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## 112<sup>th</sup> Assembly of the Inter-Parliamentary Union

The proceedings of the 112<sup>th</sup> IPU Assembly<sup>1</sup> opened at the Philippines International Conference Center in Manila on the morning of Monday, 4 April 2005, with the election by acclamation of Mr. Franklin M. Drilon, President of the Senate of the Philippines, as President of the Assembly.

On the morning of the first day, during the General Debate on the political, economic and social situation in the world, the Assembly heard an address by Ms. C. Bellamy, Executive Director of UNICEF, who highlighted the importance of cooperation with the IPU and the role of parliamentarians in the protection of children. She presented the latest product of that fruitful cooperation, the handbook for parliamentarians, *Combating child trafficking*, recalling their duties in the fields of legislative oversight and advocacy to prevent the abuse and exploitation of children. At the end of her speech, the Presidents of the IPU and of the 112<sup>th</sup> Assembly paid tribute to her work at the head of UNICEF for the past 10 years.

In the afternoon, the Assembly was addressed by Mr. R. Orr, Representative of the United Nations Secretary-General and Assistant Secretary-General for Policy Coordination and Strategic Planning, who asked parliaments to support the reform of the United Nations proposed by the United Nations Secretary-General. He underlined that the United Nations and the IPU needed to work together on the provision of assistance in building democratic institutions. The reform package included a proposal for a democracy fund that would be made available to governments, parliaments and NGOs. He added that the United Nations would appreciate the IPU's assistance and expertise in revitalising and reforming the General Assembly.

At the morning session of Tuesday, 5 April, the Assembly was addressed by Mr. A.G. Romulo, Foreign Affairs Secretary of the Philippines, who recognised, as a former parliamentarian, the important role played by members of parliament in the formulation and conduct of foreign policy. Parliamentarians brought a distinct perspective that was vital for building consensus and for shaping future development. He stressed that it was important to strengthen multilateralism, and that the IPU provided positive proof that multilateralism could work. The Government of the Philippines

supported the proposal put forward by the United Nations Secretary-General to replace the United Nations Commission on Human Rights with a Council. Lastly, he called on the IPU to reaffirm its commitment to trade liberalisation and support for an equitable multilateral trade system in the framework of the WTO. He stressed that developing countries could only realise the benefits of globalisation in the WTO framework if all members fulfilled the commitments made in Doha.

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### 1. Inaugural ceremony

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The 112<sup>th</sup> Assembly of the Inter-Parliamentary Union was inaugurated on 3 April 2005 at a ceremony in the Cultural Center of the Philippines, in the presence of Her Excellency the President of the Republic of the Philippines, Ms. Gloria Macapagal-Arroyo. Inaugural addresses were delivered by Mr. F.M. Drilon, President of the Senate of the Philippines, Mr. J. de Venecia Jr., Speaker of the House of Representatives of the Philippines, Mr. R. Orr, Representative of the Secretary-General of the United Nations and Assistant Secretary-General for Policy Coordination and Strategic Planning, and Mr. S. Pérez, President of the Inter-Parliamentary Union. The ceremony concluded with an address by the President of the Republic, who declared the 112<sup>th</sup> Assembly of the Inter-Parliamentary Union officially open.

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### 2. Participation

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Delegations of the parliaments of the following 116 countries took part in the work of the Assembly:<sup>2</sup> Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Malaysia, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco,

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<sup>1</sup> The resolutions and reports referred to in this document and general information on the Manila session are available on the IPU web site ([www.ipu.org](http://www.ipu.org)).

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<sup>2</sup> For the complete list of IPU membership, see page 18.

Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Viet Nam, Yemen and Zambia.

The following Associate Members also took part in the Assembly: the Andean Parliament, the East African Legislative Assembly, the Latin American Parliament, the Parliamentary Assembly of the Council of Europe and the Parliament of the Economic Community of West African States (ECOWAS).

Observers included representatives of: (i) Palestine; (ii) the United Nations system: United Nations, Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), 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); (iii) International Organization for Migration (IOM), League of Arab States; (iv) African Parliamentary Union (APU), Arab Inter-Parliamentary Union, Assembly of the Western European Union (WEU), Association of European Parliamentarians for Africa (AWEPA), Indigenous Parliament of the Americas, Inter-Parliamentary Assembly of the Eurasian Economic Community, Nordic Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the Organization of Islamic Conference Members (PUOICM), South African Development Community (SADC) Parliamentary Forum; (v) International Committee of the Red Cross (ICRC); and (vi) the Coalition for the International Criminal Court.

Of the total of 1,127 delegates who attended the Assembly, 614 were members of national parliaments. The parliamentarians included 32 presiding officers, 31 deputy presiding officers and 165 women parliamentarians (27%).

### **3. Choice of an emergency item**

At the beginning of the consideration of the item, the Assembly had before it a single consolidated request for the inclusion of an emergency item presented by the delegation of Japan on behalf of Algeria, Chile, Hungary, Indonesia, Iran (Islamic Republic of), Japan, Sri Lanka and Turkey, with the support of the Asia-Pacific geopolitical group, under the title *Natural disasters: The role of parliaments in prevention, rehabilitation, reconstruction and the protection of vulnerable groups*. The proposal was adopted by unanimity and was added to the agenda as item 8 (see page 7).

### **4. Proceedings and decisions of the Assembly and its standing committees**

#### **(a) General Debate on the political, economic and social situation in the world (Item 3)**

The General Debate on the political, economic and social situation in the world, under the overall theme of *The impact of domestic and international policies on the situation of women*, took place in the mornings and afternoons of 4, 5 and 7 April. A total of 120 speakers from 111 delegations took part in the debate, which was chaired by the President of the Assembly. During the various sittings, the President invited the Vice-Presidents from the delegations of Fiji, India, Ireland, Jordan, South Africa and Uruguay to replace him in the chair.

#### **(b) First Standing Committee: Peace and International Security**

*(i) The role of parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity* (Item 4)

The Committee held three sittings on 4 and 6 April, with its President, Senator E. Menem (Argentina), in the chair. In addition to a report and draft resolution prepared by the co-Rapporteurs, Ms. H. Bouhired (Algeria) and Mr. J. Argüello (Argentina), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of Algeria, Argentina, Belgium, Canada, China, Cuba, Egypt, Gabon, Germany, India, Indonesia, Italy, Japan, Kuwait, Mexico, Norway, Philippines, Romania, Russian Federation, Sweden, Switzerland and the United Kingdom.

As Ms. Bouhired was unable to attend the Manila Assembly, Mr. Argüello presented the report and draft resolution on behalf of both co-Rapporteurs. Mr. E. Kourula, Judge with the International Criminal Court (ICC) in The Hague, participated as a special guest in the work of the Committee, making an introductory presentation and responding to questions from the floor.

A total of 63 speakers from 53 countries took the floor during the debate. Following the debate, the Standing Committee appointed a drafting committee composed of representatives from Benin, Chile, India, Iran (Islamic Republic of), Israel, Morocco, Russian Federation, Sudan, Switzerland, United Kingdom and Venezuela. Mr. Argüello and Judge Kourula were also invited to participate in the work of the drafting committee, as advisers.

The drafting committee met in the afternoon of 4 April. At the beginning of its work, it appointed Lord Morris of Aberavon (United Kingdom) as its president and Mr. J. Garcia Jarpa (Venezuela) as rapporteur. The committee examined 128 amendments and sub-amendments to the draft resolution, and adopted some 35 of them, fully or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to those that were adopted.

In the afternoon of 6 April, the Committee considered the consolidated draft. Several delegations took the floor to express support for the text or to further clarify one of its provisions. One delegation requested further amendments to the draft resolution, but they were not accepted by the broader membership. The draft resolution as a whole was subsequently adopted by consensus by the First Standing Committee.

In the afternoon of 8 April, the draft was submitted to the plenary sitting of the Assembly, which adopted it unanimously. As an explanation of vote, the representative from the Syrian Arab Republic took the floor to emphasise the need to convene an international conference with a mandate to define and look at the root causes of terrorism. Mr. E. Menem, President of the First Standing Committee at the 112<sup>th</sup> IPU Assembly, also took the floor, commending the joint effort that had led to a strong resolution, and calling once again upon Member Parliaments to reject bilateral agreements that would provide for immunity from investigation and prosecution, by the ICC or otherwise, for the nationals of any State.

The text of the resolution can be found on page 20.

(ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 114<sup>th</sup> Assembly*

The Bureau of the First Standing Committee met on 6 April to examine nine proposals submitted by IPU Members for the subject item to be debated by the First Standing Committee at the 114<sup>th</sup> Assembly. The Bureau selected a subject item entitled *The role of parliaments in strengthening the control of trafficking in small arms and light weapons and their ammunition*, which was subsequently endorsed by the Committee and the Assembly. Upon its recommendation, the Assembly also approved the nomination of Ms. R. Oniang'o (Kenya) and Mr. F.-X. de Donnea (Belgium) as co-Rapporteurs.

(c) Second Standing Committee: Sustainable Development, Finance and Trade

(i) *The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals (Item 5)*

The Committee held two sittings on 5 and 7 April, with its President, Mr. E. Gudfinnsson (Iceland), in the chair. In addition to a report and preliminary draft resolution prepared by the co-Rapporteurs, Mr. O. Martínez (Cuba) and Mr. R. del Picchia (France), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of Algeria, Australia, Belgium, Canada, Chile, Egypt, Finland, Germany, India, Indonesia, Italy, Japan, Kuwait, Mexico, Norway, Philippines, Romania, Slovenia, Sudan, Sweden, Switzerland, United Kingdom, and the Parliamentary Assembly of the Council of Europe.

Mr. J. Crombet Hernandez-Baquero (Cuba) presented the report and preliminary draft resolution on behalf of Mr. Martínez, who was unable to attend.

A total of 48 speakers from 47 countries and the World Bank took the floor during the debate. Following the debate, the Standing Committee appointed a drafting committee composed of representatives from Belgium, Egypt, France, Guatemala, Japan, Kenya, Philippines, Republic of Korea, Sweden and Uruguay.

The drafting committee met in the morning and afternoon of 6 April. At the beginning of its work, it appointed Ms. L. Rosales (Philippines) as its president and Mr. J. Lowenthal Foncea

(Guatemala) as rapporteur. The committee examined 124 amendments and sub-amendments to the preliminary draft resolution and adopted some 40 of them, fully or in part.

In the morning of 7 April, the Committee considered the consolidated draft, having adopted two further amendments to it and having rejected one through a vote. The draft resolution as a whole was subsequently adopted by the Second Standing Committee by consensus.

In the afternoon of 8 April, the draft was submitted to the plenary sitting of the Assembly, which adopted it unanimously. The text of the resolution can be found on page 23.

(ii) *Selection of subject item and co-Rapporteurs for the Second Standing Committee at the 114<sup>th</sup> Assembly*

The Bureau of the Second Standing Committee met on 6 April to examine 12 proposals submitted by IPU Members for the subject item to be debated by the Second Standing Committee at the 114<sup>th</sup> Assembly. The Bureau selected a subject item entitled *The role of parliaments in environmental management and in combating global degradation of the environment*, which was subsequently endorsed by the Committee and the Assembly. Upon its recommendation, the Assembly also approved the nomination of Mr. S. Katoh (Japan) and Mr. J. Nonô (Brazil) as co-Rapporteurs.

(d) Third Standing Committee: Democracy and Human Rights

(i) *The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic (Item 6)*

The Committee held three sittings on 5, 6 and 7 April, with its President, Ms. R. Kadaga (Uganda), in the chair. The Committee had before it a report and a draft resolution drawn up by the co-Rapporteurs, Ms. C. Martinez (Philippines) and Mr. E. Tumwesigye (Uganda), along with amendments to the draft resolution proposed by the delegations of the following countries' parliaments: Algeria, Canada, Chile, China, Egypt, France, Germany, India, Indonesia, Iran (Islamic Republic of), Japan, Latvia, Mexico, Morocco, Romania, Sweden, Switzerland and Thailand. The Committee also had before it amendments proposed by the Meeting of Women Parliamentarians.

In all, 55 speakers took part in the debate. After the debate, the Committee designated a drafting committee composed of representatives of the parliaments of the following countries: Belgium, Egypt, El Salvador, Ethiopia, Fiji, India, Italy, Mexico, Morocco, Russian Federation and Switzerland.

The drafting committee met on 6 April. It began its work by naming Mr. P. Günter (Switzerland) as its president and Ms. D.M. Sauri Riancho (Mexico) as its rapporteur. It considered in detail the draft resolution drawn up by the co-Rapporteurs and improved the text, incorporating some of the proposed amendments.

On 7 April, the Committee considered the consolidated text of the draft resolution, and adopted it unanimously. The delegation of Saudi Arabia, once the resolution had been adopted, made a comment concerning the protection of health professionals against HIV/AIDS.

In the afternoon of 8 April, the Assembly, meeting in plenary, adopted the resolution unanimously. The text of the resolution appears on page 27.

(ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 114<sup>th</sup> Assembly*

The Bureau of the Third Standing Committee met on 6 April to examine a number of proposals submitted by IPU Members for the subject item to be debated by the Third Standing Committee at the 114<sup>th</sup> Assembly. The Bureau selected a subject item entitled *How parliaments can and must promote effective ways of combating violence in all fields*, which was endorsed by the Committee and the Assembly. Upon its recommendation, the Assembly also approved the nomination of Ms. M.A. Martínez García (Spain) and Ms. H. Lee (Republic of Korea) as co-Rapporteurs.

(e) Emergency item

*Natural disasters: The role of parliaments in prevention, rehabilitation, reconstruction and the protection of vulnerable groups (Item 8)*

On Monday, 4 April, the Assembly decided to include the above topic on its agenda. It then decided to refer it to a drafting committee composed of representatives of the delegations of Algeria, Australia, Belarus, Chile, Denmark, Indonesia, Iran (Islamic Republic of), Japan, Mexico, Netherlands, Philippines, South Africa, Sri Lanka and Thailand. The drafting committee appointed Mr. D. Djoudi (Algeria) as its president

and Mr. J. Jayawardena (Sri Lanka) as rapporteur. The drafting committee met on Tuesday and Wednesday, 5 and 6 April. It adopted a draft resolution by consensus.

On Friday, 8 April, the draft resolution (see page 34) was adopted unanimously by the Assembly.

## 176<sup>th</sup> Session of the Governing Council of the Inter-Parliamentary Union

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### 1. Membership of the Union

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At its first sitting on 4 April, the Governing Council approved a request for reaffiliation from the parliament of Georgia, bringing the total IPU membership to 141.

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### 2. Financial results for 2004

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The Governing Council considered the Annual Financial Report and Audited Financial Statements for 2004, in conjunction with the report of the External Auditor. The Financial Statements showed that the IPU had an operating surplus of CHF 189,138 in 2004, in addition to a sum of CHF 142,158 credited to the Working Capital Fund.

Ms. L. Lerksamran (Thailand) presented the report of the Internal Auditors on behalf of Mr. S. Vejjajiva (Thailand) and Mr. R. Verrier (Cuba). The Internal Auditors were satisfied with the financial performance of the IPU in 2004 and with the presentation of the Financial Statements, which had further improved over the previous year. The Internal Auditors echoed the concerns of the External Auditor about the investment returns of the Pension Fund for Members of Staff of the IPU, and the possibility of a future deficit in respect of the payments due to the 12 pensioners remaining in the staff Pension Fund after the transfer of the active staff to the United Nations Joint Staff Pension Fund.

On the recommendation of the Internal Auditors, the Governing Council approved the Financial Statements, approved the transfer of the operating surplus to the Working Capital Fund, and sanctioned the Secretary General's financial administration of the IPU in 2004.

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### 3. Financial situation

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The Governing Council was given an overview of the current financial situation of the IPU. Expenditures during the first two months of 2005 were under budget because of vacant staff positions. The payment of contributions was slightly ahead of the previous year. The Secretary General expected to end the year in a break-even position.

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### 4. Pension fund

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The Governing Council was briefed about developments in relation to staff pensions. All active staff members had become participants in the United Nations Joint Staff Pension Fund. The Pension Fund for Members of the Staff of the Inter-Parliamentary Union remained in existence only to pay the pensions of former staff members. The Governing Council was advised that the Executive Committee had agreed to give voting rights to the pensioner representative on the Management Board and to add a statement to the Fund Regulations affirming the commitment of the Union to honour its pension obligations and to find appropriate mechanisms to ensure that sufficient funds were made available for that purpose.

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### 5. Amendments to the Statutes and Rules

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The Governing Council gave its approval in principle to a new Rule in the Financial Regulations that would allow it to consider the cancellation of all or part of long-standing financial arrears that potential members may have inherited from former regimes. The proposal stressed that any such decision would only be made in special, extenuating circumstances, and on a case-by-case basis. The formal amendment would be presented to the Governing Council at its 177<sup>th</sup> session.

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### 6. Cooperation with the United Nations system

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The Governing Council noted that the IPU was engaged in an ever broader and more substantive programme of cooperation with the United Nations. At the request of the Executive



Committee, the main components of the cooperation, as presented in the Annual Report of the Secretary General, were listed in a separate compilation of recent and current activities carried out by the IPU in cooperation with the United Nations system (see page 60). They included projects and programmes conducted with UNDP, UNESCO, UNAIDS, UNCTAD, UNV, UNHCR, UNITAR, OHCHR, UNICEF, CEDAW and CSW. The Council agreed that there was great potential for further developing such partnerships in the future.

During the fifty-ninth session of the United Nations General Assembly, resolution 59/19 was adopted by consensus (with the co-sponsorship of over 100 Member States). It urged stronger cooperation between the two organisations, welcomed the decision to convene the Second World Conference of Speakers of Parliaments at United Nations Headquarters in September 2005, and acknowledged the fact that the IPU had taken the lead in consulting national parliaments on the most appropriate means of implementing the Cardoso Panel's recommendations on a more structured relationship between the United Nations and national parliaments. The resolution also acknowledged that the IPU would report back to the General Assembly on the results of that consultation process.

It was also noted that two annual parliamentary events – the Parliamentary Hearing at the United Nations (held during the fall session of the General Assembly) and the Parliamentary Meeting, held in March during the annual session of the United Nations Commission on the Status of Women (CSW) – were gradually establishing themselves as regular and meaningful features of the programme of work at the United Nations, receiving greater attention and interest from the broader United Nations community. Such work would be further consolidated in the years to come.

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### **7. Second World Conference of Speakers of Parliaments**

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The Governing Council was informed of preparations for the Conference, scheduled to take place from 7 to 9 September 2005. Formal invitations had been sent to all Speakers. Substantive preparations for the Conference were being made by the Preparatory Committee set up by the governing bodies. The Committee had met twice in 2004 and would hold its third and final meeting in Libreville (Gabon) in May 2005.

In Libreville, the Committee would have four tasks. First, it would consider the draft declaration for the Conference prepared by the IPU Secretary General at its request. The opinions of the wider membership had been canvassed in the course of the 112<sup>th</sup> Assembly so that they could be taken into account by the Committee in preparing a final text. Secondly, at the request of the Preparatory Committee, the Secretariat had issued a questionnaire inviting Speakers to report on action taken to follow up on the Declaration adopted in 2000 at the first Conference. So far, 80 parliaments had responded. The Preparatory Committee would review the final draft of the report on *Good practices for action taken by parliament to consolidate its involvement in international affairs*, which reflected the responses received so far.

Thirdly, the Preparatory Committee had requested the IPU to prepare a handbook setting out exemplary practices in parliament that were widely recognised as making a noteworthy contribution to democracy. A working group had prepared a first outline of the handbook, which the Preparatory Committee would discuss. Lastly, the Preparatory Committee would take stock of the deliberations conducted within parliaments on the question of parliaments' response to the recommendations of the Cardoso Panel.

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### **8. Democracy and strengthening of parliaments**

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The Governing Council received a report on recent significant developments in the IPU's democracy-related work. In the context of its Technical Cooperation Programme, the IPU was currently involved in providing assistance to the parliaments of Albania, Equatorial Guinea, Nigeria, Pakistan, Sri Lanka, Timor-Leste, Uruguay and Kosovo. Projects were being initiated for the future parliament of Afghanistan and for the Transitional National Assembly of Iraq. The bulk of those projects were carried out in cooperation with UNDP, which also provided the funding. Other donors included the European Commission and the Swedish International Development Cooperation Agency.

The IPU had also pursued work to develop guidelines for the delivery of technical assistance to parliaments in conflict situations, in cooperation with UNDP. The guidelines, to be endorsed at a conference in Brussels in 2006, would single out the challenges facing parliaments operating in conflict situations and identify ways to assist them in addressing those challenges.

In 2004, the IPU and UNITAR had initiated a project to strengthen parliaments' capacity in the field of environmental management and sustainable development. A series of regional and national seminars would be organised in response to the specific needs of parliaments. The first such seminar would take place in Paris on 22 and 23 April 2005.

