case while deploring her arrest and detention for seven months, which it can only consider to have been arbitrary since the authorities had no valid charges or grounds for such detention as would have been admissible under the international human rights norms to which Israel, as a State party to the International Covenant on Civil and Political Rights, has subscribed.

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR

(aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUN

CASE No. PAL/18 - YASER MANSOOR

CASE No. PAL/19 - HUSNY AL-BURIENY

CASE No. PAL/20 - FAT'HY QARA'WI

CASE No. PAL/21 - IMAD NAWFAL

CASE No. PAL/22 - ANWAR ZBOUN

CASE No. PAL/23 - MAHMOUD AL-KHATEEB

CASE No. PAL/24 - ABDULJABER AL-FUQAHA

CASE No. PAL/25 - KHALED YAHYA

CASE No. PAL/26 - KHALED SULAIMAN

CASE No. PAL/27 - NASER ABDULJAWAD

CASE No. PAL/28 - MUHAMMAD ABU-TEIR

CASE No. PAL/29 - AHMAD 'ATTOUN

CASE No. PAL/30 - MUHAMMAD TOTAH

CASE No. PAL/31 - IBRAHIM SAED ABU SALEM

CASE No. PAL/32 - BASEM AHMED ZAARER

CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR

CASE No. PAL/34 - MOHAMED MAHER BADER

CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL

CASE No. PAL/36 - FADEL SALEH HAMDAN

CASE No. PAL/37 - ALI SALEEM ROMANIEN

CASE No. PAL/38 - SAMEER SAFEH AL-KADI

CASE No. PAL/39 - REYAD ALI EMLEB

CASE No. PAL/41 - REYAD MAHMOUD RADAD

CASE No. PAL/42 - KALI MUSA RBAE

CASE No. PAL/43 - M. MOTLAK ABU JHEASHEH

CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN

CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH

CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK

CASE No. PAL/47 - HATEM QFEISHEH

CASE No. PAL/48 - MAHMOUD AL-AMAHI

CASE No. PAL/49 - ABDERRAHMAN ZAIDAN

CASE No. PAL/51 - KHALED ABU ARAFEH

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring* also to the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled "Backyard Proceedings", which reveals the absence of due process rights in those courts, as well as to the study of B'tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact" on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

*Taking account* of the letter from the Permanent Representative of Israel to the United Nations Office and other International Organizations in Geneva, dated 8 October, as well as to the information provided by sources on 17 September and 8 October 2008,

*Recalling* the following information on file:

- the parliamentarians concerned, elected on the Change and Reform list in the January 2006 elections to the Palestinian Legislative Council, were arrested on or after 29 June 2006 in the occupied West Bank; on 25 September 2006, a military appeal court in the West Bank overturned an order for their release on bail issued on 12 September 2006 by the Ofer military tribunal, and they have since been held in several prisons inside Israel; they have been charged with membership of, leadership in and action on behalf of a terrorist organization, namely Hamas; the parliamentarians concerned argue that the Change and Reform list differed significantly from Hamas and that their participation in the Palestinian elections was not an offence even under Israeli law at the time;

- on 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah and Mr. Khaled Abu Arafeh, who is also Palestinian Minister of Jerusalem Affairs, on account of "breach of trust" or owing to membership in a foreign parliament; they lodged an appeal against that decision in the Israeli Supreme Court;
- the arrests and withdrawal of residence permits came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations that the Israeli Government blames on Hamas and the Palestinian Authority;
- Mr. Abderrahman Zaidan, who had been released, was rearrested approximately one month after he had testified to the Committee at the session it held during the 116<sup>th</sup> IPU Assembly (Nusa Dua, Bali, May 2007),

