



# INTER-PARLIAMENTARY UNION

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CL/185/SR.1  
7 January 2010

**SUMMARY RECORDS**

**OF THE**

**GOVERNING COUNCIL**

**(185<sup>th</sup> SESSION)**

**19 and 21 October 2009**

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

## Participation

**President:** T.-B. Gurirab (Namibia)

**Members and substitutes:** N. Akbari, Mrs. H. Danish Mufrazada and M.A.Y. Ezed (Afghanistan); Mrs. Z. Bitat Drif, B. Boutouiga and A. Ziari (Algeria); J. Dalleres, Ms. P. Riba and J. Serra (Andorra); Ms. C. Cerqueira, Mrs. B. Henriques Da Silva and C. Maghalães (Angola); Mrs. H. Bisharyan, S. Nikoyan and M. Vardanyan (Armenia); Ms. T. Crossin, R. Price and Ms. J. Troeth (Australia); W. Grossruck, Mrs. M. Hagenhofer and G. Kurzmann (Austria); J. Fairouz, J. Fakhroo and Ms. A. Mubarak (Bahrain); M.S.A. Bhuiyan, Ms. Y. Sagufta and A. Shahid (Bangladesh); Ms. N. Mazai and Ms. A. Naumchik (Belarus); W. Beke, Mrs. S. de Bethune, F.-X. de Donnea and G. Versnick (Belgium); Mrs. C. Adjanohoun, M. Nago and E. Quenum (Benin); H. Fortes, A. Lins, E. Morais, C. Nogueira and J. Vasconcelos (Brazil); Ms. D. Gadzheva, Ms. M. Panayotova, A. Semov and Ms. T. Tsacheva (Bulgaria); S. Ba, D.R. Bado and Mrs. M.M.G. Guigma Diasso (Burkina Faso); Mrs. G. Bimazumute, Ms. E. Bucumi and E. Nsabayumva (Burundi); V. Chheang, Ms. S. Khuon and N. Thavy (Cambodia); A. Bougue, J.-J. Ekindi and Mrs. J. Fotso (Cameroon); Mrs. F. Bonsant, Mrs. S. Carstairs, F. Mahovlich and D.H. Oliver (Canada); J.A. Coloma, R. Leon, Mrs. M.A. Saa and F. Salaberry (Chile); Dai Yuzhong, Mrs. Tang Xiaoquan and Zha Peixin (China); C. Barriga Peñaranda, E.R. Estacio, C. Ferro Solanilla, J.M. Galan, M. Jaramillo and Mrs. M.I. Mejia (Colombia); Mrs. E. Arguedas Maklouf and F. Tinoco Carmona (Costa Rica); L. Akoun, T. Boa and Mrs. M.-O. Lorougnon Gnabry (Côte d'Ivoire); G. Beus Richembergh and Ms. M. Lugarić (Croatia); Ms. Y. Regueiferos (Cuba); N. Anastasiades, Y. Thoma and A. Votsis (Cyprus); I. Bárek, D. Reiesiegel and Ms. H. Šedivá (Czech Republic); L.B. Mbuku, E. Mokolo and Ms. C. Ngalula Mulumba (Democratic Republic of the Congo); J.C. Lund (Denmark); F. Bustamante, F. Cordero and Ms. S. Fernandez (Ecuador); K. El Shazli, Mrs. S. Greiss and A.F. Sorour (Egypt); A. Chicas Argueta, E. Gonzalez Lovo and E. Valdes Soto (El Salvador); J. Tamm (Estonia); Mrs. G. Abasiya, A. Demissie and M. Deressa (Ethiopia); Ms. H. Heikkinen, M. Laukkanen and P. Salo (Finland); Ms. C. Bourragué, R. del Picchia and P. Martin-Lalande (France); Mrs. G. Akoghet, Mrs. S. Moulengui Mouele and J.-F. Yanda (Gabon); Mrs. M. Griefahn, N. Lammert, H. Raidel and J.P. Winkler (Germany); Mrs. E. Papademetriou (Greece); Ms. G. Beki, G. Hárs and J. Latorcai (Hungary); Ms. T. Backman and G. Hannesson (Iceland); R. Agarwal, K.R. Khan, Ms. M. Kumar and K.S.S. Rao (India); L.H. Ishaq and A. Sugandi (Indonesia); A. Dehghan and S.N. Mousavi (Iran, Islamic Republic of); J. Al-Hameedawi and S.H. Hamoudi (Iraq); P.F. Casini and Mrs. A. Napoli (Italy); R. Doi, M. Kawasaki and Ms. M. Kikuta (Japan); Mrs. R. Abdelrazek, A. Al Safadi and M. Hamdan (Jordan); Mrs. B. Baimagambetova, M. Kopeyev and N. Sarsenov (Kazakhstan); Mrs. P. Chepchumba, N. M'Mithiaru and D. Mungatana (Kenya); Ms. S. Al-Jassar and Ms. R. Dashti (Kuwait); Ms. B. Boupfa and X. Phomvihane (Lao People's Democratic Republic); J. Dobelis, Ms. K. Petersone and J. Sokolovskis (Latvia); T. Mabetha, Ms. M. Makara and Ms. N. Motsamai (Lesotho); J. Beck and Ms. D. Frommelt (Liechtenstein); Ms. N. Ahmad, R. Narayanan and Wee Ka Siong (Malaysia); Ms. E. Abdulla, I. Riza, A. Shahid and M. Zameer (Maldives); Mrs. Diarra Fanta Mantchini Sissoko and S. Togola (Mali); P. Mifsud and G. Vella (Malte); Ms. R. Green and Mrs. L. Menchaca (Mexico); Mrs. B. Boccone-Pages, P. Clerissi and F. Notari (Monaco); N. Batbayar, D. Demberel and Mrs. D. Oyunkhorol (Mongolia); Ms. K. Kavari, Mrs. M. Mensah-Williams and P. Mushelenga (Namibia); P.B. Bogati, L.P. Ghimire and S.C. Nembang (Nepal); J. Atsma, Mrs. K. Ferrier and Mrs. R. Vedder-Wubben (Netherlands); H. Harawira, R. Prasad and Ms. K. Shanks (New Zealand); Ms. G. Bent, S.S. Jibia and D. Mark (Nigeria); Ms. I. Heggø (Norway); Mrs. M. Al-Bahrani, M. Al-Kalbani and Mrs. S. Al-Musallami (Oman);

Ms. A. Inayatullah, F.K. Kundi and F.H. Naek (Pakistan); R.B. Oilouch and S. Whipps (Palau); A. Abdullah, T. Quba'a and Z. Sanduka (Palestine); M. Miller and N. Salerno (Panama); Ms. K. Beteta, A. Gutiérrez Cueva, Ms. E. Leon Minaya and E. Rodríguez Zavaleta (Peru); Mrs. P. Cayetano, W.M. Enverga, M.L. Mendoza and E. Zialcita (Philippines); A. Mularczyk and M. Ziolkowski (Poland); Ms. R.M. Albernaz and D. Pacheco (Portugal); F.B.M. Al-Khayareen, M. Al-Kubaisi and I.M. Al-Misnad (Qatar); Y. Chin and M.S. Song (Republic of Korea); O. Marcutianu and I. Munteanu (Romania); F. Pedini Amati, G. Sansovini and M. Tomassoni (San Marino); E. Carvalho, D. Dias and Mrs. M.d.N. Sousa (Sao Tome and Principe); S. Al-Husseini, M. Al-Rashid, J. Arishee and S. Fadel (Saudi Arabia); Ms. N. Kolundžija and Ž. Tomić (Serbia); M.F. Ibrahim, Ms. I. Ng Phek Hoong and Ong Kian Min (Singapore); G. Bárdos, Ms. A. Belousovová and M. Číž (Slovakia); Ms. J. Klasinc and Mrs. D. Lavtizar-Bebler (Slovenia); Ms. N. Ntwanambi, J. Selfe and M.V. Sisulu (South Africa); Ms. T. Cunillera Mestres, L. Fraga and Mrs. M. Pigem I Palmes (Spain); Ms. F.I. Ashraff and M. Samarasinghe (Sri Lanka); M.M. El-Tigani, A.D. Manoah and Ms. Osman Gaknoun (Sudan); Mrs. B. Gadiant, Mrs. D. Stump and P.-F. Veillon (Switzerland); A.R. Derji, I. Ghalioun, S. Haddad and Ms. M. Kuteit (Syrian Arab Republic); Ms. T. Boontong, Mrs. P. Krairiksh, P. Tanbanjong and A. Wiriyachai (Thailand); Mrs. S. Boneva and J. Makraduli (The former Yugoslav Republic of Macedonia); K. Amegnonan, K. Bamnante and Mrs. N. Ouro Bang'na (Togo); H. Alir, F. Dağci Ciğlik and Mrs. N. Serter (Turkey); E. Dombo, Ms. R. Kadaga and Mrs. P. Turyahikayo (Uganda); K. Abu Shehab, Y. Ali Bin Fadil and Mrs. A.A. Al Qubaisi (United Arab Emirates); R. Berry, Mrs. A. Clwyd and N. Evans (United Kingdom); Ms. S. Lyimo, K. Mporogomy and S.J. Sitta (United Republic of Tanzania); W. Abdala, Ms. S. Charlone and Mrs. M. Percovich (Uruguay); A. El Zabayar, C. Ortega, Mrs. Y. Vallenilla and R.D. Vivas (Venezuela); Mrs. Hunh-Thi Hoai Thu, Ngo Quang Xuan and Nguyen Van Son (Viet Nam); Ms. L. Changwe, J.J. Mwiimbu and Ms. M.W.K. Nalumango (Zambia); B. Gaule, W. Madzimure and Mrs. E. Madzongwe (Zimbabwe)

Person invited to testify before the Human Rights Committee of Parliamentarians: Ms. E. Naika (Madagascar)

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

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**FIRST SITTING**

**Monday, 19 October 2009**  
(Morning)

The meeting was called to order at 9.25 a.m. with the President of the Inter-Parliamentary Union, Dr. T.-B. Gurirab (Namibia), in the Chair.

Item 1 of the agenda

**ADOPTION OF THE AGENDA**

(CL/185/A.1 and 1-P.1)

**Request for the inclusion of a supplementary item in the agenda of the 185<sup>th</sup> session of the Governing Council submitted by the Group of the United Arab Emirates**  
(CL/185/1-P.1)

*The President* said that the Group of the United Arab Emirates had submitted a request for a supplementary item to the agenda of the 185<sup>th</sup> session of the Governing Council, entitled *The role of parliamentarians and regional parliamentary organizations in combating the H1N1 virus and containing its economic and social risks*. The Executive Committee had considered the request, in conformity with the provisions of Article 24.2(d) of the Statutes. It had not been able to make a positive recommendation to the Governing Council for the inclusion of the item on the grounds that it did not come within the remit of the Governing Council, but rather within that of the Assembly. Since the Assembly could only adopt one emergency item, the Executive Committee had suggested that the Governing Council considered issuing a Presidential statement on the H1N1 virus at the Assembly. He would work with the delegation of the United Arab Emirates and other delegations, and with the World Health Organization to prepare such a statement for the Governing Council's endorsement.

**It was so decided. The agenda was adopted by the Governing Council without amendment.**

Item 2 of the agenda

**APPROVAL OF THE SUMMARY RECORDS OF THE 184<sup>th</sup> SESSION  
OF THE GOVERNING COUNCIL**

(CL/184/SR.1)

**The summary records of the 184<sup>th</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**

*The President* announced that although no formal requests for affiliation or reaffiliation had been received, the Union had been pursuing contacts with several Parliaments that were not Members, including those of Djibouti, Guinea-Bissau, Haiti, Honduras, Jamaica, Malawi and the United States of America.

**(b) Situation of certain Members**

(CL/185/3(b)-P.2)

*The President* informed the Governing Council that the Executive Committee had reviewed the case of the Parliament of Niger, which had been dissolved unconstitutionally in May 2009. The Committee had expressed its deep disapproval of recent events in the country, including the harassment of many members of the former parliament, and was submitting to the Council a proposal for the suspension of Niger's membership of the IPU (CL/185/3(b)-P.2). The draft decision also referred the cases of parliamentarians who had been arrested to the IPU Committee on the Human Rights of Parliamentarians.

**The Governing Council agreed to suspend the affiliation of the Parliament of Niger.**

*The President* announced that the Executive Committee had examined the situation of the Parliaments of Papua New Guinea and Somalia, which were defaulting in their payments to the IPU and were liable for suspension under Article 4.2 of the Statutes. The Executive Committee recommended, in line with the statutory requirements, that both parliaments be suspended from the Organization at the last sitting of the 185<sup>th</sup> session of the Governing Council on Wednesday, 21 October 2009, unless steps had been taken to redress their financial situation.

**(c) Requests for observer status**

*The President* said that the Executive Committee was mandated to evaluate the situation of observers to IPU Assemblies every four years. It had examined information on the participation of each observer in the period under review, and had noted that while the majority of observer organizations regularly attended Assemblies, some had not attended a single event over the past four years. The Committee had recommended that the Secretariat write to those observers who had participated rarely or not at all in IPU meetings to gauge their interest in maintaining their observer status.

Item 4 of the agenda

**REPORT OF THE PRESIDENT**

**(a) On his activities since the 184<sup>th</sup> session of the Governing Council**  
(CL/185/4(a)-R.1 and R.2)

*The President* said that the theme of the 120<sup>th</sup> Assembly in Addis Ababa had set the tone for his activities as President of the IPU. Armed with a mandate from the Assembly to mobilize parliamentary action on the multiple crises facing the world, he had chaired the Parliamentary Conference on the Global Economic Crisis, which had been well attended and produced a set of recommendations for action by parliaments. Those recommendations had been transmitted to all Member Parliaments and the United Nations, which had also held a conference on the subject. The resolution adopted by the United Nations had encouraged the IPU to continue to contribute to global responses to the crisis. Shortly after that parliamentary conference he had travelled to Rome for talks with the Speaker of the Italian Chamber of Deputies, the former President of the IPU, Mr. P.F. Casini, and the Director-General of the United Nations Food and Agriculture Organization. As a result of those talks he had written to all Member Parliaments encouraging them to respond to the World Summit on Food Security that would take place in Rome in November 2009. The IPU and Italian Parliament would hold a one-day consultation with members of parliament on the eve of the Summit and present a parliamentary statement to the Summit.

Over the past six months he had sought to raise awareness about the Climate Change Conference that was due to take place in Copenhagen at the end of 2009. He had raised the issue with senior parliament and government leaders, underscoring the need to reach an agreement that would reverse the current trends of global warming. He encouraged parliaments to be represented in their official delegations to the Conference and looked forward to participating in the parliamentary session, which would be organized by the Danish Parliament and the IPU on 16 December 2009.

He had spoken out on behalf of the IPU in defence of peace and democracy and against tyranny of any kind. When the military in Honduras had expelled the legitimate President of the country he had called for an immediate return to constitutional order. Any act to overturn a government by unconstitutional means was totally unacceptable. The Secretary General of the IPU had visited Honduras in September 2009 and conveyed the President's message to the leaders in Congress and the de facto President. He had expressed dismay at the verdict sentencing Aung San Suu Kyi of Myanmar to a further 18 months of house arrest. The long-awaited transition to democracy in Myanmar would require an inclusive, free and transparent process, which could only be achieved if all political parties and ethnic groups could participate, political prisoners were released unconditionally and restrictions on human rights and political activity were lifted.

He had visited Cyprus for talks with the Speaker and leaders in Parliament, and with the President of the Republic. He had learned about the progress made in talks on the unification of Cyprus and had reiterated the need to reach a negotiated solution. Larger concerns of regional security and strategic interests should not bury human suffering. Dialogue must be encouraged. He had also travelled to Israel to complete his mission to the Middle East. During his visit he had held talks with the President, and with the Speaker and leaders in Parliament. He had also visited the south to see areas affected by rocket attacks from Gaza. It had been an opportunity to hear the Israeli perspective on the conflict and to raise the concerns of the IPU. He had tried to identify practical ways in which the IPU could help diffuse the crisis and promote dialogue between parliamentarians from Israel and Palestine.

He encouraged the IPU to strengthen its support for all peace-building and reconciliation efforts. In that regard, he had participated in a goodwill mission by Speakers of parliaments from the Southern African Development Community region to Zimbabwe, where views had been exchanged with the leadership in Parliament, the President, Prime Minister and other key members of the Government. That mission had been followed by a visit by the Secretary General of the IPU, which had resulted in an initial agreement for the IPU to provide capacity-building support to the Parliament of Zimbabwe. The IPU would assist the Parliament of Zimbabwe in addressing its own role and responsibilities for achieving national healing, and would support the constitution-making process. The President and the Secretary General had followed up on those exchanges in Gaborone, Botswana.

The International Day of Democracy offered an unequalled opportunity to promote the IPU agenda and vision of democracy and constitutional imperatives. On 15 September 2009, he had urged all parliaments and their Speakers to act decisively to enhance political tolerance within parliaments. A survey on public opinion on political tolerance had shown that while people across the world aspired to greater democracy, many were not convinced that democracy was working in practice. He had spoken on that subject from Botswana, where the IPU had convened a parliamentary conference on political tolerance.

He had convened a group of Speakers of parliament to prepare for the forthcoming third World Conference of Speakers of Parliament. He had chaired a meeting of the Preparatory Committee, where the Speakers had agreed that the third World Conference would be based on the theme *Parliaments in a World of Crisis: Securing Global Democratic Accountability for the Common Good*, and would take place at the United Nations Office at Geneva. He had also attended the Fifth Meeting of Women Speakers of Parliament, which had been hosted by the Speaker of the Austrian Parliament, and had drawn up important recommendations that would be reflected in the Speakers' Conference, in order to help continue to raise political awareness and support action to address violence against women and to increase women's political representation.

He was following negotiations in Washington on the subject of the reaffiliation of the United States Congress to the IPU. The IPU had reached out to a broader parliamentary audience in the United States and he had attended the National Conference of State Legislatures in Philadelphia in order to deliver a statement on the global economic downturn. He had also led a delegation to China in order to discuss issues on the global agenda and encourage support for the IPU. The Prime Minister and the Chairman of the National People's Congress had reassured the Organization of their cooperation on matters of mutual interest. He emphasised the importance of strengthening cooperation between the IPU and regional parliamentary assemblies and organizations, and recalled that he had attended a number of regional meetings to that end, including in Strasbourg and Cape Town, where discussions had taken place on the promotion of democracy and political tolerance, particularly in the contexts of Africa and climate change. Whenever he had been unable to attend meetings of regional parliamentary assemblies and organizations, colleagues from the Executive Committee had attended in his stead. Efforts to build a culture of democracy and dedication to public interest must continue.

A number of important engagements remained pending for the Secretary General and the Executive Committee. The IPU faced many challenges in its capacity as the home of national parliaments. Those challenges, though daunting, were manageable. Good will and cooperation must be maintained in order to move forward and make progress. Parliaments, governments, the United Nations, peace-building institutions, the private sector, public security bodies and civil society must continue to work together to meet global challenges, such as climate change, nuclear threats, terrorism, poverty reduction, military coups, food insecurity, the effects of recession, the need for fairer trade and the need to increase investment in developing countries, and overcoming organized crime in all its manifestations. The world

must work together to find lasting solutions to those pressing global issues. The IPU must rekindle its vision to act, improve management mechanisms, step up its campaign to mobilize resources for additional programmes, streamline communication, and broaden its oversight functions and outreach efforts through assisting needy national parliaments. The common cause shared by all Member parliaments underpinned their commitment to achieving constitutional legitimacy, democracy and sustainable economic development through world peace, multilateral dialogue and broad-based cooperation.

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

*The President* said that the Executive Committee had completed two full days of discussions, including on the subject of the current status of the IPU and the direction it should take. The members of the Executive Committee had felt that it was time to give a firmer and lasting legal foundation to the IPU in international law, not only to strengthen the Organization, but also to transform its relationship with the United Nations. While there were a number of major hurdles to implementing the vision for the future of the IPU, all members of the Executive Committee were enthusiastic and committed to moving forward. A more detailed vision for change and improvement would be prepared and shared with all Member parliaments at the 122<sup>nd</sup> Assembly of the IPU in Bangkok, Thailand in 2010, in order for initial decisions to be taken before the Speakers' Conference in July 2010.

Item 5 of the agenda

**INTERIM REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE IPU  
SINCE THE 184<sup>th</sup> SESSION OF THE GOVERNING COUNCIL  
(CL/185/5-R.1 to R.3)**

*The Secretary General* presented three documents containing his interim report on the activities of the Union since the 184<sup>th</sup> session of the Governing Council (CL/185/5-R.1 to R.3), and said that during the reporting period much of the IPU activities had focussed on promoting democracy. Activities had been carried out to assist Members in strengthening their parliamentary institutions, and their capacities to legislate, hold governments to account and facilitate national healing and reconciliation in countries emerging from conflicts. Many of the activities had therefore taken place in countries emerging from conflict, including Burundi, Cambodia, the Democratic Republic of the Congo, the Maldives and Pakistan. In follow-up to the President's report and visit to the Middle East, which had taken place earlier in the 2009, the IPU was in the initial stages of developing a technical assistance project for the Palestinian Legislative Council in Ramallah. Activities had been undertaken in cooperation with the Parliaments of Sierra Leone and Zimbabwe. Efforts were being made in collaboration with the World Bank Institute to increase work with modern information technology and employ distance learning methods to reach out to a larger number of parliaments.

Much of the Union's work over the reporting period had focussed on human rights. The Committee on the Human Rights of Parliamentarians had undertaken a mission to Colombia, and was working with Member parliaments to promote human rights by assisting them in establishing better communication with the monitoring mechanisms for the international human rights treaties to which their countries were party. IPU efforts to promote national healing and reconciliation had included organizing a number of conferences in countries emerging from conflict, including Rwanda. Those efforts would continue. The IPU took continuous measures to promote gender equality and increase women's political participation, and welcomed the progress made in that regard by the Parliament of Kuwait, to which four

women had recently been elected for the first time in the Parliament's history. Similar efforts were being made to strengthen women's involvement in politics and parliaments in Burundi, Jordan and the Gulf Cooperation Council States. Child protection activities had taken place, including a legislative seminar, which had been hosted by the Legislative Assembly of Costa Rica for Latin American parliaments to examine strategies to prevent and eliminate violence against children.

Development issues had been highlighted in the 2009 budget. During the 118<sup>th</sup> IPU Assembly in Cape Town, discussions had taken place on how parliaments could be more active in development and aid policies, and in the attainment of the MDGs, particularly those relating to child and maternal health issues. It had also been suggested that the IPU should be more active on the issue of HIV/AIDS. At its previous session in Addis Ababa, the Governing Council had called for greater action for parliamentary follow-up to the global economic and financial crisis. The Organization had recognized that an improved strategy and clearer priorities were required in order to improve its response to the crisis, and a permanent member of staff had been appointed to focus on such questions. A meeting on the economic and financial crisis had been held in Geneva, in which 300 parliamentarians had participated, to discuss the role of parliamentarians in improving transparency and accountability in the financial sector, and in economic and financial policy. The outcome of that meeting had been transmitted to the United Nations to contribute to considerations of how to prevent such crises from occurring in future, and how to mitigate the consequences of the current financial situation, particularly on developing countries. His report also contained a description of IPU activities in relation to the United Nations. The IPU tried to coordinate the majority of its activities with the United Nations, in order to support United Nations efforts and contribute parliamentary oversight. The IPU had focussed on finance and administration, and had appointed a new Director of the Division of Support Services, who would undertake a review of management and financial issues, in order to guarantee a stronger secretariat to respond to the requirements of Members.

Document CL/185/5-R.2 contained information on Members' efforts to follow up on three resolutions adopted by the three Standing Committees of the IPU, highlighting specific measures that had been taken. That part of the report had been intended to ensure that the issues discussed and decisions taken by Members were followed up at the national level. Many examples had been given of interesting follow-up action, which showed the value of the work done by the Standing Committees, and would provide inspiration to other parliaments. Document CL/185/5-R.3 discussed IPU activities for the International Day of Democracy, 2009, with the intention of encouraging all parliaments in the world to commemorate 15 September each year, since parliaments were the very essence of democracy. The report gave examples of activities carried out by over 40 parliaments around the world. He hoped all Members would be inspired to commemorate the International Day of Democracy in 2010. The Theme of the International Day of Democracy 2009 had been political tolerance, and the President of the IPU had issued a strong message on that subject.

**Mr. A. Shahid (Bangladesh)** said that in response to the Secretary General's call for the election of women, his parliament had elected 14 female members. In 2007 and 2008 Bangladesh had been in a situation of emergency, and Parliament had been dissolved. It had thus been unable to conduct activities to commemorate the International Day of Democracy. The Parliament of Bangladesh had since been reformed, and had marked the International Day of Democracy in 2009 by holding discussions on political tolerance.

**Mr. N. Evans (United Kingdom)** welcomed the action taken in respect of violence against children, and asked whether it would be possible to extend activities in that regard to include investigating countries that handed down death sentences to minors. In some countries children under the age of 18 years were executed, whereas in others they were handed down suspended death sentences, which would come into force when they reached the age of majority. The IPU should broaden its activities to encourage parliaments to hold governments to account and ensure that all children were protected.

**Mr. J.-J. Ekindi (Cameroon)** drew attention to the poignant case of the Parliament of Niger. Although it was a Member of the IPU, the Parliament of Niger had been dissolved, and much turbulence had ensued. There were no indications in the reports of the activities of the President of the Union that the IPU had been at all involved in the situation in Niger. He expressed similar concern about the similar apparent lack of IPU intervention in Guinea. He asked what could be more important to the IPU than the dissolution of a legitimate parliament, and why the IPU had been absent from those situations. He hoped that more would be said on the situation of those two parliaments in the course of the 121<sup>st</sup> IPU Assembly.

**The Secretary General** thanked the representative of Bangladesh for his encouragement. Responding to the point raised by the representative of the United Kingdom, he explained that the IPU worked closely with the United Nations Children's Fund (UNICEF) on child protection issues. The Coordinating Committee on the Meeting of Women Parliamentarians was taking the lead on child protection issues. A considerable amount of work had been done in Niger and Guinea. The IPU had remained in close contact with the Speaker of the Parliament of Niger since the unconstitutional dissolution of Parliament. The Speaker had served for many years as the Chairperson of the IPU Committee on the Human Rights of Parliamentarians, and had met with the Secretary General and the President of the IPU during the Parliamentary Conference on Democracy, which had been held in Botswana the previous month. The Secretary General had spoken to him only two days previously. He assured the representative of Cameroon that the IPU was considering the situation in Niger very carefully. The Executive Committee had drafted a resolution condemning the situation in Niger, which the Governing Council had adopted under item 3 of its present agenda. The IPU was very concerned by countries where unconstitutional processes or dissolutions of parliament had taken place, including Guinea. The President of the IPU had made a very strong statement on the day the Guinean Parliament had been dissolved. The IPU was also particularly concerned about the situation in Madagascar. The IPU made efforts to support and work in cooperation with regional bodies, such as the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) to try to ensure that support and assistance were afforded to members of parliament in those countries, and to work towards finding a solution. The IPU paid a great deal of attention to those countries.

**Mr. I. Ghalioun (Syrian Arab Republic)** asked why the President's mission to the Middle East had only included a visit to Israel and not Gaza and other parts of Palestine that had been subjected to an unprecedented scale of bombing. The views of the people of Palestine must be taken into account.

**The President** explained that his mission to the Middle East had been conducted in two parts. He had reported on his visit to Palestine and his meetings in Gaza and Ramallah at the 184<sup>th</sup> session of the Governing Council in Addis Ababa, Ethiopia, in April 2009. His visit to Israel had constituted the completion of that mission.

**Ms. R. Kadaga (Uganda)** said that greater efforts were required to increase parliamentary representation of women, and in particular to change the public perception that low female representation was acceptable. Uganda had held a positive debate on women's parliamentary participation as part of its activities to commemorate the International Day of Democracy. In 2010 children from rural areas would be invited to participate in activities on 15 September in the Ugandan Parliament.

**Mr. M. Hamdan (Jordan)** said that as a result of cooperation between the IPU and the United Nations Development Programme (UNDP), a Memorandum of understanding had been concluded on promoting the participation of women in the Jordanian Parliament. That agreement had resulted in a meeting on the budget and equal opportunities for women in the Jordanian Parliament, the outcome of which had been very positive and had been reported by the media and in the printed press.