In sum, in 2004, the IPU had received some CHF 3.2 million in new funding for activities to strengthen parliaments. That funding included some CHF 1.3 million provided by the Swedish International Development Cooperation Agency in the context of an agreement concluded with the IPU in December 2004. Under that three-year agreement, the IPU would pursue its activities to strengthen parliaments, promote the participation of women in political life and strengthen parliaments' capacity to promote and protect human rights.

In the electoral field, the IPU had been involved in election-related activities in Palestine and Iraq. Although the IPU rarely observed elections, it had registered as an official observer for the out-of-country elections held for the Transitional National Assembly of Iraq. IPU observers were present in eight of the 14 countries which had been chosen for out-of-country polling on account of their sizeable expatriate Iraqi populations (see page 54).

Ten years after publishing *Free and Fair Elections: International Law and Practice* and the corresponding Declaration on Criteria for Free and Fair Elections, the IPU had embarked on a project to review the publication's validity and topicality. It would publish a new edition of the study, taking into account major developments in the electoral field, including the need for greater women's representation in political life and the use of electronic technology. Funding for that project was being provided by the Ford Foundation.

The IPU had launched a major democracy framework project, which would produce a manual on parliaments' contribution to democracy. The project would identify good parliamentary practices, including reforms that parliaments had undertaken or were undertaking to improve their functioning and thus contribute to democracy at the national and international levels.

Lastly, the Global Parliamentary Foundation for Democracy, established in 2003 in order to mobilise additional resources in support of the IPU's democracy-related work, was being registered under Swiss law and was expected to go into full

operation in the near future. It was managed by a board, currently comprising eight members.

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## **9. Recent specialised conferences and meetings**

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The Governing Council took note of the results of the 2004 Parliamentary Hearing at the United Nations, the Brussels Session of the Parliamentary Conference on the WTO (see page 39), the Fourth Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean (see page 46), and the Parliamentary Meeting on the occasion of the forty-ninth session of the Commission on the Status of Women.

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## **10. IPU reform**

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The report delivered to the Executive Committee by the external consultant on a strategy for the IPU to upgrade its public image did not go unnoticed at the 112<sup>th</sup> Assembly. By way of acknowledgement of its findings, the Governing Council endorsed the suggestion of the Executive Committee that the latter should continue its practice of monitoring the implementation of the reforms. The Council was informed of one practical facet of the reforms directly related to its overall communications strategy, the establishment of a new IPU Resource Centre. It noted that the purpose of the Centre was fourfold: to establish and reinforce the IPU as a global point of information on parliaments and democracy; to preserve and promote knowledge produced within the IPU; to support and develop the ability of the IPU Secretariat to carry out its activities; and to participate in and strengthen information networks on parliaments and democracy.

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## **11. Reports of plenary bodies and specialised committees**

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At its sitting on 8 April, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians and its Coordinating Committee, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Group of Facilitators for Cyprus, the Committee to Promote Respect for International Humanitarian Law, and the Gender Partnership Group (see page 13).

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## **12. Future Inter-Parliamentary Meetings**

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The Governing Council approved the dates for the 113<sup>th</sup> and 114<sup>th</sup> Assemblies, to be held respectively in Geneva and Nairobi. In addition to the meetings

listed as previously approved, the Council approved a seminar on the impact of parliamentary action on indigenous peoples' rights, to be organised in partnership with OHCHR and to be held in Geneva from 25 to 27 July, a parliamentary meeting on the occasion of the second phase of the World Summit on the Information Society, to be held in Tunis on 17 November, a meeting to finalise a humanitarian agreement and promote justice, reparation and

truth in Colombia, to be hosted jointly by the International Federation of Ingrid Betancourt Committees, the International Federation for Human Rights and the IPU, and to be held at a place and date to be determined, and a Meeting of the Coordinating Committee of the World Conference of Women Parliamentarians for the protection of children and young persons, to be held in Geneva, also at a date to be determined.

## 244<sup>th</sup> Session of the Executive Committee

The Executive Committee held its 244<sup>th</sup> session in Manila on 31 March, and 1, 2 and 7 April. The President of the IPU chaired the meetings. The following members and substitutes took part in the session: Mr. J. Jorge (Brazil), Ms. J. Fraser (Canada), Mr. Lü Congmin (China), Ms. K. Serrano Puig (Cuba), Ms. K. Komi (Finland), Mr. R. Salles (France), Ms. A. Vadai (Hungary), Mr. T. Kawara (Japan), Mr. F. Ole Kaparo (Kenya), Mr. H. Al-Hadi (Libyan Arab Jamahiriya), Ms. R. Benmassaoud replacing Mr. A. Radi (Morocco), Ms. M. Mensah-Williams (Namibia), Ms. L. Lerksamran replacing Mr. S. Vejajiva (Thailand), Mr. I. Ostash (Ukraine), and Mr. J. Austin (United Kingdom). Mr. O. Natchaba (Togo) was absent.

The proceedings of the Executive Committee were devoted to discussing and making recommendations on agenda items to be addressed by the Governing Council. The other matters considered by the Committee are summarised below.

The Committee reviewed the situation of the transitional parliaments in Burundi, the Democratic Republic of the Congo and Liberia. It also noted that the new parliament of Somalia continued to meet in Nairobi. While it was unable to hold out prospects for affiliation for as long as that parliament was not established on the territory of Somalia, it agreed that the IPU should use its good offices to assist the new parliament in establishing itself there.

The Committee heard a presentation by the external consultant recruited to prepare a proposal to review and upgrade the image of the Union. The Committee decided that it needed further time to consider the implications of the report and therefore included the item on its agenda for its next session, to be held in Geneva.

It considered other aspects of the IPU reforms, noting that some were functioning better than others. It decided that the matter should therefore remain a subject of close attention on its regular agenda. It agreed moreover that the recurrent failure of some elected members of committees and other bodies to attend scheduled meetings warranted the establishment of a "scorecard" to keep track of such absences.

The Committee received a report on the progress of the working group on contributions, which had been enlarged to assure better representation, both geographically and economically. The group was discussing ways to develop a scale of contributions that was based upon the current United Nations scale of assessment and which reduced the minimum contribution without increasing the maximum. The group had accepted that a new scale would require higher contributions from some mid-sized Members, and radical adjustments to the contributions of Members whose countries had experienced significant economic growth or decline since 1991.

The Committee approved the transfer of budget appropriations between headings in order to provide funds for the lease of expanded office accommodation in New York and for the purchase of additional office furniture, while staying within the total approved budget.

The Secretary General informed the Committee that he had appointed four new staff members: a Research and Database Officer in Geneva, and three additional temporary project staff in Abuja, for the IPU project in Nigeria.

## Meeting and Coordinating Committee of Women Parliamentarians

The Tenth Meeting of Women Parliamentarians took place on 3 April 2005 and brought together 120 women parliamentarians from the following 79 countries: Angola, Argentina, Australia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Cuba, Cyprus,

Denmark, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Mexico, Mongolia, Morocco, Namibia, Nepal,

Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Republic of Korea, Romania, Russian Federation, San Marino, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Venezuela, Viet Nam, Yemen and Zambia. Observers from UNHCR also attended the proceedings.

The Meeting was opened by the President of the Coordinating Committee of Women Parliamentarians, Ms. J. Fraser (Canada), and began its work by electing Ms. P. Cayetano (Philippines) as President. Ms. Cayetano's opening statement was followed by speeches by the President of the Philippine Senate and the President of the IPU.

In the absence of the Committee's Rapporteur, Ms. H. Hakobyan (Armenia), Ms. Fraser presented a brief report on the work of the Coordinating Committee at its two previous sessions. Mr. R. Salles (France) then presented his report on the work of the Gender Partnership Group. The Group's activities related to monitoring the participation of women at the IPU, examining the IPU budget from a gender perspective and monitoring the situation of parliaments that had no women members. Mr. Salles drew attention to the results of a very stimulating dialogue session with the delegation of Kuwait. The Group's work is presented on page 59.

As in previous years, the Meeting contributed to the work of the Assembly. At the current session, it considered the item discussed by the Standing Committee on Democracy and Human Rights, entitled *The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic*. The Meeting divided into two discussion groups to debate sub-themes of the topic, with a view to drawing up gender-related proposals for amendments to the draft resolution of the Standing Committee. The Meeting appointed Ms. S. Moulengui-Mouélé (Gabon) and Ms. G. Gautier (France) as the discussion groups' rapporteurs. Their reports were then consolidated into proposed amendments, which were submitted to the Standing Committee. Many proposed amendments were taken on board by the drafting committee.

During the 112<sup>th</sup> Assembly, the Meeting of Women Parliamentarians celebrated its twentieth anniversary. The very first Meeting of Women Parliamentarians to be officially organised within

the IPU had taken place in April 1985, in Lomé (Togo) during the Seventy-Third Conference of the Inter-Parliamentary Union. The Meeting paid tribute to the women who had fought for the creation of that forum within the IPU. For the occasion, a small exhibit on the history of the Meeting was inaugurated by Mr. Pérez, Mr. Drilon, Ms. Cayetano, Ms. Fraser and Mr. A.B. Johnsson, Secretary General of the IPU.

After the inauguration of the exhibit, the Meeting held a dialogue on domestic violence. The session was introduced by two panellists, Ms. M. Martínez García (Spain) and Ms. R. Guanzon, an attorney from the Philippines. Both men and women parliamentarians took part in a very lively debate, which provided valuable insight into the challenges faced in ensuring the elimination of that type of violence.

The Meeting went on to discuss cooperation with the United Nations on gender issues. It focused on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing process. The Meeting was briefed on the results of the parliamentary event entitled *Beyond Beijing: Towards gender equality in politics*, organised by the IPU and the United Nations Division for the Advancement of Women. It stressed the need for parliamentary follow-up to the results of the forty-ninth session of the Commission on the Status of Women, which had examined progress made since the Fourth World Conference on Women.

The Coordinating Committee of Women Parliamentarians met on 3 and 7 April. The sitting of 3 April served to prepare the work of the Tenth Meeting of Women Parliamentarians.

The sitting of 7 April addressed the work of women parliamentarians during the 112<sup>th</sup> Assembly and debated a future work plan. The Committee expressed its satisfaction with the fact that gender issues had been high on the agenda of the 112<sup>th</sup> Assembly throughout the General Debate, which addressed the question of the impact of national and international policies on women's rights, and also in the three Standing Committees.

The Committee agreed that the panel on *Violence against women and children in armed conflict situations* had been particularly successful, generating lively discussion and specific recommendations (see page 52). It also agreed that it would discuss the item on *Migration and development* that was on the agenda of the 113<sup>th</sup> IPU Assembly, with a view to submitting

amendments to the draft resolution to the relevant committee. Lastly, it began preparation for the next Meeting of Women Parliamentarians, to be

held during the 114<sup>th</sup> IPU Assembly, in Nairobi, in 2006.

## Subsidiary bodies and committees of the Governing Council of the Inter-Parliamentary Union

### **1. Committee on the Human Rights of Parliamentarians**

The Committee on the Human Rights of Parliamentarians held its 109<sup>th</sup> session from 3 to 7 April 2005. Ms. V. Nedvedova (Czech Republic) participated in her titular capacity, whereas Ms. S. Carstairs (Canada), Ms. M.J. Laloy (Belgium), Mr. F. Margaiñ Berlanga (Mexico) and Mr. M. Mottaki (Islamic Republic of Iran) participated in their capacity as substitute members.

The Committee conducted 17 hearings with delegations from countries where it had cases pending and with representatives of the sources. The Committee examined a total of 57 cases concerning 31 countries (see all resolutions on pages 68 to 105). Four cases were submitted for the first time.

The Committee submitted 26 cases to the Governing Council.

### **2. Committee on Middle East Questions**

The Committee on Middle East Questions met on 4 and 7 April, with Mr. F.M. Vallersnes (Norway) in the chair. It was attended by the titular members, Mr. T. Hadjigeorgiou (Cyprus), Mr. S. Al-Alfi (Egypt), Ms. M. Bergé-Lavigne (France), Mr. F. Owusu-Adjapong (Ghana), and Mr. O. Bah (Guinea).

On the first day, the Committee heard the report of the President on his activities since its previous meeting, relating in particular to his mission to Palestine that coincided with the presidential elections held there in January 2005. The members agreed that prospects for peace in the region had considerably improved in recent months, although it was too early to talk of significant steps forward. The forthcoming legislative elections seemed to be working as a catalyst for change among entrenched power structures. The Committee expressed appreciation of the role being played by Egypt in the peace process.

It also discussed the possibility of an IPU mission being sent to the region at the time of the Palestinian legislative elections of 17 July 2005. It

urged the IPU to write to the parliaments of the Committee members to stress that it would be appropriate for the members to be included in observer delegations organised either by national parliaments or international organisations.

The Committee also held a hearing with representatives of the Knesset and the Palestinian National Council. The Knesset delegation said that peace was within reach, providing that the Palestinian side showed a readiness to compromise and cease the violence. It was necessary for steps to be taken by both parties. If there was no violence, it could be possible to proceed from the Israeli disengagement plan to fuller implementation of the road map.

The Palestinian delegation emphasised the fact that Palestinian land was still being occupied. The Palestinians were willing to respect the ceasefire in the interests of a successful campaign period prior to the parliamentary elections in July. The delegation pointed out the difficulties of maintaining security in the Palestinian territories with a poorly equipped security force and with their police stations demolished.

The latter part of the first meeting was attended by delegations from Jordan and Egypt. The delegation from Egypt expressed the need for moderation and compromise, and emphasised the importance of rebuilding confidence on both sides. The Jordanian delegation hoped that the IPU Committee could be more innovative in encouraging the peace camp in Israel. The delegation also urged the parliamentarians to step up their efforts to bring about implementation of the many United Nations and IPU resolutions concerning the Middle East, a point with which the Committee entirely concurred.

### **3. Group of Facilitators for Cyprus**

At the invitation of Ms. J. Mackey (New Zealand) and Mr. F. Gutzwiller (Switzerland), a dialogue was arranged on 5 April 2005 between the delegates of the House of Representatives of Cyprus and representatives of the Turkish Cypriot political parties. It was the first time that both sides had met under the auspices of the Group of Facilitators for

Cyprus since the 107<sup>th</sup> Conference had been held in Marrakech in 2002. The Group informed the IPU Governing Council that during the meeting both sides had declared their resolve to work together and continue their efforts to reach a viable and lasting political solution, based on the Annan Plan, that recognised a bi-zonal, bi-communal federation with a single citizenship and a single international identity.

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#### **4. Committee to Promote Respect for International Humanitarian Law**

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The Committee to Promote Respect for International Humanitarian Law met on Wednesday, 6 April 2005, with Ms. R. Kadaga (Uganda) in the chair. Representatives of the African Parliamentary Union (APU), the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) attended the meeting as observers.

The Committee discussed the results of the regional parliamentary Conference on *Refugees in Africa: The challenges of protection and solutions*, held in Cotonou (Benin) in June 2004. It welcomed the Declaration and Plan of Action adopted at the Conference and stressed the need for follow-up, which would be ensured at the regional and national levels through the follow-up mechanism of the APU, with the support of the ICRC and UNHCR. Emphasis was also laid on the importance of engaging subregional parliamentary assemblies in Africa (including those of ECOWAS, SADC and IGAD) to ensure the efficient implementation of the Cotonou results. A booklet on the Conference was produced by UNHCR, and the APU would distribute it to its members.

The Committee members took stock of the progress made in translating and disseminating the IPU/UNHCR handbook for parliamentarians on refugee protection. The handbook now existed in 34 languages.

The Committee discussed the results of the First Review Conference of the Ottawa Convention, held in Nairobi in December 2004, which assessed action taken since the Convention's entry into force. The First Review Conference had resulted in the adoption of a Declaration and a Plan of Action. The Committee invited the IPU Secretary General to send a letter to all IPU Members, calling on them to bring those documents to the attention of their parliaments and to ensure adequate national follow-up.

The Committee was briefed on the follow-up to the ICRC Conference on *The Missing*, held in Geneva in 2003. The ICRC stressed the importance of ensuring substantial parliamentary action in relation to missing persons, and suggested that the IPU discuss the topic of missing persons at one of its future Assemblies. The Committee took note of the fact that the Swiss delegation would submit a proposal to debate such an item at the Geneva Assembly in 2006, and expressed its support for it.

The Committee heard a briefing from UNHCR on the question of statelessness and citizenship. Despite the development of international law and practice relating to nationality, the international community continued to face numerous situations of statelessness. The IPU and UNHCR had agreed to cooperate on the production of a handbook for parliamentarians on statelessness and citizenship. The Committee reviewed and approved a draft outline of the handbook.

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#### **5. Gender Partnership Group**

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The Gender Partnership Group held its fifteenth session on 1 and 2 April 2005. Participants included Ms. J. Fraser (Canada), Ms. M. Mensah-Williams (Namibia), and Mr. R. Salles (France). Mr. T. Kawara (Japan) was unable to attend and was replaced for the second sitting by Mr. F. Ole Kaparo (Kenya). Mr. Salles acted as moderator.

The Group studied the composition of delegations attending the 112<sup>th</sup> IPU Assembly and at previous IPU statutory meetings. Of the 614 delegates attending the 112<sup>th</sup> IPU Assembly, 165 were women (26.9%). In absolute terms, that was the largest number of women participants ever recorded. In terms of percentage, it was lower than at the previous Assembly, held in Geneva in 2004. On a general basis, it was noted that the percentage of women delegates to the second yearly Assemblies was higher than at the first yearly Assemblies.

Of the 116 delegations attending the 112<sup>th</sup> Assembly, the vast majority (109) were composed of more than one delegate. Of those, just 12 were composed of men only, and none was composed solely of women. While still substantial, that number represented the lowest percentage ever of multi-member, all-male delegations attending an IPU Assembly (10.3%). Lastly, the Group noted that, in conformity with Articles 10.3 and 15.2(c) of the Statutes, five delegations were subject to sanctions at the Manila Assembly.

The Group continued its discussion on the question of a gender-sensitive IPU budget. As the 2004

financial exercise of the IPU had been closed, it took stock of the usefulness of the indicators that had been included in the formulation of the 2004 budget. The Group welcomed the financial report's new format, which attempted to highlight in many areas the gender impact of certain expenditures. However, it recommended a more mainstreamed approach to the exercise. For the 2006 budget formulation, the Group drew up several recommendations, which can be found on page 59, and suggested that they be taken into account.

The Group continued its debate on progress made in countries where parliaments did not include

women, and on mechanisms for assisting those parliaments in any way possible if they so desired. The Group and the Kuwaiti delegation held a very informative and constructive session of dialogue regarding progress made in the promotion of women's rights in that country. The Group took note of recent developments in Kuwait, and expressed its support for a bill currently under consideration at the Majles Al-Ummah which would grant women the right to vote and to stand for election at both the local and national levels. It strongly called for its adoption, and looked forward to pursuing the positive exchange between the IPU and the parliament of Kuwait.

## Other events

### **1. Panel discussion on *Migration and development***

A panel discussion was held on Tuesday, 5 April, on the subject of *Migration and development*. The panellists were Mr. J. Karlsson, Co-Chair of the Global Commission on International Migration and former Minister for Migration and Development of Sweden, and Mr. T. Achacoso, former Administrator of the Philippine Overseas Employment Administration. The panel was moderated by the President of the Second Standing Committee, Mr. E. Gudfinnsson. Mr. Karlsson broached the subject from the standpoint of the report that his Commission would shortly be submitting to the United Nations Secretary-General, while Mr. Achacoso drew on his rich experience in the Philippines, a country in which – as he pointed out – many doctors are retraining as nurses in order to seek employment abroad. After hearing the opening presentations, the parliamentarians engaged in a lively discussion that was all the more compelling for the variety of standpoints expressed, not only from migrant sending and receiving countries, but also from countries of transit. The discussion also served as a valuable exchange of opinions in anticipation of the debate on migration to be held in the Second Standing Committee at the 113<sup>th</sup> Assembly.

### **2. Panel discussion on *Violence against women and children in conflict situations***

Conflict continued to be a major obstacle to the fulfilment of women's and children's rights. To respond to that problem, the IPU and UNICEF jointly organised a panel discussion on 6 April 2005 on *Violence against women and children in armed*

*conflict situations*. The debates were launched by members of parliament from Rwanda, Sri Lanka and Sweden, a representative of Amnesty International and a United Nations expert on child soldiers and on Security Council resolution 1325 (2000) on women, peace and security. The panel was moderated by Ms. P. Cayetano (Philippines). The debates were very lively and rich, and provided many recommendations for parliamentary action. The report on the panel can be found on page 52.

### **3. Presentation of the handbook for parliamentarians, *Combating child trafficking***

The IPU and UNICEF presented a handbook for parliamentarians on child trafficking at a press conference attended by the Executive Director of UNICEF, Ms. C. Bellamy, the President of the 112<sup>th</sup> IPU Assembly, the IPU President, and the IPU Secretary General.