*Considering* that, in the case of Mr. Wael Mohamed Abdel Ruman, the court accepted the defence argument that not every candidate of the Change and Reform list was a member of Hamas and therefore acquitted him of the charge of membership of a terrorist organization, but found him guilty on account of having accepted a senior position in and carried out activities on behalf of an organization which he knew to be a terrorist organization, sentencing him to 23 months in prison, 12 months' suspended imprisonment and a fine; that, however, the appeal court accepted the prosecution's arguments and found Mr. Wael guilty of membership of Hamas and increased the sentence to five years' imprisonment of which one and half years are suspended,

*Considering* that on 17 September 2008 the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, Mr. Muhammad Totah and Mr. Khaled Abu Arafeh against the revocation of their East Jerusalem permanent residency status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residency status and that doing so would not be considered to be a retraction of their principal arguments, and asked the two parties to inform it of developments that occurred in the case within 60 days, after which it would decide how to proceed with the case,

*Recalling* that, at the meeting that the IPU President and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of Palestinian Legislative Council members should not be provided and undertook to ensure that such information was provided; *considering* in this respect that, in his letter of 8 October, the Permanent Representative stated that "Palestinian parliamentarians detained in Israel for their connection to terrorist activities continue to enjoy rights stipulated under Israeli law with due respect paid to humanitarian concerns" and noted that "this is in stark contrast to the depraved conditions of detention that the Israeli soldier Gilad Shalit endures under the Palestinian authorities. He continues to be denied even the most basic humanitarian assurances, including visits by the ICRC",

*Bearing in mind* the prisoner exchange between Israel and the Lebanese group Hezbollah which took place on 16 July 2008, a move which the United Nations Secretary-General welcomed, expressing the hope that it might soon be followed by action for the release of Corporal Gilad Shalit and of Palestinian prisoners,

1. *Thanks* the Permanent Representative of Israel for his letter of 8 October 2008; *nevertheless regrets* that it provides information neither on the conditions of detention and state of health of the parliamentarians concerned nor on the proceedings under way against them; *regrets* in particular the absence of any information on the situation of Mr. Abderrahman Zaidan, who was rearrested shortly after testifying to the Committee on the Human Rights of Parliamentarians;

2. *Reaffirms* its conviction that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part and is linked to their election on the Change and Reform list in a free and fair election whose outcome, however, the Israeli authorities did not welcome, and that their arrest and detention and prosecution therefore constitute a violation of their right to freedom; consequently *calls on* the authorities to release them forthwith;
3. *Reiterates its wish* to receive official information on the conditions of detention of the parliamentarians concerned, and the proceedings brought against them and, in particular, on the reasons for the rearrest of Mr. Zaidan;
4. *Would appreciate* receiving a copy of the judgment handed down by an appeal court on Mr. Wael Mohamed Abdel Ruman;
5. *Earnestly hopes*, in the light of the Supreme Court decision, that Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, Mr. Muhammad Totah and Mr. Khaled Abu Arafah will recover their East Jerusalem residency permits as soon as possible;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

CASE No. PHI/01 - CRISPIN BELTRAN<sup>25</sup> ) PHILIPPINES  
CASE No. PHI/02 - SATURNIÑO OCAMPO )  
CASE No. PHI/04 - TEODORO CASIÑO )  
CASE No. PHI/05 - LIZA MAZA )  
CASE No. PHI/06 - RAFAEL MARIANO )

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Crispin Beltran, Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, who, apart from the latter, are incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Referring also* to the Committee's report on its mission to the Philippines carried out from 18 to 21 April 2007,

*Taking into account* the communication sent by the Executive Director/Inter-Parliamentary Relations and Special Affairs Department of the House of Representatives, dated 14 July 2008, as well as the information provided by one of the sources on 16 July and 2 October 2008,

*Noting* that Mr. Crispin Beltran died on 20 May 2008 following an accident and that Mr. Rafael Mariano, who had not been re-elected in the March 2007 elections, has assumed Mr. Beltran's mandate,