**Mr. A. Shahid (Maldives)** said that the Maldives had adopted a new Constitution in 2008 and multiparty elections had been held in 2009. For the first time in its history the Maldives had undertaken a programme for promoting democracy. Although there were several women parliamentarians, a greater proportion of female representation was still required. Since it was still in its infant stages, the new Parliament faced the task of ensuring that the institution of the State was established. IPU assistance was much needed. In that regard, the IPU had prepared a draft code of ethics for the parliament, which was currently under review. The Parliament of the Maldives had organized a number of activities to commemorate the International Day of Democracy, focussing on youth participation, and appreciated the assistance it had received from the IPU in that regard.

Item 6 of the agenda

**FINANCIAL SITUATION OF THE IPU**

(CL/185/6-R.1 and 6-P.1)

**The Secretary General** introduced two documents on the financial situation of the Organization (CL/185/6-R.1 and 6-P.1). The first document showed that all contributions to the Organization were invoiced at the beginning of the year, and that the revenue was recognized in its entirety. The reaffiliation of one Member at the 120<sup>th</sup> Assembly had been taken into account and added to the Working Capital Fund. Internal revenue from staff assessment of staff salaries had been slightly less than projected, since taxes paid by staff members living in France had been reimbursed. The 2009 budget had identified voluntary funding needs of CHF 5.2 million in addition to the regular budget. Thus far CHF 1.6 million had been secured, and that figure was expected to increase to 1.8 million before the end of 2009. Interest revenue had been well below expectations owing to prudent investment and the economic downturn. Owing to the international financial crisis no investment risks had been taken, and short-term interest rates on Swiss Franc deposits had been very low. Some considerable savings had been made in terms of spending over 2009, particularly in respect of the 120<sup>th</sup> Assembly in Addis Ababa, where transport, translation and publishing costs had been lower than projected.

At its 184<sup>th</sup> session, the Governing Council had authorized the transfer of funds between budget items and approved the use of reserves for offsetting the Organization's carbon footprint and for the organization of a parliamentary meeting with the Danish Parliament at the time of the COP15 Climate Change Conference in Copenhagen. Revenues were CHF 1.6 million below budget for the first half of 2009, and expenditure had been

CHF 2.4 million below budget. By the end of 2009 a surplus of CHF 400 000 was expected. Payments of CHF 10.1 million had been received, with CHF 1.7 million still outstanding, which was normal for the current stage of the year. Payments for arrears had also been received. The IPU Executive Committee was very strict with Members that did not pay their membership fees. Three Members remained with substantial arrears: Liberia, Somalia and Papua New Guinea. Bolivia had made the efforts required to recuperate its voting rights in the IPU, but similar efforts were still required from Cape Verde.

The Working Capital Fund had a healthy balance of over CHF 5 million. Turning to cash flow, he said that at 30 June 2009 the IPU had balances of cash and short-term deposits of CHF 13.1 million, as compared to CHF 12.5 million in June 2008. The Legacy Staff Pension Fund was a constant concern for many Members. The pension rights of current IPU staff members had been transferred to the United Nations Joint Staff Pension Fund. Staff members who had retired prior to the IPU joining the Joint Pension Fund in 2005 were paid through the Legacy Staff Pension Fund. At June 2009 the Fund had assets of CHF 11.3 million remaining, which served to pay the pensions of 12 former staff members and the residual benefits of 10 current employees. The situation of the Staff Legacy Pension Fund was under constant review by a board established by the Executive Committee. The Fund had a significant actuarial deficit at the beginning of the year, but the economic situation had improved, and although there was still a deficit, it had reduced considerably. The report also contained a summary of the operating income and expenditure for 2009, to date, and indicated where savings could be made.

The second document was the result of discussions in the Executive Committee. The budget was prepared annually in June, July and August, submitted to Members in September, debated, amended and adopted in October and implemented from 1 January of the following year. That schedule sometimes resulted in a need for adjustments, which must be approved by the Governing Council. Document CL/185/6-P.1 explained urgent human rights activities that could not have been foreseen and which required funding. One such activity in follow-up to a mission to Colombia was to hold a workshop for Colombian parliamentarians. The Committee on the Human Rights of Parliamentarians must conduct a mission to Madagascar to look into the detention of some members of parliament who had been imprisoned following the dissolution of parliament earlier in 2009. Those two activities would cost a total of CHF 65 000 and it was proposed that part of the operational surplus should be used to fund them. Five further urgent activities had been identified, including a regional seminar on violence against women and migration in Europe, the production of a document highlighting lessons learned and best practices gathered from the recent IPU meeting entitled, *Is parliament open to women? An appraisal*, the organization of a national seminar on the International Convention on the Elimination of All Forms of Discrimination against Women in Rwanda, and the establishment of an expert group meeting on violence against children in order to provide support to the Special Representative of the United Nations Secretary General on violence against children. The IPU had received very gracious support from Canada, in the form of a senior judge who specialized in cases related to violence against women who had been seconded to the Union at no cost to the Organization. However, appropriation was still required to finance her travel to Geneva and accommodation costs for the first three months of her secondment, and a transfer of funds from the operational budget surplus for that purpose was required. The total estimated cost of those activities amounted to CHF 140 000.

**The President** said he took it that in the absence of any comments or objections the Governing Council would authorize the transfer of funds from the operational budget to enable those activities to be conducted.

**It was so decided.**

**Mr. R. Price (Australia)** said that the suspension of Papua New Guinea's membership would lead to a worrying situation in which there would be no small Pacific island States represented in the IPU. He wondered whether it would be possible to hold a dialogue between the IPU and the Pacific island States before the 122<sup>nd</sup> IPU Assembly to ascertain how to ensure their participation in IPU meetings.

**Mr. H. Harawira (New Zealand)** welcomed and supported Australia's efforts to promote the participation of small island Pacific States in the work of the IPU.

**The President** said he welcomed the idea put forward by the representative of Australia.

**Mr. D. Mungatana (Kenya)** said that although it had been prudent to avoid taking any financial risks owing to the current climate of economic and financial crisis, some investments were required to bring financial return. Turning to the question of the suspension of Somalia's membership, he urged the IPU to take national circumstances into account and allow the Parliament of Somalia some more time to regularize its membership.

**Ms. R. Dashti (Kuwait)** pointed out that although the document stated that CHF 140,000 would be required from the operational surplus to fund activities relating to human rights, the projected expenses for those activities in fact amounted to CHF 150,000.

**The Secretary General**, responding to the representative of Kenya, explained that at the beginning of 2009 the economic climate in Geneva had been particularly worrying, and a decision had therefore been taken not to invest IPU funds. That situation had improved, and the IPU would have the opportunity to invest some of its funds in the coming year. He thanked the representative of Kuwait for her correction of the figures presented.

Item 7 of the agenda

**DRAFT PROGRAMME AND BUDGET FOR 2010**

(CL/185/7-P.1)

**The Secretary General** said that the format of the second annual IPU Assembly was such that the Governing Council had the opportunity to consider the draft budget. Debates would take place in the geopolitical groups and the Executive Committee, reports of which would be presented to the Council at its next sitting, after which the draft budget for 2010 would be adopted. The consolidated budget (CL/185/7-P.1) contained a list of income from all sources. Until four years previously the Council had only been presented with figures on income under the regular budget, with no indications of activities that used funding from voluntary sources. The Council had agreed that the IPU should reach out to a larger donor community and seek funding from individual donors, such as countries, agencies and international organizations, which should be included in the budget. The budget currently before the Council was results-based, showing the links between resources and outcomes. It also contained a medium-term outlook, which indicated the funding requests that would be made over coming years. It indicated how gender would be streamlined in all IPU activities and highlighted specific allocations for gender. It was both fiscally and environmentally sustainable. The draft budget foresaw operating expenditures of CHF 18.7 million and capital expenditures amounting to CHF 100 000. It listed carbon emissions at 1 900 tonnes, and listed an additional 1.5 staff posts to be funded through voluntary funding, and foresaw an increase in assessed contributions of 2 per cent. Voluntary funding totalling CHF 5.2 million was predicted.

Regarding revenue, he said that the draft budget identified the major part of revenue from assessed contributions. Over the previous 10 years, the average annual increase in assessed contributions had been 2.8 per cent. The Council had decided that the annual increase should not exceed 3 per cent. Since the majority of countries were currently facing difficult financial situations, efforts had been made to keep the increase in assessed contributions for 2010 to a minimum. It had therefore been set at 2 per cent. The funds from that increase would be targeted at two particular activities: the forthcoming World Conference of Speakers of Parliament, and the costs of providing security services at meeting venues, such as the present venue in Geneva. The increase for inflation had been assumed within the budget, and was not being requested in the context of Members' contributions. Other revenue listed was from staff taxation, programme support costs, interest from investments and voluntary contributions. The reports of the internal and external auditors issued in 2008 had suggested that the IPU should only list in its budget document the income that it was certain to obtain from voluntary contributions, rather than the income it had requested. The budget had continued to list the funds required, rather than the funds guaranteed, since it was essential that Council members had a comprehensive view of what the Organization proposed to do in a given year and what budget was required to conduct that work. In order to respond to the concerns of the auditors, careful consideration had been given to the IPU's capacity to deliver and implement projects and the possibility for donors to provide additional funding. That had resulted in a downward revision of the target for voluntary contributions for 2010. The estimate included the provisions necessary to conduct country-specific activities, funding for which had been received. Half of the CHF 5.2 million required had already been guaranteed and further contributions were expected. The IPU had a core group of donors: Irish Aid, the Swedish International Development Cooperation Agency (SIDA), and the Canadian International Development Agency (CIDA). SIDA provided institutional support, to be used freely for whatever the IPU deemed necessary. Irish Aid provided generous programme support, which it had requested be targeted at activities on gender issues, such as gender equality and the campaign against violence against women. CIDA had requested that its funds be used for gender-related activities, activities to promote minorities' representation in the IPU and reconciliation activities in Africa. Support was also being received from UNDP and the European Commission.

The draft budget contained a list of overall objectives broken down by Division: the Division of Assembly Affairs and Relations with Member Parliaments, the Division of the Promotion of Democracy, the Division of External Relations and the Division of Support Services, as well as the activities of the Executive Office. For each of those Divisions objectives and challenges were indicated, measures proposed for gender-mainstreaming, and specific activities enumerated. The predicted output of those activities was also set out, which explained how the funding would be spend, what achievements were expected, and how those achievements would be measured. Expenditure was broken down by nature, objective, source of funds and year. There was also an environmental impact statement for each activity. The largest portion of funding, 29 per cent, was used for activities to promote democracy, 22 per cent was devoted to Assembly affairs, major meetings and relations with Members. Support services and external relations each accounted for 18 per cent, and the Executive Office accounted for 12 per cent.

The IPU tried to mainstream a gender perspective in all its activities. The specific allocations showed that 5 per cent of regular budget funding was devoted to gender-based activities. An additional CHF 1.2 million was being sought from voluntary funding for further activities. The majority of members of the Secretariat were women, including 50 per cent of senior management positions. The carbon footprint of the IPU had been calculated and was included in the budget. In order to offset the carbon footprint caused by office heating and staff travel, CHF 34 500 had been set aside in the 2010 draft budget to support parliaments in

advocacy activities on climate change. In a further attempt to offset the Organization's carbon footprint, greater use was being made of information communication technologies and distance learning in order to reduce travel requirements.

In 2010 the IPU expected to increase its membership, and expected new donors and more funding. Advanced negotiations were currently under way with several countries regarding membership and with two new donors. The budget would include the two statutory Assemblies in 2010, the World Conference of Speakers of Parliament, at least 30 meetings and seminars, technical assistance for at least 14 parliaments, peace missions, work in defence of the human rights of parliamentarians, research on parliaments, activities to promote women in politics, the drafting of a development strategy to present to Members at the 122<sup>nd</sup> Assembly in Bangkok, and activities to strengthen the management structures of the Organization.

**The Governing Council took note of the draft programme and budget for 2010 as presented by the Secretary General.**

Item 10 of the agenda

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

(CL/185/10(a)-R.1, 10(b)-R.1, 10(c)-R.1, 10(d)-R.1, 10(e)-R.1, 10(f)-R.1,  
10(g)-R.1 and 10(h)-R.1)

**The Secretary General** introduced the reports on the recent specialized conferences and meetings. Document CL/185/10(a)-R.1 contained the report on the regional meeting for Twelve Plus parliaments on the rights of persons with disabilities, which had been the first meeting on that issue since the launch of the IPU Handbook on the rights of persons with disabilities. Document CL/185/10(b)-R.1 contained a report on the Parliamentary Conference on the Global Economic Crisis, which had been held in Geneva on 7 and 8 May 2009. A large number of participants had attended from all over the world, to discuss parliamentary action in the face of the crisis. Document CL/185/10(c)-R.1 contained the report on the Fifth Meeting of Women Speakers of Parliament, which had been hosted by the Austrian Parliament in Vienna on 13 and 14 July 2009. Provisions were being made to hold a similar meeting in 2010. Document CL/185/10(d)-R.1 reported on the regional seminar for Latin American countries on *The role of parliaments in confronting violence against children*, which had been held in Costa Rica from 26 to 28 August 2009. The report showed the priority actions on which the parliaments of Latin American countries had agreed to conduct follow-up activities. The fifth document, CL/185/10(e)-R.1, reported on the regional conference on the contribution of parliament to the national reconciliation and institutional reform agenda that had taken place in June 2009 in Sierra Leone. Document CL/185/10(f)-R.1 contained the report on the Parliamentary Conference on Democracy in Africa, which had taken place in Botswana from 14-16 September 2009. Document CL/185/10(g)-R.1 reported on the Fourth conference for members of Parliamentary Committees on the Status of Women and other committees dealing with gender equality, entitled *Is parliament open to women?: An appraisal*, which had been held in Geneva on 28 and 29 September 2009, and the final document, CL/185/10(h)-R.1, contained the report on the Parliamentary Panel within the framework of the Annual WTO Public Forum, which had also been held in Geneva, on 20 September 2009.

**Mr. M. Nago (Benin)** said that the organization of meetings was very important for IPU Members, since it provided support for those parliaments. The choice of themes for those meetings should take account of the needs of parliaments and topical issues. He particularly welcomed the meeting that had been held on the financial crisis, which was having a serious

effect, economically and socially, in all countries around the world, and in developing countries in particular. Such specialized meetings should be increased. Legal and technical training for parliamentarians should be intensified, since that would help parliaments to fulfil their roles and shoulder their responsibilities. He welcomed the meeting on parliamentary democracy, which had been held in Botswana, and called on the IPU to organize further sub-regional meetings on the subject.

**The President** said that political tolerance was at the heart of any functioning democracy. He also hoped that the IPU would be able to continue the work started in Botswana not only in Africa, but all over the world.

**Mr. A. Shahid (Bangladesh)** welcomed the reports on the meetings held by the IPU over recent months. Efforts to strengthen democracy should be focussed on several elements: parliaments, rule of law and civil society. In those efforts, attention should be paid to empowering women and improving poverty alleviation. Democracy was a fundamental tool for overcoming all global problems. The IPU should conduct visits to countries in which democracy was not functioning properly to guide them in establishing and strengthening their democratic processes.

*The meeting rose at 11.40 a.m.*

## SECOND SITTING

**Wednesday 21 October, 2009  
(Morning)**

The meeting was called to order at 9.20 a.m. with the President of the Inter-Parliamentary Union, Dr. T.-B. Gurirab (Namibia), 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/185/3(a)-R.2)

**The President** announced that the Parliaments of Papua New Guinea and Somalia owed over three years of arrears in their contributions to the IPU and were therefore liable for suspension from the Organization. Since its last meeting, the Governing Council had received a communication from the Parliament of Papua New Guinea stating that it was in the process of paying its arrears. It was hoped that similar news would be obtained from Somalia. He therefore suggested that the two Parliaments should not be suspended immediately, but rather given until the end of 2009 to pay their debts to the IPU. If by that time funds had not been received, their suspension from the IPU would take immediate effect from 1 January 2010. In the absence of any comments or objections he took it that the Council would agree to that proposal.

**It was so decided.**

*The President* recalled that at the previous session of the Governing Council, held in Addis Ababa in April 2009, the delegation of Palestine had raised the question of its membership status in the IPU. The Parliament of Palestine had been granted membership of the Union pursuant to a decision taken on 15 October 2008 at the 183<sup>rd</sup> session of the Governing Council. Prior to that, the Assembly had amended Article 3 of the IPU Statutes in order to make the membership possible. The issue of concern to the delegation of Palestine had been the textual reference in the decision adopted in 2008 to arrangements for the representation of the Parliament of Palestine at IPU Assemblies. He had been unable to entertain their request at the meeting in Addis Ababa, since the matter had not been entered on the agenda of the Governing Council with the necessary prior formalities. Since then, he had discussed the matter with the delegation and with the Executive Committee, and together they had clarified the reference in the fourth preambular paragraph of the Council decision of 15 October 2008 to the Palestinian membership being facilitated by the Palestine National Council. It was recognized by all parties that, pending any major developments in the Occupied Territories, the Palestine National Council would be treated on a par with any other IPU Member in all matters relating to its status as representative of Palestine at IPU Assemblies. That was the understanding of the decision adopted by the Council, and how it would be implemented. He took it that the Governing Council concurred with that understanding, and that there were no doubts remaining on the matter.

**The Governing Council agreed by acclamation.**

Item 7 of the agenda

**DRAFT PROGRAMME AND BUDGET FOR 2010**

(CL/185/7-P.1 and P.2)

*The President* said that at the first sitting of the present session of the Governing Council, the Secretary General had given a detailed presentation of the programme and budget for 2010. This had been discussed among the geopolitical groups. He invited the Secretary General to inform the Council of the conclusions of the Working Group on the scale of contributions.

*The Secretary General* said that the Executive Committee had met to conclude its discussion on the draft budget and to hear the report of the Working Group on the scale of contributions. The Executive Committee had reconfirmed the draft budget as presented to the Governing Council on Monday, 19 October 2009. The draft budget reflected a 2 per cent increase in contributions, which comprised two new budget items: the third World Conference of Speakers of Parliament and the provision of security at the Assembly venue in Geneva. Inflation had been absorbed in the budget and therefore was not included in the increase. The Executive Committee presented the draft budget to the Governing Council for adoption.

Document CL/185/7-P.2 set out the Working Group's recommendations, which had been endorsed by the Executive Committee. The Working Group recommended continuing the realignment of the scale of contributions on the basis of the existing United Nations scale of contributions, using the formula already approved by the Council. That should be done as a matter of course when the United Nations had revised its scale of contributions. The Working Group noted that the United Nations had not yet adopted a formal decision to revise its scale of contributions for 2010. It also noted that it was fair to assume that several countries would

join the IPU membership in 2010 and therefore suggested that the scale of contributions should not be revised at present. The decision of 2006, to move gradually from the old scale of contributions to a target rate for 2012, should continue to be applied. The Working Group had considered the situation of least developed countries and small island developing States, many of which had faced great difficulties in paying their contributions. He recalled that in 2006 the Governing Council had decided to almost halve the contribution rate of those Members, and to implement that measure over six years. The relief for those Members would therefore take six years to take effect. The Executive Committee endorsed the Working Group's recommendation to implement that measure immediately in respect of small island developing States for which a reduction in contributions was appropriate, which would affect 38 Member parliaments. The cost of that measure for the IPU would amount to CHF 135 000. The Working Group suggested that rather than charging that amount to the Members in 2010, the cost of that arrangement could be financed from the Working Capital Fund. The Working Group would continue its work in 2010 and in light of the increase in membership would return to the Governing Council in October 2010 with a revision of the scale of contributions for 2011 and beyond. The Council must therefore approve three decisions: the first approving the draft budget for 2010; the second approving the new scale of contributions for 2010, and thus automatically approving the recommendation to reduce the contributions of the poorest members of the IPU; and the third agreeing that future scales of contributions would be automatically adjusted in accordance with the review of the United Nations scale of contributions.

**Mr. J. Selfe (South Africa)**, speaking on behalf of the African Group, said that he was impressed with the scale of activities undertaken by the President and the Secretariat in respect of the IPU three-year plan of action, entitled *Promoting Peace, Democracy and Development*. The broader the scale of those activities, the more money would be required to enable the IPU to make a meaningful contribution to global affairs. He therefore commended the Organization's efforts, and the fact that it had remained financially stable during the global economic crisis. The Secretary General had attributed the surplus in funds to prudent investment and savings made on the occasion of the 120<sup>th</sup> Assembly in Addis Ababa. The African Group suspected, having read the budget of 2008 and the report of the internal auditors presented at the 120<sup>th</sup> Assembly, that there had been a degree of over-budgeting in 2008, which had resulted in apparent under-spending. Budgeting should be as accurate as possible, to enable Members to know what resources were being matched against which priorities. The report of the internal auditors had shown some worrying aspects relating to the absence of tendering for service, travel costs, airline benefit programmes, budget preparation and project implementation. Those aspects were only partially covered in the 2010 budget, and he would like more information on the progress made in resolving those issues. The consolidated budget was the most important IPU policy document, and the African Group was disappointed that the issues and challenges listed for 2010 were almost identical to those listed in 2009. He asked why no new challenges had been included. The African Group encompassed countries with a very wide range of development, many of which faced crises including civil wars, climate change, natural disasters and mass migrations, and which could barely fund their own parliaments let alone contribute to the IPU. He therefore endorsed the proposal on the situation of Somalia's membership. The Secretariat should find a way to assist African countries in their contributions, to enable them to participate fully in IPU activities. His Group would support the draft budget.

**Mrs. D. Stump (Switzerland)**, speaking on behalf of the Twelve Plus Group, said that she had strong reservations on the proposed 2 per cent increase in contributions, since there was no indication of the exact amount that Members would be required to pay. Most countries were currently in a difficult financial situation, and would close their national budget deliberations in the very near future, if they had not done so already, which meant that it was too late to account for that increase in national budgets. Such increases should therefore be announced earlier. The Twelve Plus Group proposed that the Working Group should consider potential increases for 2012 and 2013 in 2010, in order to enable Members to plan accordingly.

**Mrs. M. Griefahn (Germany)** explained that the German Federal budget had not yet been adopted, and her delegation could therefore only approve the draft budget for 2010 provisionally, subject to the adoption of the national budget.

**Mr. P. Martin-Lalande (France)**, speaking on behalf of the Working Group, said that the proposal to postpone the introduction of a new scale of contributions until 2011 was particularly wise, since the United Nations had not yet decided on its own revision of contributions. A new scale that took effect in 2010 would not take account of the new United States membership of the IPU. It was appropriate that the alleviation of contributions of least developed countries and small island developing States in 2010 would be matched by the new resources anticipated from new memberships.

**Ms. N. Mazai (Belarus)**, speaking on behalf of the Eurasia Group, welcomed the fact that in the 2010 budget, the activities of the IPU focussed particularly on promoting democracy, human rights and global development. The Eurasia Group considered that information and awareness-raising activities should be increased. Further consideration should be given to the structure and functions of the Secretariat and the reform of the IPU to increase its effectiveness, since that reform had not yet been fully implemented. Her Group welcomed the amendment of the scale of contributions. In considering the 2010 budget, further possibilities for saving resources could be considered, which would increase general confidence in the Organization. The Eurasia Group supported the draft budget.

**The Secretary General**, responding to the representative of South Africa, said he wished to assure the Council that the IPU had not overbudgeted for 2009. While the budget was calculated in Swiss Francs, a considerable part of the IPU spending was in dollars, and the IPU had therefore benefitted from the fall in the value of the dollar. It had also made savings on its Assemblies in Cape Town in 2008 and Addis Ababa in 2009. Since the recruitment of high level staff was a lengthy process some high level staff posts had remained vacant for several months, which had been reflected in savings. The Organization had conducted the activities it had budgeted for. On the issue of activities funded by voluntary contributions, he said that the IPU budgeted for more than it implemented, since it was providing Members with a comprehensive picture of the activities it proposed to undertake in the course of the year, with the important caveat that without the voluntary funding required, those activities would not be conducted. The implementation rate for that part of the budget was improving, and it was hoped that in coming years sufficient support would be received from voluntary contributors to enable that part of the budget to be implemented fully. Efforts were being made to implement the recommendations of the external auditor. Those efforts would be reported in the financial results for 2009 at the 122<sup>nd</sup> Assembly in Bangkok in 2010.

Regarding issues and challenges, he said that the IPU was a small organization trying to adapt to new challenges, and for the political ambition of its Members, the budget was very small. A large proportion of the budget was allocated to operations that could not be changed.

The budget showed an increasing focus on development issues. Many of the activities were of direct benefit to the political agenda and the domestic democracy and governance agenda of many African countries. The Executive Committee was demonstrating flexibility by continuing the membership of Somalia until January 2010.

Responding to the representative of Switzerland, he pointed out that according to the rules established by the Governing Council, the IPU was obliged to inform its Members of proposed revisions to assessed contributions for the forthcoming two years. The draft consolidated budget for 2010 contained a table setting out the assessed contributions for 2010, and the proposed budget for 2011 and 2012. Such a presentation had also been made in the 2009 budget. In the 2009 budget, the IPU had projected a budget for 2010 that had been greater than the consolidated budget for 2010. That document had referred to an increase of 3 per cent in contributions, rather than the 2 per cent that was actually being requested. He had taken note of the suggestions made by the Twelve Plus Group and the comments made by the representative of Germany. He took note of the suggestions regarding the implications of reforms of the IPU made by the representative of Belarus. The IPU had been and would continue to be modest in its budgeting, since it was aware of the realities faced by national parliaments.

**Mr. K.S.S. Rao (India)**, speaking on behalf of the Asia-Pacific Group, said that he appreciated the proposed consolidated budget for 2010, which devoted approximately half of the Organization's expenditure to activities for the promotion of democracy. The Asia-Pacific Group had some reservations regarding the manner in which the draft budget had been formulated. Concerns had been raised that allocations should be made to increase cost effectiveness, particularly in the current serious economic circumstances. The consolidated budget for 2010 amounted to CHF 18.7 million, which was only CHF 0.3 million higher than the 2009 budget. That had been achieved by including funds sought from voluntary sources, which would not necessarily be forthcoming. In accordance with international accounting standards, income should be recognized in accounts only if the expected amount was likely to accrue. The statement by the Secretary General that voluntary contributions to the tune of CHF 5.2 million were not likely to be realized indicated that the budget had been inflated. In order for the proper consideration of any annual budget, a comparison with the previous year was required. The draft consolidated budget for 2010 did not provide figures for the comparison between spending in 2009 and estimates for 2010. Much to the dismay of the delegation of India, the highest amount of savings in 2009 was likely to occur under activities for the promotion of democracy. The problem of allocation of resources was due to recognizing income from voluntary contributions, which were unlikely to be realized. While the budget document enabled delegations to comment on allocations, there was insufficient basis for commenting on the cost-effectiveness of IPU spending. Regarding budgetary allocations to promotion and protection of human rights for 2010, he expressed concern that the funding sources for those activities were exclusively voluntary. Only 2.4 per cent of the funding requirements had been submitted so far. He called for some of those activities to be funded by allocations from the regular budget. An external auditor should be appointed to look into those concerns and to report to the 122<sup>nd</sup> Assembly in Bangkok in 2010.

**Mr. A. El Zabayar (Venezuela)** said he shared some of the concerns raised by various delegations. His delegation felt it was necessary to reflect the operating costs of the Organization in the budget. He requested more detailed information on internal spending and how the IPU was managed, for example, which travel expenses were covered by the IPU budget, and whether any personal expenses were charged to the Organization. It was difficult for many countries to pay their annual assessed contributions, particularly in the current financial climate. Clear information on operating costs was therefore particularly important.

**Mr. A. Shahid (Bangladesh)** expressed his delegation's support for the comments made by India. In response to the prevalent economic situation the budget for 2010 called for an increase of only 2 per cent in assessed contributions. Further revisions should not be made until the United Nations scale of contributions had been approved.

**The Secretary General** pointed out that until four years previously the only document seen and approved by the Governing Council had been the regular budget funded by Members' assessed contributions to the IPU. At that time, information on projects funded by voluntary contributions had not been made available to Members. Members had expressed a need for an increase in activities and funding from other voluntary sources. Consideration had been given to the need to promote democracy, human rights and gender equality and a set of proposals had been developed for strengthening IPU activities in those areas. Members had requested one consolidated budget document consisting of activities funded from the general budget and activities funded by voluntary sources. While the consolidated budget as presented to the Council was now a comprehensive policy document, to some degree it contradicted internationally accepted accounting standards. The IPU was trying to be as accurate as possible while presenting its Members with as clear a picture as possible. It was regrettable that many activities for human rights, gender equality and democracy could not be conducted, since voluntary funds had not yet been obtained. The acquisition of voluntary funds was a question of establishing trust. The Organization was making great efforts in that regard.