### **4. Press and media coverage**

Reporters from the written press and from Philippine television stations covered the Assembly's activities, as did the Manila-based correspondents of the major international news agencies (AFP, AP, Reuters, DPA New China, Kyodo, EFE and the Gulf News Agency). Numerous articles were published in the Philippine press, and international agencies included dispatches on the Assembly. Interviews were carried by various Philippine television stations not only with Philippine parliamentarians, but also with elected officials from other countries, and with the IPU Secretary General.



## Elections and appointments

### **1. Office of the President of the 112<sup>th</sup> Assembly of the Inter-Parliamentary Union**

Mr. F.M. Drilon, President of the Senate of the Philippines, was elected President of the Assembly.

### **2. Bureaux of the Standing Committees**

#### ***Standing Committee on Peace and International Security***

##### President

Mr. N. El-Ghanem (Syrian Arab Republic)  
(*Arab Group*)

##### First Vice-President

Mr. E. Menem (Argentina)  
(*Latin American Group*)

##### Vice-Presidents

###### *African Group*

Mr. A. Ndjavé-Djoye (Gabon) – titular  
Mr. Thiémélé Boa (Côte d'Ivoire) – substitute

###### *Arab Group*

Mrs. Z. Bitat (Algeria) – substitute

###### *Asia-Pacific Group*

Mrs. K. Jintana Sookmark (Thailand) – titular  
Mr. S.P. Morin (Indonesia) – substitute

###### *Twelve Plus Group*

Lord J. Morris of Aberavon (United Kingdom) – titular  
Mr. R. Podgorean (Romania) – substitute

###### *Eurasia Group*

Mr. B.-Z. Zhambalnimbuev (Russian Federation) – titular  
Mr. R. Iskuzhin (Russian Federation) – substitute

###### *Latin American Group*

Mr. L.F. Duque García (Colombia) – substitute

#### ***Standing Committee on Sustainable Development, Finance and Trade***

##### President

Mr. A. Fomenko (Russian Federation)  
(*Eurasia Group*)

##### First Vice-President

Mr. E. Gudfinnsson (Iceland)  
(*Twelve Plus Group*)

##### Vice-Presidents

Mrs. N. Schimming-Chase (Namibia) – titular  
Mr. T. A. Baniré Diallo (Guinea) – substitute

###### *Arab Group*

Mr. F. Abulghanam (Jordan) – titular  
Mr. H. El-Alawi (Saudi Arabia) – substitute

###### *Asia-Pacific Group*

Mr. E. Veloso (Philippines) – titular  
Mr. G. Chapman (Australia) – substitute

###### *Twelve Plus Group*

Mrs. I. Udre (Latvia) – substitute

###### *Eurasia Group*

Mr. V. Popov (Belarus) – substitute

###### *Latin American Group*

Mr. L.A. Heber (Uruguay) – titular  
Mr. D. Vivas (Venezuela) – substitute

#### ***Standing Committee on Democracy and Human Rights***

##### President

Mr. J.-K. Yoo (Republic of Korea)  
(*Asia-Pacific Group*)

##### First Vice-President

Mrs. R.A. Kadaga (Uganda)  
(*African Group*)

##### Vice-Presidents

###### *African Group*

Mr. A. Baghin (Ghana) – substitute

###### *Arab Group*

Mr. Z. Azmy (Egypt) – titular  
Mr. A. El-Kadiri (Morocco) – substitute

###### *Asia-Pacific Group*

Mr. Prem Chand Gupta (India) – substitute

###### *Twelve Plus Group*

Mrs. B. Gadiet (Switzerland) – titular  
Mr. H.S. Järrel (Sweden) – substitute

###### *Eurasia Group*

Mr. S. Zhalybin (Kazakhstan) – titular  
Mr. T. Nabiev (Tajikistan) – substitute

###### *Latin American Group*

Mr. J. Machuca (El Salvador) – titular  
Mr. L. Nicolini (Uruguay) – substitute

### 3. Rapporteurs of the Standing Committees to the 114<sup>th</sup> Assembly

#### *Standing Committee on Peace and International Security*

Mrs. R. Oniang'o (Kenya)  
Mr. F.-X. de Donnea (Belgium)

#### *Standing Committee on Sustainable Development, Finance and Trade*

Mr. S. Katoh (Japan)  
Mr. J.T. Nonô (Brazil)

#### *Standing Committee on Democracy and Human Rights*

Mrs. M.A. Martínez García (Spain)  
Mrs. H. Lee (Republic of Korea)

### 4. Committee on the Human Rights of Parliamentarians

Mr. F.M. Drilon (Philippines) was elected titular member for a five-year term of office ending in April 2010.

Mr. F. Margain Berlanga (Mexico) was elected titular member for a five-year term of office ending in April 2010.

Mr. B. Prokuriča (Chile) was elected substitute member for a five-year term of office ending in April 2010.

### 5. Committee on Middle East Questions

Mr. M. El-Feki (Egypt) was elected titular member for a four-year term of office ending in April 2009.

Mr. K. Sairaan (Mongolia) was elected substitute member for a four-year term of office ending in April 2009.

### 6. Coordinating Committee of the Meeting of Women Parliamentarians

#### **Bureau** **Expiry of term**

President  
Ms. J. Fraser (Canada) April 2006

First Vice-President  
Ms. S. Damen-Masri (Jordan) April 2006

Second Vice-President  
Ms. L. Madero García (Mexico) April 2006

#### **Elected members** *Regional representatives (elected for two years)*

##### *Group of African countries*

Titular members:  
Ms. B. Henrique da Silva (Angola) April 2006  
Ms. E. Beyene (Ethiopia) April 2006

Substitute members:  
Mrs. O.T. Ascofaré (Mali) April 2006

Mrs. S. Moulengui-Mouelé (Gabon) April 2006

##### *Group of Arab countries:*

Titular members:  
Mrs. S. Damen-Masri (Jordan) April 2006  
Mrs. B. J. Al Jishi (Bahrain) April 2006

##### Substitute members:

Ms. K. Al-Nattah  
(Libyan Arab Jamahiriya) April 2006  
Ms. M. Osman Gaknoun (Sudan) April 2006

##### *Group of Asia and Pacific countries*

Titular members:  
Ms. M. Singh (India) April 2006  
Ms. M.F. Chew (Malaysia) April 2006

##### Substitute members:

Ms. B. Tuya (Mongolia) April 2006  
Mrs. K. Hull (Australia) April 2006

##### *Eurasia Group*

Titular members:  
Ms. H. Hakobyan (Armenia) April 2006  
Ms. N. Baranova (Belarus) April 2006

##### Substitute members:

Ms. B. Baymagambetova  
(Kazakhstan) April 2006  
Ms. N. Narotchnitskaia  
(Russian Federation) April 2006

##### *Group of Latin American countries*

Titular members:  
Ms. L. Madero García (Mexico) April 2006  
Ms. I. Allende (Chile) April 2006

##### Substitute members:

Ms. V. Mata (Venezuela) April 2006  
Ms. M. Müller (Argentina) April 2006

##### *Twelve Plus Group*

Titular members:  
Ms. P. Ernstberger (Germany) April 2006  
Ms. J. Fraser (Canada) April 2006

##### Substitute members:

Ms. G. Gautier (France) April 2006  
Ms. D. Stump (Switzerland) April 2006

##### **Ex-officio members**

##### *Members of the Executive Committee (ex officio, for the duration of their term on the Executive Committee)*

Ms. M. Mensah (Namibia) September 2007  
Ms. K. Komi (Finland) April 2008  
Ms. K. Serrano Puig (Cuba) September 2008  
Ms. A. Vadai (Hungary) September 2008

##### *Chairperson of the Meeting of Women Parliamentarians (ex officio for two years)*

Ms. D.M. Sauri Riancho (Mexico) April 2006  
Ms. P.S. Cayetano (Philippines) April 2007

## Membership of the Union<sup>\*</sup>

### Members (141)

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

### Associate Members (7)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Latin American Parliament, Parliament of the Economic Community of West African States, Parliamentary Assembly of the Council of Europe

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\* At the closure of the Assembly

## Agenda, Resolutions and Decisions of the 112<sup>th</sup> Assembly of the Inter-Parliamentary Union

### AGENDA OF THE 112<sup>th</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION

1. Election of the President and Vice-Presidents of the 112<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of *The impact of domestic and international policies on the situation of women*
4. The role of parliaments in the establishment and functioning of mechanisms to provide for the judgement and sentencing of war crimes, crimes against humanity, genocide and terrorism, with a view to avoiding impunity  
(*Standing Committee on Peace and International Security*)
5. The role of parliaments in establishing innovative international financing and trading mechanisms to address the problems of debt and achieve the Millennium Development Goals  
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. The role of parliaments in advocating and enforcing observance of human rights in the strategies for the prevention, management and treatment of the HIV/AIDS pandemic  
(*Standing Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 114<sup>th</sup> Assembly and appointment of the Rapporteurs
8. Natural disasters: The role of parliaments in prevention, rehabilitation, reconstruction, and the protection of vulnerable groups  
(*Emergency item*)

**THE ROLE OF PARLIAMENTS IN THE ESTABLISHMENT AND FUNCTIONING OF  
MECHANISMS TO PROVIDE FOR THE JUDGEMENT AND SENTENCING OF  
WAR CRIMES, CRIMES AGAINST HUMANITY, GENOCIDE AND  
TERRORISM, WITH A VIEW TO AVOIDING IMPUNITY**

***Resolution adopted unanimously by the 112<sup>th</sup> IPU Assembly  
(Manila, 8 April 2005)***

The 112<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Deeply concerned* by the fact that in today's world, many regions and whole societies are brutally affected by the persistence of war crimes, crimes against humanity, genocide and/or terrorism, all of which are serious crimes of concern to the international community as a whole,

*Convinced* that there is no justifiable cause for those abhorrent crimes,

*Considering* that, in keeping with the principles enshrined in the United Nations Charter, international human rights law, international humanitarian law and international criminal law, appropriate instruments have been developed, and that it is of paramount importance to ensure that their provisions be enforced, in conformity with the international obligations assumed by States,

*Recalling* in this respect the particular importance of ensuring respect for the rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, the Convention on the Prevention and Punishment of the Crime of Genocide and other instruments, treaties and agreements ensuring respect for human dignity, as well as the human rights norms of customary international law as reflected by state practice,

*Considering* that under international law, no statutory limitation applies to war crimes, crimes against humanity, genocide and terrorism, and such crimes are not subject to amnesty, clemency or pardon, and that this has been confirmed by the judgements of national and international courts,

*Recalling* the resolutions on peace, security and disarmament adopted by the IPU since 1990,

*Stressing* the importance of the International Criminal Court (ICC) in preventing and punishing war crimes, genocide and crimes against humanity, and *recalling* in this respect that States party to the Rome Statute of the ICC have a duty to prosecute such crimes themselves or to refer persons suspected of such crimes to the jurisdiction of the ICC, and also that international humanitarian law, as enshrined in the Geneva Conventions for the protection of victims of war of 12 August 1949 and their Additional Protocols, places the obligation on States to search for and try persons alleged to have committed, or have ordered to be committed, grave breaches, regardless of the persons' nationality or where the violations take place,

*Recognising* that the jurisdiction of the ICC is limited to crimes committed on or after 1 July 2002 and that there is a need for mechanisms to address war crimes, crimes against humanity and genocide committed before that date,

*Considering* the Rome Statute, which requires States Parties to cooperate with the ICC in order to combat war crimes, crimes against humanity and genocide, and *considering* the 12 international conventions and protocols relating to terrorism,

*Concerned* at the lack of progress made, on the one hand by the States Parties to the Rome Statute of the ICC and on the other hand by all States, in implementing the necessary mechanisms to support, respectively, the Statute, and the provisions adopted by the United Nations and other bodies to combat these crimes,

*Recognising* that political will to speak out against racism, xenophobia and intolerance is an essential element in ending impunity,

*Concerned* at the fact that the implementation of agreements on the prosecution of war crimes, crimes against humanity, genocide and terrorism has been delayed, set aside, or omitted by some States, thus subjecting these agreements to different interpretations and reducing their effectiveness, *alarmed* at the possibility that this may signal a permissive attitude towards impunity, and *concerned* at the fact that many States have not yet ratified or acceded to the Rome Statute,

*Convinced* that parliaments have a primary responsibility, and must, by enacting necessary legislation, play a central role in the prevention, punishment and avoidance of impunity for war crimes, crimes against humanity, genocide and terrorism, and that a multilateral approach among parliaments is an appropriate way to facilitate the implementation of mechanisms required for the enforcement of judgements and penalties for these abhorrent crimes,

*Recalling* that each State has the obligation and the duty to prosecute or extradite the perpetrators of war crimes, crimes against humanity, crimes of genocide and terrorist crimes, irrespective of the location of the crime or the nationality of the perpetrator or the victim,

*Recalling* that victims of war crimes, crimes against humanity, genocide and terrorism have the right to truth, justice and reparation,

1. *Strongly condemns*, without exception, all acts, methods and practices of war crimes, crimes against humanity and genocide;
2. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, including those in which States are directly or indirectly involved, which threaten friendly relations among peoples, endanger or take innocent lives, have a deleterious effect on international relations and may jeopardise the security and territorial integrity of States;
3. *Strongly advises* all IPU Member Parliaments to assume, before their States and citizens, in conformity with their national legislations and the international obligations of States, the responsibility for implementing and enforcing, through the enactment of national laws, the international agreements that have been concluded to punish and prevent war crimes, crimes against humanity, genocide and terrorism;
4. *Recommends* that through the inter-parliamentary activity of IPU Members, efforts should be combined and experiences shared in order to develop the necessary mechanisms to pursue these objectives, and to avoid impunity for those individuals, organisations and States that commit war crimes, crimes against humanity, genocide and terrorism;
5. *Urges* Member Parliaments duly to codify, in accordance with international law, in particular international humanitarian law, human rights law and refugee law, these abhorrent crimes in their domestic criminal law, and to establish the corresponding penalties and mechanisms to avoid impunity;
6. *Invites* those States which have not yet done so to ratify or accede to the Rome Statute and to ratify the Agreement on the Privileges and Immunities of the International Criminal Court; and

- encourages* all Member Parliaments whose States are parties to the Rome Statute to pass domestic legislation in order to allow them to cooperate with the ICC;
7. *Recommends* that all parliaments, including those of States which have not ratified the Rome Statute, enact laws for the prevention and punishment of war crimes, crimes against humanity, genocide and terrorism;
  8. *Recommends* that all parliaments support and cooperate with the ICC and other competent bodies (such as national and international commissions for the investigation of crimes against humanity and national and international courts), and thus strengthen parliamentary action to eradicate war crimes, crimes against humanity, genocide and terrorism;
  9. *Recommends* that States specifically address the issue of war crimes, crimes against humanity and genocide committed before the entry into force of the Rome Statute in a framework of justice and legality, which are the necessary conditions to attain peace and the respect of human rights in each country and in the international community;
  10. *Urges* Member Parliaments to reject bilateral agreements that would provide for immunity from investigation and prosecution, by the ICC or otherwise, for the nationals of any State;
  11. *Recommends* that all parliaments do everything in their power to assist with the criminal prosecution of persons being sought by the International Criminal Police Organization (Interpol), including by facilitating their hand-over;
  12. *Calls on* parliaments to consider ratifying, if they have not yet done so, the 12 multilateral treaties on terrorism and the relevant regional instruments, to incorporate their provisions into domestic legislation and to see to it that they are duly implemented;
  13. *Recommends* that all parliaments urge their respective governments to intensify efforts to come to a global agreement on terrorism, expressing the common awareness of States of the threat of international terrorism and providing a precise definition of the nature and actual features of this phenomenon, so as to combat it more effectively;
  14. *Calls for* recognition of the need to strengthen capacity-building assistance for countries which have the political will but lack the technical resources necessary to conclude and implement the 12 conventions and protocols relating to terrorism;
  15. *Recommends* that all parliaments enact legislation, in line with international law, to create civil procedures to provide compensation to victims of war crimes, crimes against humanity, genocide and terrorism;
  16. *Encourages* parliaments to make the fullest possible use of their competences and roles to achieve these objectives;
  17. *Recommends* that parliaments take account of international declarations and conventions on these subjects and of the considerations of the United Nations, the ICC and all related international or regional agencies, authorities and bodies;
  18. *Invites* parliaments to include in their agendas, as a priority, the activities required to implement all mechanisms which may contribute to the prosecution of war crimes, crimes against humanity, genocide and terrorism, including the strengthening of rule of law mechanisms, so as to avoid impunity for these crimes and to ensure the rights of the victims of such crimes to just reparation;
  19. *Invites* the United Nations and parliaments to promote voluntary contributions to the ICC Trust Fund for Victims.

**THE ROLE OF PARLIAMENTS IN ESTABLISHING INNOVATIVE INTERNATIONAL FINANCING AND TRADING MECHANISMS TO ADDRESS THE PROBLEM OF DEBT AND ACHIEVE THE MILLENNIUM DEVELOPMENT GOALS**

***Resolution adopted unanimously by the 112<sup>th</sup> IPU Assembly  
(Manila, 8 April 2005)***

The 112<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Recalling* the Declaration adopted on 1 September 2000 by the Presiding Officers of National Parliaments entitled The Parliamentary Vision of International Cooperation on the Eve of the Third Millennium,

*Recalling also* the Millennium Declaration of 8 September 2000, which sets out eight time-bound and measurable goals collectively known as the Millennium Development Goals, as criteria established jointly by the international community for the elimination of poverty, and also the Human Development Reports drawn up by the United Nations Development Programme (UNDP),

*Recalling* the final declarations of specialised United Nations conferences, in particular the International Conference on Financing for Development, held in Monterrey, Mexico in 2002, the World Summit on Sustainable Development, held in Johannesburg, South Africa in 2002, and the Third United Nations Conference on the Least Developed Countries, held in Brussels, Belgium in 2001,

*Recalling* the Declaration adopted in New York on 20 September 2004 by 120 countries at the end of the Summit for Action against Hunger and Poverty, the September 2004 report by the Technical Group on Innovative Financing Mechanisms and the final reports of the UN Millennium Project, delivered on 17 January 2005,

*Recalling* the resolutions of the Inter-Parliamentary Union, particularly those adopted by the 73<sup>rd</sup> Inter-Parliamentary Conference (Lomé, 1985) on the role of parliaments and their contribution towards the elimination of poverty by eliminating the burden of international debt; the 74<sup>th</sup> Inter-Parliamentary Conference (Ottawa, 1985) on the contribution of parliaments to the search for measures and actions aimed at removing the burden of foreign debt that weighs on the developing countries; the 88<sup>th</sup> Inter-Parliamentary Conference (Stockholm, 1992) on the need for a radical solution to the problem of debt in the developing world; and the 102<sup>nd</sup> Inter-Parliamentary Conference (Berlin, 1999) on the need to revise the current global financial and economic model, as well as the Final Document of the Inter-Parliamentary Conference "North-South Dialogue for Global Prosperity" organised by the IPU in Ottawa in 1993, and the resolutions adopted by the 107<sup>th</sup> Conference (Marrakech, 2002) on the role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements, and also by the Parliamentary Meeting on the occasion of the World Summit on Sustainable Development (Johannesburg, 2002), by the 108<sup>th</sup> Inter-Parliamentary Conference (Santiago, 2003) on parliament's role in strengthening democratic institutions and human development in a fragmented world, and by the 109<sup>th</sup> Inter-Parliamentary Assembly (Geneva, 2003) on global public goods: a new challenge for parliaments,

*Greatly concerned* by the fact that 1.2 billion people – or one in five persons in the world – survive on less than a US dollar a day in purchasing power parity per capita, below the international poverty rate set at a dollar a day, and that in the 1990s, poverty worsened in 54 countries, including 35 African countries, leaving them poorer at the end of the decade than in 1990,



*Concerned* by the fact that even if the proportion of people in extreme poverty were to be halved by 2015 in comparison with 1990, it is clear that hundreds of millions of people in the developing world would continue to live in complete destitution,

*Recognising* that the role of parliaments in championing the eight Millennium Development Goals (MDGs) is crucial, and that the adoption of the corresponding legislation and appropriate budgetary allocations is indispensable,

*Stressing* the need for assistance and support to improve the institutional capacity of parliaments in developing countries, with a view to enabling them to exercise effectively the legislative, oversight and budgetary functions related to the MDGs,

*Recognising* the importance of ensuring environmental sustainability in achieving the MDGs, *stressing* the role of the United Nations Decade of Education for Sustainable Development and the International Decade for Action: Water for Life, starting in 2005, and *welcoming* the entry into force of the Kyoto Protocol on 16 February 2005 as a significant step forward,

*Deeply concerned* that in the current state of affairs, the financing of efforts to achieve the MDGs, and thus their implementation, is not ensured,

*Noting* that economic growth, debt relief and public development assistance - the three main sources of funding for development - are in the current circumstances unable to generate the extra 50 to 100 billion dollars required annually to achieve the MDGs,