*Recalling* that on 1 June 2007 the Supreme Court dismissed the rebellion charges brought in February 2006 against the parliamentarians concerned as being politically motivated; that those charges had been brought by the Inter-Agency Legal Action Group (IALAG), set up by President Gloria Macapagal Arroyo in January 2006 to ensure effective handling of investigative and prosecutorial aspects of the fight against threats to national security, and that the political parties to which the parliamentarians concerned belong and they themselves are regarded as such by that Group,

*Recalling further* that, on 16 February 2007, a multiple murder case was brought against Mr. Ocampo and others, that he was arrested on 16 March 2007 and subsequently released on bail by the Supreme Court on 3 April 2007 pending the Court's decision on his petition for certiorari and prohibition; *noting* that the Supreme Court has not yet ruled on the petition,

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<sup>25</sup> Mr. Beltran died on 20 May 2008.

*Recalling* that, in January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of yet another murder case (Nueva Ecija case) whereby Representatives Ocampo, Casiño, Maza and Mariano (the "Batasan Four") allegedly conspired together and planned the elimination of the supporters of another political party, Akbayan, which accusation they strongly refute; that while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding; that, according to the sources, the due process rights of the defendants have been seriously violated in the preliminary investigation insofar as the prosecutors denied their request for a clarification hearing, which was necessary in their view to establish the identity of the complainants, who appeared with covered faces throughout the investigation phase, to clarify inconsistencies in their statements, and to check whether their statements were voluntary since they are in the custody and under the control of the military; *noting* that the cases were submitted for resolution by the prosecution on 14 November 2007 and that on 18 April 2008 two counts of murder (having allegedly conspired in the murder of one Carlito Bayudang and one Jimmy Peralta) were filed in the Regional Trial Court of Palayan City, and one count of kidnapping and murder of one Danilo Felipe in the Regional Trial Court of Guimba; that, on 21 April 2008, the parliamentarians concerned filed a motion for judicial determination of probable cause with prayer to dismiss the case outright, pointing to the grounds warranting the dismissal of the case; that on 5 August 2008 the Regional Trial Court of Guimba ordered the dismissal of the charge of kidnapping with murder, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; that, however, the Regional Trial Court of Palayan City did not dismiss the two murder charges pending before it even though they are based on the same evidence adduced in the kidnapping with murder case and ordered the provincial prosecutor to conduct a new preliminary investigation; on 26 September 2008, the court denied a motion for partial reconsideration of that order,

*Recalling* that, on 17 May 2007, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of a presumed Communist Party of the Philippines/New People's Army (CPP/NPA) member, Mr. Vincent Borja; that, however, according to the sources, given the incidence of extrajudicial executions and abductions in which the military are involved, Mr. Casiño wanted to ensure respect for the right to liberty and security of the person concerned for whom the soldiers, who were not in uniform, had no arrest warrant, by asking the soldiers to present a warrant and accompanying the arrested person to a military camp until he was transferred to the police; that Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; however, the prosecution has still not given its conclusions on the case,

*Recalling lastly* that on 17 March 2008 a petition for Writ of Amparo - an extraordinary and peremptory writ to safeguard the constitutional rights of the people to life, liberty and security - promulgated by the Supreme Court in October 2007, was filed against top officials of the CPP and Mr. Ocampo, which is pending at the Regional Trial Court of Basey, Western Samar, Branch 30, in connection with the alleged abduction of Ms. Elizabeth Gutierrez and one Dennis Gutierrez by communist rebels on 24 October 2007; *noting* that Rep. Ocampo filed his answer to the petition on 9 March 2008 and that the hearing of the case, initially set for 27 August 2008, was postponed to 4 November 2008,