Responding to the representative of Venezuela, he said that the summary records of Council debates were sent to the internal and external auditors immediately after the Council meeting. The external and internal auditors would examine the financial operations of the IPU at the end of the year and respond accordingly. The IPU was a most transparent international organization, with a good system of internal and external auditing. The Organization would be happy to provide any specific information requested by the delegation of Venezuela. Information on salaries and benefits was publicly available. In 2005, the Governing Council had adopted a decision obliging the IPU to apply the United Nations benefit package. Information on that package was available to the public.

**Mr. A. El Zabayar (Venezuela)** said that the IPU membership had a right to know the details of the operations of the Secretariat. That information should not only be available on request, but rather those accounts should be presented annually as a matter of course. He was concerned that the report of the internal and external auditors, which had been presented at the 120<sup>th</sup> Assembly in Addis Ababa, had expressed serious doubts about some of the accounts.

**The President** said that all efforts were made to ensure that all relevant information was made available to Members, particularly if specific information was sought.

**Mr. F. Salaberry (Chile)** said that the IPU was one of the most transparent organizations. It was unadvisable to cast doubt on the transparency of Secretariat spending. All Members should agree that there was sufficient transparency in respect of Secretariat activities and use of resources.

**Mr. A. El Zabayar (Venezuela)**, responding to the representative of Chile, said he maintained that it would be prudent for the Organization to provide transparent information on its operating expenditures to all Member parliaments.

**The President** said he took it that in the absence of any further comments the draft consolidated budget for 2010 could be approved.

**It was so decided.**

*The President* said he took it that the Governing Council also wished to approve the proposals of the Working Group regarding the scale of contributions.

**It was so decided.**

Item 9 of the agenda

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

*The President* said that at its meeting in Addis Ababa in April 2009, the Executive Committee had considered a number of issues connected with the organization of the second Assembly of the year, which was held in Geneva. The Committee had referred those questions to the geopolitical groups.

*Mr. A. Shahid (Bangladesh)* said his delegation welcomed the ongoing IPU reform process and appreciated the efforts to streamline the format of the second annual Assembly in Geneva. To further improve the current format of the second annual Assembly his Group wished to propose several measures: firstly, to ensure that Assembly meetings remained focussed on the emergency agenda item, which should be discussed in two sittings on the second day, in order to give delegations more time to consider and express their views; second, to earmark time at the second Assembly for presentations by other Geneva-based international organizations; third, to limit the number of panel discussions to enable the effective participation of all delegations; fourth, to webcast the proceedings through an online delegates' forum to allow participants to contribute to ongoing and emerging debates; fifth, to enable a greater number of representatives of the different geopolitical groups to participate in the work of the Drafting Committee on the emergency agenda item; and sixth, to restrict the discussions on the emergency item to the geopolitical groups, thus enabling other participants and bodies of the Assembly to concentrate on their areas of work.

*Mr. D. Mungatana (Kenya)*, speaking on behalf of the African Group, commended the good work of the Governing Council and the Executive Committee and said that it would be prudent to support a return to a four-day session of the second annual Assembly in order to enable work to be completed in a thorough and satisfactory manner. While he was aware that such a change would have budgetary implications, given the good and prudent financial management of the Organization those implications could be catered for without any detriment to the financial situation. He expressed concern regarding the lack of proper interaction during debates, including panel discussions. Further efforts should be made to encourage interactive dialogue and proper debate. Online debate should be encouraged, and consideration should be given to using video screens in meeting rooms in order for all speakers to be seen and heard by the meeting. Regarding the new IPU Committee on United Nations Affairs, he said that the Committee had conducted its tasks well but it was too early to judge the progress made.

*Mr. R.D. Vivas (Venezuela)* expressed his delegation's support for the comments made by the representative of Kenya. On the issue of the emergency item, he said that under the present format, the most important element was the drafting of the resolution, rather than the debate. If more time had been available for open discussion, an extraordinary document could have been produced, rather than the short text that the Assembly had adopted. The

Organization must be present and able to take a leading role and provoke changes. Improvements to procedure were therefore required to ensure that broad and effective debates took place.

**Mr. Zha Peixin (China)**, speaking on behalf of the Asia-Pacific Group, said that the international environment was currently undergoing many changes, which were resulting in opportunities and challenges for the IPU. Reforms were therefore necessary to respond to changing times. The Governing Council had adopted the reform plan in April 2007, since which time positive progress had been made. The Asia-Pacific Group supported the continued reform of the IPU, which aimed to increase the Organization's efficiency, strengthen cooperation with the United Nations, and boost the participation of the IPU in international affairs. The international community had many multilateral mechanisms in place to confront the many challenges it faced. The IPU represented global public opinion and its specific characteristics should therefore be borne in mind. The IPU should clarify its priority tasks, reflect public opinion, increase dialogue on major international issues, strengthen cooperation and improve public welfare.

**Mr. P. Martin-Lalande (France)**, speaking on behalf of the Twelve-Plus Group, said that the current format of the second annual Assembly should be maintained. In order to improve panel discussions, better technology could be used to facilitate the presentations made by panellists, and a further panel discussion should be added on the activities of one of the advisory groups. Each Standing Committee should have two co-Rapporteurs. One review should be held between the two annual Assemblies.

**Ms. N. Mazai (Belarus)**, speaking on behalf of the Eurasia Group, said that the positive element of the current format of IPU Assemblies was the increased amount of time allocated to each body to meet and discuss IPU policies on programmes and activities. Given improvements in telecommunications, discussions on the reports of the Standing Committees could be conducted electronically. It would be premature to make a definitive decision on the format of the second annual Assembly at present. Assembly discussions should be devoted to topical problems faced by the IPU.

**Mrs. A.A. Al Qubaisi (United Arab Emirates)**, speaking on behalf of the Arab Group, said that the Arab Group had drafted a document on IPU structures and programmes, which had been submitted to the Executive Committee. The Arab Group supported the proposal to extend the second annual Assembly to four days. It would be reasonable to discuss three subjects per session, rather than three subjects over the course of the two annual Assemblies, owing to the diverse range of subjects of interest to Member parliaments. On the subject of improving the activities of the Governing Council, the Arab Group approved the current structure with three amendments: firstly, the addition of other business to the agenda; second, the determination of objective conditions for supplementary items; and third, amending the Statutes of the Union to enable statements from Members to be sent through the Council to the Assembly for approval. Regarding the reports of the Standing Committees, the Arab Group did not approve the current structure of preparing reports by Rapporteurs. On the adoption of the subjects, delegations should prepare documents expressing their points of view, which should be considered by the Rapporteurs in order to prepare the report. Such an approach would diversify the positions expressed in the report. The establishment of a Standing Committee on United Nations Affairs was a positive step towards institutionalizing cooperation between the IPU and the United Nations and providing a parliamentary dimension to international cooperation. A combined parliamentary vision should be prepared on each of the

topics listed on the agenda of the United Nations General Assembly, which should be delivered to the Secretary-General of the United Nations.

**Mr. P. Martin-Lalande (France)**, speaking as Chairperson of the Second Standing Committee, said that the system of two equal co-Rapporteurs for the Standing Committees should be maintained. The establishment of a hierarchy between the Rapporteurs would create an imbalance that would result in frustrations and difficulties.

**Mr. D. Mungatana (Kenya)** said that consideration should be given to establishing a youth caucus within the IPU.

**The President** said that the Governing Council's comments had been noted and would be transmitted to the Executive Committee.

#### Item 17 of the agenda

### **APPOINTMENT OF THE SECRETARY GENERAL**

**The President** announced that at its previous session in Addis Ababa, the Executive Committee had made a unanimous recommendation to reappoint the incumbent Secretary General for a further four-year term from 2010. The Committee had proposed that the Governing Council should take a final decision through a secret ballot at its present session. Following an intervention from one delegate, a decision had been taken to reconsider the subject in the Executive Committee at the present Assembly. The Executive Committee had discussed the subject and agreed unanimously once again to submit the candidature of the current Secretary General for a further four year mandate. The Executive Committee had also agreed unanimously to formalize the procedure used on past occasions to select the Secretary General, and proposed to do so through an amendment to the Rules. One proposal for such an amendment had been received and was under discussion in the Executive Committee. The proposed amendment would be finalized and submitted for the attention of the Governing Council at its next session in Bangkok in 2010.

**Mr. R.D. Vivas (Venezuela)** said that the intention of the IPU was to deepen democracy. The election of the Secretary General was particularly important for the future of the IPU. An election process was therefore necessary. The present Secretary General had been in office for 12 years, and no other alternative candidates or selection criteria had been presented. Pursuant to the Statutes, the possibility of an election should be opened, which could be held at the 122<sup>nd</sup> Assembly in Bangkok in 2010. A democratic electoral process must be used, rather than the Secretary General being simply appointed.

**Mr. F. Tinoco Carmona (Costa Rica)** said that his geopolitical group had a very positive view of the work conducted by the Secretary General, and commended in particular his broad understanding of the interests of all groups. The Secretary General was unbiased and took all views and aspirations into account. His transparent approach to governance had been particularly welcome. He had a broad range of skills and interests, and although it was important to innovate and move forward in the life of an organization, those qualities must be taken into account.

**Mr. R. del Picchia (France)**, speaking on behalf of the Twelve Plus Group, said that he endorsed the candidacy of the present Secretary General for re-election. His Group recognized the quality, skills and commitment of the Secretary General. Since the IPU wished to function in the manner of a parliamentary assembly, the Statutes would be amended for future elections to the post of Secretary General, which would allow for an advertisement to be issued, a shortlist of candidates to be drawn up, and a vote to be conducted.

**The President** clarified that the re-election of the Secretary General would be put to a vote at the present meeting, and an amendment to the Statutes would be approved to govern the future elections of Secretaries General.

**Mr. R.D. Vivas (Venezuela)** expressed his delegation's objection to the proceedings, stating that the Statutes provided for an electoral process in which candidates could be nominated for the position of Secretary General. The re-election of the present Secretary General without conducting that procedure would be undemocratic, and in breach of the Rules of the IPU.

**The Secretary General** drew the attention of the Governing Council to the Statutes of the IPU, which stated that the Executive Committee would consider candidates for the post of Secretary General with the aim of submitting a proposal to the Governing Council. The Council would then elect the Secretary General. The Executive Committee had recommended the re-election of the present Secretary General. The Governing Council must therefore vote on that re-election. The endorsement of that recommendation was at the discretion of Members.

**Mrs. E. Papademetriou (Greece)**, supported by **Mr. A. Ziari (Algeria)**, **Mr. A.F. Sorour (Egypt)**, **Mrs. M. Mensah-Williams (Namibia)**, **Mr. F. Tinoco Carmona (Costa Rica)**, and **Mr. D. Mark (Nigeria)**, recalled that the decision to proceed to a secret ballot on the re-election of the present Secretary General had been taken on the occasion of the 120<sup>th</sup> Assembly in Addis Ababa. Following discussions in the geopolitical groups, a decision had been taken to amend the Statutes to clarify future elections of Secretaries General. That amendment was currently being discussed by the Executive Committee. The Governing Council should proceed to a vote by secret ballot on the re-election of the Secretary General.

**Mr. R.D. Vivas (Venezuela)** said that his delegation had always undertaken to respect the Statutes and Rules of the IPU. A list of candidates must be considered by the Executive Committee and submitted to the Governing Council for a vote by secret ballot. That procedure had not been followed, and the call for a secret ballot on the re-election of the present Secretary General was therefore not in keeping with the established procedure. That procedure must be launched immediately, and a vote held on the occasion of the 122<sup>nd</sup> Assembly in Bangkok, in March 2010. Democracy must be respected. Pursuant to the Statutes, the present Secretary General would remain in office until that election was held. Procedure to a vote on the re-election of the present Secretary General without the submission of other candidatures would constitute a manipulation of the Governing Council and a violation of established IPU procedures.

**Mr. M. Nago (Benin)** said that the practice in the past for the election of the Secretary General had been for the Governing Council to trust the Executive Committee to accept or reject candidates. The Statutes and Rules on that procedure should be clarified for future elections. While he understood the concerns expressed by the representative of Venezuela, since the decision had already been taken to vote on the re-election of the Secretary General

at the present meeting he suggested that the debate should be closed and that the Governing Council should proceed to a vote.

**Mrs. E. Arguedas Maklouf (Costa Rica)** expressed concern at the suggestion that the Governing Council was being manipulated, and requested an explanation of the Rules and Statutes under which the present election was being conducted, in order to clarify the situation.

**The President** drew the attention of the Governing Council to Rule 3 of the Rules of the Secretariat of the Inter-Parliamentary Union, which stated that the Secretary General would be appointed for a term of four years by the Governing Council on the proposal of the Executive Committee, and would be eligible for reappointment. The Governing Council was not being manipulated. He said he took it that in the absence of any further objections, the Governing Council would agree to proceed to a vote by secret ballot.

**It was so decided.**

**The President** announced that Mr. M. Nago (Benin) and Ms. R. Dashti (Kuwait) would act as tellers to assist in the oversight of the voting procedure.

**The Secretary of the Assembly** explained the voting procedure.

**Mr. R.D. Vivas (Venezuela)** said that his delegation refused to participate in the vote, since it objected strongly to the procedure, which it considered to constitute a manipulation of the Governing Council.

*The Secretary General was re-elected for a new four year mandate starting 1 July 2010 in a secret ballot, by 177 votes in favour, 45 against, 12 abstentions and one blank ballot paper.*

#### Item 11 of the agenda

### **ACTIVITIES OF COMMITTEES AND OTHER BODIES**

#### **(b) Reports of the Committee on the Human Rights of Parliamentarians**

(CL/185/11(b)-R.1 and R.2)

**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 56 cases, in 29 countries, affecting 250 parliamentarians. It had held six meetings with delegations and parliamentary representatives. The resolutions submitted for the Governing Council's approval pertained to the cases of 214 parliamentarians in 20 countries around the world.

#### **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, who had been suspended on 21 May 2007 for what the House had considered to be insulting remarks made on television

concerning fellow parliamentarians. She had faced insults in Parliament from her male colleagues. Although those colleagues had been reprimanded, they had not been suspended. It remained to be seen whether Ms. Joya would be reinstated before the forthcoming elections. The Committee remained concerned about the death threats against her, and recommended that she be treated equally to her male colleagues and thus reinstated forthwith.

**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>1</sup>.**

### **Bangladesh**

With respect to Bangladesh, investigations were being conducted into the grenade attacks in 2005 which had killed Mr. Shah Ams Kibria, a former finance minister of Bangladesh, and in 2004 against Ms. Sheikh Hasina, the former opposition leader and present Prime Minister of Bangladesh. A fuller picture was emerging of how the attacks had been carried out, and of the identity of the perpetrators.

**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>2</sup>.**

### **Belarus**

Ten years after the disappearance of Mr. Victor Gonchar and his friend Mr. Anatoly Krasovsky in Belarus, the authorities had yet to elucidate their fate. 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 their disappearances. The Committee considered that those findings had yet to be refuted. President Lukashenko had recently claimed that both persons had been murdered for business reasons, a claim that had been made in the past without any substantiation. The Committee was keen to know what evidence supported that assertion. The case was also being considered by the United Nations Human Rights Committee.

**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>3</sup>.**

### **Burundi**

With respect to Burundi, the Committee had been dealing with two running cases, which the Governing Council had decided to suspend at its previous session, while requesting that the Committee continued to inform it of any developments. The cases concerned the murders of six parliamentarians and attempts on the life of another. The Committee had always believed that the envisaged Truth and Reconciliation Commission, the special criminal chamber and the parliamentary working group that had been established in connection with those cases could make a crucial contribution to shedding full light on those crimes and

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<sup>1</sup> See Annex III for the text of the resolution.

<sup>2</sup> See Annexes IV and V for the texts of the resolution.

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

punishing the culprits. The Committee hoped that the nationwide consultation that had recently begun would be completed on schedule in order for the Commission and criminal chamber to be established. The Committee believed that the authorities should give the parliamentary working group their full support, since it could contribute to the quest for truth and justice in those cases.

There were serious concerns about due process in the cases of four persons who had been expelled, along with 18 others, from Parliament for practical political reasons. The IPU trial observers report contained a list of flaws in the proceedings against Mr. Hussein Radjabu, who was serving a 13 year prison sentence for having been found guilty of an attempted coup d'état. A statement had been received to the effect that his testimony had been obtained under torture. The Committee recalled that statements obtained under torture did not constitute admissible evidence. Justice had been seriously delayed in the cases of Mr. Pasteur Mpawenayo and Mr. Gérard Nkurunziza. The Committee called on the authorities to address those concerns. The Committee was also considering the case of grenade attacks in 2007 and 2008 against eight opposition parliamentarians. There were indications that the investigations were not being conducted seriously. Those attacks must not go unpunished.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of eight parliamentarians from Burundi, and to the case of Mr. Pasteur Mpawenayo, Mr. Hussein Radjabu, Mr. Théophile Minyurano and Mr. Gérard Nkurunziza, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>4</sup>.**

### **Cambodia**

Regarding Cambodia, Ms. Mu Sochua's parliamentary immunity had been lifted in June 2009 to enable her prosecution on defamation charges. She had been sentenced to a fine and had challenged that judgement on appeal. She had returned to Parliament and was able to do her work. The Committee was concerned that Ms. Sochua had filed a defamation lawsuit against Prime Minister Hun Sen. Her case had been dismissed and the Prime Minister had sued her for statements she had made, which had clearly fallen within the limits of her freedom of expression. Her parliamentary immunity had been lifted on grounds that appeared to be retaliation. Ms. Sochua's lawyer had felt obliged to resign from her case. The judge had made no efforts to examine arguments in favour of Ms. Sochua, and her application to the IPU had been used as an argument in court to show her alleged intentions to defame the Prime Minister. The Committee was concerned that the case could affect the ability of members of the Cambodian Parliament and the public at large to be critical of the Cambodian Government. The Committee hoped that Ms. Sochua's human rights, in particular her freedom of expression, would be respected in the appeal proceedings.

***The representative of Cambodia*** said that the draft resolution on the case was not acceptable to the Cambodian delegation. The draft had not taken into consideration the explanation of the National Assembly of Cambodia and its rejection of the recommendations of the report to the Committee on the Human Rights of Parliamentarians on the case. The Cambodian delegation had presented a detailed explanation of the case to the Committee on 21 October 2009. Internal rules of the National Assembly of Cambodia had been observed in the proceedings. Account had not been taken of the Code of Criminal Procedure of Cambodia. His delegation urged the Governing Council to reject the draft resolution.

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<sup>4</sup> See Annexes VII and VIII for the texts of the resolutions.

*Mrs. S. Carstairs (Canada)*, Chairperson of the Committee on the Human Rights of Parliamentarians, said that while the delegation of Cambodia had met with the Committee and provided information, the draft resolution had been approved unanimously by the Committee.

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

*The President* said that the concerns of the Cambodian delegation had been noted.

### **Colombia**

The Committee was dealing with a number of complex cases pertaining to Colombia, the first of which concerned the murders of seven Congressmen, members of the Unión Patriótica, and the assassination of Senator Luis Carlos Galán Sarmiento. Another case concerned the flawed trial of former Congressman Jorge Tadeo Lozano Osorio. An attempt had been made on the life of Mr. Wilson Borja in December 2000, for which full responsibility had yet to be established. There were also concerns about deficiencies in his security details, the legal and factual basis for the investigation against him, and about his surveillance by the Administrative Department of Security. At the invitation of the Colombian Congress the Committee had visited Bogotá to obtain a better understanding of the political and legal environment. The Committee had met with the President of the Republic, the President of the Colombian Senate and House of Representatives, the President of the Supreme Court and the Prosecutor General and the Attorney General. It had also met with current and former members of Congress who were under threat and with the family members of those who had been assassinated. The discussions had focussed on promoting progress in the investigations of those murders, protecting those at risk and ensuring full respect for the right to fair trial for members of Congress. The delegation would present its full recommendations and findings to the Governing Council at its next session in Thailand in March 2010. In respect of the murder of Senator Galán Sarmiento, a high profile State agent had recently been taken into custody.

**The Governing Council unanimously adopted the draft resolution relating to the case of ten parliamentarians from Colombia which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>6</sup>.**

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

The Committee had continued its consideration of the case of 13 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. The National Assembly had denounced that arbitrary invalidation, but had not overturned the Supreme Court rulings. It had, however, provided some redress for the injustices suffered. The Committee had been assured that negotiations were under way and hoped that a solution would be reached.

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

<sup>6</sup> See Annex X for the text of the resolution.

**The Governing Council unanimously adopted the draft resolution relating to the case of 13 parliamentarians from the Democratic Republic of the Congo, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>7</sup>.**

### **Ecuador**

Positive results had been achieved in the case of the 56 dismissed parliamentarians in Ecuador. Following their unlawful dismissal in 2007 they had continued to meet in hotels in Quito, claiming to be the legitimate Congress. Criminal proceedings had been instituted against 24 of them for doing so. The Committee had requested the authorities to drop those unfair investigations. The President of the National Assembly of Ecuador had met with Committee and confirmed that those investigations had been halted. She therefore recommended that the case be closed. With respect to the murders of Mr. Jaime Ricuarte Hurtado González and Mr. Pablo Vicente Tapia Farinango, the murder suspect had been arrested in the United States, and the Committee hoped that he would be returned to Ecuador and tried. The Committee was pleased that the National Assembly was taking a keen interest in that case, and trusted that it would continue to do so until justice was done.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Jaime Ricaurte Hurtado González and 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>8</sup>.**

### **Eritrea**

With regard to Eritrea, the situation of 11 parliamentarians in Eritrea was an affront to human dignity. Their only mistake had been to call for democratic reform. They had been held incommunicado for eight years, and without any formal charge. There were growing rumours that they might no longer be alive. The authorities had provided no information on their situation for five years. The authorities remained deaf to the pleas of the IPU and the African Commission on Human Rights for their immediate release. Committee renewed its urgent appeal to the international community and African organizations in particular, to do their utmost to bring pressure to bear on the Eritrean authorities in respect of that case.

**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>9</sup>.**

### **Iraq**

According to the Iraqi authorities, Mr. Mohammed Al-Dainy was accused of a long list of terrorist crimes and had disappeared in Baghdad on 25 February 2009. There were fears that he might have been the victim of an enforced disappearance. He had since reappeared, but there were serious concerns that the accusations against him were based on confessions extracted under torture. The Committee called on the Parliament to establish a parliamentary inquiry. While the Committee did not defend crimes committed by parliamentarians, it was

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<sup>7</sup> See Annex XI for the text of the resolution.

<sup>8</sup> See Annexes XII and XIII for the texts of the resolutions.

<sup>9</sup> See Annex XIV for the text of the resolution.

concerned that accusations against parliamentarians must not be fabricated. One of the accusations against Mr. Al-Dainy had been disproved.

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

#### **Lebanon**

In March 2009 the Special Tribunal for Lebanon based in the Netherlands had begun its work to dispense justice in the case of former Prime Minister Hariri. In future, it was possible that one or more of the cases of the four murdered parliamentarians currently being considered by the Committee would come before the Tribunal. Until then, the Lebanese authorities bore the responsibility for ensuring justice in those cases. The Committee hoped that the Parliament of Lebanon would play an active role in monitoring those efforts, and that the Speaker of the Parliament would establish a regular dialogue with the Committee.

**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>11</sup>.**

#### **Mongolia**

In the case of Mongolia the Committee thanked the Japanese and German authorities, which had been assisting in the case of Mr. Zorig Sanjasuuren, who had been murdered 11 years previously. Progress was being made on the investigation into his case.

**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>12</sup>.**

#### **Myanmar**

In 2008, a new Constitution had been adopted in Myanmar, which had been completely controlled by the military and had not allowed for any exchanges of views. The Constitution provided for sweeping and overriding powers for the military. There had been no clear sign that the repression of political activity was lessening. There were 13 parliamentarians elect in prison, and recently Aung San Suu Kyi had been sentenced to a further 18 months of house arrest. The international community was at a crossroads in dealing with the political situation in Myanmar. If it failed to give a strong and united message to the regime, the scheduled elections would go ahead as planned and could result in the legalization of the situation. The only viable way forward was for the military regime to engage in genuine dialogue with Aung San Suu Kyi, and with all concerned parties, and accept the proposal to establish an inclusive commission to review the Constitution.

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

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

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

**The Governing Council unanimously adopted the draft resolution relating to the case of 22 parliamentarians, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>13</sup>.**

### **Palestine/ Israel**

Over 30 Palestine Legislative Council members elected in January 2006 were arrested shortly after the capture of Israeli soldier Gilad Shalit in a cross-border attack on Israeli military installations. The judgements handed down to them had confirmed that they had been elected on the Change and Reform list and having exercised their mandate on its behalf. A total of 15 of them, including the Speaker of the Palestinian Legislative Council had been released having served their sentences. The Committee points out that Israel was aware of the participation of Hamas in that election, and considered that their arrest and detention had therefore been politically motivated. The Committee called on the Israeli authorities to release those Legislative Council members forthwith. The Committee was dismayed by the practice of administrative detention in Israel, which made a mockery of judicial proceedings, and was disturbed by the limited visiting rights of family members. Such treatment was arbitrary in the extreme and was not conducive to the peace process. The Committee was dismayed at the sentencing of Mr. Ahmad Sa'adat to 30 years imprisonment for being the leader of the Popular Front for the Liberation of Palestine, and his placement in solitary confinement. The Committee deplored not only the sentence but also the conditions of his imprisonment.

**The Governing Council unanimously adopted the four draft resolutions relating to the case of Mr. Marwan Barghouti, to the case of Mr. Ahmad Sa'adat, to the case of 37 parliamentarians and to the case of Mr. Abdel Aziz Dweik, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>14</sup>.**

### **Philippines**

Regarding the Philippines, the Committee had two cases before it. The first concerned four members of Parliament who had been charged with rebellion. In July 2007 the Supreme Court had dismissed the case on grounds of political motivation. Since then, new charges had been laid against the four parliamentarians, which were not based on sound evidence. The Committee feared that the charges were part of an ongoing effort by the Government of the Philippines to remove certain political parties from the democratic process. The second case in the Philippines related to Senator Antonio F. Trillanes, a naval lieutenant who had been imprisoned following his election. He had been accused of participating in the Oakwood Siege of July 2003. The Committee was concerned that he had been in detention for six years without his case having been brought to justice. The Committee was pleased that the Philippines Senate had amended its rules to provide video conferencing for Mr. Trillanes from his prison cell. Those new rules, however, had not yet been put into effect.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, and to the case of Mr. Antonio F. Trillanes, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>15</sup>.**

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

<sup>14</sup> See Annexes XIX, XX, XXI and XXII for the texts of the resolutions.

<sup>15</sup> See Annexes XXIII and XXIV for the text of the resolution.

### Rwanda

Mr. Leonard Hitimana had disappeared in April 2003 and still had not been found. The Committee believed that the only remaining plausible explanation was that he had been the victim of an enforced disappearance. It was particularly concerning that no serious investigation had been conducted. The Committee called on the Parliament of Rwanda to take action.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Leonard Hitimana, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>16</sup>.**

### Sri Lanka

The civil war had come to an end. While the violence had receded, the situation of impunity had led to new problems. The Committee continued to be concerned by the failure of the authorities to resolve the murder of Mr. Joseph Pararajasingham, who had been shot dead in the presence of 300 persons attending midnight mass on 24 December 2005. The murders of the other four parliamentarians concerned also remained unpunished. A new concern had arisen in the case of opposition parliamentarians, mainly from the Tamil National Alliance, who had not been allowed to visit the camps established for internally displaced persons. The Committee urged the authorities to ensure that parliamentarians could visit those camps, in which the majority of their constituents were forced to live. Not allowing them to visit the camps would be tantamount to preventing them from exercising their mandate. The Committee remained concerned at the repeated instances of abduction of family members of Tamil National Party Members.

**Mr. M. Samarasinghe (Sri Lanka)** proposed the addition of the words "bulk of the" between "the" and "resettlement process" in the final preambular paragraph of the draft resolution on the cases of 10 parliamentarians. Operative paragraph 2 of the resolution on the case of Mr. Thiyagarajah Maheswaran, should be amended to read "an indictment is in the process of being issued".