*Noting* that the official development assistance (ODA) commitment (provision of 0.7 per cent of gross domestic product (GDP)) is still not being met by most countries, but *noting with satisfaction* the undertakings by several countries to meet these commitments within the next decade,

*Noting* that despite the progress made on debt cancellation, relief and rescheduling both bilaterally, and multilaterally in the framework of the Bretton Woods institutions, the burden of the debt remains a major constraint and an obstacle to economic growth and human development,

*Convinced* that increased development assistance funding can only be beneficial if the receiving countries promote democracy and good governance,

*Convinced* that globalisation is at the same time a source of opportunities and challenges for all countries, and that it has an impact on people's everyday lives,

*Noting* that many developing countries are increasingly excluded from international trade and capital flows, which results in poverty,

*Noting* the growing importance of international trade and investment and their direct influence on the development and well-being of the nations of the entire world, and *concerned* at the fact that the current international trade and investment system is distorted in many sectors in favour of the developed countries, and poses problems for many developing countries,

*Noting* that awareness of the importance of trade and investment to furthering countries' development has grown since the Fourth Ministerial Meeting of the World Trade Organization (WTO), held in Doha, which sought to place the needs and interests of the developing countries at the centre of international trade negotiations and drew up the Doha Development Agenda,

*Welcoming* the Geneva framework agreement of July 2004, a breakthrough in the negotiations conducted by the WTO, following the failure of the Cancún meeting,

*Nonetheless concerned* about the many uncertainties that remain in those negotiations, in particular with regard to issues of great importance to developing countries,

*Noting* the striking lack of resources currently available to achieve most MDGs by 2015, and *underscoring* the responsibility of governments and the parliaments which provide them with oversight to respect the commitments made at the Millennium Summit in 2000,

*Strongly believing* that 2005 will be the key year for governments to act to achieve the MDGs, at such high-level meetings as the G8 summit, to be held in July, the high-level plenary meeting to review the implementation of the United Nations Millennium Declaration of the sixtieth session of the United Nations General Assembly, to be held in September, and the Sixth WTO Ministerial Conference, to be held in December,

*Looking forward* to the forthcoming Millennium+5 Summit, to be held in New York from 14 to 16 September 2005, and *strongly wishing* that the event will re-energise global partnerships for the achievement of the MDGs;

1. *Urges* the parliaments of the countries that adopted the Millennium Declaration which are Members of the IPU to support the implementation of the MDGs in their countries by allocating funds for this purpose in their national budgets;
2. *Encourages* the parliaments of developed countries to demand that their governments fulfil their commitments to allocate 0.7 per cent of their GDP for ODA, as set out in the Millennium Declaration and the Monterrey Consensus;
3. *Urges* the parliaments of the developing countries to make sure that their governments mobilise the resources required for development, combat corruption, continue institutional reform, adopt the economic and social policies appropriate to stimulate growth, establish national strategies which place the MDGs at the centre of their policies, and promote democracy and human rights, paying special attention to the implementation of the new World Programme for Human Rights Education, and follow the principles of good governance;
4. *Encourages* the parliaments of the developing countries to defend the interests of their people in WTO negotiations and to strengthen their mutual cooperation;
5. *Urges* the governments of the developed and developing countries to provide annual reports on the application and implementation of these strategies to their parliaments;
6. *Suggests* that such reports should give rise to a parliamentary debate at the national, and if possible, regional level;
7. *Suggests* that provisions should be made for the same kind of approach, involving a strategy and a report, at the regional level;
8. *Urges* donor countries, in particular members of the Organisation for Economic Co-operation and Development (OECD), to draw up reports on the implementation of Goal 8 of the MDGs (develop a global partnership for development), specifying the action they have taken to achieve such objectives both quantitatively and qualitatively;
9. *Calls for* efforts to enhance the effectiveness of aid at the international and regional levels, through better harmonisation of procedures and improved donor coordination;
10. *Urges* donor countries to pursue collaboration with United Nations organisations, international financial institutions, other donor countries, NGOs and the private sector;
11. *Underscores* the unbearable nature of the debt for a large number of developing countries; and *calls urgently for* effective debt cancellation and viable rescheduling procedures to be

speeded up while measures are taken to avoid new over-indebtedness among developing countries;

12. *Suggests* that a vital link be established between debt cancellation and the earmarking of resources thus freed up for investments related to the MDGs, in particular in the fields of health, education and gender equality, as set out in each country's Poverty Reduction Strategy;
13. *Recommends* the study of other mechanisms to help countries that have serious debt crises, but that have too high a per capita income to qualify for the assistance afforded to the heavily indebted poor countries (HIPCs);
14. *Expresses the wish* that the needs of the developing countries be systematically taken into consideration in international trade negotiations under way in the framework of the WTO, in particular in respect of poverty alleviation, food security and sustainable income;
15. *Emphasises* the central role of parliaments as the incarnation of popular sovereignty in expressing the will of peoples in international forums;
16. *Recommends* the establishment by IPU Member Parliaments of specialised committees to follow up on international trade negotiations and on the actions of the international financial institutions, and to provide oversight of government action;
17. *Requests* governments to inform their parliaments fully of the state of relevant international negotiations and the stakes involved;
18. *Requests* the IPU, working with the WTO, to help strengthen the capacities of parliaments in this field;
19. *Suggests* that governments include parliamentarians in the delegations that they send to take part in WTO ministerial meetings;
20. *Welcomes* the adoption at United Nations Headquarters of the Declaration on Action against Hunger and Poverty by 120 countries on 20 September 2004, aimed in particular at supporting the establishment of new international financing tools for the MDGs;
21. *Recommends* that a new resource should be set up, additional to existing mechanisms, and that it should be at the same time predictable and stable;
22. *Supports* further work on proposals for international financing mechanisms as a creative and at the same time realistic way of providing additional resources for development;
23. *Requests* that the Second World Conference of Speaker of Parliaments, to be held at the United Nations in 2005, follow up on this matter.

**THE ROLE OF PARLIAMENTS IN ADVOCATING AND ENFORCING OBSERVANCE  
OF HUMAN RIGHTS IN THE STRATEGIES FOR THE PREVENTION,  
MANAGEMENT AND TREATMENT OF THE HIV/AIDS PANDEMIC**

***Resolution adopted unanimously by the 112<sup>th</sup> IPU Assembly  
(Manila, 8 April 2005)***

The 112<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Recalling* the relevant resolutions of the IPU, especially the resolution entitled Action to combat HIV/AIDS in view of its devastating human, economic and social impact, adopted in Windhoek in 1998, and *convinced* that HIV/AIDS is an all-embracing threat against development, rather than an isolated health problem,

*Further recalling* the International Guidelines on HIV/AIDS and Human Rights, issued by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 1998, and the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" adopted by the United Nations General Assembly Special Session on HIV/AIDS in 2001,

*Taking note of* the UNAIDS 2004 Report on the global AIDS epidemic,

*Affirming the* recommendations contained in the document *Guidance on ethics and equitable access to HIV treatment and care*, issued by UNAIDS and the World Health Organization (WHO),

*Referring to* the *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, published jointly by the IPU and UNAIDS in 1999,

*Reaffirming* the Millennium Development Goal (MDG) contained in the United Nations Millennium Declaration, which aims to halt and begin to reverse, by 2015, the spread of HIV/AIDS,

*Aware* that the achievement of all MDGs, including those concerning education and food security, will not be feasible unless progress is made in addressing the challenge of HIV/AIDS and other communicable diseases,

*Deeply concerned* that each year the number of people infected with HIV continues to grow, and *also deeply concerned* by the exponential growth in the number of women, young people and children affected by HIV/AIDS,

*Recognising* that discrimination against women, both de jure and de facto, renders them particularly vulnerable to HIV/AIDS,

*Alarmed* by the unprecedented number of children around the world who are being orphaned by HIV/AIDS, who are thus rendered far more vulnerable and face a much greater risk of hunger, of having limited access to education, health and social services, and of violence, abuse,

exploitation and recruitment as child soldiers, and *aware* that these factors increase their likelihood of becoming infected with HIV themselves,

*Further concerned* that the reluctance of some governments to acknowledge the existence and gravity of the HIV/AIDS pandemic, and to recognise the stigma and discrimination faced by people living with HIV/AIDS, particularly women, hampers the effectiveness of responses to this pandemic,

*Aware* that stigma and discrimination continue to prevent people from having access to HIV testing and counselling services, which are of paramount importance in the prevention and treatment of the pandemic,

*Recognising* that the global HIV/AIDS pandemic constitutes a formidable challenge to human life and dignity and to the full enjoyment of human rights, and that the full realisation of human rights and fundamental freedoms for the people affected is an essential element in the global response to the pandemic,

*Affirming* that respect for, and the protection and fulfilment of, the human rights of women and girls are necessary and fundamental components of the approach to addressing HIV/AIDS,

*Concerned* about the negative economic and social impact of the denial of the human rights of people living with HIV/AIDS to work, education and other social services, and *further concerned* that women and children often suffer the greatest economic and social impact as a result of the pandemic,

*Underscoring* that the struggle against HIV/AIDS cannot be separated from the struggle against poverty, which affects primarily women and children, thus undermining the workforce and hindering economic and social development,

*Concerned* that ignorance and intolerance are still a reason for the marginalisation of persons affected or presumed to be affected by HIV/AIDS, which causes discriminatory acts in the fields of medical assistance, job opportunities, education, housing and, in general, in every aspect related to their social well-being,

*Considering* that although the use of antiretroviral medications combined with proper therapies can delay the advance of HIV/AIDS, millions of infected people in developing nations, particularly in Africa, cannot afford these treatments,

*Considering* that under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO), WTO members may allow the production of patented medicines in the event of health emergencies, and *realising* that the World Health Assembly passed a resolution encouraging WHO member States to utilise fully the flexibilities in the TRIPS Agreement to promote access to antiretrovirals and other essential pharmaceutical products,

*Aware* that the realisation of the rights of people living with HIV/AIDS requires non-discriminatory access for them to services, including health care, treatment and social and legal services, within a supportive social environment,

*Convinced* that recognising the degree of the infection levels of the HIV/AIDS pandemic within each country will help the respective governments tailor their prevention and treatment programmes to meet their particular needs,

*Further convinced* that capacity-building in the field of public health is critical to the effective prevention and treatment of HIV/AIDS,

*Also convinced* that countries particularly affected by the HIV/AIDS pandemic should receive special support from the international community for their efforts to comply with their commitments,

*Considering* that ensuring access to affordable medication, including access to antiretroviral therapy for those suffering from HIV/AIDS, is fundamental to achieving progressively the full realisation of the universal right to the enjoyment of the highest attainable standard of health,

*Considering* that conflict situations, particularly in Africa, have led to an increased incidence of HIV/AIDS, and *recalling* United Nations Security Council resolution 1308 (2000), which states that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, and the report of the United Nations High-Level Panel on Threats, Challenges and Change, which places infectious diseases among the economic and social threats to international security,

*Aware* of the fact that any response to the epidemic will be effective only if it addresses the causes of its spread, including human trafficking, in particular trafficking in women and girls, drug abuse and illicit drug trafficking and gender-based violence, and *considering* in this context that the pivotal roles of the family, religion and long-established fundamental ethical principles and values need to be underlined,

*Emphasising* that the HIV/AIDS pandemic is at the same time a medical, social and economic emergency,

1. *Calls upon* parliaments and governments to ensure that their laws, policies and practices respect human rights in the context of HIV/AIDS, in particular the rights to education, work, privacy, protection and access to care, treatment and social services; and *also calls upon* them to protect people living with HIV/AIDS from all forms of discrimination in both the public and the private sectors, promote gender equality, ensure privacy and confidentiality in research involving human subjects, and provide for speedy and effective judicial, administrative and civil remedies in the event that the rights of people living with HIV/AIDS are violated;
2. *Reminds* States of the commitments they have made to promote and encourage respect for human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocols, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Declaration on Fundamental Rights and Principles at Work of the International Labour Organization; and *requests* States that have not yet done so to take the necessary steps to ratify and implement these international instruments;

3. *Invites* States that have not already done so to include in their national reports on the MDGs the objective of stopping by 2015 the spread of HIV/AIDS and of beginning to reverse the development of this pandemic; *further invites* parliaments to sponsor the official launch of these reports from their premises; and *encourages* the periodic establishment of national and regional reports taking stock of the degree of achievement of the MDGs, in particular in the field of the fight against HIV/AIDS;
4. *Urges* governments in the developed countries both to continue and to increase the financial and technical assistance that they provide to developing countries and especially the least developed countries, and to share their expertise in addressing HIV/AIDS with those countries that seek to create or strengthen their own human rights institutions in the context of HIV/AIDS;
5. *Further urges* governments to allocate sufficient resources to their health systems, including resources for prevention and care;
6. *Strongly urges* governments to implement the measures recommended in the UNAIDS/WHO document *Guidance on ethics and equitable access to HIV treatment and care* to promote equity in the distribution of HIV care in resource-limited settings;
7. *Further urges* parliaments and governments to adopt and finance the measures necessary to ensure, on a sustained basis and for all affected persons (irrespective of social status, legal situation, gender, age or sexual orientation), the availability and accessibility of good quality services and information for HIV/AIDS prevention, management, treatment, care and support, including the provision of HIV/AIDS prevention supplies such as male and female condoms, safe injection needles, microbicides and basic preventive care materials, as well as affordable antiretroviral drugs and other safe and effective medicines in poor countries, psychological support, diagnostics and related technologies, for all persons, with particular attention to vulnerable individuals and populations such as women and children;
8. *Also urges* parliaments and governments to implement measures to increase the capacity of women and adolescent girls to protect themselves from the risk of HIV infection, principally through the provision of health care and health services, including those related to sexual and reproductive health;
9. *Invites* parliaments and governments to adopt the measures necessary to continue, intensify, combine, make mutually beneficial and harmonise national and multinational research and development efforts aimed at developing new treatments for the fight against HIV/AIDS, new means of prevention and new diagnostic tools and tests, including vaccines and female-controlled prevention methods such as microbicides;
10. *Calls upon* parliaments and governments to recognise the health, socio-economic and other effects of HIV/AIDS on individuals, families, societies and nations, and to take the appropriate legislative and executive social measures to halt its spread;
11. *Calls upon* governments to make services related to treatment, care and support for people living with HIV/AIDS comprehensive, by including the prevention and treatment of other infectious diseases often associated with HIV/AIDS, such as pneumonia, tuberculosis and opportunistic infections;

12. *Urges* all parliaments and governments to adopt and implement policies that respect the human rights of persons living with HIV/AIDS, and through all available media, to advocate for and raise awareness of their rights;
13. *Calls upon* parliaments and governments to develop and implement national legislation and policies that address the needs and human rights of the growing number of children orphaned and made vulnerable by the HIV/AIDS pandemic;
14. *Calls upon* parliaments:
  - (a) to draw up laws or amend existing legislation to define national standards of protection for those suffering from HIV/AIDS, and especially for people in vulnerable groups, such as women and children, with particular attention paid to the situation of anyone suffering from the loss of close family members as a result of HIV/AIDS;
  - (b) to review and adjust legislation to ensure that it conforms to the International Guidelines on HIV/AIDS and Human Rights;
  - (c) to enact legislation to punish those who knowingly take the risk of transmitting HIV/AIDS, or who wilfully do so;
15. *Further calls upon* parliamentarians in the IPU's Member Parliaments to promote appropriate legislative measures to tackle discrimination against persons affected by HIV/AIDS and to contribute to the creation of a social environment of tolerance and human solidarity, indispensable for the prevention of this terrible disease and for assisting those affected by it;
16. *Also calls upon* parliaments, governments and the international community to ensure free access to HIV testing for all;
17. *Calls upon* parliaments to promote an effective and efficient use of resources for HIV/AIDS response, including by means of country-level coordination that takes into consideration the UNAIDS "Three Ones" guiding principles for national authorities and their partners;
18. *Urges* parliaments to create parliamentary committees and/or other structures formally linked to parliaments with the specific task of tackling the issue of halting and reversing the spread of HIV/AIDS, to share experiences, information and best practices and to involve all sectors of society through partnership programmes in high-level decision-making processes;
19. *Calls upon* organisations, agencies, bodies, funds and programmes within the United Nations system to incorporate public health into their development activities and programmes, and to support actively the capacity-building of the public health systems of Member States in respect of the prevention and treatment of HIV/AIDS;
20. *Urges* parliaments and governments to take into consideration the linkage between sexual and reproductive health and rights on the one hand, and the fight against HIV/AIDS on the other;



21. *Further urges* parliaments to develop comprehensive policies to provide for an improved food supply in countries affected by the HIV/AIDS pandemic;
22. *Calls upon* parliaments and governments to ensure the development and accelerated implementation of national strategies for women's empowerment, inter alia by ensuring they have access to property rights, by promoting and protecting women's full enjoyment of all human rights and by reducing their vulnerability to HIV/AIDS through the elimination of all forms of discrimination, as well as all forms of violence against women and girls, including harmful traditional and customary practices, abuse, rape and other forms of sexual violence;
23. *Strongly urges* governments to coordinate efforts with and support the work of the United Nations, non-governmental organisations and other bodies or institutions involved in HIV/AIDS prevention in order to ensure that the human rights of individuals living with HIV/AIDS are upheld and protected;
24. *Calls on* all parliaments and governments to strengthen national mechanisms such as commissions, tribunals, legislation and coordinated strategies to protect, enforce and monitor, in their respective countries, the human rights of individuals infected with and affected by HIV/AIDS, and to eliminate all forms of stigma and discrimination, especially in respect of vulnerable groups such as women and children – both boys and girls – as they bear the brunt of the epidemic and are most likely to care for sick people and to lose jobs, family members, income and schooling opportunities as a result of the illness, and to pay equal attention to other vulnerable groups, such as prisoners;
25. *Urges* parliaments and governments to design HIV/AIDS policies and programmes that effectively recognise the needs of women in particular, and that are sensitive to differences in terms of culture and religion that may exist in societies;
26. *Further urges* parliaments and governments to consider the public health safeguards provided for by the 30 August 2003 decision of the General Council of the WTO allowing members to produce and/or export pharmaceutical products needed to combat infectious diseases such as HIV/AIDS that threaten societies, and to incorporate permitted flexibilities into national laws enacted in compliance with the WTO TRIPS Agreement;
27. *Calls upon* parliaments and governments to ban compulsory HIV/AIDS screening for people applying for travel visas, university enrolment, jobs, or asylum, in favour of voluntary testing;
28. *Further calls* for special attention to be given to preventing HIV/AIDS by disseminating adequate and target group-oriented information, using all available media and multipliers, raising awareness and educating both men and women, with particular attention paid to adolescent boys and girls; and *requests* the inclusion of sex education in school curricula, for both boys and girls, as a means of prevention;
29. *Urges* the national and local agencies concerned to give high priority to assisting pregnant and breastfeeding women suffering from HIV/AIDS in order to protect their babies from infection;

30. *Requests* parliaments and governments to establish coordinated, participatory, transparent and accountable national policies and programmes for HIV/AIDS response, and to translate these national policies into action at the district and local levels, wherever possible involving, in development and implementation, non-governmental and community-based organisations, religious organisations, the private sector, and more importantly, people living with HIV/AIDS, and particularly the most vulnerable among them, including women and children;
31. *Calls upon* men and women parliamentarians to ensure that national budgets are gender-sensitive, thereby efficiently addressing the needs of both men and women;
32. *Calls for* the enhancement of support and resources for UNAIDS, and for increased financial contributions for the Global Fund to Fight AIDS, Tuberculosis and Malaria;
33. *Urges* parliaments and governments to promote international cooperation, growth and development as steps towards the containment of conflict situations and the reduction of their possible impact on HIV/AIDS;
34. *Urges* States, in conformity with United Nations Security Council resolution 1325 (2000) on women, peace and security, to ensure adequate HIV/AIDS awareness training for members of the military and the police, and for peacekeeping personnel;
35. *Reiterates* its call to governments to recognise the International Partnership against AIDS in Africa and to promote it, along with the Global Fund to Fight AIDS, Tuberculosis and Malaria, as the framework for action to fight AIDS in Africa;
36. *Affirms* the importance of narrowing the economic and cultural gap between the developed and developing countries, while ensuring that the strategies and programmes employed in the fight against HIV/AIDS take into consideration the natural, human and cultural characteristics of the regions where they are applied, so as to reflect both the characteristics of the demographic structure of each region and the social and economic conditions of its inhabitants;
37. *Emphasises* that countries should integrate the development of public health undertakings into their national economic and social development strategies, which should include the establishment and improvement of effective public health mechanisms, in particular a network for the supervision, prevention, and treatment of the HIV/AIDS epidemic, and for the exchange of information.