*Considering* that, in a meeting she had with the Committee in July 2008, the Permanent Representative of the Philippines to the United Nations Office and other International Organizations in Geneva stressed that, since the cases in question were pending before the court, the Mission would not comment on them; that, however, one should bear in mind that the rights of the victims also had to be respected and that some of the cases in question, such as the triple murder case (Nueva Ecija case), were not filed by the State but by the widows of the slain persons; that, moreover, the parliamentarians concerned had filed perjury cases in this respect; that, as regards the report of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, to which the IPU referred in its resolution of April 2008, it was in the Government's view highly biased; and *noting* in this respect that the "Consolidated Reply of the Government of the Philippines to the Alston Report", a copy of which the Permanent Representative provided, states in paragraphs 104, 105 and 107 that IALAG is guided by the policy "that all of its initiatives and tasks shall at [all] times be conducted with utmost respect for the fundamental human rights of due process, equal protection, and the rule of the law",



*Considering lastly* that the House of Representatives has adopted a series of resolutions to inquire into politically motivated killings, summary executions and enforced disappearances, urging the Government inter alia to immediately sign and ratify the United Nations International Convention for the Protection of All Persons from Enforced Disappearance; that in Resolution 118, it directed the House Committee on Civil, Political and Human Rights inter alia to "conduct an investigation into the various forms of human rights violations and attacks against members and leaders of Anakpawis Party-list and other progressive parties and organizations ... and to put an end to political repression of the party lists they belong to",

1. *Thanks* the House of Representatives and the Permanent Representative of the Philippines to the United Nations Office in Geneva for their cooperation;
2. *Recalls* that the rebellion charges, which were initially filed against the parliamentarians concerned by IALAG after nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated, which casts doubt on IALAG's "utmost respect for the fundamental human rights of due process, equal protection, and the rule of law"; *recalls* that, likewise, a petition to bar the political parties to which the parliamentarians concerned belong from standing in the last elections was dismissed by the Commission on Elections for lack of merit;
3. *Has therefore grounds to remain concerned* at the new criminal cases brought against the parliamentarians in question, especially in the light of the serious allegations that the charges have been fabricated and due process is not being observed, as these proceedings may well be part of an ongoing effort to remove them and their political parties from the democratic political process;
4. *Expresses particular concern* at the considerable delay in the prosecution's efforts to resolve the "obstruction of justice" case against Representative Casiño, which was filed more than one year ago and has not proceeded at all; *fears* that such delay may well denote the absence of a case, and *urges* the authorities either to drop the charges forthwith or to try Representative Casiño diligently with due respect for all fair trial guarantees;
5. *Is, moreover, concerned* at the differing views of the courts on the admissibility of extrajudicially obtained confessions as evidence; *would appreciate* receiving information as to the rules on the admissibility of evidence in Philippine law;
6. *Strongly recalls* that, in dealing with these cases, the prosecution and judicial authorities have a duty not to proceed with any case on the basis of political considerations; *once again recalls* in this respect the Supreme Court ruling in the rebellion case in which the Court reiterated "the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular" and stated the following: "We cannot emphasize too strongly that prosecutors should not allow, and should avoid giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends";
7. *Reiterates its wish* to be kept informed of the proceedings in the cases in question, including, where appropriate, through the intermediary of a trial observer;
8. *Sincerely hopes* that the initiatives taken by the House of Representatives to ensure respect for human rights and the rule of law will succeed, and *would appreciate* receiving information on the inquiry entrusted to the House Committee on Civil, Political and Human Rights to investigate the various forms of human rights violations targeting progressive party list representatives;
9. *Notes finally* the accidental death of Mr. Crispin Beltran and *decides* to close his case;
10. *Requests* the Secretary General to convey this decision to the competent authorities, including the National Human Rights Commission, and to the other parties concerned;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**CASE No. RW/06 - LEONARD HITIMANA - RWANDA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda, dissolved on 22 August 2003, who disappeared in April 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that Mr. Hitimana disappeared in the night of 7 to 8 April 2003, the day before he was due to refute in parliament the accusations of spreading the ideology of ethnic division brought by a parliamentary commission of inquiry in a report against his party, and in which his name was mentioned; while the sources fear that Mr. Hitimana may have been abducted by the Rwandan intelligence service and executed extrajudicially, the authorities have always affirmed that Mr. Hitimana, in common with other persons, fled to a neighbouring country and that they were going to locate them rapidly, which has nevertheless not so far happened,