**Mrs. S. Carstairs (Canada)**, Chairperson of the Committee on the Human Rights of Parliamentarians, said that those amendments were acceptable to the Committee.

**The Governing Council unanimously adopted the six draft resolutions relating to the case of 10 parliamentarians, to the case of Mr. Joseph Pararajasingham, to the case of Mr. Nadarajah Raviraj, to the case of Mr. Thiyagarajah Maheswaran, to the case of Mr. D.M. Dassanayake and to the case of Mr. Kiddinan Sivanesan, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>17</sup>.**

### Turkey

In respect of Turkey the Committee was considering the case of Mr. Mehmet Sinçar who had been killed in 1993. The Committee's concern was that his family had not received any information on the proceedings.

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

<sup>17</sup> See Annexes XXVI, XXVII, XXVIII, XXIX, XXX and XXXI for the texts of the resolutions.

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

### **Zimbabwe**

The National Union Government had taken office in Zimbabwe, shortly after which the charges against Mr. Tendai Biti had been dropped. That had not, however, been the case for Mr. Roy Bennett, who had been forced to flee Zimbabwe in 2006 in fear for his life. He had been appointed deputy minister for agriculture by the new Government, but had been arrested immediately upon his return to Zimbabwe. He had been released on bail in March 2009. The Committee was deeply concerned by his recent re-arrest, and was considering the possibility of sending an international observer to the proceedings. The Committee remained concerned at the continuing impunity in the cases of Mr. Job Sikhala and Mr. Paul Madzore, who had been tortured, and of Mr. Biti and Mr. Nelson Chamisa, who had been beaten up by the police. The Committee had been assured that it would receive further information about the work of the authorities to resolve those cases. No information had been received.

*Mrs. E. Madzongwe (Zimbabwe)* said her delegation objected to the way in which the draft resolution had been presented. While her delegation did not condone the harassment of members of Parliament by the State department, the State must uphold the rule of law, where it had been breached. The cases had not been accurately represented by the Committee. The cases were being investigated, and her delegation would provide information on the cases in due course.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tendai Biti, Mr. Paul Madzore and Mr. Nelson Chamisa, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>19</sup>.**

### **Madagascar**

The former mayor of Madagascar's capital had ousted the President and elevated himself to the head of the high transitional authority, which had suspended parliament. Political violence had been prevailing in Madagascar and the rule of law had broken down. The agreement between the different political movements, known as the Maputo Agreement, which had been concluded in August 2009, was awaiting implementation. In that context, the parliamentarians concerned had been arrested, humiliated, brutalized and charged with public order offences. Four had been sentenced to a one year suspended prison term, one was still in detention and arrest warrants were pending for 18 others. The Committee urged the de facto authorities to heed the Maputo Agreement, which provided for all politically motivated offences committed between December 2002 and August 2009 to be annulled.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimby, Mr. Raymond Rakotozandry, Mr. Randrianatoandro Raharinaivo and**

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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.

**Ms. Elaine Naika, which had been submitted to it by the Committee on the Human Rights of Parliamentarians<sup>20</sup>.**

*Ms. E. Naika (Madagascar)* expressed her deepest thanks to the Committee on the Human Rights of Parliamentarians and the IPU for their continuous action, which had secured her release and that of four other Malagasy parliamentarians from prison. Following the coup d'état in March 2009 the two Chambers of Parliament had been suspended, and in April 2009 an arrest warrant had been issued for 18 parliamentarians, 16 of whom had been arrested and tortured. She had been brutally arrested by armed members of the special intervention forces, and had been beaten and tortured, in a painful affront to her human dignity. She had been presented to a military assembly, which had humiliated her. It was unacceptable that elected parliamentarians could be subjected to such treatment, and that those responsible could remain unpunished. Three charges had been brought against her, and although she had been due to be tried on 13 October 2009, her trial had been postponed until February 2010. She had been treated inhumanely in detention, and she called on the IPU to take action to prevent such treatment of parliamentarians in future. She expressed her deep concern for her fellow parliamentarians who were still subject to political imprisonment. People in Madagascar were regularly threatened with arrest, not allowed to travel and not allowed to take political positions. She welcomed the fact that the IPU was prioritizing the elimination of violence against women. She requested that an IPU mission be conducted to Madagascar to investigate the conditions in that country.

*The President* expressed the deepest sympathy of the Council to Senator Naika, and said that the IPU would continue to make its best efforts until justice was done in Madagascar.

The meeting rose at 1.35 p.m.

### THIRD SITTING

**Wednesday, 21 October 2009  
(Afternoon)**

The meeting was called to order at 2.50 p.m. with the President of the Inter-Parliamentary Union, Dr. T.-B. Gurirab (Namibia), in the Chair.

Item 8 of the agenda

### **COOPERATION WITH THE UNITED NATIONS SYSTEM** (CL/185/8-P.1 and 8-R.1)

*The President* drew the Council's attention to document CL/185/8-R.1, which contained a checklist of activities undertaken by the IPU in cooperation with the United Nations over the previous six months. Document CL/185/8-P.1 contained a proposal for cooperation between the IPU and the United Nations System Alliance of Civilizations.

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

**The Secretary General** said that when considering cooperation between the IPU and the United Nations, Members should ensure that their parliaments were represented in the Parliamentary Hearing at the United Nations General Assembly. In 2009, the Parliamentary Hearing would focus on follow-up to the global economic and financial crisis. That theme followed the work conducted at the 120<sup>th</sup> Assembly of the IPU in Addis Ababa and would provide an important opportunity to take stock of the position of the international community in the aftermath of the crisis and the effects of the crisis on development, and to discuss what parliaments could do to mitigate those effects.

Turning to document CL/185/8-P.1, he said that the United Nations Alliance of Civilizations was an initiative that aimed to improve cooperation across nations, cultures and religions, and to diffuse tensions and the forces that fuelled polarization and extremism. The IPU had become a friend of that initiative. Mrs. E. Papademetriou had represented the IPU at the second forum of the Alliance in Istanbul. She had reported that although there had been a good representation of Heads of State, governments and civil society, parliamentary participation had been very low. The note proposed that the IPU should try to provide a parliamentary dimension in a modest and incremental manner. The initial steps in that process were outlined, and including providing information for parliaments on 2010, the international year for the rapprochement of cultures, along with suggestions for activities that parliaments could undertake to mark the year. He encouraged parliaments to be involved in drawing up national and regional strategies on that subject, and to attend the third forum of the Alliance, which would take place in Brazil in 2010. Parliaments should organize a parliamentary session during that forum and present the outcome of the review of the resolution on ensuring respect for and peaceful coexistence between all religious communities and beliefs in a globalized world, which had been adopted by the 116<sup>th</sup> Assembly of the IPU in Bali. The note had the endorsement of the Executive Committee.

He drew the Council's attention to a questionnaire for parliaments on the organization of their work vis-à-vis the United Nations. A preliminary report had been compiled on the 65 responses received so far. The questionnaire did not take much time to complete, and he therefore urged all parliaments to do so. The report on the results of the questionnaire would be presented at the World Conference of Speakers of Parliament in 2010.

**The President** recalled the Campaign to End Violence against Women launched by the Secretary-General of the United Nations, which had received strong support from the IPU, and invited the Secretary General to make a presentation on that subject.

**The Secretary General** said that the issue of violence against women was very high on the international agenda and was at the top of the IPU agenda. The 114<sup>th</sup> Assembly in Nairobi had adopted a resolution on that subject. The campaign to combat violence against women launched by UNIFEM had been signed by over 200 members of parliament. The IPU had powerful spokespersons in the Coordinating Committee of Women Parliamentarians who spoke up on the issue. In 2008, the IPU had launched a comprehensive campaign and programme of work to support parliaments in their efforts to end violence against women. The United Nations Secretary-General had begun a campaign to end violence against women, which had been set in the context of efforts to promote the attainment of the MDGs. The IPU programme of action called for action by men and women parliamentarians, building on parliamentarians' political leadership, and aimed to respond to the needs of parliaments. It worked in three target areas: building a strong and effective legal framework; securing effective implementation of legislation; and raising awareness, and visibility of violence against women. The IPU organized regional and national seminars, provided technical assistance for parliaments and was in the process of establishing a website on issues related to violence against women. The IPU was also seeking to promote parliamentary participation in the

international day for the elimination of violence against women. The campaign had been launched in December 2008 after a parliamentary conference on violence against women. Six priorities had been identified: firstly, to adopt laws; second, to ensure those laws were implemented; third, educate and sensitize; fourth, build partnerships; fifth, show strong political will; and sixth, establish a strong institutional framework for action. Over 2009 and 2010, the IPU proposed to organize a number of activities, starting with a European regional seminar on violence against women and migration, a regional conference for francophone African parliaments on enacting laws on the prevalent forms of violence against women, and a regional seminar for Latin American parliaments on effective enforcement of legislation on violence against women. On 25 November the IPU would mark the tenth anniversary of the international day for the elimination of violence against women with a campaign theme entitled *Commit, Act and Demand: we can end violence against women*. Special debates would be held in parliaments which were encouraged to conduct national reviews on progress made, adopt resolutions or declarations, distribute petitions for action and hold public hearings and consultations. The IPU had created a subsection on violence against women on its Internet site, which contained information on all activities being conducted by parliaments to mark that international day. A poster advertising the six priority actions and other brochures would be distributed among all Member parliaments to facilitate their efforts to mark the international day for the elimination of violence against women.

Item 11 of the agenda

(continued)

**ACTIVITIES OF COMMITTEES AND OTHER BODIES**

**(a) Coordinating Committee of the Meeting of Women Parliamentarians**

(CL/185/11(a)-R.1)

*Ms. P. Cayetano (Philippines)*, President of the Coordinating Committee of the Meeting of Women Parliamentarians, introduced the report of the Coordinating Committee and said that the Committee had discussed the follow-up by women parliamentarians to the Fourteenth Meeting of Women Parliamentarians, with Committee members reporting on recent developments in their respective countries. The Committee had considered its contribution to the 121<sup>st</sup> Assembly and had discussed the draft reports to be debated by each of the Assembly's Standing Committee panels highlighting gender-related concerns that the respective Rapporteurs might wish to consider. Regarding the first panel discussion, on *Cooperation and shared responsibility in the global fight against organized crime*, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism, the Committee had underscored that human trafficking was often under-acknowledged and that a first step would be for parliaments to call on governments to recognize the full extent of the problem and develop strategies to combat it. Economic upheaval and poverty affected women and children disproportionately, making them more vulnerable to human trafficking.

Regarding the second panel, on *The role of parliaments in developing South-South and triangular cooperation* with a view to accelerating achievement of the Millennium Development Goals, the Committee had emphasized in particular MDGs 4 and 5 on reducing child mortality and improving maternal health. It had highlighted the importance of carrying out country gender assessments of the impact of the economic crisis, and of exchanging information, resources, knowledge and skills not only from North to South but also, and in particular, across countries and regions in the South.

With respect to the third panel, on *Youth participation in democratic processes*, the Committee had highlighted in particular the role of young women in politics and underscored that decisions made regarding youth should be more inclusive. Different strategies could be considered to include young people, including parliamentary outreach, parliamentary youth forums and political party work. The need for the elimination of gender stereotyping had also been noted.

Preparations for the Fifteenth Meeting of Women Parliamentarians had also been discussed. The Committee had decided that it would debate the agenda item of the First Standing Committee of the 122<sup>nd</sup> Assembly. It had also decided that the Meeting's afternoon dialogue session between men and women would focus on combating violence against women, with a particular focus on women held in prisons and immigration detention centres. Following a presentation by a representative of UNICEF, it had been agreed that the panel for the 122<sup>nd</sup> Assembly should consider the role of parliamentarians in the implementation of the Convention on the Rights of the Child.

The Committee had been briefed on the forthcoming activities of the IPU in relation to gender issues, including the IPU campaign to take action on violence against women, and the Committee called on all parliaments to mark the international day for the elimination of violence against women by organizing seminars, conferences and parliamentary hearings. The Committee had also heard about the IPU survey on gender-sensitive parliaments, the aim of which was to gather primary information on the ways in which parliaments could become gender-sensitive institutions and effectively mainstream gender into their work. Information would be collected using questionnaires, which the Committee urged parliaments to complete.

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

#### **(i) Election of one titular member and four substitute members**

(CL/185/11(c)-P.1 to P.7)

**The President** announced that one titular member of the Committee on Middle East Questions must be elected. Mr. M. Al-Feqi of Egypt and Mr. S. Janquin of France had been nominated for the post of titular member. He called for a vote by show of hands to elect the new titular member.

**Mr. S. Janquin (France) was elected as a titular member of the Committee on Middle East Questions.**

**The President** announced that since Mr. Janquin had held a substitute post in the Committee, five new substitute members must now be appointed. Five candidatures had been submitted: Mr. J. Winkler of Germany, Mr. F. Gutzwiller of Switzerland, Mrs. E. Papademetriou of Greece, Mr. H. Alir of Turkey and Ms. M. Armani of Malaysia. In the case of Mr. Alir, it was agreed that since he would be taking the seat of a member from his own parliament who had resigned from the Committee, he would complete the term of his predecessor, which would expire in 2012.

**The Governing Council elected as substitute members of the Committee Mr. H. Alir (Turkey) until April 2012, Mr. J.P. Winkler (Germany), Mr. F. Gutzwiller (Switzerland), Mrs. E. Papademetriou (Greece) and Ms. M. Armani (Malaysia) until October 2013.**

**(ii) Report of the Committee**  
(CL/185/11(c).R.1)

*The Secretary General* drew attention to the report of the work of the Committee, contained in document CL/185/11(c)-R.1. Mrs. A. Clwyd (United Kingdom) had chaired the meeting of the Committee, which had focussed on how the Committee could facilitate and foster dialogue between parliaments in the region in order to move the peace process forward. In previous contacts with delegations of Israel and Palestine, the Committee had received assurances of a willingness to participate in such a dialogue. The Committee had met with the Centre for Humanitarian Dialogue, the representatives of which had shared their experiences with the members of the Committee. The report described the outcomes of that briefing. The Committee suggested that its initial approach would be to hold separate discussions with the Parliaments of Israel and Palestine, on issues on which they might be able to reach a common understanding. The first meetings would be held in Geneva outside Assembly time, in order for both delegations to have sufficient time to prepare for and attend those meetings. The Committee had requested that contact be made with both parties as soon as possible.

*Mr. A. Abdullah (Palestine)* expressed surprise that the Committee had not submitted a report on the situation in the Middle East and the status of the peace process, as was its usual custom. The Committee had decided to jump into an attempt to foster dialogue at a time when such dialogue seemed simply impossible, since the Government of Israel did not believe in peace. Israel had embarked on a destructive policy to prolong the occupation, in spite of numerous international attempts to foster peace. Dialogue could not begin when Israel was not prepared to negotiate critical issues such as the situation of refugees, the rights of the Palestinians, the borders or the situation in Jerusalem. A meaningful dialogue with positive conclusions would be very difficult to achieve. The Committee should continue to analyse the situation and report to the Assembly, in order to raise awareness of the situation of the occupation. The Committee would have the full support of the delegation of Palestine.

**(d) Gender Partnership Group**  
(CL/185/11(d)-R.1)

*Mr. R. del Picchia (France)*, *Rapporteur of the Gender Partnership Group*, said that the Gender Partnership Group had noted that an increasing number of women were participating in work of the IPU. The present Assembly had seen the highest number of women participants. Efforts must be made to ensure that female representation in the IPU continued to increase, particularly since 15 delegations to the Assembly with more than one member had no female representatives. The Group had welcomed the fact that the 2010 budget dealt visibly with gender issues, and emphasized that it was important to continue to seek voluntary funding in order for the IPU to continue to conduct activities on gender issues. Regarding staffing, the Group had noted with satisfaction that over 50 per cent of IPU staff in the professional category, including managerial positions, was female. The Group had considered the status of the six Member parliaments that had no female members. The Group had welcomed the news that four women had been elected to the Parliament of Kuwait at the beginning of 2009, two of whom were present in the Kuwaiti delegation to the present Assembly. The Group had highlighted two major IPU initiatives, the first of which was the campaign for action on violence against women, and the second of which was the survey on gender-sensitive parliaments. He urged all Member parliaments to answer the IPU questionnaires in response to that survey. The Group had held a productive meeting with the delegation from the Parliament of Palau, in order to learn more about the situation of women in politics and the challenges

they faced. The Group appreciated the cooperation of the delegation and hoped to pursue that dialogue further.

**(e) Advisory Group on HIV/AIDS**

(CL/185/11(e)-R.1)

*The Secretary General* said that the Advisory Group had met in Geneva on 24 and 25 September 2009. The Advisory Group worked closely with UNAIDS and had discussed and endorsed the priority areas in the UNAIDS framework. The Global Fund to fight AIDS, Tuberculosis and Malaria had joined the work of the Advisory Group. The Advisory Group would be organizing a seminar in Hanoi for the Asia-Pacific parliaments in December 2009, which would focus on the most vulnerable groups in society and the role of parliaments in protecting them and reducing vulnerability.

**(f) Group of Facilitators for Cyprus**

(CL/185/11(f)-P.1)

*The President* announced that one facilitator must be elected to the Group of Facilitators for Cyprus. The Governing Council had received the candidature of Mr. M. Sheerit of Israel. In the absence of any comments or objections he took it that the Governing Council approved that candidature.

**The Governing Council elected Mr. M. Sheerit (Israel) as a facilitator of the Group of Facilitators for Cyprus.**

Item 12 of the agenda

**122<sup>nd</sup> IPU ASSEMBLY**

(CL/185/12-P.1)

*The President* said that the 122<sup>nd</sup> Assembly would be held in Bangkok, Thailand, in March 2010. The agenda for the Assembly had been adopted. The Governing Council was called upon to approve the list of observers contained in document CL/185/12-P.1.

**The Governing Council approved the list of observers for the 122<sup>nd</sup> Assembly of the IPU<sup>21</sup>.**

*Mr. A. Wiriyachai (Thailand)* said that it was a great honour for the Thai National Assembly to host the 122<sup>nd</sup> Assembly of the IPU in Bangkok in 2010. The final arrangements for the Assembly had been made during the Secretary General's visit to Thailand, and the Thai delegation had held a series of follow-up meetings to ensure the best possible preparation for the Assembly.

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<sup>21</sup> See Annex II for the list of observers.

Item 13 of the agenda

**FUTURE INTER-PARLIAMENTARY MEETINGS**

(CL/185/13-P.1 and 13(b)-P.1)

*The President* introduced the list of future inter-parliamentary meetings contained in document CL/185/13-P.1. Consultations had been held with the delegations of Canada and Uganda, on the basis of which the Executive Committee had endorsed a proposal to hold the 126<sup>th</sup> Assembly in 2012 in Kampala, Uganda, and the 127<sup>th</sup> Assembly in 2012 in Quebec City, Canada.

**The Governing Council endorsed that proposal.**

*The Secretary General* said that the document listing future Assemblies also contained a list of specialised meetings included in the work programme. Those meetings were included in the consolidated budget.

**The Governing Council approved the list of future meetings<sup>22</sup>.**

Item 14 of the agenda

**PREPARATIONS OF THE 3<sup>rd</sup> WORLD CONFERENCE  
OF SPEAKERS OF PARLIAMENT**

(CL/185/14-R.1)

*The Secretary General* drew the attention of the Governing Council to the information note, containing the outcomes of the meeting of the Preparatory Committee of the Third World Conference of Speakers of Parliament. The Conference would be held in the presence of the Secretary-General of the United Nations, and would take place from 19 to 21 July 2010. The broad theme of the Conference would be *Parliaments in a world of crisis: securing global democratic accountability for the common good*. The next meeting of the Preparatory Committee would take place at United Nations Headquarters in New York in November 2009, and would be attended by senior leaders of the United Nations at the government and Secretariat levels.

Item 15 of the agenda

**APPOINTMENT OF TWO AUDITORS FOR THE 2010 ACCOUNTS**

(CL/185/15-P.1 and P.2)

*The President* announced that two candidatures had been submitted for the position of auditors for the 2010 accounts: Mr. W. Beke of Belgium and Mr. M. Sheerit of Israel.

**The Governing Council elected Mr. W. Beke (Belgium) and Mr. M. Sheerit (Israel) as auditors for the 2010 accounts.**

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<sup>22</sup> See Annex I for the calendar of future meetings.

Item 16 of the agenda

**ELECTIONS TO THE EXECUTIVE COMMITTEE**

(CL/185/16-P.1 to P.6)

**The President** announced that the Governing Council must elect five members to the Executive Committee to replace Mr. A. Kozlovskiy (Russian Federation), Mrs. E. Papademetriou (Greece), Ms. A. Möller (Iceland), Mr. A. Toha (Indonesia) and Mr. Ngo Anh Dzung (Viet Nam). He announced that five candidatures had been submitted for approval: for the Twelve Plus Group, Mrs. Doris Stump (Switzerland) and Mr. Krister Ornfjäder (Sweden), for the Asia-Pacific Group, Mr. Ngo Quang Xuan (Viet Nam) until October 2011 (when the term of office of his predecessor from the same country expired) and Mr. Nhem Thavy (Cambodia), and for the Eurasia Group, Mr. Mikayel Vardanyan (Armenia).

**The Governing Council elected Mr. Ngo Quang Xuan (Viet Nam) until October 2011 and Mr. Nhem Thavy (Cambodia), Mr. K. Ornfjäder (Sweden), Mrs. D. Stump (Switzerland) and Mr. M. Vardanyan (Armenia) as members of the Executive Committee until October 2013.**

The meeting rose at 4 p.m.

## FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)*

Regional Conference and iKNOW Politics Arabic site launch <i>The role of Media and Information Technology in Increasing the number and effectiveness of women in Politics</i>	AMMAN (Jordan) 27-28 October 2009
World e-Parliament Conference	WASHINGTON, D.C. 3-5 November 2009
Parliamentary Meeting on the occasion of the World Summit on Food Security	ROME (Italy) 13 November 2009
Second meeting of the Preparatory Committee of the 3 <sup>rd</sup> World Conference of Speakers of Parliament	NEW YORK 16-17 November 2009
Joint IPU/UN Parliamentary Hearing at the United Nations	NEW YORK 19-20 November 2009
Conference on MDG5 (Maternal Health), organized jointly by the IPU and WHO	KAMPALA (Uganda) 23-25 November 2009
Enlarged session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 1 <sup>st</sup> December 2009
Regional Seminar on parliaments' contribution to long-term peace and security in the Great Lakes region	NAIROBI (Kenya) 6-8 December 2009
Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	MANAMA (Bahrain) 9-10 December 2009
Regional Seminar for the Twelve Plus on Violence Against Women and Migration	PARIS (France) 10-11 December 2009
Regional Seminar on HIV/AIDS	HANOI (Viet Nam) 10-12 December 2009
Parliamentary meeting on the occasion of COP15	COPENHAGEN (Denmark) 16 December 2009
128 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA 18-21 January 2010
20 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	Venue to be decided Early 2010

Regional Seminar on the role of parliament in combating trafficking in persons, especially children, organized jointly by the IPU, Sahel and West Africa Club (SWAC-OECD) and APU	Venue to be decided (in West Africa) mid-February 2010
Regional Seminar for European parliaments on human trafficking	LONDON (United Kingdom) February 2010
Regional Seminar on Violence against Women – Latin American countries	Ecuador February 2010
Parliamentary Conference on ICT and the global economic crisis	GENEVA End February 2010
Parliamentary Day on the occasion of the CSW	NEW YORK Early March 2010
Regional Seminar on HIV/AIDS	Venue to be decided March 2010
122 <sup>nd</sup> Assembly and related meetings	BANGKOK (Thailand) 27 March - 1 <sup>st</sup> April 2010
Parliamentary meeting on the occasion of the UN Non-Proliferation Treaty (NPT) Review Conference (3-28 May)	NEW YORK 6 May 2010
Parliamentary meeting on the occasion of the 2010 Forum of the Alliance of Civilizations	RIO DE JANEIRO (Brazil) 28-29 May 2010
Fifth Seminar for members of parliamentary human rights bodies	GENEVA May/June 2010
Parliamentary meeting to be held during the UN General Assembly Special Session on HIV and AIDS	NEW YORK June 2010
Information Seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA June 2010
Regional Conference on tolerance, dialogue and inclusive decision-making in parliament	Venue to be decided (Asia) June 2010
130 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA June/July 2010
Parliamentary event to be held during the XVIII International AIDS Conference	VIENNA 20-21 July 2010
Ninth Workshop of Parliamentary Scholars and Parliamentarians	Oxfordshire (United Kingdom) 24-25 July 2010
3 <sup>rd</sup> World Conference of Speakers of Parliament	GENEVA 19-21 July 2010
Regional Seminar on Violence against Women and women's rights (francophone Africa)	First half of 2010

Sixth Meeting of Women Speakers of Parliament	First half of 2010
Regional parliamentary conference on the occasion of the International Day of Democracy	Venue to be decided 13-15 September 2010
Briefing for members of parliament attending the High-Level Segment and World Summit at the United Nations General Assembly	NEW YORK September 2010
123 <sup>rd</sup> Assembly and related meetings	GENEVA 4-6 October 2010
Seminar on United Nations Human Rights Treaty Bodies	GENEVA 7 October 2010
Joint Conference with the Association of Secretaries General of Parliament	GENEVA 7 October 2010
Parliamentary Seminar on CEDAW	GENEVA 7 October 2010
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2010
Parliamentary Meeting on the occasion of the Seventh International Conference of New or Restored Democracies	Venezuela ( <i>subject to UNGA confirmation</i> )
Regional Seminar on security challenges and parliamentary oversight	Venue to be decided Second half of 2010
Regional Seminar on HIV/AIDS	Venue to be decided Second half of 2010
International Conference on the representation of minorities and indigenous peoples in parliament	Venue to be decided Second half of 2010
World e-parliament Conference 2010	Venue to be decided Second half of 2010
Regional Seminar on the contribution of French-speaking African Parliaments to national reconciliation	Venue to be decided Second half of 2010
Regional Seminar on parliamentary oversight and accountability	Venue to be decided (Africa) Second half of 2010
Annual Session of the Parliamentary Conference on the WTO	Venue to be decided Second half of 2010
Fifth meeting of women parliamentarians and women in decision-making positions of the GCC States	Venue to be decided Second half of 2010
Regional Seminar on women in politics in the Pacific Islands	Venue to be decided Second half of 2010
Regional Seminar on children's rights for African Parliaments	Venue to be decided Second half of 2010

Fifth Conference for members of parliamentary  
committees dealing with gender issues

Venue to be decided  
Second half of 2010

124<sup>th</sup> Assembly and related meetings

PANAMA CITY (Panama)  
16-21 April 2011

125<sup>th</sup> Assembly and related meetings

Switzerland  
October 2011

126<sup>th</sup> Assembly and related meetings

KAMPALA (Uganda)  
March-April 2012

127<sup>th</sup> Assembly and related meetings

QUEBEC CITY (Canada)  
2012

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 122<sup>nd</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)*

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  
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)  
International Socialist

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Amnesty International  
Geneva Centre for the Democratic Control of Armed Forces (DCAF)  
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)

Organization invited to follow the work of the 122<sup>nd</sup> Assembly in the light of its agenda:

Partnership for Maternal, Newborn and Child Health

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the meeting which Committee held with the leader of the Afghan delegation during the 121<sup>st</sup> Assembly,

*Recalling* that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya until the end of her term (September 2010) for violating Article 70 of the Standing Orders by way of speaking disparagingly about parliament in a television interview; Ms. Joya, who in that interview had compared the parliament to an animal stable, has always stated that her remarks were edited out of context; in her statement, she had divided parliamentarians into two groups - one of which was working to uphold democratic principles while the other was undermining them, thereby serving the Afghan population less than animals in a stable; *recalling* also that parliamentary colleagues have called her a prostitute or a whore, and *noting* in this regard that, according to the leader of the Afghan delegation, the parliamentarians uttering those words were reprimanded by the Speaker but have not been suspended,

*Considering* that the complaint which Ms. Joya filed with the Supreme Court in February 2008 regarding the suspension of her mandate has so far not been considered by the Court, and that the attempts by Ms. Joya's lawyer to contact the court and the parliament have been to no avail; that in mid-2008 her lawyer stressed in a letter to the parliamentary Hearings and Complaints Committee that no action had been taken in the eight months since the case had been brought to the attention of the Ministry of Parliamentary Affairs and asked the Committee to help speed up the matter; however, his letter was reportedly rejected and met with a response from the Committee's chairperson telling him not to tread on dangerous ground,