**NATURAL DISASTERS: THE ROLE OF PARLIAMENTS IN PREVENTION,  
REHABILITATION, RECONSTRUCTION AND THE PROTECTION OF  
VULNERABLE GROUPS**

*Resolution adopted unanimously by the 112<sup>th</sup> IPU Assembly  
(Manila, 8 April 2005)*

The 112<sup>th</sup> Assembly of the Inter-Parliamentary Union,

*Concerned* that earthquakes, tsunamis, torrential rains, heavy snows, high winds (including typhoons and tornados), floods, landslides, volcanic eruptions, forest fires, droughts, locust infestations and other serious natural disasters are a great transnational threat to all people, that socially vulnerable poor people in developing nations particularly vulnerable to disasters are frequently the ones who suffer great damage and become internally displaced persons or refugees after a natural disaster strikes, and that the secondary effects of natural disasters, such as food shortages and the deterioration of sanitary conditions, become enduring and serious problems,

*Aware* that all disasters, including man-made disasters, are a direct threat to human beings; and that from the viewpoint of guaranteeing human security, it is essential when they strike to ensure that aid truly addresses the suffering of those affected by the disaster, and to increase the capacity of individuals and local communities to take the initiative,

*Taking note* that over 270,000 innocent citizens of Indonesia, Sri Lanka, India, Thailand, Malaysia, Myanmar, the Maldives, Bangladesh, Somalia, Kenya, Tanzania and other countries were killed on 26 December 2004 as a result of the major earthquake off the coast of Sumatra and the tsunami in the Indian Ocean, that tens of thousands of people are still missing, and that many hundreds of others lost their lives as a result of the aftershocks in Indonesia three months later,

*Expressing* its sincere condolences to those who lost loved ones in the tsunami disaster and the aftershocks, as well as to the people, parliaments and governments of the nations affected by the disaster,

*Praising* the leadership role played by the affected nations in responding to the disaster and *holding in high regard* the speedy cooperation demonstrated by the international community in carrying out relief activities in response to the United Nations appeal for emergency support,

*Appreciating* the fact that the United Nations and its specialised agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the World Food Programme (WFP), and the World Bank, the International Monetary Fund (IMF) and other institutions such as the International Red Cross and Red Crescent Movement and the Asian Development Bank (ADB), as well as governments and so many international humanitarian organisations, have come forward immediately to provide urgent humanitarian assistance to meet the needs of the victims of the tsunami disaster and to provide emergency health care, shelter and food to the people of the affected countries, and *expressing respect and thanks* to the United Nations Secretary-General for his prompt

action to visit the affected countries in order to carry out an on-the-spot investigation into the devastation and havoc caused by the tsunami,

*Recalling* the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004, adopted at the special meeting held in Jakarta on 6 January 2005 of the leaders of the member States of the Association of Southeast Asian Nations (ASEAN) in the aftermath of the earthquake and tsunami, and the numerous other discussions that have taken place on this subject at the international level,

*Recalling* the resolution adopted by the 108<sup>th</sup> IPU Conference, held in Santiago in 2003, on international cooperation for the prevention and management of transborder natural disasters and their impact on the regions concerned,

*Aware* that the damage from the recent earthquake and tsunami was worsened due to the lack of a tsunami early warning system in the Indian Ocean rim area and the lack in the affected area of disaster prevention awareness regarding the cause-and-effect relationship between major earthquakes and tsunamis,

*Noting* that the Special Session on the Indian Ocean Disaster held at the World Conference on Disaster Reduction (Kobe, Japan, 18–22 January 2005) emphasised the importance of comprehensively evaluating all the lessons learned from the tsunami disaster and continuing international and regional dialogues and discussions to build an early warning system,

*Noting* that a report of UNICEF estimated that over one third of those who died in the recent earthquake and tsunami were children, and *deeply concerned* that the surviving children who have suffered from the disaster are now being exposed to such threats as human trafficking and infectious diseases,

*Emphasising* the importance of emergency humanitarian relief activities promoted in response to this tragedy by UNICEF, the International Organization for Migration (IOM), WHO and others, for both the survival and the protection of children,

*Reconfirming* the importance of a multifaceted contribution by parliaments and parliamentarians to emergency humanitarian relief for women and children who are vulnerable in post-disaster situations,

*Recognising* the need for psychological assistance and counselling to eliminate the mental trauma for millions of innocent victims of major human disasters, and *acknowledging* the effectiveness of the various kinds of support provided by non-governmental organisations,

*Considering* the importance of international cooperation, solidarity and partnership, as well as good governance at all levels, in strengthening global disaster reduction activities,

1. *Calls upon* the international community to renew its determination to prevent disasters where possible and to minimise the impact of unavoidable natural disasters by making maximum use of past lessons learned in order to prepare for natural disasters, which can strike anywhere in the world, and to achieve the common desire of all humankind to prevent extensive damage, and particularly the loss of life;

2. *Proposes* that nations around the world that are frequently struck by disasters further strengthen their cooperation in disaster prevention efforts; *encourages* them to provide and share know-how, expertise, technology, and other information for the establishment of an early warning system; and *urges* concerned governments to move forward with concrete efforts to establish a tsunami early warning system in the Indian Ocean region under international coordination, administered by United Nations entities, including the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Strategy for Disaster Reduction (ISDR);
3. *Calls upon* the parliaments of every nation to urge their governments to support, in partnership with the United Nations, effective projects conducted by international organisations such as the International Red Cross and Red Crescent Movement, UNICEF, IOM, the United Nations Human Settlements Programme (UN-HABITAT), WHO, and the United Nations Development Fund for Women (UNIFEM) to support children, women, the poorest and other members of society who are vulnerable in post-disaster situations;
4. *Proposes* that the parliaments of affected nations and international organisations involved in relief efforts call upon governments to implement plans for the protection and survival of children, including (i) measures to combat human trafficking and to support family reunification, (ii) the establishment of child protection facilities and temporary housing for single-parent families, (iii) services to relieve psychological trauma, (iv) measures to control infectious diseases, and (v) nutritional support for children;
5. *Calls upon* the parliaments of the affected countries and their neighbours to protect from human trafficking, infectious diseases and other secondary damage children who have been orphaned or who remain unidentified after the disaster, by disseminating information, inter alia by drawing society's attention to this matter and educating the government and police, and by appealing to their national governments to take institutional preventive measures, including the proper and prompt strengthening of the legal system, for example through the temporary suspension of adoption procedures;
6. *Urges* the parties concerned to be particularly attentive to the importance of local ownership of the reconstruction process; *suggests* that efforts should be made at all levels to promote the participation of vulnerable populations in planning, decision-making and operational activities, thereby making reconstruction more effective and strengthening local democracy; and *urges* all concerned in the reconstruction effort to take steps to create societies and economies that are environmentally and ecologically sustainable;
7. *Urges* the United Nations and other institutions of the international community, and particularly donor countries and the international financial institutions, to honour their pledges of funding and assistance in support of the national rehabilitation and reconstruction efforts of affected countries; and *encourages* IPU Member Parliaments whose governments have made pledges of assistance to take decisive steps towards their realisation in a timely and urgent manner;

8. *Strongly urges* all parties engaged in the rehabilitation and reconstruction process to be rigorous in the fight against every form of corruption, including profiteering, in the drafting and management of all programmes;
9. *Calls upon* the countries affected by the tsunami disaster to be responsible, accountable and transparent and to provide the international community as quickly as possible with death tolls and all other relevant information regarding the resulting damage in order to ensure the delivery of aid suitable for the actual situation and to facilitate decisions relating to the distribution of assistance; and *further calls upon* the affected countries to make every effort to ensure that such assistance is used as quickly as possible for the direct benefit of the tsunami victims, and is used conscientiously to rebuild their respective nations;
10. *Recognises* the important role played by both the print and the electronic media in providing updated information regarding the tsunami disaster, in encouraging the world community to provide assistance to the tsunami victims and in disseminating all relevant information on this disaster; and *urges* the media to do the same in all disaster situations;
11. *Calls upon* all countries to be prepared to face such natural disasters in the future and to help developing countries to acquire natural disaster warning systems and natural disaster preparation plans; and *further calls upon* scientifically developed countries to share information on such disasters with the rest of the world, the United Nations and appropriate international institutions;
12. *Calls upon* the parliaments of every nation to support all disaster prevention measures, humanitarian aid and long-term reconstruction assistance implemented by governments, international organisations and others; and *urges* governments to take part in the international coordination of assistance in order to ensure the efficient use of available resources, without prejudice to bilateral support and aid provided by individual countries or international organisations to afflicted nations;
13. *Calls upon* Member Parliaments to urge their governments to draw up or strengthen existing legislative policies relating to the creation, training and support of local field disaster response teams in all areas, and particularly disaster-prone areas, to predict, prepare for, plan for and prevent natural and man-made disasters, to cope with and mitigate the effects of the resulting damage, and to relieve, rehabilitate and resurrect areas affected by disasters, employing inter alia the following methods:
  - (a) Capacity-building through the establishment of early warning systems and hazard mapping, and by determining escape routes, setting up evacuation centres and preparing disaster prevention measures;
  - (b) The establishment of quick and efficient disaster reporting mechanisms, providing information on inter alia the extent of the damage, the number of affected families, and the number of dead, missing and injured people, prioritising the needs to be met, coping with and minimising the damage, and distributing relief supplies such as food, non-food items, emergency shelter materials and provisions for rehabilitation, including financial aid, housing and loans;

- (c) Creating emergency medium- and long-term rehabilitation plans, giving particular consideration to women, children, the elderly and other members of society who are most vulnerable in every aspect of a disaster;
14. *Calls upon* Member Parliaments to create strategically located regional disaster training, logistics and reaction centres, inter alia to train local field disaster response teams, to share international technical know-how, expertise, technology, and other information relating to disaster prevention, training and management, to pre-position emergency equipment for quick delivery and use by international response teams that respond immediately in affected areas using information previously gathered on disaster-prone areas, and to coordinate, mobilise and liaise with local field disaster response teams in the affected areas; and *further urges* collaboration between these regional disaster training, logistics and reaction centres and international humanitarian organisations such as those of the United Nations, its affiliates and agencies, and the International Red Cross and Red Crescent Movement, without prejudice to bilateral support and aid provided by individual countries or international organisations to afflicted nations;
  15. *Invites* all Member Parliaments of the IPU to take urgent action to follow up on the recommendations contained in this resolution, and thus reaffirm their commitment to provide steadfast support for all initiatives, especially during times of extreme emergency, and to preserve the sanctity of life, alleviate human suffering, and uplift the dignity of all peoples.

## Reports, Decisions, Resolutions and other texts of the 176<sup>th</sup> Session of the Governing Council of the Inter-Parliamentary Union

### **REPORT ON THE BRUSSELS SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO**

*(Brussels, Belgium, 24-26 November 2004)*

***Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

1. Together with the European Parliament, the IPU is leading the way in a process known as the Parliamentary Conference on the World Trade Organization (WTO), the sessions of which are held once a year and on the occasion of WTO Ministerial Meetings. The principal objective of the Conference is to enhance the external transparency of the WTO and make this intergovernmental organisation accountable to legislators as elected representatives of the people.
2. The body ensuring the smooth running of the Parliamentary Conference on the WTO is its Steering Committee, composed of representatives of some 25 national parliaments and parliamentary assemblies, as well as of the IPU and the WTO Secretariat. In the course of 2004, the Steering Committee met three times: at the IPU Headquarters in Geneva on 25 and 26 March and 6 and 7 September, respectively, and on the premises of the European Parliament in Brussels on 24 November.
3. At its March meeting, the Steering Committee took the decision to convene the annual 2004 session of the Parliamentary Conference in Brussels at the end of the year. However, the Committee was unable to establish the session's agenda because of the uncertainty that reigned in WTO negotiations following the failure of the Fifth Ministerial Conference in Cancún. The WTO stalemate continued until 31 July 2004, when the WTO General Council was finally able to reach a compromise agreement known as the July package. The July package has been widely perceived as a breakthrough that has significantly improved chances for a successful conclusion of the Doha Round.
4. It was therefore only at its meeting in September 2004 that the Steering Committee was able to establish the agenda for the Brussels session. The agenda focused on agriculture and trade in services, and was strongly influenced by the July package. To emphasise this linkage, the Steering Committee decided to hold, within the overall programme of the Brussels session, an interactive panel discussion entitled *The significance of the WTO General Council decision of 31 July 2004 for the future of the Doha Round*, with the participation of government negotiators from the group of five (Australia, Brazil, European Union, India, United States of America).
5. Following months of intensive preparations, the Brussels session of the Parliamentary Conference on the WTO took place on the premises of the European Parliament from 24 to 26 November 2004. The session was attended by some 470 delegates, including 225 members of parliaments, from nearly 80 countries and 16 international organisations. Government representatives of some 50 WTO Members attended the session as observers.
6. The session was co-chaired by the IPU President, Senator S. Páez, and the EP President, Mr. J. Borrell Fontelles. In addition to the two co-chairs, the inaugural ceremony was addressed by Mr. L. J. Brinkhorst, Minister of Economic Affairs of the Netherlands, representing the Presidency of the Council of the European Union, and by Ambassador S. Oshima, Permanent Representative of Japan to the WTO and Chairman of the WTO General Council.



7. Each of the two main agenda items was introduced by four discussants representing different geographical regions. The item on agriculture was introduced by Mr. B. Gado (Niger), Mr. J. Daul, Member of the European Parliament, Mr. M. Wakabayashi (Japan), and Ms. E. Matthei Fernet (Chile). The item on trade in services was introduced by Ms. P. Torsney (Canada), Mr. R. Pal (India), Mr. I. Amosun (Nigeria), and Ms. A. McKechin (United Kingdom). Over 100 parliamentarians took the floor in the ensuing debate, which was truly participatory, interactive and dynamic, with all delegates who wished to take the floor being able to contribute.

8. The interactive panel included the participation of the following government negotiators from the group of five: Mr. P. Mandelson, European Trade Commissioner; Mr. P. Grey, Ambassador of Australia to the European Communities, Belgium and Luxembourg; Mr. L.F. de Seixas Corrêa, Ambassador, Permanent Representative of Brazil to the WTO; Mr. U.S. Bhatia, Ambassador, Permanent Representative of India to the WTO; and Mr. C. Wilson, of the Office of the United States Trade Representative in Brussels.

9. On the third day of the session, delegates held an interactive discussion with the WTO Director-General, Dr. S. Panitchpakdi, who travelled to Brussels specifically to meet with parliamentarians and answer their questions about the current stage of multilateral trade negotiations. Moreover, a side event on practical aspects of trade-related capacity building took place on 25 November, with the participation of experts from the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD), and the WTO Institute for Training and Technical Cooperation.

10. At the closing sitting on 26 November, the participants adopted by consensus the text of a Declaration (see below) which had been drafted by the Steering Committee.

11. The Brussels session also took an important step in the direction of further institutionalisation of the Parliamentary Conference on the WTO, by adopting the text of the Conference Rules (see [Annex II](#)). The Rules will be applied as from the session to be held in Hong Kong. The draft of the Rules had been prepared by the Steering Committee, which had spent more than a year in discussions on this procedural document before being able to adopt it by consensus.

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## **BRUSSELS SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO**

24-26 November 2004

*Organised jointly by the Inter-Parliamentary Union and the European Parliament*

### **DECLARATION**

*adopted on 26 November 2004\**

1. We, parliamentarians assembled in Brussels for the annual session of the Parliamentary Conference on the WTO, welcome the July 2004 decision of the WTO General Council concerning the Doha Work Programme. The July package has raised hopes that the impasse of the Ministerial Conference in Cancún has finally been overcome, with a consensual roadmap now in place for moving the multilateral trade negotiations forward.

2. While we are encouraged by the renewed momentum, numerous grey areas must still be clarified in the negotiations in order to ensure a positive end result. Significant differences mark the positions of WTO Members on issues currently in dispute. Determination and political will to fulfil commitments are therefore

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\* The delegation of Venezuela expressed a reservation regarding the text of the Declaration as a whole and its section dealing with trade in services in particular.

required of all parties in order to bring the Doha Round to a successful conclusion. Parliaments bear a central share of responsibility in this respect.

3. We reiterate our commitment to the promotion of free and fair trade that benefits people everywhere, enhances sustainable development and reduces poverty. As legitimate representatives of our populations, we shall continue to oversee WTO activities and promote their effectiveness and fairness, keeping in mind the original objectives of the WTO as set out in the Marrakesh Agreement.

4. To be successful, WTO negotiations must involve all members of the Organization at all stages, and their overall results should permit consistency between national policy objectives and faithful adherence to international obligations. To that end, there should be a genuine balance of benefit for all WTO Members and acceding countries, ensuring fair and equitable relationships between exporting and importing countries as well as between developed and developing countries, with special emphasis placed on ensuring real gains for developing countries, and especially the least-developed countries (LDCs).

5. We stress the importance of lower industrial tariffs in particular to provide improved market access for developing countries, especially LDCs, better market access for non-agricultural products, the reduction or, as appropriate, elimination of tariff and non-tariff barriers to trade in environmental goods, and trade facilitation. Clear progress in these areas is needed to help the world trade system to function better and more effectively.

6. We welcome the July decision on agriculture, and call on WTO Members to continue working on the three pillars, namely:

- the elimination of all forms of export subsidies;
- a substantial reduction in trade-distorting domestic support; and
- market access.

7. We are keenly aware of the existence of complex areas in **agriculture negotiations** that are of direct concern to producers and consumers, exporters and importers alike. The negotiations reflect the critical importance of agriculture to the economic development and growth prospects of the majority of WTO Members and a real step in the right direction, which has to be further elaborated. The Framework for Establishing Modalities in Agriculture, adopted by the WTO General Council on 31 July 2004, fills in some details in this regard, but leaves most of the hard decisions to future negotiations, with no specified deadlines. There is a fundamental need to define and provide a framework for the notion of "sensitive product" and for the issues of special interest to developing countries, such as the establishment of special safeguard mechanism and the designation of special products by developing countries, as described in the 31 July Agreement. There is also a need to discuss further sectoral initiatives, differential export taxes and geographical indications.

8. Clear progress in these areas is needed to help the world trade system to function better and more effectively. We note in this regard that the so-called "peace clause" has expired, and that WTO Members are now free to exercise their right to challenge breaches of the rules. We believe that recourse to such challenges should be used sparingly, with the aim of encouraging the withdrawal of export subsidies while avoiding the introduction of further tension and distractions at this stage of the negotiations.

9. We urge the WTO and its Members to make information available as extensively as possible on national commitments in the agricultural sector that extend over the timeframe of these negotiations and have a direct bearing on the three reform pillars, as set out in the Framework, namely market access, domestic support and export competition. This information would provide a transparent backdrop for all Members, but especially developing countries.

10. We attach the highest importance to the pressing needs of developing countries dependent on the export of tropical agricultural commodities, notably sugar, bananas and cotton. Each of these has been the subject of disputes in the WTO. Consideration should also be given to the situation of developing countries dependent on export incomes from coffee, cocoa, pineapple, rice, and other monocultures. Strict attention

should be paid to the specific trade, finance and development needs of developing countries, as enshrined first in the GATT and now in the WTO.

11. At each step of the ongoing negotiations, including those on regional trade arrangements, the concerns of developing countries in respect of poverty reduction, food security and sustainable livelihoods must be kept at the forefront. In order to enable the coexistence of the diverse agricultural systems of various countries, non-trade concerns of agriculture, which include food security, land conservation, revitalisation of rural society and rural employment, as well as the issues of sustainable forestry and fisheries, must also be addressed in a satisfactory manner.

12. Hunger and famine are still ravaging the poorest people in many countries. The issues of malnutrition and hunger deserve sharper focus in the negotiations on export competition. We emphasise in this regard on the one hand the responsibility of developed countries, which produce and export the bulk of food commodities, and on the other hand the need, and indeed the obligation, for developing countries to promote in earnest bold, proactive rural development policies. The solution to food security problems may lie in seeking a complementary relationship between developed countries, which should endeavour to support local production and regional markets in developing countries, and the developing countries themselves, which should set up the necessary production and marketing arrangements for agricultural commodities, with a view to gradually meeting their food needs. The special negotiations for which disciplines and commitments are to be negotiated must be clear, flexible and provide food-importing countries with the necessary leeway to protect and promote national food security. There is also a need to take a close look at the Food Aid Convention, the FAO consultative mechanism for surplus disposal and the FAO/WHO Codex Alimentarius.

13. We welcome the fact that the Framework pays special attention to the LDCs. We support the proposal that the developed countries, and those developing countries that are in a position to do so, should provide duty-free and quota-free market access for products originating from the LDCs.

14. We note with satisfaction that trade in cotton was given prominence in the Framework, and that a subcommittee on this subject has been established by the WTO and tasked to "achieve ambitious results expeditiously". We call on all parties concerned to ensure that these results reach the farmers in the developing countries in a timely manner.

15. Given the growing importance of the services sector in all economies and the expansion of **trade in services**, which involves the movement of natural persons and the cross-border provision of services, we acknowledge the decision of the WTO General Council to approve a number of recommendations aimed at advancing the negotiations on trade in services, the overall pace of which remains disappointing. Revised offers must be submitted by WTO Members in this regard by mid-2005, with the aim of satisfying the concerns of all countries concerned.