*Recalling its growing concern* that Mr. Hitimana may have been the victim of a forced disappearance, which is a serious violation of human rights, and *noting* in this respect that Rwanda has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly of the United Nations in December 2006,

*Considering* that legislative elections were held in Rwanda in September 2008 and that the new Chamber of Deputies was recently inaugurated,

1. *Requests* the Secretary General to convey its concerns in this case to the new parliamentary authorities, inviting them to notify the Committee of their views on the subject;
2. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**SRI LANKA**

CASE No. SRI/12 - JAYALATH JAYAWARDENA	CASE No. SRI/56 - K. PATHMANATHAN
CASE No. SRI/48 - D.M.S.B. DISSANAYAKE	CASE No. SRI/57 - THANGESWARI KATHIRAMAN
CASE No. SRI/49 - JOSEPH PARARAJASINGHAM	CASE No. SRI/58 - P. ARIYANETHRAN
CASE No. SRI/50 - GAJENDRAKUMAR PONNAMBALAM	CASE No. SRI/59 - C. CHANDRANEHRU
CASE No. SRI/51 - SELVARAJAH KAJENDREN	CASE No. SRI/61 - THIYAGARAJAH MAHESWARAN
CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY	CASE No. SRI/62 - MANO GANESAN
CASE No. SRI/53 - NADARAJAH RAVIRAJ	CASE No. SRI/63 - D.M. DASSANAYAKE
CASE No. SRI/54 - SIVANATHAN KISHORE	CASE No. SRI/64 - KIDDINAN SIVANESAN
CASE No. SRI/55 - T. KANAGASABAI	

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the parliamentarians listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolutions adopted at its 182<sup>nd</sup> session (April 2008) on the above cases, and *having before* it the case of Mr. Mano Ganesan, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Having before* it the written report of its delegation on the mission to Sri Lanka carried out in February 2008, including the observations provided on it by the authorities and the parliamentarians concerned,

*Taking account* of the letter by the Acting Secretary General of Parliament of 8 August 2008, forwarding a progress report on the cases in question established by the Police Headquarters, as well as of a further progress report forwarded by the Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office and other International Organizations in Geneva on 13 October 2008,

*Also taking account* of the information provided by Dr. Jayawardena on the occasion of the 119<sup>th</sup> IPU Assembly,

*Considering* the following new information and allegations on file:

- regarding Dr. Jayawardena: on 10 June 2008, the Appeal Court allowed Dr. Jayawardena's application for a Writ of Mandamus, directing the police authorities to provide him with a jeep or other suitable vehicle for as long as was warranted; according to the progress report established by the Police Headquarters, as of 2 July 2008 the police have provided Dr. Jayawardena with "a brand new vehicle from the fleet of the Police fleet", which, according to Dr. Jayawardena, is a Tata Cab that cannot exceed 40 km/h; the Police Department has reportedly launched a malicious campaign to tarnish Dr. Jayawardena's reputation and depict him as a pro-LTTE parliamentarian, which puts his life at great risk; he submitted a complaint to the National Police Commission and Parliament's Privileges Committee, which is nevertheless without a Chairman at present and meetings have been indefinitely postponed; in addition, in August 2008, Dr. Jayawardena was prevented from performing a religious retreat at the Madhu Shrine for which permission had been granted to him since 1994; on 14 August 2008 he was ordered by Major General Lalith Daulagalla to leave the Church immediately as the Secretary of Defence had not granted permission for him to stay there, adding that he was an opposition member of parliament; the matter is now pending before the National Human Rights Commission;