*Recalling* that, in October 2008, the Deputy Speaker of the House of the People stated unequivocally that the suspension of Ms. Joya's mandate until the end of her term was unlawful and he gave assurances that parliament would make every effort to reinstate her before the end of December 2008; in his meeting with the IPU Secretary General, the Permanent Representative of Afghanistan to the United Nations Office at Geneva also expressed the view that parliament should reinstate Ms. Joya as quickly as possible; the Chairperson of the Committee on Immunity and Privileges, in his letter of 5 February 2009, and the Afghan delegation to the 120<sup>th</sup> IPU Assembly (April 2009) stated that Ms. Joya could be reinstated if she offered an apology; however, when confronted with the Deputy Speaker's previous statements that the suspension had been unlawful and that efforts would be made to reinstate her, the delegation confirmed those statements but added that it had been impossible to reach Ms. Joya as she was often abroad, that she had never contacted parliament and her lawyer had done so only once, but merely to collect documents, and that the Standing Orders contained no procedure for reinstating her; *noting* that the evidence on file shows that Ms. Joya is frequently in Afghanistan and that her lawyer had attempted several times to contact parliament, to no avail,

*Considering* that, at the meeting with the Committee held during the 121<sup>st</sup> Assembly, the leader of the Afghan delegation reiterated that Parliament had been unable to contact Ms. Joya and requested the Committee to inform her that the Elders of Parliament had decided that she would be reinstated if she offered an apology for the words she had used; that there was no problem or dispute regarding her and that this would be the best opportunity to reinstate her,

*Considering* that Ms. Joya, in a letter to the Committee, has made clear her wish to be reinstated, but is not prepared to apologize for her remarks,

*Considering* that on 16 September 2009 the Attorney General's Office, referring to the request of the Wolesi Jirga of 29 May 2007 that she be prosecuted under Article 24 of the Constitution on account of insulting parliament and the Government, invited her to state whether she wished to answer the questions of the Attorney General's Office or to keep silent; *noting* that the leader of the delegation did not provide any information in this respect,

*Recalling* that Ms. Joya has constantly been receiving death threats and that her safety in Afghanistan is in jeopardy, as is that of many other members of parliament,

*Bearing in mind* that Afghanistan is a party to the International Covenant on Civil and Political Rights, which guarantees the right to life and to security and freedom of expression; that Afghanistan is also a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which upholds the principle of the equality of men and women; *also bearing in mind* the United Nations report on violence, including political violence against women in Afghanistan, published in July 2009 and entitled "Silence is violence: End the abuse of women in Afghanistan",

1. *Thanks* the leader of the Afghan delegation to the 121<sup>st</sup> Assembly for his cooperation;
2. *Is appalled* that, although the parliamentary authorities had made it clear that Ms. Joya should be reinstated, she continues to be deprived of the mandate that her electors entrusted to her, which prevents her from representing their voice, and particularly the voice of women in parliament;
3. *Stresses* once again that the suspension of her parliamentary mandate for the rest of her term is tantamount to a revocation of her mandate, and that no legal provision authorizes the parliament to take such a measure on account of the statements she made;
4. *Fails to understand* how the parliamentary authorities can possibly ask her to apologize for her remarks as a condition of reinstatement, when the colleagues who had called her a prostitute and whom were not asked to apologize and were not suspended; *calls therefore on* the parliamentary authorities to treat her on a par with her male colleagues and to reinstate her without further delay;
5. *Reaffirms* that the Parliament of Afghanistan is fully empowered to do so through a simple decision, if and when it pleases, and that such a decision would be in keeping with its own rules and regulations;
6. *Deplores* the Supreme Court's failure to act on Ms. Joya's complaint, which it should have examined as a matter of priority, and *considers* that such failure sheds a harsh light on the way it administers justice;
7. *Is concerned* that criminal proceedings have been instituted against Ms. Joya regarding her remarks about parliament, and *wishes* to be kept informed of developments in this respect;
8. *Recognizes* that the death threats against Ms. Joya are made in the context of generalized violence and insecurity in Afghanistan; *considers*, however, that the authorities nevertheless have a duty to investigate threats on the lives of persons as otherwise the circle of impunity will never end;
9. *Requests* the Secretary General to convey this resolution to the 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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the police progress report of March 2009 forwarded by the Permanent Mission of Bangladesh to the United Nations Office at Geneva on 19 June 2009 and of information supplied regularly by the source,

*Recalling* that the initial inquiry in this case proved to be an attempt by the investigating officers to divert the course of justice by extracting testimony under torture and paying individuals to testify against the 10 persons initially accused of the grenade attack; that on 12 May 2009 Mr. Munshi Atiqer Rahman, who was for a time in charge of the initial investigation, surrendered in connection with charges of obstructing the course of justice and committing torture; *recalling further* that, since the reopening of the investigation in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been detained as suspects,

*Considering* that, according to police report of 28 March 2009, Mufti Abdul Hannan collected 32 Arges grenades through an associate and kept them in his office; in February and April 2004, one of the leaders of Huji - Sylhet Division collected upon instruction by Mufti Abdul Hannan nine of those grenades with the help of two other accomplices; one of those grenades was given to Md. Badrul Alam Mizan, who subsequently exploded it, with the help of Mr. Mizanur Rahman Mithu, at the public meeting at which Mr. Kibria was killed; six persons have been arrested and efforts are under way to arrest two absconders; *noting* that, according to a newspaper report of 13 October 2009, the Sylhet Divisional Trial Tribunal, before which the case is pending, granted the Criminal Investigation Department one more month to submit its report on its further investigation into the killing of Mr. Kibria and set 15 November 2009 for hearing of the case,

*Considering also* that Mr. Kibria's family has not been informed or notified of the proceedings and hearings that have taken place before the Sylhet Speedy Trial Tribunal,

1. *Thanks* the authorities for the information they provided and for their cooperation;
2. *Is pleased to note* that the investigation is providing an ever fuller picture of the events leading up to Mr. Kibria's killing, but that it has not as yet enabled the investigators to identify either the origin of the grenades used in the attack or the instigators; is confident that the investigative report to be submitted to court in November will shed light on these matters and that, in any event, the investigation will not be closed unless these questions have been fully elucidated; *would appreciate* being kept informed of the proceedings;
3. *Is concerned* that Mr. Kibria's family has still not been informed of the proceedings before the Sylhet Speedy Trial Tribunal and is thus being prevented from contributing to the pursuit of justice in this case; *urges* the authorities to rectify this situation;
4. *Notes with satisfaction* that one of the investigating officers suspected of diverting the course of justice in this case is now in the hands of the authorities and that they can therefore establish accountability for the serious abuses that took place in the initial investigation; *wishes* to be kept informed in this respect;

5. *Would appreciate information* as to whether the parliament of Bangladesh is following the proceedings in this case with a view to ensuring the due administration of justice;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to supply the information sought;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, a member of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the police progress report of 28 March 2009 forwarded by the Permanent Representative of Bangladesh to the United Nations Office at Geneva on 19 June 2009, and the information which has been regularly provided by the sources,

*Recalling* the initial line of inquiry into the grenade attack of 21 August 2004 on Sheikh Hasina and other Awami League leaders was a complete fabrication based on the "confession" of a petty criminal, Joj Miah, who had admitted under duress carrying out the attack with a criminal gang and whose family had been provided with a long-term government subsidy; that on 12 May 2009 three former investigation officers surrendered having been charged with deliberately shielding the true perpetrators and committing torture,

*Recalling further* that in February 2007, a new investigation was opened and revealed that Horkatul Jihad al Islami (Huji) militants, including its leader, Mufti Abdul Hannan, had carried out the attack, and enabled the police to arrest more suspects and to recover grenades, rifles and explosives,

*Considering* that, according to the latest police progress report provided by the Permanent Representative, 22 persons at present stand accused in the case of the grenade attack, 14 of whom are in the hands of the authorities; the case is pending before the Speedy Trial Tribunal No. 1/Dhaka; 23 witnesses had thus far been heard; *considering* that 21 of the 22 accused are Huji members, the exception being former Deputy Minister Abdus Salam Pintu, who, according to media reports, admitted that the Arges grenades used were delivered from his government residence,

*Considering* that, on 3 August 2009, the Court ruled that a deeper and more extensive probe should be carried out and directed the Inspector General of Police to report back to the Tribunal within two months with its findings, in particular as regards the source of the grenades used in the attack; the ruling came after the State Attorney submitted a request for further investigation, saying that experts and influential persons who had supplied the grenades, which were not simple explosives and not easy to obtain, had still not been identified; *considering* also that at the beginning of October 2009 the Dhaka Court cancelled the bail previously granted to two Huji members,

*Considering* that, in addition to the above-mentioned murder case, the grenade attack is also being investigated and prosecuted under the Explosives Act, for which the Tribunal has asked for a full report to be submitted by 4 January 2010,

*Considering finally* that, according to the source, the latest investigative work appears to establish links not only with Huji but also with the terrorist organization Laskar-e-Taiba,

1. *Thanks* the authorities for the information provided and for their cooperation;

2. *Is pleased* to note that the investigation is providing an ever fuller picture of the events leading up to the grenade attack, and *is confident* that the efforts of the prosecuting authorities to trace the origins of the grenades used by Huji and to identify the instigators will bear fruit and lead to the shedding of full light on this crime; *would appreciate* being kept informed in this respect;
3. *Notes with satisfaction* that, with the three former investigating officers in this case now in their hands, the authorities can establish accountability for the serious abuses that took place in the initial investigation; *wishes* to be kept informed of progress in these proceedings;
4. *Would appreciate* information as to whether the parliament of Bangladesh is following the proceedings in this case with a view to ensuring the due administration of justice;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to keep the Committee informed of progress made in the proceedings;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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 together with his friend Anatoly Krasovsky on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the information provided by one of the sources on 25 June 2009, forwarding an interview of President Lukashenko published in the Russian newspaper Zavtra,

*Recalling* the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then Police Chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;
- The Belarusian authorities have consistently stressed that despite the extensive investigative work carried out, and despite examining all possible leads, no tangible results have been obtained; however, the case has not been closed and, according to information provided in April 2009, the investigation was extended to 24 June 2009;
- According to one of the sources, a new investigator, Mr. Y.V. Varavko, was appointed, but reportedly refused to meet with Mr. Gonchar's wife as there "was no reason to meet";
- Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which, on 16 October 2008, invited the Belarusian authorities to provide observations regarding the admissibility and the merits of the communication; the Government is due to submit its observations by 15 November 2009,

*Considering* that, in the interview he gave to the Zavtra newspaper, President Lukashenko stated that the cases of Mr. Gonchar and Mr. Krasovsky "were murders for business reasons; they had to buy or sell something and failed to stick to their promises, so they were killed, as is usual in 'half-bandit' circles; traces of a murderer have recently been found in Germany",

1. *Deplores* the fact that more than 10 years have now elapsed since the disappearance of Mr. Gonchar and Mr. Krasovsky without the Belarusian authorities having been able to elucidate their fate; and *regrets* that they have failed to provide convincing evidence to refute the findings of the Pourgourides report;

2. *Sincerely hopes* that the examination of Mr. Krasovsky's case by the United Nations Human Rights Committee will also contribute to elucidating the fate of Mr. Gonchar, and *requests* the IPU Committee to share with the UN Committee the information it has on file;
3. *Notes with interest* President Lukashenko's statement, as quoted above, and *would appreciate* receiving information as to the evidence that enabled him to make that statement, particularly since earlier allegations that business motives were behind the disappearance seemed to have not been substantiated;
4. *Assumes* that this evidence is also in the possession of the investigator and can be shared with the families of the victims; *is concerned* in this respect that the new investigator is said to have refused to meet with Mrs. Gonchar; *would appreciate* information as to the grounds for that refusal; *wishes also to ascertain* the current stage of the investigation;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**BURUNDI**

**CASE No. BDI/26 - NEPHTALI NDIKUMANA**  
**CASE No. BDI/36 - MATHIAS BASABOSE**  
**CASE No. BDI/37 - LÉONARD NYANGOMA**  
**CASE No. BDI/40 - FRÉDÉRIQUE GAHIGI**

**CASE No. BDI/42 - PASTEUR MPAWENAYO**  
**CASE No. BDI/43 - JEAN MARIE NDUWABIKE**  
**CASE No. BDI/45 - ALICE NZOMUKUNDA**  
**CASE No. BDI/46 - ZAITUNI RADJABU**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ndikumana, Mr. Basabose, Mr. Nyangoma, Ms. Cahigi, Mr. Mpawenayo, Mr. Nduwabike, Ms. Nzomukunda and Mr. Radjabu, all either former or incumbent members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Recalling* that the former and incumbent parliamentarians concerned were the target of apparently coordinated grenade attacks perpetrated on 19 August 2007 and 6 March 2008, and that only in the case of the attack on Ms. Nzomukunda's house have suspects been arrested, in particular the driver of the motorcycle from which the grenade was thrown by an element of Palipehutu Youth; in late March 2008, the police issued a communiqué stating that the investigation was progressing and that its conclusions would be made public in the coming days; according to information provided by the Speaker in October 2008, the investigation into the grenade attacks had passed the stage of the police investigation and was with the public prosecutor, who was preparing the submission of the case to court; however, in November 2008, the Attorney General informed the Director of the IPU's Democracy Division that the initial investigations had been mishandled, having focused on the victims themselves as instigators of these attacks; this lead was soon abandoned, but having started off on the wrong premise, the case had become complicated, making it very difficult to identify the perpetrators of these attacks, for which reason he believed that the case would be dismissed; in April 2009, the Burundian delegation to the 120<sup>th</sup> IPU Assembly reported that the cases were not ready to be presented in court as the investigation had yet to be completed by the prosecutor's office,

*Recalling* that legislative, presidential and municipal elections will be held in Burundi in the course of 2010,

1. *Deplores* the fact that the authorities have not responded to its request for information regarding the stage reached in the investigation into the grenade attacks;
2. *Fears* that the investigation may not be conducted with the necessary thoroughness and diligence and *refers* in this respect to the contradictory information provided by the authorities, more specifically that while in October 2008 they reported that the prosecutor was about to submit the case to the court, only one month later they stated that the investigation had yielded no results and that the case might even be dismissed;
3. *Recalls* that impunity only serves to encourage the repetition of crime and thereby undermines the rule of law and human rights, and that Burundi, as a party to the International Covenant on Civil and Political Rights, is bound to uphold the fundamental rights enshrined therein, including the right to life and security, and is therefore obliged to dispense justice by identifying and punishing those guilty of any attack on a person's life and security, and to take reasonable measures to ensure the safety of threatened persons; *considers* that this is all the more important in the context of the forthcoming elections and election campaign, which may carry the risk of increased violence;

4. *Calls once again* on the authorities, as is their duty, to conduct a diligent and thorough investigation into the attacks and to examine all possible leads, *reiterates* its wish to be informed of the current stage of the investigation and the results obtained, and *considers* that tangible results should at least be available in the case of Ms. Nzomukunda, as suspects were arrested in the case;
5. *Requests* the Secretary General to inform the parliamentary authorities and the Attorney General of this resolution, inviting them to provide the requested information;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

CASE No. BDI/42 - PASTEUR MPAWENAYO ) BURUNDI  
CASE No. BDI/44 - HUSSEIN RADJABU )  
CASE No. BDI/53 - THÉOPHILE MINYURANO )  
CASE No. BDI/57 - GÉRARD NKURUNZIZA )

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Considering* the following information on file:

- The persons concerned, initially all members of the ruling CNDD-FDD party dissented and had lost their parliamentary seats as a result of a ruling adopted by the Constitutional Court on 5 June 2008 declaring that they occupied their seats unconstitutionally; the Court had acted on a petition lodged by the Speaker of the National Assembly; it (the Governing Council) has consistently considered this ruling to lack any genuine legal basis and the United Nations independent expert on the human rights situation in Burundi observed that “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>23</sup>
- Mr. Radjabu’s parliamentary immunity was lifted on 27 April 2007, and proceedings were started against him and seven other people accused of plotting to undermine State security by inciting citizens to rebel against the authority of the State, and against Mr. Radjabu alone for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle; on 22 December 2007, the Supreme Court found Mr. Radjabu guilty as charged and sentenced him to 13 years in prison (Case RPS 66); on 25 May 2009 the Supreme Court Appeal Chamber upheld the first-instance judgment; Mr. Radjabu has filed a cassation petition and was obliged to do so without having at his disposal a written copy of the appeal court judgment, which has reportedly not so far been issued; the Committee had sent an observer to the appeal proceedings who concluded that the trial of Mr. Radjabu was marred by serious flaws, notably the recourse to torture during the investigation, the lack of independence of the Court’s judges and of the prosecution, who are all members of the ruling party, the implication of an investigating officer belonging to the National Intelligence in the facts of the case and, more generally, the absence of evidence to substantiate the accusation; the parliamentary authorities have rejected his conclusions as biased, but have not responded to the observer’s rebuttal of their comments; Mr. Evariste Kagabo, the main person accused with Mr. Radjabu, and another person initially suspected, Mr. Abdul Rahman Kabura, were allegedly tortured by the National Intelligence Service with the complicity of the police station in charge of the investigation, and a complaint was lodged in this regard; according to the information provided by the President of the Senate, the matter is at present before an examining magistrate in a separate case; moreover, two of Mr. Radjabu’s co-convicts are said to have been released;
- Mr. Pasteur Mpawenayo was arrested on 4 July 2008 and accused of being Mr. Radjabu’s accomplice; the hearings on the merits of his case have reportedly been adjourned for deliberation since 13 January 2009, the maximum period for such adjournment being 60 days;

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<sup>23</sup> A/HCR/9/14, 15 August 2008.

- Mr. Nkurunziza was arrested on 15 July 2008 on the orders of the Kirundo Provincial Police Commissioner on the charge of distributing weapons for the purpose of arming a rebellion against the State authorities; according to the sources, it is in fact Mr. Nkurunziza who, while still a parliamentarian, had filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; instead of investigating the complaint, the authorities had him arrested; Mr. Nkurunziza has reportedly not been served the indictment and is being detained in the absence of any case or trial and without having been brought before a judge for a ruling on his pretrial detention; similarly, many applications filed by the defence counsel have reportedly not been handled;
- Mr. Minyurano was arrested on 2 October 2008 and accused of assaulting a magistrate; the accusation apparently arose because Mr. Minyurano's tenant, a magistrate, tried to move out without paying his rent; Mr. Minyurano apparently demanded that he hand over the keys of the house until he had paid the rent, but the tenant only did so after the neighbours stepped in; Mr. Minyurano was reportedly brought before Gitega High Court, which declared the charges against him null and void and ordered his temporary release; his case is said to be pending in Gitega, awaiting ruling by a judge,

*Considering* that legislative elections will be held in 2010 and that the Election Code was amended, stipulating in its Article 112 that the parliamentary mandate ceases when members of parliament voluntarily resign from the political party on whose ticket they were elected or, having been expelled from the party, have exhausted all legal remedies against their expulsion,

*Recalling* that Burundi is a party to the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which guarantee the right to liberty and a fair trial, and prohibit torture,

Bearing in mind the concluding observations of the Committee against torture and other cruel, inhuman or degrading treatment (CAT) on Burundi's initial national report (CAT/C/BDI/CO/1; 15 February 2007),

1. *Deeply regrets* that the authorities have not provided the requested information on the situation of the parliamentarians concerned, particularly since the parliament of Burundi is receiving IPU assistance;
2. *Reiterates* the concerns and considerations it expressed in its April 2009 resolution regarding respect for the international human rights norms to which Burundi has subscribed, in particular regarding the length of preventive detention and the right to fair trial;
3. *Endorses* the concerns expressed in the trial observer's report on Mr. Radjabu's trial as referred to above in the second preambular paragraph; *points out once again* that, by virtue of the international human rights treaties ratified by Burundi, evidence obtained under torture must be dismissed, and that otherwise proceedings are fundamentally flawed for that reason alone; *earnestly hopes*, therefore, that this question will be duly taken into account during the cassation proceedings;
4. *Considers* that, as long as the question of torture in this case has not been fully elucidated, the suspicion remains that Mr. Radjabu was prosecuted for political reasons for the purpose of barring him from campaigning and standing in the forthcoming elections; in this respect, *wishes* to ascertain whether co-convicts have been released in the meantime and, if so, on what grounds;

5. *Stresses* that the concerns it has expressed in this case, along with those of the trial observer are largely also those of the Committee against Torture (CAT) as reflected in its Concluding Observations, in which it recommends inter alia that Burundi (i) bring the practice of pretrial detention into conformity with international fair-trial standards and should ensure that trials take place within a reasonable time, (ii) clarify the mandate of the National Intelligence Service within the framework of the ongoing reform of the judiciary in order to prevent any use of the Service for political repression and ensure that its officials do not engage in criminal investigation, (iii) take vigorous measures to end the impunity enjoyed by the perpetrators of acts of torture and ill-treatment, whether they be State officials or non-State actors, to conduct timely, impartial and exhaustive inquiries, try the perpetrators of such acts and, if found guilty, sentence them to punishment commensurate with the gravity of the acts committed, and (iv) adopt effective measures to guarantee the independence of the judiciary in accordance with the relevant international norms;
6. *Wishes to ascertain* the follow-up action taken by parliament on these recommendations, including with regard to the case in question; *wishes* in particular to ascertain the stage reached in the inquiry which, according to the authorities, is under way to examine the torture complaints in the case of Mr. Radjabu;
7. *Is deeply concerned* that the proceedings against Mr. Mpawenayo and Mr. Nkurunziza appear to be at a standstill, and *emphatically recalls* the fundamental principle of justice delayed is justice denied; *urges* the authorities, as is their duty, either to try them without further delay or to release them forthwith; *reiterates* moreover its wish to receive a copy of the formal charges brought against Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, the decisions confirming their pretrial detention and detailed information on how the proceedings before the relevant courts are proceeding;
8. *Regrets* that the new Election Law provides for the loss of the parliamentary mandate in the case of loss of affiliation to one's political party, which provisions the IPU firmly believes to be detrimental to the freedom of expression which members of parliament need in order to exercise their parliamentary mandate;
9. *Requests* the Secretary General to convey this resolution to the parliamentary and other competent authorities, inviting them to provide the information requested;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. CMBD/47 - MU SOCHUA - CAMBODIA**

***Resolution adopted by consensus by the IPU Governing Council at its 185<sup>th</sup> session<sup>2</sup>  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of Mu Sochua, a member of the National Assembly of Cambodia, 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/185/11(b)-R.1),

*Noting* that during the 121<sup>st</sup> Assembly the Committee met with the Cambodian delegation; *taking into account* the letter from the President of the National Assembly dated 4 September 2009,

*Considering* the following information on file:

- At a news conference held on 23 April 2009, Ms. Mu Sochua, a member of the opposition Sam Rainsy Party and former Minister for Women's Affairs, announced that she would be bringing a defamation lawsuit against Prime Minister Hun Sen. This decision followed a public speech made by the Prime Minister on 4 April 2009 in Kampot province, which is Ms. Sochua's constituency, in which he attacked the opposition and an unnamed woman member of parliament, who could only have been her. He reportedly used disparaging language, qualifying her *inter alia* as a women gangster or prostitute who had rushed to hug a man and unbuttoned her shirt to attract his attention. This reportedly refers to an incident that occurred during the July 2008 election campaign in Kampot province where she took a picture of a car with the licence plate of the army being used by the Cambodian People's Party (CPP) during the campaign, which was illegal. The army officer who was driving the car assaulted her and twisted her arm in an attempt to grab her camera. During the attack, her shirt became unbuttoned;
- The day after Ms. Sochua announced that she would be bringing a lawsuit, a senior adviser to the Prime Minister told the press that he would in turn sue her and that all Cambodian People's Party (CPP) National Assembly members would support the lifting of her parliamentary immunity. Five days later, the Prime Minister reportedly confirmed that he was suing "a lady", whom he described as "stupid";
- Ms. Sochua's lawsuit and the Prime Minister's suit against her and her lawyer were filed in Phnom Penh Municipal Court on 27 April 2009. In a speech he made on 29 April, Prime Minister Hun Sen called on the parliament to lift Ms. Sochua's immunity and, alluding to his party's majority, reportedly said that it would be "as easy as ABC". Prime Minister Hun Sen's lawyer, Ky Tech, a former president of the Cambodian Bar Association (CBA), also filed a complaint with the Bar Association against Ms. Sochua's lawyer, Kong Sam Onn, accusing him of violating the attorneys' code of ethics in this case. The CBA's special team assigned to investigate his case has accused Kong Sam Onn of violating the CBA's internal rules, which carries a penalty of disbarment for two years;
- On 10 June 2009, the Phnom Penh Municipal Court rejected Ms. Sochua's lawsuit for lack of evidence, but accepted the Prime Minister's case against her. She and her lawyer were summoned and appeared for questioning by the deputy prosecutor on 3 June 2009;
- On 22 June 2009, the National Assembly lifted Ms. Sochua's immunity, after which, on 26 June, Phnom Penh Municipal Court charged her with defamation; the procedure for lifting her immunity was reportedly unlawful for the following reasons: (a) emergency rules were applied to prevent the public, the diplomatic corps, civil society and the media from attending the session; the sound system allowing television coverage was disconnected so

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<sup>2</sup> The delegation of Cambodia expressed its reservation regarding the resolution.

that the session was not broadcast as usual; (b) the Speaker did not allow time for her to defend herself although she had asked to speak; the Speaker put the matter to the vote without a debate; (c) heavily-armed military police were seen outside the parliament building threatening the public with batons; however, according to the parliamentary authorities, the relevant rules of the National Assembly were fully respected and normal procedure was followed;

- In an article published on 18 June 2009 in the Phnom Penh Post, Prime Minister Hun Sen was quoted as saying that if Ms. Sochua's immunity was lifted, that might well signal the end of her political career. "Lifting immunity is easy. Restoring it in some cases is not so easy. So Ms. Sochua will not be a parliamentarian forever; her party must replace her with a new person", he was quoted as saying; according to the Cambodian delegation, parliamentary immunity is not automatically restored, but needs to be restored following the same procedure as that in use for the lifting of parliamentary immunity;
- The case was heard on 24 July 2009 before Phnom Penh Municipal Court. Ms. Sochua had no legal assistance as her lawyer had apologized to the Prime Minister and declined to present her defence. On 4 August 2009, the court delivered its verdict, finding Ms. Sochua guilty under Article 63 of the United Nations Transitional Authority in Cambodia (UNTAC law) Criminal Provisions of defaming Prime Minister Hun Sen on the grounds of (i) holding a press conference to announce that she would file a defamation lawsuit against the Prime Minister, (ii) informing international organizations such as IPU of the matter, (iii) affirming that the Prime Minister's words against her "affected all Khmer women and women all over the world", which showed that she had acted in bad faith with the intention of defaming the Prime Minister worldwide and besmirching his reputation and dignity. The Court sentenced her to payment of 8.5 million riel as a fine and 8 million riel in compensation; as to her lawyer Kong Sam Onn, the judge stated that the Prime Minister had withdrawn the complaint and that the charges against him had been dropped; Ms. Sochua has filed an appeal, which is due for hearing on 28 October. Ms. Sochua has not found a lawyer prepared to defend her,

*Considering* that the Committee sent an observer to the court hearing in the person of attorney at law Franklin Drilon, former member and President of the Senate of the Philippines; he observed inter alia that Ms. Sochua's right to confront the witnesses against her had not been respected as the entire hearing was based on evidence from the prosecution only and that she was thus denied basic due process that must be accorded to an accused in a fair trial; moreover, the threat of disbarment of her lawyer, which forced him to withdraw from the case, violated her right to counsel of her choice and that, on the whole, the evidence presented was grossly inadequate to convict Mu Sochua and did not meet the universally accepted standard of proof beyond reasonable doubt; *noting* that the parliamentary authorities have rejected his conclusions stating that the evidence presented during the trial was not challenged and that Mu Sochua did not present any witnesses, that the Court respected its duty to find out the truth, that the alleged threat of the disbarment of her lawyer was not related to his being selected as counsel by Mu Sochua but to his violation of the Code of Ethics and that he apologized for those violations and that his withdrawal cannot be considered a denial of Mu Sochua's right to counsel of her choice and that, generally, the court respected due process,