16. At the same time, caution must be exercised in the liberalisation of trade in services, especially services that relate to basic human rights and basic and essential needs such as those that provide for public health, education, culture, and social services. Liberalisation of such services should not be imposed by wealthier countries, nor should it be invoked in negotiations on export subsidies. This approach is consistent with the key principles of the General Agreement on Trade in Services (GATS), which allow for flexibility in opening services sectors to competition and for the exclusion of some sectors in whole or in part. Longer time frames for the implementation of market access will provide the necessary measure of margin for those developing countries where institutional arrangements are weak and negotiations on completing the rules are still unfinished. We also believe that every country has the right to protect its cultural diversity and to conserve and develop public services.

17. We stress the need to continue making progress in the area of trade-related aspects of intellectual property rights (TRIPS) and taking action against counterfeiting and piracy by promoting fair forms of competition. We underline the importance of providing technical assistance to developing countries in order to implement the TRIPS rules. Special attention should be given to the protection of biodiversity and access to essential low cost medicines.

18. We are convinced that **trade-related capacity-building**, provided through appropriately delivered technical assistance, should remain an indispensable element of the current negotiations. Increased awareness leads on the one hand to more active participation by all WTO Members in the negotiations, and on other hand to a better understanding of the relevant issues across the widest national spectrum, including members of parliament. This makes the outcome of trade negotiations more likely to be accepted.

19. We note in this regard that the commitments made at the Doha Ministerial Conference in 2001 are being followed up through increased activities by the donor countries, the WTO and other multilateral bodies. We encourage all parties to do more to build the essential human, institutional and economic capacities required to prepare for, negotiate and sustain the implementation of the WTO rules and disciplines. Special attention should be devoted in this regard to the needs of parliaments, particularly in developing countries, which should become active partners in trade agreements.

20. We are convinced that parliaments can make substantial contributions to the WTO negotiations. Parliaments embody the sovereignty of the people and can legitimately contribute to expressing the will of the people in international forums and promoting popular support for international agreements. We call on parliaments and their members to help raise citizens' awareness and understanding of trade negotiations and the WTO. We urge governments and parliaments to engage in a regular dialogue so that the latter can effectively exercise parliamentary oversight of the international trade negotiations and their follow-up.

21. We decide to hold the next session of the Parliamentary Conference on the WTO on the occasion of the Sixth WTO Ministerial Conference, scheduled to take place in Hong Kong from 13 to 18 December 2005. We call upon all WTO Members to include members of parliament in their official delegations at the Ministerial Conference. We also call on our respective governments participating in that Conference to add the following paragraph to the final declaration: "The transparency of the WTO should be enhanced by associating parliaments closely with its activities."

22. We instruct the IPU and the European Parliament to take the steps required, in the Steering Committee, to ensure that this declaration is followed up in the WTO Secretariat.

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## **BRUSSELS SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO**

### **RULES OF PROCEDURE**

*adopted during the Brussels session on 26 November 2004*

The days when foreign policy, and more specifically trade policy was the exclusive domain of the executive branch are over. The WTO is rapidly becoming more than a trade organisation, having an ever growing impact on domestic policies and the daily life of citizens.

The Inter-Parliamentary Union and the European Parliament are therefore jointly organising a Parliamentary Conference on the WTO (hereinafter the Conference) that will meet at least once a year and on the occasion of WTO Ministerial Conferences. The Conference is an official parliamentary event that is open to the public.

#### **ARTICLE 1 - Objectives**

1.1 The Conference is a forum for the exchange of opinions, information and experience, as well as for the promotion of common action on topics related to the role of parliaments and the organisation of parliamentary functions in the area of international trade issues.

1.2 The Conference seeks to promote free and fair trade that benefits people everywhere, enhances development and reduces poverty.

- 1.3 The Conference will provide a parliamentary dimension to the WTO by:
- (a) overseeing WTO activities and promoting their effectiveness and fairness – keeping in mind the original objectives of the WTO set in Marrakesh;
  - (b) promoting the transparency of WTO procedures and improving the dialogue between governments, parliaments and civil society; *and*
  - (c) building capacity in parliaments in matters of international trade and exerting influence on the direction of discussions within the WTO.

## **ARTICLE 2 - Composition**

- 2.1 Participants in the Conference are
- delegations designated by parliaments of sovereign States that are members of the WTO;
  - delegations designated by IPU Member Parliaments from countries that are not represented in the WTO; *and*
  - delegations designated by the European Parliament, the Parliamentary Assembly of the Council of Europe, the Commonwealth Parliamentary Association and the Assemblée parlementaire de la Francophonie.
- 2.2 Observers to the Conference will be
- Representatives of international organisations and others who are concerned by issues of international trade and specifically invited by the Steering Committee on the basis of a list that has been approved jointly by the co-organisers; *and*
  - representatives of governments of sovereign States that are members of the WTO.
- 2.3 The event will also be open to other persons with a specific interest in international trade questions. These persons may follow the work of the Conference without intervening in its proceedings and will have no speaking rights. They will be issued a security badge bearing their name only. They will not receive an official invitation or be accredited to the event.

## **ARTICLE 3 - Presidency**

- 3.1 The Conference is presided over jointly by the President of the Inter-Parliamentary Union and the President of the European Parliament, or their substitutes.
- 3.2 The Presidents shall open, suspend and close the sittings, direct the work of the Conference, see that the Rules are observed, call upon speakers, put questions for decision, make known the results of decisions and declare the Conference closed. The decisions of the Presidents on these matters shall be final and shall be accepted without debate.
- 3.3 The Presidents shall decide on all matters not covered by these Rules, if necessary after having taken the advice of the Steering Committee.

## **ARTICLE 4 - Steering Committee and Secretariat**

- 4.1 The Steering Committee is jointly established by the Inter-Parliamentary Union and the European Parliament.
- 4.2 The Steering Committee is responsible for all matters relating to the organisation of the Conference and shall take decisions on the basis of consensus. All decisions taken by the Steering Committee shall, as appropriate, be circulated in writing and approved before the end of each meeting.

4.3. The Conference and the Steering Committee are assisted in their activities by the secretariats of the Inter-Parliamentary Union and the European Parliament.

#### **ARTICLE 5 - Agenda**

5.1 The Conference decides on its agenda on the basis of a proposal from the Steering Committee, which shall be communicated to the participants at least one month before the opening of each plenary session.

#### **ARTICLE 6 - Speaking rights and decisions**

6.1 Participants and observers have the same speaking rights.

6.2 Priority to speak shall be given to participants wishing to make a procedural motion which shall have priority over the substantive questions.

6.3 The Conference shall take all decisions by consensus of the delegations of participants. Conference decisions shall be taken after due notice has been given by the President.

#### **ARTICLE 7 - Outcome of the Conference**

7.1 The draft outcome document of the Conference shall be prepared by the Steering Committee with the assistance of one or more rapporteurs and communicated to the participants sufficiently in advance.

7.2 Amendments to the draft outcome document shall be presented by the delegations as defined in Article 2.1 or by rapporteurs in English or in French with the amended parts clearly marked. Amendments shall relate directly to the text which they seek to amend. They may only call for an addition, a deletion or an alteration with regard to the initial draft, without having the effect of changing its scope or nature. Amendments shall be submitted before the deadline set by the Steering Committee. The Steering Committee shall decide on the admissibility of amendments.

#### **ARTICLE 8 – Adoption and amendment to the Rules**

8.1 The Conference shall adopt and amend the Rules.

8.2 Any proposal to amend the Rules of the Conference shall be formulated in writing and sent to the Secretariat of the Conference at least three months before the next meeting of the Conference. The Secretariat shall immediately communicate such proposals to the members of the Steering Committee as well as to the delegations of the Conference. It shall also communicate any proposal for sub-amendments at least one month before the next meeting of the Conference.

8.3 The Conference shall decide on any proposal to amend the Rules after hearing the opinion of the Steering Committee, including on their admissibility.

## **RESULTS OF THE FOURTH INTER-PARLIAMENTARY CONFERENCE ON SECURITY AND COOPERATION IN THE MEDITERRANEAN**

(Nafplion, Greece 6-7 February 2005)

*Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

1. The Inter-Parliamentary Union organised the Fourth Inter-Parliamentary Conference on Security and Cooperation in the Mediterranean at the Nafplia Palace hotel in Nafplion (Greece), on 7 February 2005. The Conference was hosted by the Hellenic Parliament and was attended by 117 delegates from the main and associate participants in the CSCM process, as well as several observers.
2. The Inaugural Ceremony of the Conference took place on the evening of 6 February in the Hall of the first Parliament of modern Greece, in Nafplion. The ceremony began with an address by the President of the Hellenic Parliament. The President and two co-Rapporteurs of the CSCM Process, the IPU Secretary General and representatives of several inter-parliamentary organisations also took the floor.
3. On 7 February, the participants began their work by electing Mrs. E. Papadimitriou, member of the Hellenic Parliament, and Mr. R. Salles, member of the National Assembly of France, as co-Presidents of the Conference.
4. The main purpose of the Fourth CSCM was to finalise and adopt the draft Statutes of the future Parliamentary Assembly of the Mediterranean. Following an initial general debate, the members proceeded to accept several amendments to the draft statutes, and subsequently adopted them by consensus (see hereafter).\*
5. The participants requested the President and the two co-Rapporteurs of the CSCM process to remain in their functions until the Parliamentary Assembly of the Mediterranean had met and elected its officers; they also asked the IPU to provide secretarial support to the newly established Assembly during a brief transition period. The participants agreed to set up a working group to prepare a budget for the future financing of the Parliamentary Assembly of the Mediterranean. The working group is composed of representatives of the parliaments of Algeria, Egypt, Italy, and Malta, as well as the President and two co-Rapporteurs of the CSCM Process.
6. For the immediate future, the participants accepted the budget proposed by the IPU Secretariat, and the table of contributions attached to the Statutes. The Secretary General was invited to write to all the participants in the CSCM process and encourage them to submit their financial contribution so as to enable the Secretariat to start preparing for the holding of the first meeting of the Parliamentary Assembly of the Mediterranean.
7. Following a brief discussion, the participants accepted the invitation of the Parliament of Jordan to host the inaugural session of the Parliamentary Assembly of the Mediterranean some time during the second half of 2005. This first session would be preceded by an open-ended preparatory meeting that would take place in Naples in September 2005, at the invitation of the Parliament of Italy.
8. At the end of the meeting, the Conference participants revised and adopted by consensus a final declaration.

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\* At the outset of the meeting, the delegation of Spain explained that it did not have a mandate from parliament to participate in any of the decisions that were to be taken during the meeting.

## PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN

### STATUTES

#### Adopted by consensus

#### **Nature and purpose**

##### *Article 1*

The Parliamentary Assembly of the Mediterranean (hereinafter the Assembly) is the parliamentary institution that brings together the parliaments of all the countries of the Mediterranean basin on an equal footing.

##### *Article 2*

1. The Assembly is an autonomous institution with its own legal personality. It has been created by decisions of the national parliaments of the countries of the Mediterranean basin.

2. The Assembly builds on the pioneering work carried out by the Inter-Parliamentary Union (IPU) through its process of the Conference on Security and Cooperation in the Mediterranean (CSCM). It shall maintain a privileged relationship with the IPU, and shall send it, for information purposes, an annual report on its activities during the first quarter of the following calendar year.

##### *Article 3*

1. The Assembly shall develop cooperation among its Members in its fields of action by promoting political dialogue and understanding between the parliaments concerned.

2. The Assembly shall address issues of common concern to foster and enhance further confidence between Mediterranean States so as to ensure regional security and stability and to promote peace. It shall also seek to unite the endeavours of the Mediterranean States in a true spirit of partnership with a view to ensuring their harmonious development.

##### *Article 4*

The Assembly shall draw up opinions, recommendations and other advisory instruments in order to realise its objectives and shall submit them to the parliaments concerned.

#### **Composition**

##### *Article 5*

1. Upon request, the parliaments of the Mediterranean coastal States and Jordan, The former Yugoslav Republic of Macedonia and Portugal shall be ex officio Members of the Assembly.

2. The parliaments of countries that are geographically situated near the Mediterranean or that have common interests with the region and inter-parliamentary organisations that are active in the Mediterranean region may, on request, be invited to participate in the work of the Assembly as Associate Members.

##### *Article 6*

1. It shall be the duty of the Assembly to submit its opinions, recommendations and other advisory instruments to the national parliaments and governments of the Members.

2. National parliaments shall keep the Assembly apprised of measures taken to promote the implementation of adopted instruments.



*Article 7*

Each Member and Associate Member of the Assembly shall make an annual financial contribution towards the running of the Assembly, which shall be calculated by applying to the draft budget approved by the Assembly the scale of contributions attached to the present Statutes; Associate Members of the Assembly shall make an additional annual contribution of an amount fixed by the Assembly towards its working capital fund.

**Structure**

*Article 8*

The structure of the Parliamentary Assembly of the Mediterranean shall consist of the Assembly, the Bureau, three Standing Committees, Ad hoc Committees and the Secretariat.

**Assembly**

*Article 9*

1. Unless it decides otherwise, the Assembly shall meet once a year in an ordinary session at the invitation of a Member Parliament.
2. The President of the Assembly shall convene extraordinary sessions of the Assembly at the request of two thirds of its Members.

*Article 10*

The Member Parliament hosting meetings and/or activities of the Assembly shall guarantee access to its territory for all the representatives of Member and Associate Member Parliaments.

*Article 11*

1. Members shall include male and female parliamentarians in their delegation.
2. Delegations of the Member Parliaments at the Assembly sessions shall be composed of at most five members of parliament.
3. All Members are encouraged to ensure that their delegations at the Assembly include representatives of both sexes.

*Article 12*

1. The Assembly shall elect a President and four Vice Presidents for a term of two years.
2. The Assembly shall also elect a President for each of the three Standing Committees for a term of two years.

*Article 13*

1. The President of the Assembly shall open, suspend and close the sittings, direct the work of the Assembly, ensure that the Rules are observed, calls upon speakers, put questions to the vote, make known the results of the voting and declare the proceedings of the Assembly closed. The President's decisions in these matters shall be final and shall be accepted without debate.
2. The President shall decide on all matters not covered by these Rules, after having sought the advice of the Bureau if necessary, or if a majority of the other members of the Bureau request that they be consulted.

*Article 14*

1. Each delegation shall be entitled to five votes, provided at least two members are present at the time of voting.
2. If only one delegate is present, he or she shall be entitled to cast only one vote.

#### Article 15

1. Decisions of the Assembly shall be taken by consensus.
2. In instances where it is not possible to reach consensus, the Assembly shall take decisions by a four-fifths majority of the votes cast.

### Bureau

#### Article 16

1. The work of the Assembly shall be prepared by its Bureau.
2. The Bureau shall be composed of the President of the Assembly, four Vice Presidents and the Presidents of the three Standing Committees.

#### Article 17

1. Members shall ensure an equitable representation in the Bureau of the different regions of the Mediterranean, by rotation.
2. Members shall make every effort to ensure that both genders are represented in the Bureau.

#### Article 18

1. This Bureau, which shall be assisted by the Secretariat, shall take all appropriate measures to ensure the effective organisation and normal functioning of the Assembly proceedings, in conformity with the Statutes and Rules of the Assembly.

### Standing Committees

#### Article 19

The work of the Assembly will be prepared by the Standing Committees which shall provide opinions and recommendations. The Standing Committees shall cover the following issues:

- *Standing Committee on Political and Security-related Cooperation (First Committee): Regional Stability:* Relations between Mediterranean partners based on eight principles (refraining from the threat or use of force; peaceful settlement of international disputes; inviolability of frontiers and territorial integrity of States; right of peoples to self-determination and to live in peace in their own territories within internationally recognised and guaranteed frontiers; sovereign equality of States and non-interference in internal affairs; respect for human rights; cooperation between States; fulfilment in good faith of obligations assumed under international law), questions regarding peace, security and stability, confidence-building measures, arms control and disarmament, respect for international humanitarian law, and the fight against terrorism.
- *Standing Committee on Economic, Social and Environmental Cooperation (Second Committee): Co-development and Partnership:* Globalisation, economy, trade, finance, debt issues, industry, agriculture, employment and migration, population, poverty and exclusion, human settlements, water and energy resources, desertification and protection of the environment, tourism, transport, science, technology and technological innovation.
- *Standing Committee on Dialogue among Civilisations and Human Rights (Third Committee):* Mutual respect and tolerance, democracy, human rights, gender issues, children, minorities' rights, education, culture and heritage, sports, media and information, and dialogue among religions.

#### Article 20

Each Member Parliament shall have the right to participate with at least one member in each one of the three Standing Committees.

*Article 21*

1. A special task force on gender and equality issues shall be established within the Third Committee.
2. The Assembly shall be able to establish other special task forces under each one of the three Standing Committees to help them carry out their respective mandates.

**Ad hoc Committees**

*Article 22*

1. The Assembly shall be able to establish Ad hoc Committees to address specific issues.
2. The Assembly shall take a decision on proposals received from Members to establish one or more Ad hoc Committees after hearing the opinion of the Bureau.

**Secretariat**

*Article 23*

1. The Assembly shall be serviced by a Secretariat that shall be located in a Mediterranean country whose parliament is a Member of the Assembly.
2. During a transitional period and pending the establishment of a separate Secretariat for the Assembly, the Secretariat of the Inter-Parliamentary Union shall provide secretariat support to the Assembly.

**Amendments to the Statutes**

*Article 24*

1. Any proposal to amend the Statutes shall be submitted to the Secretariat in writing no less than three months before the meeting of the Assembly. The Secretariat shall immediately communicate all such proposed amendments to the Members of the Assembly. The consideration of such amendments shall be automatically placed on the agenda of the Assembly.
2. After hearing the opinion of the Bureau, the Assembly shall decide on such proposals by consensus.

**PARLIAMENTARY ASSEMBLY OF THE MEDITERRANEAN**

**Annex to the Statutes provided for in Article 7**

**Scale of contributions by Members of the Assembly**

<b>No.</b>	<b>Union Member</b>	<b>Current scale for the Union's budget (%)</b>	<b>Mathematical projection (%)</b>	<b>Proposed CSCM scale (%)</b>
1	France	5.39	<b>31.59</b>	<b>15.00</b>
2	Italy	3.91	<b>22.92</b>	<b>15.00</b>
3	Spain	1.91	<b>11.20</b>	<b>10.00</b>
4	Greece	0.49	<b>2.87</b>	<b>5.00</b>
5	Turkey	0.43	<b>2.52</b>	<b>5.00</b>
6	Libyan Arab Jamahiriya	0.40	<b>2.34</b>	<b>5.00</b>
7	Israel	0.39	<b>2.29</b>	<b>5.00</b>
8	Portugal	0.36	<b>2.11</b>	<b>5.00</b>
9	Algeria	0.33	<b>1.93</b>	<b>4.00</b>
10	Serbia and Montenegro	0.33	<b>1.93</b>	<b>4.00</b>
11	Croatia	0.29	<b>1.70</b>	<b>4.00</b>
12	Slovenia	0.27	<b>1.58</b>	<b>4.00</b>
13	Egypt	0.25	<b>1.47</b>	<b>3.00</b>
14	Bosnia and Herzegovina	0.23	<b>1.35</b>	<b>2.00</b>
15	Syrian Arab Republic	0.23	<b>1.35</b>	<b>2.00</b>
16	Morocco	0.22	<b>1.29</b>	<b>2.00</b>
17	Tunisia	0.22	<b>1.29</b>	<b>2.00</b>
18	Cyprus	0.21	<b>1.23</b>	<b>2.00</b>
19	Albania	0.20	<b>1.17</b>	<b>1.00</b>
20	Jordan	0.20	<b>1.17</b>	<b>1.00</b>
21	Lebanon	0.20	<b>1.17</b>	<b>1.00</b>
22	Malta	0.20	<b>1.17</b>	<b>1.00</b>
23	Monaco	0.20	<b>1.17</b>	<b>1.00</b>
24	The former Yugoslav Republic of Macedonia	0.20	<b>1.17</b>	<b>1.00</b>
	<b>TOTALS</b>	<i>17.06</i>	<b>99.98</b>	<b>100.00</b>

## REPORT OF THE PANEL ON VIOLENCE AGAINST WOMEN AND CHILDREN IN ARMED CONFLICT SITUATIONS

*Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

1. Conflict continues to be a major obstacle to the fulfilment of women's and children's rights. The underlying causes of conflict are complex; they may include poverty, competition for natural resources, ethnic and religious tensions, external interference, occupation and the ambitions of oppressive regimes, and often may involve a combination of these. In 2003, there were 19 armed conflicts raging in 18 locations around the world, directly affecting millions women and children. Modern warfare brutalises women and children in unprecedented ways. Whether as soldiers, forced labourers, sex slaves, or as the direct victims of the use of guns and other armaments, women and children suffer the most severe consequences of the wars that they themselves do not instigate.