- regarding Mr. Mano Ganesan: the back-up vehicle provided to Mr. Ganesan following the Committee's mission had technical defects but, according to the authorities, has been repaired in the meantime; moreover, a State-sponsored campaign of slander has reportedly been launched against Mr. Ganesan to discredit him and his work on enforced disappearances in Sri Lanka and, on 2 September 2008, he was summoned for questioning by the Director of the Terrorist Investigation Division, who questioned him for nearly seven hours in connection with peace visits to Killinochi he carried out during the period of the Cease Fire Agreement from 2002 to 2005 and questioned him about an alleged special relationship with the LTTE; that since then, stories in relation to the questioning which was conducted in private in the absence of even Mr. Ganesan's lawyer, are reportedly being planted in the media very systematically, and that the Sinhala media were carrying news items on him which were of a criminal nature, increasing the risk to his security, and that he feels singled out as a human rights defender, an ethnic Tamil parliamentarian and a democratic political party leader belonging to the opposition alliance;
- regarding Mr. Chandraneheru: according to Mr. Chandraneheru, the person who attacked him during a visit to his constituency in June 2007 was Mr. Iniyabarathy, alias Kumarasuwamy Pushpakumar; he reported that that person was appointed coordinator for President Rajapakse in Ampara District and received his credentials from the President on 25 May 2008; Mr. Iniyabarathy and his group reportedly continue to threaten Mr. Chandraneheru's supporters and constituents in an attempt to have them break off contact with him; according to the source, Mr. Chandraneheru can indeed no longer travel to his constituency for fear of his safety; Mr. Chandraneheru has raised the matter as a privilege issue and complained to the Inspector General of Police, the Attorney General and the Speaker, reportedly to no avail; according to the police progress report, Mr. Chandraneheru has been provided with additional security; the police investigation points to one "Parathy" as the likely culprit; an identification parade took place before the Akkaraipattu Magistrate Court on 16 September 2008 when a suspect was indeed identified; however, the court ordered him to appear upon notice;
- regarding the cases of Mr. Raviraj and Mr. Maheswaran, killed on 10 November 2006 and 1 January 2008, respectively: according to the police progress report, the case of Mr. Raviraj was to be called on 16 September 2008, and in the case of Mr. Maheswaran, the Attorney General filed an indictment and the case was to be called on 19 August 2008 for the service of indictment and listing for hearing; no information regarding the outcome of the hearings in either case has been provided;
- regarding the case of Mr. Dassanayake, killed on 8 January 2008: according to the police progress report, police inquiries have led to the arrest on 10 June 2008 of a suspect with links to the LTTE who divulged vital incriminating material relevant to Mr. Dassanayake's assassination; the case is registered before the Magistrate Court of Kanuwana and will be called again on 5 November 2008;
- regarding the case of Mr. D.M.S.B. Dissanayake: on 22 July 2008, the Human Rights Committee set up by virtue of the International Covenant on Civil and Political Rights expressed the view<sup>26</sup> that the State of Sri Lanka had violated Mr. Dissanayake's rights under Article 9 (1), Article 19, and Article 25 (b) of the International Covenant on Civil and Political Rights and was therefore under an obligation to provide him with an adequate remedy, including compensation and the restoration of his right to vote and stand for election and to make such changes to the law and practice as necessary to avoid similar violations in the future,

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<sup>26</sup> CCPR/C/93/D/1373/2005.

*Considering, with regard to the abduction of family members of four TNA parliamentarians shortly before the vote on the budget last year, that, according to the police, no nexus appeared between the abductions and the budget vote, noting lastly that Colonel Karuna, whose paramilitary group has often been accused of being behind the threats and murder of TNA parliamentarians and that he himself has been accused by international human rights organizations of war crimes, has recently been sworn in as a member of parliament on the United Party Freedom Alliance (UPFA) list,*