*Bearing in mind* that the Office of the United Nations High Commissioner for Human Rights in Cambodia issued a statement on 5 August 2009 in response to the guilty verdict in Mu Sochua's case, in which it emphasized the need to uphold the constitutional right to freedom of expression in Cambodia and pointed out that under international law, freedom of expression is to be restricted only in exceptional cases, where clearly necessary and proportionate to the value that the restriction seeks to protect, and appealed to the Cambodian judiciary to take full account of constitutional and international standards when considering defamation cases; the Office also recalled that in July 2007 the Constitutional Court had directed all Cambodian courts to take into account international human rights standards, as contained in the treaties to which Cambodia was a party when considering such cases,

1. *Thanks* the Cambodian delegation and the President of the National Assembly for the cooperation extended to the Committee and for the documents provided;
2. *Expresses deep concern* at the sentencing of Mu Sochua for defamation on account of statements she made which clearly fall within the limits of her freedom of expression since she merely sought to defend her own reputation; *is appalled and finds intolerable* that a letter she sent to the Inter-Parliamentary Union was used as an argument in court to show her alleged intention to defame the Prime Minister; *firmly states* that parliamentarians are entitled to call upon the IPU and to seek its assistance, just as they are entitled to seek the assistance of any international organization; *would have hoped* that, as a member of the IPU, the National Assembly of Cambodia would defend this right to the best of its ability;
3. *Endorses* the conclusions of the Committee's trial observer as it *cannot share* the arguments put forward by the authorities to prove the fairness of the trial, and *notes* the following in particular: the judge, who is bound to seek the truth, has to examine arguments not only in favour of the prosecution but also in favour of defendants, whether or not defendants present such evidence, which the judge did not do in this case; Ms. Sochua did not enjoy her right to legal counsel of her choice whatever may have been the reasons for Mr. Kong Sam Onn's withdrawal from her case; *considers* in this respect that it is difficult to accept the argument of the authorities that no link exists between the risk of his being disbarred from the Bar Association and his having taken on Mu Sochua's defence;
4. *Expresses furthermore deep concern* at the lifting of Ms. Mu Sochua's parliamentary immunity on grounds that appear to be mere retaliation for her having dared to bring a lawsuit against the Prime Minister;
5. *Is therefore all the more alarmed* at the manner in which immunity was lifted, although the procedure may have formally been in keeping with rules; *stresses* that with no serious examination of or debate on whether or not it is appropriate to lift immunity, parliamentary immunity fails to fulfil its purpose;
6. *Notes in this respect with deep concern* the Prime Minister's statements expressing a certainty that the Assembly would lift her immunity, and even threatening her with definitive expulsion from parliament; *considers* that such statements of the Head of Government may harm the independence and sovereignty of parliament;
7. *Firmly recalls* that parliamentary immunity is designed to protect parliamentarians from possibly unfounded proceedings, thus safeguarding the independence and sovereignty of parliament as an institution; and that it must therefore be lifted in strict compliance with the law and in particular with due respect for the right of the parliamentarians concerned to defend themselves; *urges* the Cambodian parliament to amend its rules in such a way as to ensure that a thorough and transparent examination, involving both majority and opposition parliamentarians, of requests for the lifting of immunity are carried out and that parliamentarians concerned are given the opportunity to defend themselves;
8. *Observes with deep concern* that the decisions such as those in question may have a dampening effect on the ability of members of parliament and, even more so, of citizens to criticize the conduct of government officials and hence may detract from democratic debate;
9. *Earnestly hopes* that, in conformity with the directive issued by the Cambodian Constitutional Court, the Appeal Court will decide upon Mu Sochua's case in accordance with the international human rights obligations which Cambodia is bound to respect and hence will ensure respect for the most core of democratic values, freedom of expression; *requests* the Secretary General to examine the possibility of sending an observer to the appeal court hearing;
10. *Requests* the Secretary General to forward this resolution to the parliamentary authorities, to Ms. Sochua and to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**COLOMBIA**

**CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO**  
**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**  
**CASE No. CO/07 - LUIS CARLOS GALAN SARMIENTO**  
**CASE No. CO/130 - JORGE TADEO LOZANO OSORIO**  
**CASE No. CO/140 - WILSON BORJA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the reports of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolutions adopted at its 184<sup>th</sup> session (April 2009) in the cases of:

- 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; the persons concerned were Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party; none of the murderers of five of the six congressmen or the perpetrators of the death threats against Mr. Motta, who still lives in exile, have been held to account;
- The murder of Mr. Luis Carlos Galán, a member of the Colombian Senate and a pre-candidate for the Liberal Party in the presidential elections, during a political rally on 18 August 1989 in the main square of Soacha municipality, Department of Cundinamarca; the instigators have yet to be identified and punished;
- The conviction and heavy sentence handed down on former member of Congress, Mr. Lozano, following fundamentally flawed proceedings without his being afforded the possibility of challenging them as, under Colombian law, members of Congress are tried at single instance; these flaws have yet to be officially recognized or addressed;
- Mr. Borja, who was the victim of an attempt on his life on 15 December 2000, for which full responsibility has yet to be established; in this case there are also concerns about deficiencies in his security detail, the legal and factual basis for the investigation initiated against him on accusations of links to the Revolutionary Armed Forces of Colombia and about his surveillance by the Administrative Department of Security without any legal basis,

*Considering* that the Speaker of the Colombian Congress delegated Colombian Senator Juan Manuel Corzo to meet with the Committee at the IPU on 1 July 2009 to discuss these cases in the context of the complex political situation reigning in Colombia; as a result of the meeting, the Committee was invited to carry out an on-site mission to Bogotá so as to raise its concerns in these cases and to gain a better understanding of the political and legal environment in Colombia in which they are situated; *noting* that this mission took place from 22 to 24 August 2009 and that the Committee's delegation was able fully to discharge its mandate,

1. *Thanks* the Colombian authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* its full report, including any comments on it by the parties with whom the delegation met;
2. *Requests* the Committee to continue examining these cases separately and to report to it at its next session, to be held on the occasion of the 122<sup>nd</sup> IPU Assembly (March-April 2010).

**DEMOCRATIC REPUBLIC OF THE CONGO**

CASE No. DRC/30 - PIERRE DIBENGA TSHIBUNDI  
CASE No. DRC/31 - FRANCK DIONGO SHAMBA  
CASE No. DRC/32 - PIERRE JACQUES CHALUPA  
CASE No. DRC/33 - KAMBA MANDUNDU  
CASE No. DRC/34 - LIÉVIN LUMANDE MADA  
CASE No. DRC/38 - BLAISE DITU MONIZI  
CASE No. DRC/39 - JOSEPH MBENZA THUBI

CASE No. DRC/40 - CHARLES MAKENGO  
CASE No. DRC/41 - EDMOND LOFONDE BOSENGA  
CASE No. DRC/42 - JOSEPH UCCI MOMBELE  
CASE No. DRC/43 - JUSTIN KARHIBAHAZA MUKUBA  
CASE No. DRC/44 - MULENDA MBO  
CASE No. DRC/45 - MILOLO TSHANDA

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo whose mandates, along with those of five others, were invalidated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking note* of the meeting that the Committee held during the 121<sup>st</sup> Assembly with the delegation of the Democratic Republic of the Congo, and with several of the former parliamentarians concerned,

*Recalling* that the election of the persons concerned in the July 2006 elections was invalidated by the Supreme Court in a ruling of 5 May 2007 which the National Assembly, in a resolution it adopted on 17 July 2007, criticized as being “fraught with irregularities and grave violations” and requested the President of the Republic “to envisage any possible political solution in favour of the victims of the injustice of the Supreme Court of Justice within the framework of reconciliation and national solidarity with a view to safeguarding civil peace in the country”,

*Noting* that negotiations are under way to find a solution as envisaged in the National Assembly’s resolution,

1. *Is pleased* at the prospect of a settlement of this case in the near future;
2. *Recalls*, nevertheless, that the arbitrary invalidation of election results violates not only the right of the persons concerned to exercise their parliamentary mandate, but also the right of the voters to be represented by persons of their choice,
3. *Earnestly hopes* that the parliament will take the necessary legislative and oversight steps to ensure that no such cases recur;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122<sup>nd</sup> IPU Assembly (March-April 2010), when it hopes to be able to close the case.

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 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a 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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the information provided by the President of the National Assembly of Ecuador at the hearing with the Committee on 18 October 2009 and in his letter of 12 October 2009; *also taking into account* the information provided by the source,

*Recalling* that 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 and the prosecution authorities, including their scant consideration of the serious leads it has presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures,

*Recalling* that the 16-year prison sentences given Mr. Contreras and Mr. Ponce were upheld on appeal on 23 July 2008, that a subsequent cassation petition by Mr. Ponce was dismissed on 31 March 2009, and that they are both serving their sentences,

*Considering* that, following the arrest of prime suspect Mr. Washington Aguirre in the United States of America, the then Ecuadorian Supreme Court of Justice (today known as the National Court of Justice) made a request for his extradition on 4 December 2008; Mr. Aguirre has thus far been able to delay a judgment by the United States judicial authorities; according to the President of the National Assembly, the Ecuadorian authorities are treating the matter as a priority in the hope that there will soon be a United States court decision leading to his transfer to Ecuador; the President of the National Assembly states that the Assembly is closely monitoring developments in the case; he believes that Mr. Aguirre's trial in Ecuador is crucial to helping shed full light on the murder, in particular as regards identifying the instigators,

1. *Thanks* the President of the National Assembly for the valuable information and for his spirit of cooperation;
2. *Trusts* that the extradition process will proceed with the utmost urgency so as to ensure that Mr. Aguirre soon stands trial in Ecuador; *would appreciate* being kept informed of developments in this regard;
3. *Reaffirms its belief* that trial proceedings against Mr. Aguirre would provide a crucial and final opportunity to give due consideration to the work of the CEI; *stresses* in this respect that the CEI's findings have not only revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but also offer substantive leads for an alternative line of inquiry, enabling the authorities to identify the instigators of the crime and the motive for the murder;

4. *Is pleased* that the recently elected National Assembly is taking an active interest in the case; and *trusts* that it will help ensure that the work of the CEI is duly taken into account once Mr. Aguirre stands trial;
5. *Requests* the Secretary General to inform the competent authorities in Ecuador and the United States of America, 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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the 56 former parliamentarians listed above, who were all dismissed by the Supreme Electoral Court (TSE) on 7 March 2007, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the information provided by the President of the National Assembly of Ecuador at the hearing with the Committee on 18 October 2009 and in his letter of 12 October 2009; *also taking into account* the information regularly provided by the source,

*Recalling* its concern regarding criminal proceedings against 24 of the dismissed parliamentarians on grounds of compromising State security and overstepping their functions by continuing to meet at alternative venues in Quito as representatives of the legitimate Congress of Ecuador immediately after they were dismissed in March 2007, which dismissal the IPU has always considered to lack any firm legal basis; *considering* that on 12 October 2009 the Prosecutor in the case decided to drop the charges against the 24 persons concerned,

*Recalling* that in April 2009 legislative elections were held in Ecuador on the basis of a new constitution; *considering* that, according to the President of the National Assembly, the authorities are fully committed to ensuring that the powers of the different State branches are respected in line with Ecuador's current constitutional framework,

1. *Thanks* the President of the National Assembly for the information that he provided and for his cooperation;
2. *Is pleased* that the legal action taken against 24 of the dismissed deputies in connection with activities directly linked to their parliamentary mandate has now been shelved;
3. *Decides*, in the light of this development, to close the case, while trusting that the authorities' stated commitment will avoid any recurrence of the earlier concerns arising in this case;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source.

**ERITREA**

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case 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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Recalling* its persistent concern that their incommunicado detention, which the African Commission on Human and Peoples' Rights already unequivocally condemned in 2003, amounts to severe physical and mental torture and causes their families unbearable anguish; *considering* recurring rumours that some or even all of the persons concerned may have died in the meantime,

*Recalling* that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain reported that he did not know whether "anyone from the outside or a member of their family had 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; *noting also* that on different occasions the Ambassador cancelled a previously scheduled meeting with a member of the Committee, Senator Philippe Mahoux,

*Bearing in mind* that scant official information is available on the human rights situation in Eritrea and that the Eritrean authorities have constantly failed to report to the United Nations human rights mechanisms on respect for human rights and fundamental freedoms in their country; however, many human rights organizations have reported extensive and serious human rights concerns in Eritrea, including the harsh treatment of prisoners,

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* the authorities once again to put an end to this shocking situation, which is an utter affront to human dignity, by releasing the former parliamentarians forthwith;
3. *Is deeply concerned* that, in the past five years, there has been no official information about the physical state of the 11 former parliamentarians, and that repeated attempts to establish a dialogue with the Eritrean authorities, including through Committee member Senator Mahoux and the Eritrean Ambassador, have failed, the Ambassador cancelling scheduled meetings at the last minute; *fears* that this situation may lend some credibility to rumours that the persons concerned are in fact no longer alive, and *earnestly hopes* that a meeting between the Eritrean Ambassador and Senator Mahoux can be arranged as early as possible for the sake of clarity in this respect;

4. *Reaffirms* that the international community, and more specifically parliaments and their members, can and must do much more by exerting pressure to this end on the Eritrean authorities; *appeals again* particularly in this respect to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do their utmost to ensure that the State of Eritrea respects the authority of the African Commission and the African Charter on Human and Peoples' Rights in this case; *also calls on* the competent United Nations mechanisms to make every effort to ascertain the well-being and whereabouts of the persons concerned and to obtain their immediate release;
5. *Requests* the Secretary General to inform the authorities and other interested parties 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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. IQ/59 - MOHAMMED AL-DAINY - IRAQ**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Noting* that at the session it held during the 121<sup>st</sup> Assembly, the Committee met with a member of the Iraqi delegation; *taking into account* the letters from the President of the Higher Judicial Council and the First Deputy Speaker of the Council of Representatives, in addition to information provided by the source,

*Recalling* the following:

- Mr. Al-Dainy, a member of the National Dialogue Front, was elected in March 2006 to the Council of Representatives of Iraq. As an MP, he concentrated on human rights issues, investigating in particular conditions of detention in Iraq and the existence of secret detention facilities. In October 2008, he shared the information he had gathered with competent United Nations human rights bodies in Geneva;
- On 22 February 2009, the spokesperson for Baghdad's military security command accused Mr. Al-Dainy of masterminding the 12 April 2007 suicide bombing in parliament, which killed a member of parliament. On 25 February 2009, parliament lifted his immunity in a procedure which has been challenged by Mr. Al-Dainy's lawyer but found to be in accordance with relevant rules by the Federal Court. Earlier the same day (25 February), a plane bound for Jordan with Mr. Al-Dainy and other members of parliament on board had been returned and an attempt made to arrest Mr. Al-Dainy. However, failing an arrest warrant and the lifting of immunity, the arrest did not take place. Mr. Al-Dainy subsequently left the airport in the company of another member of parliament and disappeared. Fears that he might have been the victim of an enforced disappearance proved to be unsubstantiated when Mr. Al-Dainy himself declared in an interview with a private TV channel that he had gone abroad for fear of his life;
- Ten members of Mr. Al-Dainy's family, including his 85-year-old father, and another nine members of his staff (mainly escorts) were arrested in different stages during February 2009 and detailed information has been provided by the source about the circumstances of their arrest without warrants, their ill-treatment and the ransacking of their homes. Apart from his father and two of his staff, all the other persons have reportedly remained in detention,

*Noting* that, according to the authorities, the following accusations have been brought against Mr. Al-Dainy: (a) bombing of the Parliament; (b) launching mortar shells into the international zone during the visit of the Iranian President and murdering one of the inhabitants of the neighbourhood from where the shells were launched; (c) detonating car bombs; (d) using his convoy of vehicles to carry the weapons that were used for crimes; (e) murdering two jewellery store owners in the Al-Mansour area; (f) killing 115 people from Al-Tahweela village who were buried alive; (g) fabricating arrest warrants; (h) murdering seven persons in the Al Yarmuk area; (i) murdering Captain Ismail Haqi Al-Shamary,

*Considering* in this respect the following:

- On 22 February 2009, Mr. Al-Dainy's nephew and secretary, Ryad Ibrahim Jasem, and the head of his security detail, Mr. Alaa Khayr Allah Al Maliki, appeared on the public TV channel Al Iraqia and confessed to belonging to a terrorist organization set up by Mr. Al-Dainy. They appeared to be tired and drugged and visibly under duress; on 14 September 2009, they were reportedly given a life sentence at the closure of a hearing which reportedly lasted just a few minutes;

- On 22 June 2009, Mr. Mahmoud Karim Farhan, a family member of Mr. Al-Dainy arrested on 22 February 2009 was released; he had been held in incommunicado detention in Baghdad Brigade Prison in the city's Green Zone; in July 2009 he publicly testified to the circumstances of his arrest and that of other bodyguards and the torture inflicted on them to testify against Mr. Al-Dainy; Mr. Farhan and other members of the group suffered serious injuries to their shoulders and on different parts of their bodies because of this treatment;
- In late July 2009, Mr. Haqi Al-Qasi, a lawyer of Mr. Al-Dainy's bodyguards, was assassinated;
- On 4 August 2009, the Mayor and notables of Kanaan district certified that Army Captain Haqi Ismael Al-Shamary, whom Mr. Al-Dainy is accused of having killed, was in fact alive and working normally,

*Considering* that the 2005 Constitution of Iraq contains a human rights catalogue guaranteeing the following fundamental rights: Article 15: right to life, security and liberty, Article 17 (para. 2): sanctity of the home; homes may not be entered, searched or put in danger except by a judicial decision and in accordance with the law; Article 19 (para. 12): prohibition of unlawful detention and detention in places not designed for it,

*Considering* that Iraq is a party to the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1971; that the Covenant guarantees the right to life and security, prohibits torture arbitrary arrest and detention and stipulates fair trial guarantees; *noting* in this respect the concerns which the United Nations Special Rapporteur on the independence of judges and lawyers has voiced on many occasions regarding the observance of those rights in Iraq,

1. *Thanks* the Iraqi delegate with whom the Committee met for his cooperation; *also thanks* the parliamentary authorities and the President of the Higher Judicial Council of Iraq for their cooperation;
2. *Is relieved to note* that Mr. Al-Dainy has reappeared and that fears of an enforced disappearance have proved unsubstantiated;
3. *Is deeply concerned* that the accusation against Mr. Al-Dainy may indeed be based entirely on testimony extracted under torture and be wholly fabricated; *emphasizes* that by virtue of the international human rights treaties ratified by Iraq, evidence obtained under torture must be dismissed, and that otherwise proceedings are fundamentally flawed for that reason alone; *urges* the authorities, as is their duty, to investigate the torture allegations in this case without further delay and to take serious account of the testimony provided by Mr. Farhan; *calls on* the parliament to monitor this case and to consider setting up a parliamentary inquiry to this end;
4. *Is appalled* that Ryad Ibrahim Jasem and Alaa Khayr Allah Al Maliki may have been given a life sentence after a hearing lasting just a few minutes, and *wishes* to receive official information regarding their trial, the evidence gathered to sustain the accusation against them, and to receive a copy of the judgment handed down on them;
5. *Remains deeply concerned* at the reports concerning the arrest and incommunicado detention of Mr. Al-Dainy's family members and staff, their alleged ill-treatment at the hands of military personnel and the ransacking of their homes; *recalls* that Iraq is bound to respect the right to liberty and security of the person, which require the existence of sufficient legal grounds to charge persons with a recognizable criminal offence, respect for the right of detainees to have access to a lawyer, to their family and to a medical doctor and to challenge the legality of their detention before a court; *wishes to ascertain* their situation and *urges* the parliament once again to seek this information from the authorities;
6. *Is likewise alarmed* at the killing of the lawyer of Mr. Al-Dainy's bodyguards and *wishes to ascertain* whether an investigation into his killing has been instituted and its result, if any;

7. *Affirms* that the fact that one of the accusations brought against Mr. Al-Dainy has turned out to be false, compounded by the treatment inflicted on his family members and staff, only serve to heighten concerns over the fabrication of the charges against him;
8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the Prime Minister, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 122<sup>nd</sup> IPU Assembly (March-April 2010).

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 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*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;
- Following Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor in his case,

*Recalling* that the Special Tribunal for Lebanon entrusted with trying those responsible for Mr. Hariri's assassination started its work in March 2009, that it may decide to examine other attacks that took place in Lebanon between 1 October 2004 and 12 December 2005, and that crimes committed after 12 December 2005 may be eligible for inclusion in the Tribunal's jurisdiction should it be so decided by the Government of Lebanon and the United Nations, and with the consent of the Security Council,

*Considering* that on 29 April 2009 the Special Tribunal ordered the release of the four Lebanese generals who had been in the custody of the Lebanese authorities since September 2005 in connection with Mr. Hariri's assassination,

*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,

1. *Observes* that, as long as the Special Tribunal does not examine the cases at hand, it falls to the Lebanese authorities to take full charge of the investigations and proceedings to ensure justice;
2. *Trusts* therefore that the authorities are making every effort to identify and prosecute those who murdered the parliamentarians concerned; *wishes* to ascertain the stage reached in the investigations and progress made towards identifying the presumed culprits;
3. *Reaffirms* that the National Assembly has a special responsibility for and interest in ensuring that justice is done in this case; *regrets* therefore that the Speaker of the National Assembly has not responded to its request for information on steps taken by parliament to monitor the investigations and to associate itself, as in the case of Mr. Tueni, with the court action by the public prosecutor in the other three cases; *eagerly awaits* receipt of such particulars;
4. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon, to the Prosecutor of the Special Tribunal for Lebanon and to the source;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the letter from the Vice-Chairman of the State Great Hural and Chairman of the Executive Committee of the Mongolian Inter-Parliamentary Group, dated 17 October 2009, and of information provided by the Japanese parliament,

*Recalling* that the Mongolian Government has requested technical assistance with analysing certain evidence available in the case of Mr. Zorig's murder and that the German authorities have provided such assistance and remain at the disposal of the Mongolian authorities for further assistance; *considering* that the Japanese Government has also agreed to provide technical assistance in this case to the Mongolian authorities; that, however, a diplomatic formality has still to be completed by the Mongolian authorities and that, in June 2009, the Japanese Government requested the Mongolian authorities to fulfil this formality,

*Considering* that, according to the letter from the Vice-Chairman of the State Great Hural, in order for the investigation to make progress, access to new high-tech technology would be needed that is not available in Mongolia and requested the IPU to call on member parliaments to give assistance in analysing evidence by "mitotyping technology" and to consider providing assistance in the training of Mongolian forensic experts in this technology and advanced methods used in conducting examination of evidence,

*Recalling* further that, by a resolution of the Speaker of the State Great Hural of March 2009, the parliament renewed the mandate of the working group set up by the previous legislature "to acquaint itself with the investigation into Mr. Zorig's murder and to provide it with the necessary assistance and support" and, in early October 2009, held a meeting with the investigation working group on this case to discuss progress,

1. *Thanks* the Vice-Chairman of the State Great Hural for his letter;
2. *Draws the attention* of member parliaments to the request for assistance, especially as regards mitotyping technology and training of Mongolian forensic experts therein, and *asks* the Secretary General to take the necessary follow-up action in this respect;
3. *Notes with satisfaction* that the Japanese investigative authorities have now also agreed to assist their Mongolian counterparts in this case, and *encourages* the Mongolian authorities to fulfil the required formality as early as possible to enable the necessary assistance to materialize;
4. *Is confident* that the parliamentary working group is actively following the investigation and ensuring that any necessary support is provided; and *would appreciate* being kept informed of its work;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

## MYANMAR

### Parliamentarians reportedly still serving their sentences:

CASE No. MYN/35 - SAW HLAING	CASE No. MYN/258 - MYINT KYI
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/261 - U NYI PU
CASE No. MYN/236 - KHUN HTUN OO	CASE No. MYN/262 - TIN MIN HTUT
CASE No. MYN/237 - KYAW SAN	CASE No. MYN/263 - WIN MYINT AUNG
CASE No. MYN/238 - KYAW MIN	CASE No. MYN/264 - THAN LWIN
CASE No. MYN/241 - KHIN MAUNG WIN	CASE No. MYN/265 - KYAW KHAING
CASE No. MYN/242 - KYAW KYAW	

### 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>3</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 185<sup>th</sup> session (Geneva, 21 October 2009)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case 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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*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, and about the continual removal from the political process of parliamentarians-elect, including through the prolonged imprisonment of 13 of them who continue to languish in jail having been sentenced on the basis of "rogue" laws through procedures falling short of minimum fair trial guarantees,

*Recalling* also in particular its concern at the fact that the National Convention, an assembly of members hand-picked by the authorities, drafted a new Constitution giving the military sweeping and overriding powers, without allowing a free exchange of opinions and ideas and penalizing any criticism of its work, which was adopted by referendum in May 2008 in an entirely military-run exercise and that the military authorities, on the basis of that text, have announced that elections will take place in 2010; *recalling furthermore* that the NLD and key ethnic parties rejected the referendum results and declared that they would not stand in the elections unless the regime agreed to establish an inclusive commission to review and amend the Constitution,

*Recalling finally* that both the Special Envoy of the United Nations Secretary-General and the United Nations Special Rapporteur on the human rights situation in Myanmar travelled to Myanmar in early 2009 and subsequently reiterated their concerns about respect for fundamental freedoms and the need for meaningful political change, and that the United Nations Secretary-General, on 12 November 2008, called once again for all citizens of Myanmar to be allowed to participate freely in their country's political future as part of an inclusive national reconciliation process,

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<sup>3</sup> On 2 April 2008, MPU-Burma announced that Mr. Myint Thein had died following his release, his health having greatly worsened in detention.