2. Violence against women and children in armed conflict is caused and/or exacerbated by many factors. Women and children are increasingly the targets or inadvertent victims of modern warfare that fails to distinguish between civilian and military targets. Armed and rebel groups often choose to use violence against women and children as a strategy to instil fear and to force submission in the general population. Gender inequality, which already puts women and girls more at risk of abuse, exploitation and violence in general, is aggravated during armed conflict. The usual protective systems and values are eroded, and behaviour such as sexual exploitation or rape is often considered "tolerable". There is a lack of accountability for the perpetrators of violence. Parties to conflict often blatantly disregard humanitarian law and human rights, yet they are not held accountable because of ineffective or collapsed police and judicial systems. The general breakdown of law and order results in an environment in which the most horrific violations are committed against women and children with total impunity.

3. To respond to violence against women and children in situations of armed conflict, the Inter-Parliamentary Union organised jointly with the United Nations Children's Fund (UNICEF) a panel discussion on the issue. The debates were launched by members of parliament from Rwanda, Sri Lanka and Sweden, a representative of Amnesty International and a United Nations expert on child soldiers and on Security Council resolution 1325 (2000) on women, peace and security. The panel was moderated by Senator P. Cayetano (Philippines). The debates were very lively and rich, many experiences were shared and several suggestions were made for parliamentary action.

The following are some of the recommendations highlighted by participants:

### **Developing a legal framework to address violence against women and children in armed conflict situations**

Parliamentarians may wish to:

1. Ensure the ratification of the major international conventions designed to protect children and women during armed conflict, such as the Convention on the Rights of the Child and its Optional Protocols, the Mine Ban Treaty (Ottawa Convention), the Geneva Conventions, and the Rome Statute of the International Criminal Court. Where reservations exist, parliamentarians should work to remove them;
2. Ensure that laws do not discriminate against women, but that they promote gender equality;
3. Ensure that national legislation related to children's and women's rights is harmonised so as to meet international standards, and that strong enforcement mechanisms for such legislation are

set up. In particular, legislation should prohibit the recruitment and use of soldiers under the age of 18, and all forms of sexual violence against women and girls;

4. Involve women and children in the development of a legal framework to combat violence against them in situation of armed conflict.

The IPU should make available a list on the status of signature and ratification of the key international agreements and conventions relating to children and women in situations of conflict and on any related reservations.

### **Exercising effective oversight**

Parliamentarians may wish to:

5. Exercise effective oversight over any decisions taken to enter into armed conflict and, should conflict occur, maintain strict oversight over the manner in which it is conducted;
6. Develop oversight mechanisms to determine the extent of violations, and develop workable proposals for redress, justice and compensation;
7. Improve monitoring and reporting mechanisms on the violations committed against women and children in situations of armed conflict;
8. Hold governments, corporations and other actors accountable for their direct activities in conflict countries and for lending indirect support to countries that violate the rights of women and children in situations of armed conflict.

### **Developing and funding programmes of support for women and children**

Parliamentarians may wish to:

9. Draw up national plans of action for the protection of women and children in situations of armed conflict;
10. Monitor government expenditure to ensure that conflict-affected areas receive the necessary level of funding to meet these needs, and increase funding for the protection of women and children and for the provision of support to the victims of violence in situations of armed conflict;
11. Draw up gender- and age-sensitive national budgets;
12. Scrutinise government expenditures carefully with a view to reducing military expenditure, while increasing expenditure on basic social services, particularly education and health;
13. Make use of Official Development Assistance (ODA) for the protection of women and children in situations of armed conflict;
14. For countries in conflict, establish regular “days of tranquility” or humanitarian ceasefires to allow humanitarian assistance to reach children and women who are most in need.

### **Role of the military and peacekeepers**

Parliamentarians may wish to:

15. Ensure that all military forces, including peacekeeping contingents, formally adopt the United Nations standards set forth in the Secretary-General’s bulletin, which specifically include the prohibition of sex with children and the purchase of sexual services;

16. Ensure that all peacekeeping troops be trained in the United Nations code of conduct and in the standards of international human rights law and humanitarian law;
17. Produce laws and mechanisms to ensure that anyone who violates these standards is brought to justice;
18. Ensure, in accordance with Security Council resolution 1325 (2000) on women, peace and security, that a gender balance is achieved in military and peacekeeping operations, that training in gender equality issues is offered, that mechanisms are established to monitor compliance and women participate at the decision-making levels in all peace negotiations and peace processes.

### **Prevention of violations**

Parliamentarians may wish to:

19. Support and strengthen education programmes aimed at informing everyone – children, women and men alike – about the issue violence against women and children and changing attitudes among youth, especially boys, about violence against women and children to eliminate the culture of violence;
20. Ensure that information campaigns are conducted nationwide, aimed at all sectors of the population, with particular attention to people living in rural areas;
21. Prevent and combat the purchase of sexual services, including their purchase by peace-keeping troops, in response to the demand for commercial sexual exploitation and trafficking in conflict situations;
22. Enforce and ensure the respect of arms embargoes to prevent transfers that could contribute to grave human rights abuses, and impose effective controls on all international and national arms transfers, including the transfer of small arms and light weapons, landmines and other weapons, which disproportionately affect civilians, to ensure that they are not used to commit human rights abuses, including violence against women and children.

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## **REPORT: OBSERVING THE OUT-OF-COUNTRY POLL FOR THE TRANSITIONAL NATIONAL ASSEMBLY OF IRAQ**

*Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

### **A. Background**

1. The programme for the out-of country voting for the Transitional National Assembly of Iraq was organised in a very short space of time. The Independent Electoral Commission of Iraq (IECI) decided to entrust the task of organising the out-of-country poll to the International Organisation for Migration (IOM) towards the end of 2004. On 11 November, the IECI signed a Memorandum of Understanding with the IOM, authorising the latter to conduct an out-of-country voting programme on its behalf, and under its supervision. The IOM had 69 days to set up its operation before the elections began on 28 January.

2. The IECI chose the IOM for the implementation of the Iraq OCV Program because it had wide experience in organising such external voting programmes, for example in Bosnia and Herzegovina, Kosovo (Serbia and Montenegro) and East Timor. In 2004, the IOM organised the largest such programme ever,

giving 850,000 Afghans residing in Pakistan and the Islamic Republic of Iran the opportunity to take part in Afghanistan's first democratic election.

3. The initial step taken by the IOM was to sign an individual Memorandum of Understanding with each of the governments of the 14 countries in which it had been decided that the poll would be held. The 14 countries, selected according to the size of their expatriate Iraqi populations, were Australia, Canada, Denmark, France, Germany, the Islamic Republic of Iran, Jordan, the Netherlands, Sweden, the Syrian Arab Republic, Turkey, the United Arab Emirates, the United Kingdom and the United States of America. The first of these memoranda was signed with the Government of Denmark on 11 December 2004, followed by Australia on 21 December and the Islamic Republic of Iran on 22 December. By the time all the memoranda had been signed, nearly 800 registration and polling stations had been set up in 75 locations worldwide.

4. The Inter-Parliamentary Union (IPU) was apprised of these activities late in the month of December. It was also informed that an International Mission for Iraqi Elections (IMIE), designed to monitor both the polls inside Iraq and the out-of-country voting, was being set up by Elections Canada, the Canadian Electoral Commission. Elections Canada established a steering group made up of representatives of other national electoral commissions at a meeting held in Ottawa from 18 to 20 December 2004. The IPU was subsequently asked to participate in the out-of-country election monitoring.

5. On that basis, and following consultations with the President of the IPU, the IPU Secretary General approached the Executive Committee in January 2005 to seek its approval for the Union's involvement. The leaders of the 13 IPU Member Parliaments within the countries concerned (the parliament of the United States of America is not a Member) would subsequently be asked to select parliamentarians to observe the polls in their respective countries. The Executive Committee was overwhelmingly in favour of the initiative.

6. The Secretary General accordingly wrote to the 13 parliaments concerned, and received a favourable response from seven: Canada, Germany, the Islamic Republic of Iran, Jordan, Netherlands, Sweden and the Syrian Arab Republic. Some of the remaining parliaments replied that insufficient time was available for them to provide support for the initiative.

#### **B. Observer activities during the 28-30 January 2005 poll**

7. From 28 to 30 January 2005, IPU parliamentary observers monitored the out-of-country polls at numerous polling and counting centres in the following locations:

Canada:	Calgary, Ottawa and Toronto
Germany:	Cologne, Mannheim and Munich
Islamic Republic of Iran:	Ahvaz, Kermanshah, Mashhad, Orumiyeh, Qom and Tehran
Jordan:	Amman and Zarqa
Netherlands:	Amsterdam and Rotterdam
Sweden:	Stockholm and Gothenburg
Syrian Arab Republic:	Damascus

8. Furthermore, the Director of the IPU Observer Office in New York visited the polling and counting centres in Washington, D.C.

#### **C. Conclusions of the mission**

9. Broadly speaking, the polls observed in the various countries listed above were considered to be well organised and free of any noteworthy irregularities. There were no recorded cases of interference by national authorities in the process set up by the IOM. Indeed, the national authorities provided much assistance, and cooperation appeared to be exemplary.

#### **Polling station personnel**



10. Most observers commented on the high level of competence among the polling station personnel, more than 80 per cent of whom were of Iraqi origin. The IOM had clearly performed very commendably in providing effective training. Observers' questions were always answered without hesitation. Tact and courtesy were shown in sensitive situations, such as in the Syrian Arab Republic where the veils worn by many women voters hampered visual identification. The personnel spared no efforts in explaining the procedures to the voters, most of whom had never voted in their lives.

#### **Literacy**

11. In certain countries it was apparent that some of the voters were illiterate, and thus not able to read the ballot papers. The ballot papers were voluminous sheets containing the names of over 90 parties and candidates. These voters had to be assisted by the polling station personnel. There were nonetheless occasional irregularities, for example as reported by the IPU observer in Gothenburg: "In general the election supervisors were excellent at helping the voters to maintain voter confidentiality. However, there were some cases where relatives "helped" voters. The worst example was when an election supervisor supplied three voting slips to a husband for himself, his wife and an elderly female family member, and the husband then entered the booth and filled in all the slips."

#### **Indelible ink**

12. Voters were occasionally confused about the use of the indelible ink, which some appeared to think was for stamping the ballots rather than preventing repeat voting. In the counting centres, ballots marked with a finger-stamp rather than the requisite tick were examined individually. Where the intent of the voter was clear, the ballot was accepted as valid.

#### **Media presence**

13. The media are essential to any election, for they convey to the electorate information that it needs to form opinions, and demonstrate to the world at large how voting is being run at polling stations. Presiding officers of polling stations who were interviewed on this point concurred that they welcomed the media's presence for these reasons, although not without reservations.

14. In some cases, however, the observers found that the presence of the media in the polling stations generated very ambiguous situations. The elections for the Transitional Assembly of Iraq were exceptional because of the extreme dangers involved for Iraqi citizens who went out to vote. Everybody was aware of the threats coming from Iraq. Although most of the dangers affected people inside Iraq, many who were voting outside the country did so against a backdrop of fears for their families and friends in Iraq, and therefore wished to remain anonymous and not to be filmed. Others may have wished to protect their anonymity because of their relations with immigration services in their country of residence. On a number of occasions, observers saw TV cameramen inside the polling stations showing complete indifference to the voters' wish for privacy (for example in Jordan and the Syrian Arab Republic). There were also accounts of cameramen filming actual ballot papers (for example in the Islamic Republic of Iran). The IECI code of conduct bans interviewing inside the polling station, but this was not always respected. It may therefore be worth discussing the question of media access in highly sensitive elections such as these.

15. In Amsterdam, the presence of one media crew was viewed from a rather different angle. An IPU observer noted "... the arrival of the camera crew of Al Jazeera creates some fuss. People of different ethnic backgrounds raise their voices against these journalists, who in their opinion glorify terrorism and ridicule the Iraqi elections: the crew is not welcome. Even though they have been accredited by the IOM, the Dutch military police sends them away, to keep the peace ...".

#### **Security**

16. Notwithstanding the above comments, the security at the polling stations was, in rich and poor countries alike, considered to be very good. The polling stations were universally well protected. Nevertheless, one potential parliamentary observer in Sweden declined to observe the elections on the grounds that security levels were not sufficient to ensure his safety, although there were otherwise no security shortcomings observed in that country.

17. One IPU observer in Cologne made a point about voter identification. She was told by a polling station official that he could not entirely exclude the possibility that certain voters may not have been bona fide Iraqi nationals; they previously might have falsified their origins in order to acquire refugee status in Germany.

#### **Advertising and publicity**

18. Observers commented that the lack of any real election campaign, with all that it entails in terms of canvassing, advertising and publication of candidates' names, necessarily deprived the electorate of information needed to make informed choices. Indeed, some candidates for election to the Assembly withheld their names until a few days before the election out of fear of reprisals from violent factions determined to sabotage the poll. In such circumstances, it has to be concluded that the voters' rights to information about the candidates were only partially respected.

#### **Location of polling stations**

19. The IPU observers acknowledged the remarkable efforts made by the IOM to set up so many polling centres in such limited time. Ideally, however, a wider distribution of polling stations would have facilitated a larger turnout. In the United States of America, for example, some voters travelled more than a thousand kilometres to register and then had to repeat the journey in order to vote. Others were simply unable to cover such distances. An IPU observer in the Netherlands reported on a married couple who flew from Italy to Amsterdam, and stayed in a hotel during the interval between registration and voting. Few could allow themselves such luxuries. An IPU observer in Sweden commented that many Iraqi and Kurdish refugees were very poor and could not afford to stay in Stockholm or Gothenburg for several days. Analogous comments were made by IPU observers in the Syrian Arab Republic, where all the polling stations were located in the capital, Damascus, despite a widely distributed Iraqi population. Some groups hired coaches in order to travel to the polling stations. It is not known if the payment for such transport arrangements was made by the voters themselves or if it came from political parties, and this was cited as a possible source of abuse. In Denmark, on the other hand, the Government subsidised rail travel for the voters.

20. The shortage of polling stations sometimes caused overcrowding. A Swedish IPU observer wrote: "The fact that there were too few polling stations was confirmed once again when I returned to the station in Skärholmen. I was there for the first time on Friday when, after a short wait for the security controls, I was able to enter the premises and observe the entire process. When I returned on Saturday, I couldn't even get into the polling station; the queues were so enormous and there was no separate entrance for observers, or the security staff did not know of any such entrance. I was unable to wait in the cold for an hour to go through the security control, so in the end I gave up."

#### **Other details of the polling premises**

21. An IPU observer in Toronto reported that one polling station had too many mirrors. In another, electors were taking pictures of each other in the polling area, and a video recorder was placed on the desk of the ballot issuers, which was potentially intrusive for some. In another location, the reduction from five polling stations to three caused overcrowding. Other potential problems were noted in Toronto, for example: "there was a small confusion in storage of the unused ballots and the stamp and ink. Initially the staff were advised that it was sensitive material and hence had to be stored separately. However, counter-instructions were later given, and the stamp was stored with the ballots, creating a potential for spoiled ballots".

#### **Voter turnout**

22. Approximately 280,000 voters registered worldwide to vote in the out-of country elections, from a total of over one million eligible persons. This relatively low global figure conceals much sparser figures for some countries. For Jordan, to quote one example, the figure of 20,000 registrations - in the most generous estimate - came to only one sixteenth of all those eligible.

23. A number of different reasons were put forward to explain the low registration rate. There were, first, the physical obstacles to registration mentioned above: long distances and the need to make two journeys, one to register and one to vote, sometimes in severe winter weather. Poor weather was referred to in the

United States of America, and an observer in the Islamic Republic of Iran also commented on the difficulties of travelling "long distances in the worst possible weather conditions".

24. It is also significant that the Muslim feast of Eid-al-Adha fell in the middle of the registration period.

25. In some cases, certain types of documentary evidence of identity proved to be insufficient, and this created a disincentive to vote. In Iran, an IPU observer noted: "the voters had to present additional evidence to prove their Iraqi citizenship, as their immigration documents were not accepted as sufficient to identify them".

26. The argument offered most frequently to explain the low registration rate was that some expatriate Iraqis were afraid that their personal details would make their way into the hands of the police and other officials of their country of residence. In many cases, residency permits and other documentation of the potential voters may have been outdated or irregular in one way or another. The IOM did its best to make it clear that all personal details would be treated in strict confidentiality, but this was not sufficient to allay the fears of some potential voters who felt extremely wary of officialdom after having to flee their country in the first place.

27. A closely related reason for disassociation from the process was, of course, the call for a boycott of the elections. Last, and certainly not least, was fear of death threats from extremists in Iraq.

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## STATEMENT ON IRAQ

*Adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

The Inter-Parliamentary Union has been involved in the situation in Iraq since the most recent war there ended. First, it adopted a resolution at the 108<sup>th</sup> Conference in 2003 in which it stressed that it was for the Iraqi people to choose its own political institutions and declared that the IPU stood ready to put its expertise at the service of those choices. Later that year, the Governing Council approved a proposal for the provision of assistance with institution-building in Iraq.

At a meeting of the Speakers of parliaments of the countries neighbouring Iraq held in Amman in May 2004, the Speakers called for close involvement of the world organisation of parliaments in the transitional period in Iraq. The emergency resolution subsequently adopted at the 111<sup>th</sup> Assembly called for free and fair elections, and the establishment of a new and legitimate parliament in Iraq.

In January 2005, the IPU played a prominent role in the observation of the out-of-country polls for the Transitional National Assembly of Iraq. Following receipt of a request for technical assistance from this Assembly, the IPU is currently preparing to provide capacity-building expertise to the new parliament of Iraq.

The Inter-Parliamentary Union congratulates the people of Iraq on holding successful elections for its Transitional National Assembly on 31 January 2005, despite all of the threats designed to curtail their enjoyment of the fundamental right to vote.

The IPU welcomes the announcement that a Speaker has been chosen for the Transitional National Assembly and a President and two Vice-Presidents elected for the country, and hopes that the appointment of a government will be duly expedited.

Finally the IPU expresses solidarity with the Iraqi people and condemns the violence and targeted assassinations affecting so many people in society, especially women, and including political, trade union and other leaders, and humanitarian aid workers.

## RECOMMENDATIONS OF THE GENDER PARTNERSHIP GROUP FOR THE DEVELOPMENT OF A GENDER-SENSITIVE IPU BUDGET

*Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

1. While welcoming the positive results of the action taken by the IPU to track expenditures and assess their impact on both men and women, the Gender Partnership Group noted that this effort has focused on the Programme for Partnership between Men and Women. It encouraged the development of further indicators within the IPU budget, and urged that such indicators be mainstreamed in all sectors of the IPU's activities and programmes.

2. In so doing, the Group wished to recall that gender mainstreaming is defined by the United Nations Economic and Social Council as:

"Assessing the implications for women and men of any planned action in any area and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."<sup>(3)</sup>

3. The Gender Partnership Group would like to submit the following recommendations for drawing up the 2006 budget. In developing these recommendations the Group has used Rhonda Sharp's framework for gender analysis of budgets, that breaks down expenditures into three categories:

- **Gender-specific allocations:** These are allocations specifically targeting women and girls or men and boys. For the IPU, this would include reporting on the components of the Programme for Partnership between Men and Women.
- **Mainstream allocations:** These need to be examined for their gender-related impacts. Most expenditures fall within this category, and the real challenge of the gender analysis of budgets is to examine whether such allocations address the needs of women and men equitably.
- **Equal opportunity employment allocations:** These are allocations intended to promote gender equality in the work force. The IPU already reports on the representation of women at all levels of the organisation. Where gender imbalances exist, this information could allow the IPU to examine the systemic barriers faced by women and to propose solutions to address these barriers. Such solutions, including paid parental leave, access to child-care facilities or training for women, may have budgetary implications.

4. Keeping in mind these three categories, the Group recommends that:

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<sup>(3)</sup> E/1997/L.30, Para. 4; adopted by the Economic and Social Council on 17 July 1997.

**(a) With regard to gender-specific allocations:**

- the gender-specific allocations of the IPU budget be clearly presented in absolute and comparative terms in the budget and financial report to monitor the relative budgetary support for gender-specific activities, compared with support for other activities;
- the year-on-year gender-specific allocations be clearly presented in the budget and the financial report, to monitor changes over time;
- the gender impact of the budget be addressed in the auditor's report;
- progress targets be set.

**(b) With regard to mainstream allocations:**

- gender indicators be included in all sections of the budget;
- each section highlight whether and how its activities have an impact on gender equality and the ultimate aim of promoting women's participation in politics.

**(c) Equal opportunity employment allocations:**

- information be monitored and regularly reported on women's participation at all levels in the secretariat;
- budgetary allocations to rectify possible imbalances in the participation of women within the organisation be reported.