1. *Thanks* the Sri Lankan authorities for the information and observations provided and for their cooperation;
2. *Endorses* the concluding remarks of the Committee's on-site mission to Sri Lanka in February 2008;
3. *Notes with satisfaction* that since the mission took place an indictment has been filed in the case of the murder of Mr. Maheswaran and that a person suspected of Mr. Dassanayake's murder has been identified, although not arrested, and *earnestly hopes* that trial proceedings will soon reveal the full truth in both cases;
4. *Nevertheless deplors* the lack of any progress in the investigation regarding the murder of Mr. Raviraj and particularly of Mr. Pararajasingham as no action seems to have been taken to examine the implication of a possible suspect whose name is known to the authorities;
5. *Is deeply concerned* that, with the exception of Mr. Chandraneheru, in none of the other cases of threats and attacks against TNA parliamentarians has there been any progress although, at least in one instance, the name of the person who made death threats is known to the authorities; *is particularly alarmed* at the absence of effective action to identify and punish those responsible for abducting family members and staff of TNA parliamentarians when there are clear leads as to the group behind those abductions and their motive; *urges* the authorities seriously and promptly to investigate these abductions, which are crimes, and to punish the culprits;
6. *Is concerned* at the continuing intimidation of outspoken opposition members of parliament, the attempts made to link them to the LTTE and the inadequacy of the security measures afforded to them, as well as at the inaction of parliament's Privileges Committee, which can only hamper parliament's ability effectively to protect the rights of its members and ensure that they can exercise their mandate without fear of harassment;
7. *Affirms* that freedom of expression and respect for the rule of law must remain a cornerstone of democracy, even in such troubled situations as that affecting Sri Lanka, since otherwise authoritarian rule may take root;
8. *Can only reaffirm* the conclusion of the mission report that there can be no better deterrent against violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
9. *Calls on* the Government of Sri Lanka to comply with its obligations under the First Optional Protocol to the International Covenant on Civil and Political Rights to which it is a party, and to implement without delay the recommendations by the Human Rights Committee in the case of Mr. D.M.S.B. Dissanayake;
10. *Requests* the Secretary General to convey this resolution to the authorities and to other parties concerned;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

CASE No. TK/39 - LEYLA ZANA ) TURKEY  
CASE No. TK/41 - HATIP DICLE )  
CASE No. TK/51 - ORHAN DOGAN<sup>27</sup> )  
CASE No. TK/52 - SELIM SADAK )  
CASE No. TK/55 - MEHMET SINÇAR )

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Taking account* of the letter from the President of the Turkish Inter-Parliamentary Group, dated 12 October 2008,

*Recalling* the following: Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for being members of an armed organization; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial; the retrial before the Ankara State Security Court, which upheld the conviction, was quashed by the Court of Cassation, which ruled that their right to a fair trial had again not been respected and ordered a second retrial; at the closure of this second retrial in March 2007, the 11<sup>th</sup> High Criminal Court of Ankara sentenced Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months in prison under Article 5 of Anti-Terrorism Law 3713 (prohibition on praising terrorism) and Article 314 (2) of the Turkish Penal Code (punishing membership of an illegal organization) as opposed to the original 15-year prison sentence, of which they had served 10 years; the second retrial was reportedly also flawed, in particular owing to the destruction of important exonerating evidence, and an application was therefore filed in the Court of Cassation; noting that on 27 February 2008 the Court handed down its ruling upholding the verdict of the 11<sup>th</sup> High Criminal Court of Ankara,