*Considering* that, on 13 May 2009, Aung San Suu Kyi was arrested and later taken to Insein Prison for violating the terms of her house arrest because she allowed an uninvited visitor, Mr. John William Yettaw, who had swum across Inya Lake to her house, to stay for two days before he attempted to swim back; on 11 August 2009, the court sentenced her to a further 18 months of house arrest, which sentence was upheld on appeal; the trial and its outcome have been widely seen as a move by the military rulers to exclude her from the 2010 elections and have been condemned internationally,

*Considering* that the IPU Secretary General attempted - in vain - to arrange a meeting with the Deputy Attorney General of Myanmar during the 30<sup>th</sup> session (3-7 August 2009) of the ASEAN Inter-Parliamentary Assembly (AIPA) in Pattaya, Thailand, to discuss the case of the parliamentarians-elect,

1. *Condemns* the continued disregard of the Myanmar authorities not only for its persistent concerns and pleas in this case, but also for the pleas of the international community to release all political prisoners;
2. *Reaffirms* that the Constitution fails to reflect the democratic values to which the people of Myanmar have long aspired and that elections are doomed to be a sham in a climate of fear and repression of all freedom of expression and political activity and the exclusion of 13 parliamentarians-elect and many other political prisoners from the political process;
3. *Urges* the authorities once again to put an unconditional and immediate end to the prolonged incarceration of the parliamentarians concerned on the basis of legal provisions that blatantly disregard their most basic rights, and to engage shortly in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups by accepting the proposal for an inclusive political process to review the Constitution;
4. *Appeals* to IPU Member Parliaments, in particular those of China and India as neighbouring countries, and the Association of South-East Asian Nations (ASEAN), to lend their full support to promoting these objectives, in particular given that, with the scheduled elections in Myanmar drawing close, time is running out;
5. *Requests* the Secretary General to convey this resolution to all parties concerned;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

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

*Recalling* that Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel, and that he was sentenced in June 2004 to five life sentences and two 20-year prison terms; *recalling also* that in his report Mr. Foreman concluded that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial",

*Considering* that Mr. Barghouti was kept in solitary confinement from 2002 to 2004 and that, according to his wife, he has since then been kept in an isolated department in the Hadarim prison where 120 political leaders are held in cells with three persons per room; visiting rights are not regular and are only granted from time to time; for example, she went to the prison on 25 March 2009 but was denied the visit; the International Committee of the Red Cross (ICRC) bus which took her there was attacked and stoned by supporters of Gilad Shalit, the Israeli soldier captured in June 2006 in a cross-border attack on military installations; her children - three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and she died in 2007 without having seen her son again,

1. *Reaffirms*, in the light of Mr. Foreman's report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention of 1949 and the Oslo Accords; consequently *once again urges* the Israeli authorities to hand Mr. Barghouti over immediately to the Palestinian authorities;
2. *Reaffirms further*, 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 (ICCPR), is bound to respect and that his guilt has therefore not been established;
3. *Deplores* the extremely limited family visiting rights enjoyed by Mr. Barghouti and, in particular, the arbitrariness of decisions authorizing or denying visits; *is particularly dismayed* that his mother was not allowed to visit him and that she died in 2007 without having seen her son again;
4. *Recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to those rules;

5. *Reiterates* its long-standing wish for the Committee to be granted permission for a private visit to Mr. Barghouti and *hopes* that such a visit can be arranged in the near future; *recalls* that television crews have obtained authorization to visit him and *considers* that Committee members fall into the category of reputable friends and that consequently, in conformity with the Minimum Standard Rules referred to above, permission to visit should be granted 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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring also* to the study produced by 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, and 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,

*Recalling* the following:

- 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 Hadarim in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence;
- Mr. Sa'adat refused to recognize the jurisdiction of the court, and only in the hearing held after his conviction, but before the handing down of the sentence, did he offer a political rather than legal defence; during the proceedings, the court heard 37 prosecution witnesses, all fellow prisoners, but, according to Mr. Sa'adat's lawyer, was unable to produce any proof of his direct or indirect involvement in or responsibility for any violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment;
- Mr. Sa'adat was held in Hadarim prison and transferred in mid-March 2009 to Ashkalon prison; he suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician; at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children with Palestinian ID cards have not been allowed to visit their father since his arrest, for reasons unknown; Mrs. Sa'adat has now been authorized to visit her husband twice a month; the first time in March 2009, she was unable to visit him because she was in hospital and, when she tried to visit him in April 2009, she was unable to do so because he had been transferred to Ashkalon jail and was in solitary confinement,

*Considering* that the solitary confinement imposed on him in March 2009 was to last until June 2009; this measure together with other restrictions was reportedly taken to punish prisoners for the failure of the negotiations regarding the release of Gilad Shalit, the Israeli soldier captured in June 2006 during a cross-border attack on Israeli military installations; *considering* further that, in protest against his solitary confinement, Mr. Sa'adat went on a nine-day hunger strike, which ended on 14 June 2009; that the administration of Ashkelon Prison held a hearing on the matter which Mr. Sa'adat refused to attend, as a result of which the prison administration reportedly imposed yet another set of very harsh restrictions on him, including denial of family visits and banning him from visiting the prison canteen and smoking, fined him 200 shekels and made him serve a further week in solitary confinement,

1. *Deplores* the long-term imposition of solitary confinement on Mr. Sa'adat as it may gravely impair his physical and psychological health, and *is appalled* that it may have been imposed not for any valid disciplinary reason but as retaliation for the failure of political negotiations;
2. *Recalls* that solitary confinement may have serious effects on the health of prisoners and that international human rights bodies have in various instances concluded that prolonged periods of solitary confinement may amount to torture; *urges* the authorities to refrain from imposing it again and to restore Mr. Sa'adat's rights to regular visits by his family and the rights accorded other prisoners;
3. *Recalls* that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that, in its Article 7, the Basic Principles for the Treatment of Prisoners recommend the abolition of solitary confinement; *calls on* Israel to respect these principles and rules;
4. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore based on extra-legal considerations; *considers* that the imposition of the extremely harsh sentence on him is further evidence of the political motives for his arrest and prosecution as the leader of a political party; *calls on* Israel to release him forthwith;
5. *Points out* that Mr. Sa'adat was tried by a military court and *recalls* in this respect the consistent concerns which United Nations human rights treaty bodies and special procedures have expressed regarding the compliance of military courts with fair trial guarantees, such as most recently in the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on his visit to the Occupied Palestinian Territories (A/HRC/6/17/Add.4, 16 November 2007);
6. *Deeply regrets* the silence of the parliamentary authorities with regard to the human rights concerns the IPU has expressed in this case and which reflect general human rights concerns regarding the treatment of Palestinian prisoners by the Israeli authorities; *affirms* that the Knesset has a duty to ensure respect for human rights and for Israel's obligations as a party to international human rights treaties not only within Israel but also in the Territories that Israel occupies;
7. *Requests* the Secretary General to inform the Israeli and Palestinian authorities and any other interested parties of this resolution;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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 EMLEH  
CASE No. PAL/41 - REYAD MAHMOUD RADAD  
CASE No. PAL/42 - KALI MUSA RBAE KHALIL  
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-RAMAHI  
CASE No. PAL/49 - ABDERRAHMAN ZAIDAN  
CASE No. PAL/51 - AYMAN DARAGHMEH  
CASE No. PAL/52 - NIZAR RAMADAN  
CASE No. PAL/53 - AZZAM SALHAB  
CASE No. PAL/54 - KHALED TAFISH

*Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)*

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 (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring also* to the study produced by 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, and 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,

*Recalling* the following:

- The parliamentarians concerned, elected on the Change and Reform list in the January 2006 PLC elections, were arrested on or after 29 June 2006 in the occupied West Bank and subsequently charged with standing in the election on the Change and Reform list, which, in the view of the Israeli prosecution authorities, is Hamas, and hence being a member of a terrorist organization, holding a position on behalf of Hamas by assuming membership in parliament on behalf of Hamas and providing services to a terrorist organization by assuming membership in parliamentary committees and supporting an illegal organization; that not a single charge relates to any violent activity and no accusation whatsoever was advanced in that respect; the arrests 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 which the Israeli Government blames on Hamas and the Palestinian Authority;

- The cases of the parliamentarians concerned were heard separately by the Ofer and Salem Israeli military courts and, following a recommendation by the appeal court, most of them were sentenced to about 40 months' imprisonment, and two parliamentarians were found not guilty but nevertheless taken into administrative detention; the most important substantive defence argument in these cases was that the Israeli authorities knew and had accepted that Hamas was standing in the election; in one of the cases, the defence attempted to call as a witness the head of Shabac and the adviser to the Prime Minister, Dov Weissglass, who had been responsible for negotiations with the Palestinian Authority regarding the elections, precisely for the purpose of showing Israel's knowledge and approval of Hamas's participation in the elections; while the prosecution had objected to that request by the defence, the military court judge had approved it; however, on the day before they were due to give evidence, a military order from the Head of the Army stated that any information about relations between Israel, the European Union, the United States of America and the Palestinian Authority was classified, including discussions concerning the elections, and that such evidence would be damaging to the security of the State of Israel, for which reason the witnesses in question would have been unable to respond to any question; in determining their judgment, the courts finally relied on what they termed an "expert report" by a Shin Beit member (called "Ivory" during the proceedings), who testified that Change and Reform was indeed Hamas; virtually none of the appeals succeeded; on the contrary, sentences were increased and often doubled,

*Considering* that 15 of the PLC members concerned have meanwhile been released, namely Omar Matar (case 16), Yaser Mansoor (18), Husny Al-Burieny (19), Fat'hy Qara'wi (20), Imad Nawfal (21), Khaled Yahya (25), Khaled Sulaiman (26), Naser Abduljawad (27), Ibrahim Saed Abu Salem (31), Ibrahim Mohamed Dahboor (33), Reyad Mahmoud Radad (41), Motlak Abu Jheasheh (43), Mahmoud Ibrahim Mosleh (45), Mahmoud Al-Ramahi (48) and Abderrahman Zaidan (49),

*Recalling* further the following:

- In the West Bank, administrative detention is authorized under Military Order 1226, which empowers the military commanders in the area to detain an individual for up to six months if they have "reasonable grounds to presume that the security of the area or public security requires detention"; the Order neither defines the terms "security of the area" and "public security" nor stipulates a maximum cumulative period of administrative detention. It thus allows indefinite arbitrary detention; charges against prisoners, including the parliamentarians in question, are usually those of being a "security threat", but the area and nature of the threat are not specified and evidence is not disclosed; although administrative detainees have the right to appeal, this is somewhat absurd as the detainee and his lawyers lack access to the information on which the orders are based; they are therefore unable to present a meaningful defence; in late March 2009, after the failure of the negotiations regarding the release of Gilad Shalit, Israel arrested or rearrested a number of Palestinians, including four Change and Reform parliamentarians, namely Ayman Daraghmeh (case 51), Nizar Ramadan (52), Azzam Salhab (53) and Khaled Tafish (54), who had all been released earlier, and took them into administrative detention;
- Prisoners enjoy limited visiting rights; family members need permits, which can be restricted and cancelled for various, especially security-related reasons; in many cases, wives of prisoners are not authorized to meet their husbands; such for example was the case of Mr. Mahmoud Al-Ramahi, former PLC Secretary General (released on 31 March 2009); under the normal visiting procedure, if a permit is given by the Israeli authorities, the permit holder can visit the prisoner once every two weeks for a period of 45 minutes; prisoners are separated from their visitors by a glass partition and conversations are held by means of a telephone; permits are usually issued for a period of three months and need to be renewed; the food, which prisoners have to buy in prison shops, is very bad and medical care is often delayed; moreover, following the failure of the negotiations regarding the release of Gilad Shalit in March 2009, the Israeli Prison Service decided to impose

additional restrictions on Palestinian political prisoners held in Israeli prisons, such as denying them family visits and not letting them watch television or read newspapers, reducing the time allowed in the open and restricting access to prison shops,

*Recalling* that 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, on account of "breach of trust" owing to membership in a foreign parliament; they appealed against that decision in the Israeli Supreme Court; on 17 September 2008 the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah against the revocation of their East Jerusalem permanent residence status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residence status and asked both parties to inform it of any developments in the case within 60 days, after which it would decide how to proceed with the case; *considering* that their residence status has not been restored, and that the Supreme Court will now rule on the merits,

*Bearing in mind* finally the consistent concerns which United Nations treaty bodies and special procedures, such the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/6/17/Add.4, 16 November 2007) and most recently the Committee against torture (CAT/C/ISR/CO2, June 2009) have expressed regarding the compliance of military courts and administrative detention, inter alia, with the obligations that Israel as a party to the ICCPR and the CAT, and other human rights treaties, is bound to respect,

1. *Reaffirms its position* that the arrest, detention and prosecution of the parliamentarians concerned is politically motivated and hence arbitrary, since Israel was undoubtedly aware of and accepted the participation of Hamas in the election, which was recognized by the international community as free and fair;
2. *Takes note* of the fact that 15 of the parliamentarians concerned have now been released, but *observes* that 19 more continue to languish in jail and that four of those freed have subsequently been taken into administrative detention; *continues to fear* that their rearrest following the failure of the negotiations regarding the release of Gilad Shalit and the simultaneous restriction of the rights of political prisoners suggests that Israel is in fact holding the PLC members concerned as hostages;
3. *Calls on* the Israeli authorities to release the 19 remaining PLC members forthwith;
4. *Remains appalled* at the practice of administrative detention in Israel which means that any Palestinian, including PLC members, can be arrested at any time on undefined security grounds, and be held for indefinite periods without charge, being unable to defend themselves since the charge and the evidence are not disclosed; *considers* that it makes a mockery of judicial proceedings since people can be arrested upon acquittal or after having served their prison sentences; and *urges* Israel to heed the recommendations made by the international human rights bodies and procedures to refrain from such practices and to bring them into conformity with the State's international obligations in the field of human rights;
5. *Deplores* the extremely limited family visiting rights enjoyed by Palestinian prisoners, including the PLC members concerned, and more specifically the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to abide by those Rules;

6. *Deeply regrets* the silence of the parliamentary authorities with regard to the human rights concerns the IPU has expressed in this case and which reflect general human rights concerns regarding the treatment of Palestinian prisoners by the Israeli authorities; *affirms* that the Knesset has a duty to ensure respect for human rights and for Israel's obligations as a party to international human rights treaties not only within Israel but also in the Territories that Israel occupies;
7. *Closes* the case of the 15 parliamentarians who were released while deploring their arrest, detention and the proceedings brought against them, which were arbitrary;
8. *Requests* the Secretary General to inform the Israeli and Palestinian authorities accordingly;
9. *Requests* the Committee to continue examining the case of the remaining members of parliament and report to it at its next session, to be held on the occasion of the 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009); *referring* also to its report on the case PAL/16-PAL/51 and to the resolution adopted by the Governing Council at its 184<sup>th</sup> session on that case,

*Recalling* the following: Dr. Dweik, Speaker of the Palestinian Legislative Council, was elected in January 2006 on the Change and Reform (Hamas) list; he was arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces and later charged with membership in a terrorist organization, namely Hamas, and leadership in that organization by way of membership in the PLC and by way of assuming the role of Speaker in the PLC; on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership by way of membership of the PLC on behalf of that organization and, on account of his poor health, sentenced him to 36 months' imprisonment, the release date being set for 17 June 2009; the prosecution appealed against the sentence on the grounds that the sentence was too lenient and that Dr. Dweik had not been convicted for leadership in an unauthorized organization by way of assuming the role of PLC Speaker,

*Considering* that at the appeal hearing of 1 June, at which an IPU trial observer was present, the court rejected the defence counsel's application for recusal of the presiding judge, the defence counsel then announced that he would appeal against that decision in the Supreme Court, and the prosecution made an application for Dr. Dweik to be detained beyond the conclusion of his sentence pending a ruling on the defence appeal against the court's refusal to recuse the presiding judge and pending determination of its own sentence appeal; the hearing was adjourned with no date being set for hearing the prosecution application for Dr. Dweik's continued incarceration; *noting* that a hearing was subsequently set for 7 June 2009 and that Dr. Dweik's lawyer decided not to appeal against the court's refusal to recuse the presiding judge; that, according to widespread media coverage, on 17 June the court decided to reject the prosecution appeal and not to entertain the prosecution's application to increase his sentence from 36 to 42 months; that Dr. Dweik was released on 23 June 2009,

1. *Notes with satisfaction* the ruling of the court on the prosecution's appeal and *welcomes* Dr. Dweik's release; nevertheless *deeply regrets* his arrest, detention and prosecution on purely political grounds as spelled out in the resolution it adopted in April 2009;
2. *Decides* to close this case.

CASE No. PHI/02 - SATURNIÑO OCAMPO ) PHILIPPINES  
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 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, 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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Recalling* that, in January 2006, President Gloria Macapagal Arroyo issued Executive Order 493 establishing the Inter-Agency Legal Action Group (IALAG) to prepare cases of rebellion and sedition against suspected enemies of the State, and that, in this context, the parliamentarians concerned were charged with rebellion in February 2006; that the Supreme Court dismissed the charges on 1 June and concluded that "the obvious involvement of political considerations in the accusations of the respondent Secretary of Justice and respondent prosecutors brings to mind an observation we made in another equally politically charged case. We reiterate what we stated then, if only to emphasize the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular. 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",

*Recalling* that, in his report of 29 April 2009 (A/HRC/11/2/Add.8), the United Nations Special Rapporteur on enforced disappearances reiterated his earlier recommendation that the Inter-Agency Legal Action Group (IALAG) be abolished,

*Recalling lastly* that, since the dismissal of the rebellion charges, new cases have been brought against the parliamentarians concerned, also called the "Batasan Four", and *considering* their current stage:

- The Leyte multiple murder case brought in February 2007 against Mr. Ocampo and others is still awaiting resolution of the petition for certiorari and prohibition he filed with the Supreme Court in March 2007;
- On 19 May 2009, the prosecutor who is conducting the preliminary investigation in two murder cases, closely linked to the Leyte murder case, which were brought against Rep. Ocampo in August 2008, granted Rep. Ocampo's petition to suspend the preliminary investigation in these cases pending resolution, by the Supreme Court, of his petition in the Leyte murder case;
- On 18 April 2008, two counts of murder (having allegedly conspired in the murder of Carlito Bayudang and Jimmy Peralta) were filed in the Regional Trial Court of Palayan City against the four parliamentarians concerned, in addition to one count of kidnapping and murder of Danilo Felipe in the Regional Trial Court of Guimba; on 5 August 2008 the latter ordered that the charge of kidnapping with murder be dismissed, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; 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, and ordered the provincial prosecutor to conduct a new preliminary investigation; on 2 December 2008, the Court denied a motion for partial reconsideration of that order; on 27 March 2009, the parliamentarians concerned filed a petition with the Supreme Court challenging the orders of the Court imputing to the judge grave abuse of discretion amounting to lack or excess of jurisdiction; the Government has provided its comments on the petition, which is pending before the Supreme Court for resolution; the four Representatives have also filed perjury cases against the complainants in this case;

- In May 2007, four days before the 14 May 2007 elections, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of Mr. Vincent Borja, a presumed member of the CPP/NPA; Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; the case is still awaiting resolution by the prosecutor although, according to the source, the Rules of Court require that within 10 days after the preliminary investigation, the investigating officer shall determine whether or not there are sufficient grounds to hold the respondent for trial;
- In March 2008, a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending before the Regional Trial Court of Basey, Western Samar, in connection with alleged threats by communist rebels against the life, liberty and security of Dennis Gacuma, whose mother was reportedly abducted; Mr. Ocampo filed his answer to the petition; the first hearing of the case has been reset several times,

*Recalling* 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 sign and ratify forthwith 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 the 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 for its cooperation and for the information provided;
2. *Remains deeply concerned* at the new cases laid against the Representatives concerned as the information brought to its attention tends to suggest that the accusations in question are not based on sound evidence;
3. *Points out* in this respect in particular the failure of the prosecution to resolve the obstruction of justice case against Mr. Casiño brought against him more than two years ago, the filing of another murder case against Representative Ocampo, which is already part of the multiple murder case brought against him earlier, and hence in breach of the principle that no one shall be tried twice for the same offence (under the double jeopardy principle) and the differing treatment by courts of the admissibility of extrajudicially obtained confessions as evidence;
4. *Recalls* in this connection once again that the rebellion charges, initially filed against them by IALAG following nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated; *wishes to ascertain* in this context what, if any, action has been taken to implement the recommendation of the United Nations Special Rapporteur on enforced disappearances to abolish the IALAG;
5. *Observes* that the many cases brought against the parliamentarians concerned can only impair their capacity to exercise their parliamentary mandate freely and effectively, and *is confident* that the House of Representatives will continue to monitor the proceedings against the parliamentarians concerned;
6. *Urges* the authorities once again either to proceed with the cases brought against the parliamentarians concerned diligently, as is their duty, or to drop the charges forthwith; *reaffirms also* that the prosecution and judicial authorities have a duty not to proceed with any case on the basis of political considerations;
7. *Requests* the Secretary General to inform the competent authorities and the sources accordingly;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**Case No. PHI/07 - ANTONIO F. TRILLANES - PHILIPPINES**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Senator Trillanes of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Recalling* that Navy Lieutenant Antonio Trillanes was arrested in July 2003 and, along with many others, charged with an attempted coup d'état; that while in detention he was allowed to stand in the May 2007 Senate elections and was elected, having obtained the 11<sup>th</sup> highest number of votes; that, while he was initially granted broad visiting rights and even allowed to hold inside prison a first meeting of the Senate Committee he was elected to chair, a few months after his election his situation changed drastically, making him virtually unable to carry out his parliamentary mandate; that his applications to be allowed to attend Senate sessions have been rejected at final instance; *considering*, however, that the terms of his confinement have meanwhile reportedly been somewhat relaxed, so that he is now able to receive staff, enabling him to file bills, resolutions and other legislative measures in the Senate; he has, however, recently not been allowed to hold a Committee hearing in prison, against which decision of the prison authorities he reportedly lodged an appeal,

*Recalling* that, apart from adopting resolution No. 3 "Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law", adopted on 25 July 2007, a majority of Senators (14 out of 23), in November 2008 filed Resolution No. 765 "Amending The Rules of the Senate By Incorporating A Rule "To Allow Senators to Participate in Senate sessions, Hearings and/or Meetings Through Remote or Electronic means"..."; *considering* that, however, the implementation of that Resolution is being delayed, reportedly owing to three Senators close to President Gloria Macapagal Arroyo and that consequently Majority Floor Leader Senator Miguel Zubiri has not yet submitted the required report on the Resolution; that, despite this, the Committee on Ways and Means of the Philippine Senate carried out work on the proposed Senate Video Conferencing Project and issued its report on the matter, which was approved by the Senate President on 15 June 2009 with the necessary budget in place,

*Considering*, with regard to the proceedings in the attempted coup d'état case, that according to the source the prosecution, after four and a half years, finished presenting its evidence and that it is now the turn of the defence to present its evidence; that, thereafter, both sides will be given the opportunity to present rebuttal evidence, for which reason, the source fears, the case will drag on for many years,

*Bearing in mind* that the Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR), which enshrines fair trial guarantees and that, as a member of the United Nations Human Rights Council, the Philippines has pledged to uphold the highest standards of human rights,

1. *Appreciates* the initiative taken by the Senate to amend the Rules in a manner such as would allow Senator Trillanes to exercise his mandate to some extent; *deeply regrets*, however, that the Resolution has not yet been implemented, which continues to prevent Senator Trillanes from exercising his mandate meaningfully and deprives his electorate of representation in parliament;

2. *Consequently calls on* the competent Senate authorities to ensure that the Resolution is implemented without further delay;
3. *Remains deeply concerned* that Senator Trillanes has now been on trial and been kept in detention for more than six years, which period, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3(c), of the ICCPR;
4. *Recalls* once again that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *continues to believe* that there are ample grounds, especially in the light of judicial precedent, for Senator Trillanes's release pending trial and, even more so, ample grounds for allowing him to conduct meetings of the Committee he chairs even inside prison, to attend Senate sessions, even under guard if necessary, and to be granted the necessary facilities to exercise his mandate meaningfully;
5. *Reiterates* its wish to ascertain whether parliament has launched any investigation into the allegations of graft and corruption within the Armed Forces made by Senator Trillanes and his co-accused;
6. *Requests* the Secretary General to convey this resolution to the authorities;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the letter of the Speaker of the Chamber of Deputies of Rwanda of 24 June 2009,

*Recalling* that Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to have refuted in parliament accusations of fomenting ethnic divisions; while the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have long stated their belief that Mr. Hitimana had fled to a neighbouring country and were very optimistic that he would soon be located, which has not been the case,

*Recalling* that, in his letter of 11 April 2008, the then Speaker of the Chamber of Deputies stated that the authorities were exploring all lines of inquiry and that the Chamber was anxious to see the matter settled; in her letter of 9 February 2009, the new Speaker stated that parliament had no new information on the investigation into Mr. Hitimana's disappearance; *considering* that the Speaker reiterated this in her latest letter,

*Recalling* the many reports concerning harassment of Mr. Hitimana's family, including his 80-year-old father, who, after being declared innocent by a Gacaca court, was only released on 26 March 2007 thanks to the intercession of the National Human Rights Commission; that he was reportedly rearrested arbitrarily on the strength of "new information" brought to the attention of the Gacaca court and, according to information provided in March 2009, was close to death in the central prison of Gisovu,

*Considering* that the United Nations Human Rights Committee, in its concluding observations (CCPR/C/RWA/CO/3) of 31 March 2009, expressed "concern about reported cases of enforced disappearances and summary or arbitrary executions in Rwanda and about the impunity apparently enjoyed by the police forces responsible for such violations", and "the lack of information from the State party regarding the disappearance of Mr. Léonard Hitimana"; it stated that "the State party should ensure that all allegations of such violations are investigated by an independent authority and that those responsible for such acts are prosecuted and duly punished.",

1. *Thanks* the Speaker of the Chamber of Deputies for her communication;
2. *Is deeply concerned* that, in the complete absence of any results in the more than six years since Mr. Hitimana was last seen, the authorities have thus far, contrary to their obligation, failed to act with the necessary resolve to elucidate his fate; *is concerned* that there is no sign that Parliament is taking action to ensure that the competent police and judicial officers are held to account for the scant investigation carried out thus far;
3. *Firmly believes* that, after all these years, the only remaining plausible explanation of Mr. Hitimana's disappearance is that he was indeed the victim of an enforced disappearance; *considers* that the United Nations Human Rights Committee's views highlight the seriousness of this allegation;

4. *Is therefore deeply concerned* that the authorities have yet to give due consideration to this increasingly likely explanation of what befell Mr. Hitimana; *recalls* that forced disappearances are a serious violation of human rights; *reaffirms* that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament, to all its members and, in the final analysis, to the people it represents, as it can only encourage the repetition of such acts;
5. *Urges* the authorities, in line with the concluding observations of the United Nations Human Rights Committee, to pursue the investigation into Mr. Hitimana's disappearance with the necessary vigour and diligence by seriously examining the increasingly likely hypothesis that Mr. Hitimana was the victim of a forced disappearance; *urges once again* the parliament to make use of its oversight function to ensure that real efforts are made to this end; and *wishes to ascertain* the action it will take to this end; *wishes* also to be kept informed of any investigative steps that may now be taken;
6. *Regrets* the absence of any official information about the plight of Mr. Hitimana's father; *earnestly hopes* that the National Human Rights Commission will again intercede to ensure that his human rights are fully respected;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission, and to the source;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**SRI LANKA**

CASE No. SRI/12 - JAYALATH JAYAWARDENA  
CASE No. SRI/50 - GAJENDRAKUMAR PONNAMBALAM  
CASE No. SRI/51 - SELVARAJAH KAJENDREN  
CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY  
CASE No. SRI/54 - SIVANATHAN KISHORE  
CASE No. SRI/55 - T. KANAGASABAI  
CASE No. SRI/57 - THANGESWARI KATHIRAMAN  
CASE No. SRI/58 - P. ARIYANETHRAN  
CASE No. SRI/59 - C. CHANDRANEHRU  
CASE No. SRI/62 - MANO GANESAN

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/185/11(b)-R.1),

*Referring* also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

*Taking note* of the meeting the Committee held with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights and with Dr. Jayawardena during the 121<sup>st</sup> Assembly, and of the documents they provided,

*Recalling* that the members of parliament concerned, except for Dr. Jayalath Jayawardena and Mr. Mano Ganesan, belong to the Tamil National Alliance and have been the target of death threats and harassment, of attempts on their lives or attacks on their property, or both, and that the investigations in these cases have been to no avail; that at least three of the parliamentarians concerned have reportedly gone into exile, and *noting* in this connection that the Standing Orders of the Parliament of Sri Lanka stipulate that parliamentarians forfeit their seat in the event of unjustified absence for three consecutive months,

*Recalling* more particularly the following:

- In December 2007, relatives of Mr. Ariyanethran and Mr. Jayanandamoorthy and a member of Ms. Kathiraman's staff were abducted, reportedly by the paramilitary group Pillayan, and they were warned that the abducted persons would be killed should they vote against the budget. According to the information provided by the authorities in October 2008, the evidence available was recorded by the police; however, neither the victims nor the police were able to identify the culprits, nor the places where they were held, or to establish a logical motive for their abduction. They were all released on 15 December 2007. As to Mr. Kanagasabai, on 18 November 2007 he lodged a complaint with the police regarding the alleged abduction of his son-in-law, who was released on 19 November. According to the authorities, the victim was unable to give consistent explanations of the motive for the abduction or the identity of the perpetrators. However, investigations were continuing under judicial review;
- Mr. Kajendren's brother was abducted on 24 March 2009 by armed persons inside the high security area in Madiwela/Colombo while he was returning to Mr. Kajendren's home; eyewitnesses reported that he was stopped by a police sentry for a routine check; a little later, a van and more police officers arrived at the scene and he was bundled into the vehicle before it sped off; this occurred reportedly barely 48 hours before the TNA was to decide whether or not to accept an invitation for direct talks with President Rajapakse; Mr. Kajendren's brother reappeared in April 2009, but was warned by his abductors not to divulge any information; the police report conveyed by the Ministry for Disaster

Management and Human Rights on 17 June 2009 states that Mr. Kajendren's brother "was unable to furnish any useful information to identify the abductors or to locate the place where he was kept". An inquiry was being conducted by Mirihana Police to identify the abductors;

- Mr. Kajendren's driver, Mr. Kones, was reportedly arrested on 10 May 2009 at Karunayake International Airport. He was about to leave for Switzerland, where he had been granted political asylum in view of the death threats he had been receiving, reportedly from the Elam People's Democratic Party (EDPD) and army intelligence, ever since he started working for Mr. Kajendren in 2004. He was reportedly arrested by the Terrorism Investigation Division and is currently detained at Pusa Prison in Galle. No charges have reportedly been brought against him and the source fears that charges may be fabricated. Mr. Kones's wife and child are reportedly in a refugee detention camp in Vavuniya and cannot therefore file a case against the arrest and detention. The source believes that Mr. Kones's arrest is intended to intimidate Mr. Kajendren,

*Considering* that Dr. Jayawardena has repeatedly sought permission to visit the IDP camps set up following the defeat of the Liberation Tigers of Tamil Eelam (LTTE); that, however, permission has been denied by the Defence Minister although it had been granted to a group of British and Indian parliamentarians; that, likewise, permission for him and members of Parliament's human rights group which he had founded, to visit welfare centres and government hospitals in the districts of Mannar and Vavuniya was denied; that, moreover, in the last five months the TNA parliamentarians were reportedly unable to visit their constituencies as no permission was given by the Defence Minister; *noting* that according to Minister Samarasinghe only two opposition members had applied for permission; that a request by Mr. Amaratunga MP, to visit the IDP camps was granted, but that Mr. Amaratunga failed to provide a date for the visit; that security concerns had to be taken into account when granting permits as the authorities had to be careful about whom to let into the camps; that, however, requests by MPs to visit the camps would be facilitated; *noting* also that, according to Mr. Samarasinghe, the Government was making every effort to ensure that IDPs can leave the camps and return to their homes as quickly as possible and that there was hope that by the end of January 2010 the bulk of the resettlement process would be completed,

*Bearing in mind* that the war in the north is over and that the Sri Lankan Government is now in control of the entire State territory and that elections will take place in 2010,

1. *Thanks* the Minister for Disaster Management and Human Rights for his cooperation and for the information he provided;
2. *Is alarmed* at the restriction of freedom of movement of members of parliament, in particular those belonging to the opposition, who have been prevented from visiting the people who elected them and who are now living in the IDP camps which they are not allowed to leave; *calls on* the Government to grant members of parliament access to the IDP camps and to respect their freedom of movement so that they can carry out the mandate entrusted to them by the people whom they represent and can campaign in the next elections;
3. *Remains deeply concerned* at the repeated abductions of family members and staff of TNA parliamentarians and *urges* the authorities to make every effort to elucidate those crimes and to bring the perpetrators to justice so as to prevent the recurrence of such crimes; *recalls* that there are clear leads as to the group behind the abductions in 2007 and its motives; *considers* that sufficient eyewitness reports exist of the recent abduction of Mr. Kajendren's brother so that the police need not rely on testimony from him as he may have been threatened into not revealing any information;

4. *Is concerned* that Mr. Kajendren's driver has now been arrested and is being detained reportedly without charge; and *wishes to ascertain* on what legal grounds he is being held; *recalls* that Sri Lanka, as a party to the International Covenant on Civil and Political Rights, which guarantees freedom from arbitrary arrest, must respect the right of arrested persons to be informed of the accusation brought against them, to have access to a lawyer, to be brought promptly before a judge, and to be entitled to challenge their detention;
5. *Notes* that the investigation into the other incidents covered by this case have been to no avail, and that no further complaints were submitted to the Committee in this respect; *notes* also that the security concerns regarding Dr. Jayawardena have been addressed and that the Minister for Disaster Management and Human Rights pledged to settle the only outstanding issue concerning the provision of appropriate communication equipment for his security guards; *requests* the Committee therefore to continue, where appropriate, to examine these incidents under its confidential procedure;
6. *Requests* the Secretary General to inform the authorities and the sources accordingly;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring* also to the report on the on-site mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121<sup>st</sup> IPU Assembly,

*Recalling* the following:

- Mr. Pararajasingham was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; the investigation has remained at a virtual standstill despite the fact that St. Mary's Church was located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty, so that the culprits could have escaped only with the complicity of the security forces; during the on-site mission, it transpired that there was no agreement on whether or not President Rajapakse had been given the name of a possible suspect; that, however, the delegation provided the name of the person in question to President Rajapakse and to the Minister for Disaster Management and Human Rights;
- The police progress report of April 2009 merely repeated information provided earlier, adding that there was neither sufficient evidence nor enough public support to achieve better results and that, in addition, the witnesses were being intimidated by the killers;
- In late 2006, President Rajapakse set up a "Presidential Commission of Inquiry to investigate and inquire into serious human rights violations", including the murder of Mr. Pararajasingham,

*Considering* that, according to the information provided by Mr. Samarasinghe and contained in the police progress report forwarded by him, one of the main problems was the question of witnesses as the priest playing the organ had been unable to identify any suspects and that, in the absence of a witness protection law, witnesses were afraid of coming forward; that the police had been unable to establish the bona fide of the information suggesting that a certain "Ravi" was the killer as the Tamil National Alliance (TNA) parliamentarians who had provided the name were unable to give an address; *recalling* in this connection that, according to the sources, Ravi was a member of the Karuna group and well known in the region; *noting* that, according to Mr. Samarasinghe, a witness protection bill, providing inter alia for video-conferencing of witnesses living abroad, has been prepared in a long consultative process and is pending before parliament and that, before its consideration in parliament, the party leaders would have to fix a date,

*Noting* that, according to the police progress report, the investigation has come to a standstill owing to lack of evidence and lack of public support because witnesses fear reprisals by the killers; however, the investigation was continuing and there was hope that the draft bill on witness protection and the improved situation in the east, where elections were held in May 2008, would increase public confidence and enable witnesses to come forward,

*Considering* lastly that the Commission of Inquiry has never investigated the case of Mr. Pararajasingham and has de facto ceased to function,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Deeply regrets* that no progress has been made in the investigation, which it continues to find highly disturbing given the special circumstances of Mr. Pararajasingham's murder; *regrets* that the investigation regarding the possible involvement of a certain "Ravi", apparently well known in the region as a member of the paramilitary Karuna group, has not been pursued because TNA parliamentarians were unable to provide an address for him;
3. *Urges* the parliament to conduct a thoroughgoing debate on the witness protection bill as a matter of priority since a witness protection bill respecting fundamental principles of witness protection may indeed encourage witnesses to come forward;
4. *Reaffirms* that Mr. Pararajasingham's murderers could have escaped only with the complicity of the security and army personnel posted around the Cathedral and in the area, and *agrees* with the authorities that it should therefore be much easier for the investigating authorities to identify and apprehend them, now that Batticaloa province has returned to a democratic system, the war in the north has ended, and violence has receded;
5. *Can but reaffirm* the conclusion of the mission report that there can be no better deterrent for 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;
6. *Requests the Secretary General* to convey this resolution to the authorities, inviting them to keep the Committee informed of the investigation;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. SRI/53 - NADARAJAH RAVIRAJ - SRI LANKA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2,

*Noting* that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121<sup>st</sup> IPU Assembly,

*Recalling* that Mr. Raviraj, a member of the Tamil National Alliance, was shot dead in Colombo in the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a main road in Colombo; two suspects were arrested and interrogated in this case and, according to the police progress report forwarded in August 2008, were subsequently released on bail; arrest warrants have been issued for two other persons suspected of having aided and abetted the commission of the murder,

*Recalling further* that the police progress report forwarded in April 2009 reiterates essentially the information provided in August 2008, namely that two main suspects and two other suspected accomplices were identified; according to the report they are strongly suspected of having gone to the areas then controlled by the Liberation Tigers of Tamil Eelam (LTTE); *considering* that the same information is contained in the progress report forwarded by the Sri Lankan delegation to the 121<sup>st</sup> IPU Assembly; *noting* that, according to Mr. Samarasinghe, the case will be called again in court on 20 January 2010,

*Considering* that the above report mentions that a team from Scotland Yard which arrived in Sri Lanka on 4 January 2007 conducted investigations and recommended that further tests be carried out; *noting also* that the report mentions President Rajapakse's request to include the case of Mr. Raviraj in the mandate of the Commission of Inquiry which he instituted in November 2006, but fails to mention that the Commission has de facto ceased to function and has never investigated the case of Mr. Raviraj,

*Recalling* that, at the meeting held during the 120<sup>th</sup> IPU Assembly (April 2009), the Sri Lankan delegation stated that about only 20km<sup>2</sup> were still under the control of the LTTE, the Sri Lankan Army being in control of the rest, and that, in the delegation's view, this would also make it easier for the authorities to apprehend suspects who have fled to LTTE-controlled areas; *noting* that the Sri Lankan army defeated the LTTE and is now in control of the entire State territory and that Mr. Samarasinghe also expressed the view that this would make it easier to apprehend the suspects in this case; that he undertook to check the identity of the suspects against the names of the Internally Displaced Persons (IDPs) in the camps,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Deeply regrets* that no further progress has been made in this case, which has thus remained unpunished; *regrets* in particular that there is no indication in the latest progress report of any investigative action taken and that reference is made to the work of the Commission of Inquiry, which has never investigated this case;

3. *Would appreciate* being kept informed of the efforts made to establish the truth in this case, in particular the outcome of the court hearing scheduled for 20 January 2010, and *wishes to ascertain* in this respect whether the tests recommended by Scotland Yard were indeed conducted; *also reiterates its wish* to know the identity of the persons at present suspected of involvement in the crime and whether or not the investigative authorities have ever taken account of the information and evidence gathered by non-governmental organizations, in particular University Teachers for Human Rights, regarding the murder of Mr. Raviraj;
4. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for 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;
5. *Requests* the Secretary General to convey this resolution to the authorities, inviting them once again to provide the requested information;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. SRI/61 - THIYAGARAJAH MAHESWARAN - SRI LANKA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring also* to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121<sup>st</sup> IPU Assembly,

*Recalling* the following information on file:

- Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of security guards assigned to him was cut from 18 to two; he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and later died in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;
- The authorities arrested Johnson Colin Valentirio alias "Wasantha", from Jaffna, who had been identified as the gunman on the strength of a DNA analysis; the investigators were able to conclude that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) activist who had been specifically sent to Colombo to kill Mr. Maheswaran; a video recording of the presumed culprit's confession existed, and his parents confirmed that he was an LTTE member; according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; the police progress report of April 2009 merely repeated that information,

*Considering* that, according to the information provided by Mr. Samarasinghe and the police progress report forwarded by him, after the conclusion of the inquiry, the file was forwarded to the Attorney General for advice, favouring filing of indictment against the presumed assassin in the High Court of Colombo on charges of murder; the case was to be called on 16 October 2009 for the service of indictment and listing of the case for hearing,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Appreciates* the fact that the investigation has been completed so that an indictment can be issued; *wishes* to be kept informed of the trial proceedings;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for 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;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed of the trial proceedings;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. SRI/63 - D.M. DASSANAYAKE - SRI LANKA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring also* to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121<sup>st</sup> IPU Assembly,

*Recalling* that Mr. Dassanayake was killed, along with a bodyguard, in a roadside bomb attack in the town of Ja-Ela, north of Colombo, which also left 10 people wounded; although no one has claimed responsibility, the Liberation Tigers of Tamil Eelam (LTTE) are widely suspected of being behind the attack,

*Recalling also* that, according to the progress report forwarded by the parliament in August 2008, police inquiries 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; *noting* that, according to the information provided by Mr. Samarasinghe, the arrest of a key LTTE suspect operating in Colombo led to the arrest of other suspects whose revelations resulted in the recovery of the remote control device used to detonate the explosive device triggering the explosion which killed Mr. Dassanayake; that the investigation has since been completed and that the relevant file will be transmitted to the Attorney General to filing of indictment; the case was to be called in court on 14 October 2009,

1. *Thanks* the Minister for Disaster Management and Human Rights for the information provided and for his cooperation;
2. *Is pleased to note* that the investigation has been completed and *wishes* to be kept informed of the ensuing criminal proceedings;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for 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;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed of the proceedings;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. SRI/64 - KIDDINAN SIVANESAN - SRI LANKA**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Referring also* to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met with Mr. Mahinda Samarasinghe, Minister for Disaster Management and Human Rights during the 121<sup>st</sup> Assembly,

*Recalling* the following:

- At the parliamentary session of 21 February 2008, which the Committee's delegation to Colombo attended, Mr. Sivanesan had raised a privilege issue regarding the fact that he had been intimidated by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week;
- Mr. Kiddinan Sivanesan was killed some two weeks later, on 6 March 2008, in a Claymore mine attack shortly after he had crossed into the Vanni region; his vehicle was targeted when he was returning to his residence in Mallowi after attending parliamentary sessions in Colombo; the attackers reportedly detonated four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan died of his injuries while being rushed to hospital; the Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was the work of deep penetration units of the Sri Lankan military, an allegation denied by the military, who have blamed it on the LTTE;
- According to the police report forwarded on 1 April 2009, inquiries revealed that the attack occurred in Mallowi, an area unlawfully occupied by the LTTE and not accessible to the police; the claim by the LTTE that the killing had been carried out by the Sri Lankan forces was simply meant to discredit the Government; the attack had not been reported to the Jaffna or Vavuniya police and the police were unable to visit the area as it was under LTTE control,

*Noting* that the Committee's meeting with Mr. Samarasinghe revealed that the case has remained at a standstill; that, according to the progress report forwarded by him, the area then being unlawfully occupied by the LTTE, "the aggrieved party may have been in fear to make a complaint against the LTTE,

*Considering* that the war is over and that the area where Mr. Sivanesan was killed is now under government control, which means that an investigation can now be opened,

1. *Thanks* the Minister for Disaster Management and Human Rights for his cooperation;
2. *Earnestly hopes* that an investigation will now be opened, whether or not a complaint is filed regarding the killing of Mr. Sivanesan and his driver, and *would appreciate* being kept informed in this respect;

3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for 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;
4. *Requests* the Secretary General to invite the authorities to keep the Committee informed;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

**CASE No. TK/55 - MEHMET SINÇAR - TURKEY**

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Taking into account* the letter of the President of the Turkish Inter-Parliamentary Group of 16 October 2009 and of the information provided by Mr. Sinçar's family on 10 August and 15 October 2009,

*Recalling* the following:

- Mr. Sinçar, of Kurdish origin, was a member of the Turkish Parliament elected in 1991, representing the south-eastern region of Turkey; he was shot dead at close range in September 1993 in Batman, where he had gone to attend the funeral of a member of the Democracy Party Bureau who had been assassinated in August 1993;
- In October 2006, the Turkish authorities reported that the persons initially suspected of the murder - members of a terrorist group - had all been acquitted for lack of evidence, except two persons who were at large;
- In January 2008, the President of the Turkish National Group reported that a criminal case regarding Mr. Sinçar's murder was pending before the 6<sup>th</sup> Assize Court of Diyarbakir. A hearing was scheduled for 21 February 2008 and another one for 8 May 2008. In his letter of 12 October 2008, the President of the Group reported that the indictment prepared by the Diyarbakir State Security Court dated 24 May 2000 (2000/59) contained no information about a complainant. The review of the investigation documents and documents pertaining to the legal proceedings showed that neither Mr. Sinçar's wife nor any other relative had been consulted as witnesses, that no notice was sent to Mrs. Sinçar, and that neither she nor any other relative had been informed of the proceedings or applied as "intervener" (civil party);
- In his letter of 6 April 2009, the President of the Group reported that, according to information supplied by the Ministry of Justice, Diyarbakir 6<sup>th</sup> Assize Court requested from the Court of Kiziltepe where Mr. Sinçar's family resides (his wife and three sons) to call them to be heard about the case. However, as at 12 March 2009, there had been no response from them,

*Considering* that the family reported that they had never received any summons to appear before court, which information was confirmed by the President of the Turkish Inter-Parliamentary Group, who in his most recent letter reported that the decision of the 6<sup>th</sup> Diyarbakir Assize Court dated 6 February 2009, ordering the First Instance Court of Kiziltepe to invite the registered members of Mehmet Sinçar's family in order to hear whether or not they wished to intervene in the case, has not yet been implemented,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his letter and for his cooperation;
2. *Reiterates* its wish to receive the requested information on the proceedings pending before Diyarbakir Court in this case, especially regarding the identity of suspects, if any, their motives and the outcome of the hearings held so far;

3. *Trusts* that Mr. Sinçar's family members will now be contacted by the Court without further delay as their testimony may help advance the proceedings;
4. *Requests* the Secretary General to inform the authorities and Mr. Sinçar's family accordingly;
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 122<sup>nd</sup> IPU Assembly (March-April 2010).

CASE No. ZBW/19 - ROY BENNETT ) ZIMBABWE  
CASE No. ZBW/20 - JOB SIKHALA )  
CASE No. ZBW/25 - TENDAI BITI )  
CASE No. ZBW/27 - PAUL MADZORE )  
CASE No. ZBW/44 - NELSON CHAMISA )

***Resolution adopted by consensus by the IPU Governing Council at its 185<sup>th</sup> session<sup>4</sup>  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tendai Biti, Mr. Paul Madzore 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/185/11(b)-R.1), and to the resolution adopted at its 184<sup>th</sup> session (April 2009),

*Recalling* the following:

- The persons in question were members of parliament in the 2000-2005 period; while Job Sikhala did not stand in the 2005 elections and Roy Bennett was prevented from standing, Mr. Madzore, Mr Biti and Mr. Chamisa were re-elected; Mr. Biti was rearrested on 12 June 2008 and charged with treason; the charge was dropped after he was appointed Minister of Finance in the Government of National Unity formed in February 2009; Mr. Chamisa was appointed Minister of Telecommunications and Information Technology in the Unity Government; as to Roy Bennett, he was nominated for the position of Deputy Minister of Agriculture;
- Mr. Sikhala and Mr. Madzore were tortured in January 2003 and March 2007 respectively; their torturers, although their identity is known or would be easy to establish, have to date not been brought to justice; Mr. Biti and Mr. Chamisa, together with many others who were attending a prayer meeting, were severely beaten by the police in March 2007 and, furthermore, Mr. Chamisa was badly injured in an attack on him later in the same month;
- Mr. Bennett and his family were the target of persistent harassment between 2002 and 2006; in October 2004, parliament sentenced him to one year in prison for having, in May 2004, pushed a Minister during a parliamentary debate and he served the sentence until his release in June 2005; Mr. Bennett was finally led to leave the country in 2006 for fear of his life and he was therefore unable to participate in the 2008 elections; upon his return to Zimbabwe, he was arrested on 13 February 2009 and first charged under the Immigration Act and, when the charge was dropped, a charge of treason was brought against him, which was also dismissed; he was finally charged under the Public Order and Security Act for allegedly possessing weaponry with the intention of using it for acts of banditry, sabotage or terrorism; he was granted bail and released on 12 March 2009,

*Considering* that Mr. Bennett was rearrested on 14 October 2009 and that his case was due to be heard on 19 October 2009,

*Considering* also that Mr. Paul Madzore filed a lawsuit against the Government claiming compensation for the prejudice he suffered during his detention and torture; that, however, the case seems to be at a standstill,

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<sup>4</sup> The delegation of Zimbabwe expressed its reservation regarding the resolution.

*Recalling* that at the hearing the Committee held with him during the 120<sup>th</sup> Assembly (April 2009), the Speaker of the House of Assembly stated that the parliament was concerned about human rights abuses and that the new political dispensation gave hope that there would be fairness and justice, and undertook to look into these cases and provide relevant information,

1. *Expresses deep concern* at Mr. Bennett's rearrest and the charges brought against him; *requests* the Secretary General to consider the possibility of sending an international observer to the proceedings;
2. *Remains deeply concerned* at the continuing impunity of the State officials responsible for the attacks on Mr. Biti and Mr. Chamisa, and the torture of Mr. Sikhala and Mr. Madzore; *can only reaffirm* that such impunity is highly detrimental to the rule of law and respect for human rights in the country and is bound to encourage the repetition of crime, which is all the more serious in the case of State officials being responsible for such crimes; *also expresses deep concern* that Mr. Madzore's compensation lawsuit is not advancing and *wishes* to receive detailed information on the proceedings;
3. *Affirms* that the parliament has a duty and has the competence, as part of its oversight function, to ensure that the rights of all its members are respected, and *urges* the House of Assembly to make every effort to ensure that the perpetrators of these crimes are identified and brought to justice and that the victims are paid due compensation; *requests* the Secretary General to share the information it has on file regarding the torture cases with the competent United Nations human rights mechanisms;
4. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
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 122<sup>nd</sup> IPU Assembly (April 2010).

CASE No. MAG/05 - LANTONIAINA RABENATOANDRO ) MADAGASCAR  
CASE No. MAG/06 - HENRI RANDRIANJATOVO )  
CASE No. MAG/07 - MAMISOA RAKOTOMANDIMBY )  
CASE No. MAG/08 - RAYMOND RAKOTOZANDRY )  
CASE No. MAG/09 - RANDRIANATOANDRO RAHARINAIVO )  
CASE No. MAG/10 - ELIANE NAIKA )

***Resolution adopted unanimously by the IPU Governing Council at its 185<sup>th</sup> session  
(Geneva, 21 October 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of the aforementioned six members of the Parliament of Madagascar, 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/185/11(b)-R.1),

*Taking into account* the meeting the Committee held with Ms. Eliane Naika on 18 October 2009 during the 121<sup>st</sup> Assembly,

*Considering* that the case in question has to be considered in the following political context:

- In March 2009, following two months of clashes, the former mayor of Antananarivo, Mr. Andry Rajoelina, seized power with the backing of the army and established a self-proclaimed High Transitional Authority (HAT), presided over by him; the HAT suspended the National Assembly and the Senate and forced the elected President, Marc Ravalomanana, to leave the country; on 23 April 2009, the High Constitutional Court declared itself incompetent to consider several petitions to declare the suspension of parliament unconstitutional; the coup d'état has been widely condemned by the international community;
- A political dialogue, coordinated by the Joint Mediation Support Team for Madagascar under the auspices of the African Union, SADC (Southern African Development Community), OIF and the United Nations was set up to endeavour to restore constitutional order, peace and stability to Madagascar; on 9 August 2009, the four leaders of the political movements of Madagascar reached an agreement on the establishment of an inclusive, consensual, neutral and peaceful transition (Maputo Agreement); the Agreement also provides for the annulment of all administrative and criminal sanctions concerning political offences handed down on politicians, civilians or the military during the period December 2002 to August 2009; a meeting in late August 2009, called Maputo II, ended in failure as no agreement could be reached as to the presidency during the transitional period,

*Noting* that the parliamentarians concerned all belong to the so-called legalist group, which favours the return to the constitutional order and supports President Ravalomanana,

*Considering* the following information on file regarding the situation of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimby and Mr. Raymond Rakotozandry:

- The four parliamentarians were arrested on 23 April by soldiers acting on the orders of the HAT just before they reportedly attempted to open the regular session of parliament scheduled for 2 May 2009;

- According to the source, the arrest took place in the following conditions: after searching them and stealing everything, the soldiers forced the parliamentarians concerned to kneel by the side of the road with a board bearing the words “*SE M. le Président Marc Ravalomanana*” tied around their necks; Senator Rabenatoandro and Deputy Randrianjatovo were both slapped twice and the other deputies were butted with Kalashnikovs; once they had been seen by the journalists, they were taken by truck from the *gendarmerie* to several places before being brought, at 5.30 p.m., to Ambohibao to the office of the Joint National Commission of Inquiry; after being searched a third time, they were locked up and held until Saturday, 25 April 2009, in separate cells measuring 1.50 m x 2.50 m, then taken to the court in Anosy to appear before the prosecutor of the Court of First Instance; the latter informed them of the charges against them, namely distribution of weapons, distribution of money, incitation to civil war and public unrest, and destruction of public property; they denied all the charges; a committal order was issued and they were transported to Antanimora prison, where they were held; according to the source, at no time did they have the benefit of counsel;
- The Foreign Minister has provided the following information: there is no contesting the lawfulness of the deputies’ arrest or prosecution, as the charges against them are governed by Articles 89, 91.1 and 318.1 of the Penal Code; they have been indicted for plotting and incitement to civil war and charged with having committed acts liable to disrupt public order; the rules of penal procedure were also respected and the judicial measures taken, including their detention on remand, were justified by the need not only to halt the physical clashes between the two rival camps, but also and above all to prevent the clashes from continuing and spreading; steps were taken to expedite the handling of their cases and the investigative phase was nearing completion;
- Regarding the parliamentarians’ state of health, in particular that of Senator Rabenatoandro, and their conditions of detention, the Foreign Ministry reported that all four men had been seen by a doctor on admission to the Central Prison and that the chief physician had established individual medical follow-up plans for them; the parliamentarians, who were being held in the section reserved for VIP prisoners, were free to receive visits from their lawyers and families; according to the source, the parliamentarians concerned have been visited by the ambassadors of the United States of America, Germany, South Africa and France;
- On 18 August 2009 they were released after having been sentenced to a 12-month suspended prison term; an appeal is pending,

*Considering* the information on file regarding Mr. Randrianatoandro Raharinaivo:

- According to the source, Mr. Raharinaivo was arrested on 15 September 2009 after having, the same day, been summoned by the *gendarmerie* for questioning; He was taken to the competent prosecutor, who issued a committal order for him, after which he was transferred to the Central Prison of Antanimora; several accusations have reportedly been brought against him, but only one is known, namely incitement to “take to the streets”; the source affirms that his arrest is politically motivated and linked to his affiliation to the political movement of President Ravalomanana,

*Considering* the information on file regarding Ms. Eliane Naika:

- On 12 September 2009 at around 11 a.m., Senator Naika was arrested by a group of heavily armed military under the command of Major Charles Randrianasoavina of the Special Intervention Forces (FIS) when she was at an Antananarivo hotel where parliamentarians not from the capital usually stay; in a drunken state, the military burst into the hotel, broke open the doors of the rooms and ransacked them, taking anything they fancied; on reaching the room of Ms. Naika, they beat her up and took her away, without any arrest warrant, to the *gendarmerie* of Betongolo, where she was questioned; the prosecutor issued a committal order and she was taken to Manjakandriana prison;

- Senator Naika is accused, inter alia, of organizing or attending an illegal gathering, causing damage to public property, aggression (battery), assault on police and rebellion; although she was not arrested in *flagrante delicto*, the *flagrante delicto* procedure was reportedly applied to her;
- On 18 September 2009, the Anosy court granted her provisional release and her trial was scheduled for 13 October 2009; however, she left the country on 20 September 2009,

*Considering* that arrest warrants have been issued for 18 other members of parliament who have gone into hiding,

*Bearing mind* that the Malagasy Constitution contains numerous provisions guaranteeing fundamental rights and that Madagascar is a party to the International Covenant on Civil and Political Rights enshrining those rights, and as such is bound to uphold them by virtue of its international obligations,

1. *Thanks* the Ambassador and Permanent Representative of Madagascar to the United Nations Office and other international organizations at Geneva for his cooperation;
2. *Expresses deep concern* at the arrest of the six parliamentarians which, given the circumstance, it can only consider to be arbitrary and unlawful, if for no other reason than that the regime itself has no basis in law and the arresting officers no authority to carry out arrests; *considers* that the manner in which these arrests were carried out show that the army was intent on causing maximum mental suffering and instilling fear and humiliation; *is alarmed* at the brutal force used in Ms. Naika's arrest and *urges* the de facto authorities to hold to account the perpetrators, whose identity is known;
3. *Notes* that Mr. Rabenatoandro, Mr. Randrianjatovo, Mr. Rakotomandimby and Mr. Rakotozandry were arrested, according to the authorities, above all in order "to bring a halt to the physical clashes between the two rival camps"; consequently *concludes* that the accusations against them concern potential crimes and that neither the accusations nor the judicial proceedings against them are based on law or facts, but rather spring from political considerations; *observes*, moreover, that the humiliating circumstances of the arrests are evidence that they were political and arbitrary in nature;
4. *Urges* the de facto authorities to release Mr. Raharinaivo forthwith, as they have so pledged by signing the Maputo Agreement;
5. *Is alarmed* that arrest warrants are pending against 18 parliamentarians and *stresses* that their arrest would be in violation of the Maputo Agreement and *calls therefore* on the de facto authorities to respect their commitments under that agreement and hence to cancel the warrants;
6. *Stresses* that their suspension from parliament does not deprive the persons concerned of their status as parliamentarians and, most importantly, does not deprive them of the fundamental rights to which they are entitled under the Constitution and the International Covenant on Civil and Political Rights, to which Madagascar is a party, such as freedom of expression and assembly, freedom from arbitrary arrest and detention and freedom from torture and ill-treatment;
7. *Requests* the Secretary General to contact the Joint Mediation Support Team for Madagascar and organizations involved in the dialogue process with a view to ensuring respect for the fundamental rights of the parliamentarians concerned;
8. *Requests* the Committee to examine the possibility of carrying out a mission to Madagascar, to continue examining this case and report to it at its next session, to be held on the occasion of the 122<sup>nd</sup> IPU Assembly (March-April 2010).