*Recalling* the following: Mr. Sinçar was assassinated in September 1993 in circumstances suggesting an extrajudicial execution; in January 2005, the then Turkish Minister of Justice affirmed that the killing had been carried out by members of the Hezbollah terrorist organization, an accusation which that group reportedly refuted; in October 1993 twelve persons were accused, two of whom were at large; in November 1994, all but those two suspects were acquitted for want of evidence; in April 1996, the then Minister of Justice stated that the identity of the murderer had been established but that he was living in the Islamic Republic of Iran; according to the information provided by the President of the Turkish IPU Group in January and April 2008, a criminal case regarding the murder of Mr. Sinçar was pending before the 6<sup>th</sup> Assize Court in Diyarbakir and hearings had been scheduled for 21 February and 8 May 2008; Mrs. Sinçar is, however, reportedly unaware of those proceedings; *noting* in this respect that, in his letter of 12 October 2008, the President of the Turkish IPU Group reported the following: the indictment prepared by the Diyarbakir State Security Court dated 24 May 2000 (2000/59) contains no information about a complainant; the review of the investigation documents and documents pertaining to the legal proceedings show that neither Mr. Sinçar's wife nor any relative was consulted as witness, that no notice was sent to Mrs. Sinçar, and that neither she nor any relative was informed of the proceedings or applied as "intervener" (civil party),

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27 Mr. Orhan Dogan died on 29 June 2007.

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for the information provided and for his cooperation;
2. *Would appreciate* receiving a copy of the final ruling of the Court of Cassation in the case of Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan;
3. *Understands* from the information provided by the President of the Turkish IPU Group that in May 2000 an indictment was issued regarding the murder of Mr. Sinçar and proceedings conducted; *would appreciate* receiving information as to who was indicted and the result, if any, of the criminal proceedings;
4. *Is concerned* that neither Mrs. Sinçar nor any other member of Mr. Sinçar's family was informed of the indictment and proceedings, still less called as witness, and that they were thus prevented from associating themselves as civil party to the case and from contributing, by providing testimony, to elucidating the murder; *would appreciate* receiving information as to why the authorities failed to inform Mr. Sinçar's family of the proceedings in question;
5. *Requests* the Secretary General to seek the requested information from the parliamentary authorities and the sources;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

**ZIMBABWE**

**CASE No. ZBW/19 - ROY BENNETT**  
**CASE No. ZBW/20 - JOB SIKHALA**  
**CASE No. ZBW/21 - TICHAONA MUNYANYI**  
**CASE No. ZBW/25 - TENDAI BITI**

**CASE No. ZBW/27 - PAUL MADZORE**  
**CASE No. ZBW/37 - TUMBARE MUTASA<sup>28</sup>**  
**CASE No. ZBW/38 - GILBERT SHOKO<sup>8</sup>**  
**CASE No. ZBW/44 - NELSON CHAMISA**

***Resolution adopted unanimously by the IPU Governing Council at its 183<sup>rd</sup> session  
(Geneva, 15 October 2008)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/183/12(b)-R.1), and to the resolution adopted at its 182<sup>nd</sup> session (April 2008),

*Recalling* that the persons in question either were victims of arbitrary and politically motivated prosecution and forced to flee the country for fear of their safety, as the targets of assaults, or were tortured and that the perpetrators of such criminal acts have not so far been brought to justice,

*Considering* that Mr. Biti was rearrested on 12 June 2008 on his return from South Africa and, according to the Zimbabwe Police spokesperson, charged with treason "for publishing a document that was explaining a transitional strategy around March 26" and for proclaiming victory in the elections before the publication of the official results, and that he has been released on bail in the meantime,

*Considering* that parliamentary elections were held in March 2008 and that Mr. Biti, Mr. Chamisa and Mr. Madzore were re-elected, that the new parliament held the Opening Ceremony on 25 August 2008, and that the House of Assembly resumed its sittings on 14 October 2008,

*Noting* that none of the information it has requested in its resolution of April 2008 has been provided by the authorities,

1. *Is alarmed* at the treason charges brought against Mr. Biti on grounds which cannot be construed as treason and should be dismissed forthwith;
2. *Requests* the Secretary General to contact the new parliamentary authorities and to seek their assistance in addressing the concerns that it has consistently expressed in these cases, in the hope that the new parliament and government will act as promptly as possible;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 120<sup>th</sup> Assembly of the IPU (April 2009).

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28 Mr. Mutasa and Mr. Shoko are deceased.