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**LIST OF RECENT AND CURRENT ACTIVITIES CARRIED OUT BY THE IPU  
IN COOPERATION WITH THE UNITED NATIONS SYSTEM**

*Noted by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

**UNITED NATIONS**

- New **General Assembly resolution** 59/19 of 8 November 2004, on cooperation between the two organisations. The resolution was co-sponsored by over 100 Member States.
- **Statements** during the 59<sup>th</sup> session of the General Assembly on:
  - the situation in the Middle East and the question of Palestine,
  - security in the Mediterranean,
  - sustainable development,
  - eradication of poverty in the least developed countries,
  - human rights,
  - the advancement of women.
- **Panel of Eminent Persons on the relationship between the United Nations and civil society, including parliaments and parliamentarians (Cardoso Panel)**. Following substantive consultation, it was agreed that the IPU should take the lead in seeking the views of the international parliamentary community on how this relationship can best evolve, and present its findings at the Second World Conference of Speakers of Parliaments in September 2005. This decision was formally acknowledged in UN Resolution A/RES/59/19.
- In December 2004, a Report was issued by the Secretary General's **High-level Panel on Threats, Challenges and Change**, entitled *A more secure world: Our shared responsibility*. The IPU has decided to submit it to the consideration of the leadership of national parliaments.

- **Parliamentary Hearing**

The 2004 Parliamentary Hearing at the United Nations, *From Disarmament to Lasting Peace: Defining the Parliamentary Role*, took place on 19-20 October.

- **Second World Conference of Speakers of Parliaments**

The Second World Conference of Speakers of Parliaments will be held in the United Nations General Assembly Hall in New York from 7 to 9 September 2005. The Third Meeting of the Preparatory Committee will be held in Gabon in May 2005.

#### **UNDP**

- Continued cooperation to strengthen capacities worldwide. Other contributors to IPU activities in support of parliaments include the European Commission, the Swedish International Development Cooperation Agency (SIDA), the World Bank Institute, UNIFEM and The Ford Foundation. Projects funded from various sources are under way in Afghanistan, Albania, Equatorial Guinea, Nigeria, Sri Lanka, Timor Leste, Uruguay, and Kosovo. A project is being initiated with a view to providing assistance to the Transitional National Assembly of Iraq.
- Initiation of a joint project to develop guidelines for the delivery of technical assistance to parliaments in conflict situations.
- The UNDP is contributing to a major project launched by the IPU to produce a manual on parliaments' contribution to democracy. The manual will be made available for use by parliaments, development practitioners and the public at large.
- In 2004, in cooperation with UNDP, WBI and UNIFEM, the IPU finalised a handbook for parliamentarians on ways to develop a gender-sensitive national budget. The same bodies also provide support for holding seminars in the series on parliament and the budgetary process, including from a gender perspective.

#### **UNESCO**

In 2004, the Union produced a handbook for UNESCO officials and national commissions on how they can work with parliaments and parliamentarians to secure their contribution to UNESCO's areas of endeavour. Available in English, French, Spanish and Arabic.

#### **UNAIDS**

IPU responded to calls from Members for a more energetic policy in the field of HIV/AIDS by preparing a project for the establishment of a small committee and provision for a full-time staff position in the Secretariat. The proposal received the endorsement of both the IPU Governing Bodies and the Executive Director of UNAIDS, Mr. P. Piot. Its execution will rely on external funding, which it is hoped will be secured in 2005.

#### **UNCTAD**

UNCTAD XI was held in São Paulo (Brazil) on 13-18 June 2004. The Parliamentary Meeting on the occasion of UNCTAD XI took place on 11 and 12 June 2004 on the premises of the Latin American Parliament.

#### **UNV**

IPU teamed up with United Nations Volunteers (UNV) and the International Federation of Red Cross and Red Crescent Societies to develop a Guidance note on Volunteer Legislation, presented at the 111<sup>th</sup> IPU Assembly in Geneva.

#### **UNHCR**

- The Handbook on Refugee protection was issued in Arabic at the 110<sup>th</sup> IPU Assembly. It is now available in 34 languages and will soon be released in four further languages.
- IPU supported a regional African Conference on *Refugees in Africa: The Challenges of Protection and Solutions*, organised by the African Parliamentary Union, with UNHCR support, and hosted by the National Assembly of Benin.
- In February 2004, a seminar entitled *Conflicts: Prevention, Resolution, Reconciliation* was organised by the UNHCR Spanish Committee and others, with the sponsorship of IPU Parliamentarians from Bosnia-

Herzegovina, Chile, Colombia, Croatia, El Salvador, Peru, Russian Federation, Rwanda and South Africa.

#### **UNITAR**

In February 2004, the Inter-Parliamentary Union and the United Nations Institute for Training and Research (UNITAR) signed a Memorandum of Understanding. The two organisations agreed to carry out joint initiatives to strengthen the capacities of parliaments worldwide. A major inaugural conference will take place in Paris in April 2005 to mobilise international support for the initiative. Implementation will commence in the second half of 2005.

#### **OHCHR**

- The Handbook on Parliament and Human Rights, a joint IPU/OHCHR initiative, is now finalised.
- On 18 March 2004, the Secretary General presented the IPU's work in the field of human rights and democracy before the high-level segment of the United Nations Commission on Human Rights. On 24 June 2004, the Secretary General made a presentation to the sixteenth meeting of chairpersons of treaty bodies at the Office of the UN High Commissioner for Human Rights.
- At the invitation of the OHCHR, the Human Rights Programme Officer made a presentation on the role of parliaments in the treaty reporting, implementation and follow-up process at a training workshop for human rights NGO from 8 to 12 November 2004 in Geneva.
- New updated edition of the World Directory of Parliamentary Human Rights Bodies published in July in English and French. The publication provides a wealth of information on the role, structure and functioning of some 130 committees in over 80 countries, including contact details of presiding officers and assistants.
- OHCHR and UNDP helped IPU organise a seminar for chairs and members of parliamentary human rights bodies, attended by representatives of international, regional and national human rights mechanisms, from 15 to 17 March 2004 at the headquarters of the OHCHR in Geneva.

#### **UNICEF**

- The IPU and UNICEF produced a handbook for parliamentarians on "Child Protection", launched at the 110<sup>th</sup> Assembly in Mexico City.
- Since the discussion held in Ouagadougou on female genital mutilation, in 2001, the IPU has continued to develop its work to eradicate the practice, thanks to the vigorous efforts of a small group of parliamentarians. The IPU developed a medium-term strategy with UNICEF aimed at enhancing parliamentary support from the global, regional and national perspectives.
- The IPU governing bodies have approved a proposal to set up a specialised committee on child protection issues, which will begin its work as soon as funding is secured. This decision marks the Organisation's commitment to pursue work in favour of child protection.

#### **CEDAW**

- The Handbook for parliamentarians on the CEDAW and its Optional Protocol produced with UNDAW serves as a useful tool.
- A panel discussion was organised in cooperation with UNDAW in New York on the occasion of the 48<sup>th</sup> session of the CSW.
- IPU and UNDAW continued the practice of one-day information seminars for members of Parliament on the Convention and its Optional Protocol in October 2004, at IPU Headquarters.

#### **CSW**

- Support project in Timor Leste, one in a series on behalf of women in post-conflict situations.
- On the basis of its experience, the IPU was invited to contribute to the work of the United Nations Expert Group meeting on *Enhancing women's full participation in electoral processes in post-conflict countries*. As a follow-up to this session, the IPU, the Office of the Special Adviser to the United Nations Secretary-General on Gender Issues, and the Permanent Mission of Norway held a panel debate on the same subject during the 48<sup>th</sup> session of the Commission on the Status of Women.
- The IPU and UNDAW held a parliamentary event entitled *Beyond Beijing: Towards Gender Equality in Politics*. The meeting took place in New York, at United Nations Headquarters, on 3 March 2005, on the occasion of the 49<sup>th</sup> session of the Commission on the Status of Women.

## Future Meetings and other Activities

**Approved by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)**

Seminar on parliaments, environmental management and sustainable development, in partnership with the United Nations Institute for Training and Research (UNITAR)	PARIS (France) 22-23 April 2005
Parliamentary Panel within the framework of the WTO Public Symposium	GENEVA 22 April 2005
9 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 22-23 April 2005
Third meeting of the Preparatory Committee of the Second World Conference of Speakers of Parliaments	LIBREVILLE (Gabon) 20-22 May 2005
Seminar on freedom of expression	GENEVA 25-27 May 2005
Working Group on the Parliamentary Dimension of Democracy ( <i>in camera</i> )	GENEVA 16-17 June 2005
110 <sup>th</sup> Session of the Committee on the Human Rights of Parliamentarians ( <i>in camera</i> )	GENEVA (IPU Headquarters) June/July 2005
Regional Seminar for Latin American parliaments on parliamentary oversight of the security sector	MONTEVIDEO (Uruguay) 1-2 July 2005
Seminar on the impact of parliamentary action on indigenous peoples' rights, organised in partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR)	GENEVA 25-27 July 2005
Second World Conference of Speakers of Parliaments	NEW YORK 7-9 September 2005
Seminar for Latin American Parliaments on Parliament and the budgetary process, including from a gender perspective	SAN SALVADOR (El Salvador) September 2005
10 <sup>th</sup> session of the Steering committee of the Parliamentary Conference on the WTO	GENEVA Late September 2005
113 <sup>th</sup> Assembly and Related Meetings	GENEVA 14-19 October 2005



Technical seminar for parliamentarians on the reporting mechanisms and implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol	GENEVA (IPU Headquarters) 20 October 2005
Two-day Parliamentary Hearing at the United Nations on the occasion of the 60 <sup>th</sup> General Assembly	NEW YORK October 2005
Seminar on parliaments and national reconciliation, in partnership with the International Institute for Democracy and Electoral Assistance (International IDEA)	BUJUMBURA (Burundi) 7-9 November 2005
Parliamentary Meeting on the occasion of the Second Phase of the World Summit on the Information Society	TUNIS (Tunisia) 17 November 2005
Information Seminar on the Structure and Functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA (IPU Headquarters) November 2005
Hong Kong session of the Parliamentary Conference on the WTO	HONG KONG (China) 12 and 15 December 2005
Meeting "To Finalise a humanitarian agreement and promote justice, reparation and truth in Colombia", to be organised jointly by the International Federation of Ingrid Betancourt Committees, the International Federation for Human Rights and the IPU	Date and venue to be determined
Meeting of the Coordinating Committee of the World Conference of Women Parliamentarians for the protection of children and young persons	GENEVA Date to be determined
African Regional Conference on Female Genital Mutilation	Date and venue to be determined

#### Invitations received

114 <sup>th</sup> Assembly and Related Meetings	NAIROBI (Kenya) 7-12 May 2006
116 <sup>th</sup> Assembly and Related Meetings	BANGKOK (Thailand) April 2007
118 <sup>th</sup> Assembly and Related Meetings	ADDIS ABABA (Ethiopia) March/April 2008
Future Assembly	CARACAS (Venezuela)

## AGENDA OF THE 113<sup>th</sup> ASSEMBLY AND SUBJECT ITEMS FOR THE 114<sup>th</sup> ASSEMBLY

*Adopted by the 112<sup>th</sup> IPU Assembly  
(Manila, 8 April 2005)*

### Agenda of the 113<sup>th</sup> Assembly (Geneva, 14-19 October 2005)

1. Election of the President and Vice-Presidents of the 113<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Concerted action and cooperation by parliament and the media to inform public opinion, specifically in respect of armed conflicts and the fight against terrorism  
*(Standing Committee on Peace and International Security)*
4. Migration and development  
*(Standing Committee on Sustainable Development, Finance and Trade)*
5. The importance of civil society and its interplay with parliaments and other democratically elected assemblies for the maturing and development of democracy  
*(Standing Committee on Democracy and Human Rights)*
6. Approval of the subject items for the 115<sup>th</sup> Assembly and appointment of the Rapporteurs

### Subject items for the 114<sup>th</sup> Assembly (Nairobi, 7-12 May 2006)

1. The role of parliaments in strengthening the control of trafficking in small arms and light weapons and their ammunition  
*(Standing Committee on Peace and International Security)*
2. The role of parliaments in environmental management and in combating global degradation of the environment  
*(Standing Committee on Sustainable Development, Finance and Trade)*
3. How parliaments can and must promote effective ways of combating violence against women in all fields  
*(Standing Committee on Democracy and Human Rights)*

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 113<sup>th</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

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Palestine

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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)  
World Trade Organization (WTO)

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

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ACP-EU Joint Parliamentary Assembly (JPA)  
African Parliamentary Union (APU)  
Amazonian Parliament  
Arab Inter-Parliamentary Union  
ASEAN Inter-Parliamentary Organization (AIPO)  
Assemblée parlementaire de la Francophonie  
Assembly of the Western European Union (WEU)  
Association of Asian Parliaments for Peace (AAPP)  
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 Eurasian Economic Community  
Inter-Parliamentary Assembly of the Commonwealth of Independent States  
Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU)  
Inter-Parliamentary Council against Antisemitism  
Maghreb Consultative Council  
Nordic Council  
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
Parliamentary Assembly of the OSCE  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organisation of the Islamic Conference Members (PUOICM)  
Southern African Development Community Parliamentary Forum (SADC)

Amnesty International  
International Committee of the Red Cross (ICRC)  
International Federation of Red Cross and Red Crescent Societies (IFRC)  
World Federation of United Nations Associations (WFUNA)

Organisations invited to follow the work of the 113<sup>th</sup> Assembly  
in the light of its agenda item on:

*Migration and development:* Global Commission on International Migration (GCIM)

## Resolutions Concerning the Human Rights of Parliamentarians

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

#### *Resolution adopted by the IPU Governing Council at its 176<sup>th</sup> session\* (Manila, 8 April 2005)*

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, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of a letter from the Chairman of the Standing Committee on Judicial and Legal Issues of the House of Representatives of the National Assembly, dated 19 January 2005,

*Recalling* that Mr. Victor Gonchar, then Deputy Speaker of the 13<sup>th</sup> Supreme Soviet and a major opponent of President Lukashenko, disappeared on 16 September 1999 together with his friend Anatoly Krasovsky, and that their whereabouts have not been determined to date,

*Recalling* that in January 2004 the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) published a report drawn up by the rapporteur it had appointed to investigate the issue of disappearances for allegedly political reasons in Belarus concerning the disappearance of, in addition to Mr. Gonchar and Mr. Krasovsky, Mr. Yuri Zakharenko, a former Minister of the Interior (disappeared in May 1999), and Mr. Dmitri Zvadski, a cameraman for the Russian TV channel ORT (disappeared in July 2000), and that the PACE Committee and subsequently PACE itself endorsed the rapporteur's conclusions that "a proper investigation of the disappearances has not been carried out by the competent Belarusian authorities", and that the information gathered led him "to believe that steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior state officials may themselves be involved in these disappearances",

*Recalling* that the report casts doubt in particular on the role of Mr. Victor Sheyman, at the time of the disappearance Secretary of the Belarusian Security Council and then Prosecutor General, who according to the report had been accused by the then Chief of the Criminal Police of Belarus, in a handwritten note of 21 November 2000 addressed to the Minister of the Interior, of having ordered Mr. Zakharenko's physical elimination, that the order was allegedly carried out by Mr. Dmitry Vasilyevich Pavlichenko, a colonel belonging to the special forces of the Ministry of the Interior (SOBR unit), with the assistance of the then Minister of the Interior, and that Mr. Pavlichenko was arrested by the Committee on State Security (KGB) on 22 November 2000 under an accusation of "being the organiser and head of a criminal body engaged in the abduction and physical elimination of people"; and *noting* in this respect that, according to the PACE report, Colonel Pavlichenko was released after a few days although the Prosecutor General had ordered 30 days' pre-trial detention, and that the KGB Chairman and the Prosecutor General who had ordered and authorised his arrest were both dismissed on 27 November 2000,

*Recalling* that, given the serious doubts the PACE report cast on the role Mr. Victor Sheyman may have played in those disappearances, it has considered, along with PACE, that he should be removed from the investigation into these disappearances; *considering* that, according to

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\* The Belarusian delegation took the floor to reject the resolution.

information provided by the Chairman of the Committee on Judicial and Legal Issues in January 2005, Mr. Sheyman has indeed been removed from this post and promoted to that of Chief of Presidential Administration to President Lukashenko,

*Considering* that relatives of the disappeared, including of Mr. Gonchar, on the basis of the findings and conclusions of the PACE report, petitioned the Chairman of the KGB to press criminal charges against certain state officials mentioned in the report and against Colonel Pavlichenko; that the current KGB Chairman has reportedly taken no action so far; that in a meeting held on 19 October 2004 with opposition politicians he nevertheless reportedly announced that he would in due course publish information on the fate of the disappeared; and that the following day he was reportedly obliged to take vacation,

*Recalling* that the parliamentary authorities have asserted that the PACE report was based on mere allegations and dismissed it; *noting further* that President Lukashenko reportedly reacted to the report only in July 2004, having been quoted as saying that he did not even want to see or know about it,

1. Thanks the President of the Standing Committee on Judicial and Legal Affairs of the House of Representatives for his letter;
2. *Notes* that Mr. Victor Sheyman has been removed from the post of Prosecutor General; *expresses deep concern*, however, at the absence of any indication that the authorities have heeded the evidence contained in the PACE report; and *points out* in this respect that the authorities have not put forward any evidence in support of their assertion that the report is based on mere allegations that are to be dismissed;
3. *Is therefore obliged* to reiterate that, so long as the Belarusian authorities do not fully investigate the evidence revealed in the PACE report, the suspicion as to the role the state officials mentioned in the report may have played in the disappearance of the persons concerned will remain fully justified;
4. *Wishes to ascertain* whether the KGB has meanwhile acted upon the petition which the relatives of the disappeared lodged last year, since it appears to have gathered important evidence in these cases, especially as regards the role played by Colonel Pavlichenko; and *wishes* to be informed in this respect of the grounds for his rapid release in November 2000;
5. *Recalls* that the parliamentary authorities have always stated that they were as anxious as the IPU to establish the whereabouts of Mr. Gonchar; therefore once again *calls on* the parliament to assume its oversight function for this purpose and to ensure that the investigative authorities can work with the independence they require to elucidate the disappearance of one of its former members; *is convinced* that the PACE report can be of great assistance in holding the competent investigative and judicial authorities to account, and thus in shedding light on the disappearances; and *would appreciate* receiving any information about any measures taken to this effect;
6. *Requests* the Secretary General to convey this resolution to the authorities, to the sources and to competent regional organisations;
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 113<sup>th</sup> IPU Assembly (October 2005).

## BURUNDI

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

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

*Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)*

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/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that, save in the case of Mr. Gisabwamana, the murder of the parliamentarians concerned has remained unpunished although in some instances ample evidence exists as to the identity of the murderers; that a parliamentary working group was set up in April 2003 to examine, together with the competent authorities, how the investigation into the murder of the parliamentarians in question could be reactivated; that one of the suspects in the murder of Mr. Mfayokurera has since been apprehended, albeit in connection with another crime, for which the Prosecutor General has requested life imprisonment; and that, moreover, arrest warrants have been issued for two people suspected of the murder of Mr. Ndikumana, who are in hiding in Burundi,

*Considering* that the Law on the National Truth and Reconciliation Commission, which the Transitional National Assembly adopted on 30 August 2004, has been promulgated by the President and that its members will now have to be appointed,

*Bearing in mind* finally that the new constitution has been adopted in a referendum, that elections will be held later this year, and that the transition period will thus be brought to an end,

1. *Is gratified* by the progress made by Burundi on the path towards national reconciliation; *hopes* that the National Truth and Reconciliation Commission can soon be set up and start its work; and *also expresses the hope* that it will contribute to fully shedding light on the murder of the parliamentarians concerned, and ensuring reparation for the families of the victims;
2. *Is confident* that the new Parliament will continue to make every effort to ensure that the murder of the parliamentarians concerned does not remain unpunished and that their families receive due reparation;
3. *Wishes* to be kept informed of any progress made towards bringing to justice the person suspected of the murder of Mr. Mfayokurera and towards apprehending the two persons suspected of murdering Mr. Ndikumana;
4. *Requests* the Secretary General to seek this information from the competent authorities;
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 113<sup>th</sup> IPU Assembly (October 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Norbert Ndiwokubwayo of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that a parliamentary working group was set up in April 2003 to examine, together with the competent authorities, how the investigation into the attempts on the life of Mr. Ndiwokubwayo perpetrated in September 1994 and again in December 1995 could be reactivated, and that one of the persons suspected of perpetrating the attempt on his life in September 1994, which left him severely injured, has since been apprehended, albeit in connection with another crime, for which the Prosecutor General has requested life imprisonment,

*Considering* that the Law on the National Truth and Reconciliation Commission, which the Transitional National Assembly adopted on 30 August 2004, was promulgated by the President and that its members will now have to be appointed,

*Bearing in mind* finally that the new constitution has been adopted in a referendum, that elections will be held later this year, and that the transition period will thus be brought to an end,

1. *Is gratified* by the progress made by Burundi on the path towards national reconciliation; *hopes* that the National Truth and Reconciliation Commission can soon be set up and start its work; and *also expresses the hope* that it will contribute to fully shedding light on the attempts on the life of Mr. Ndiwokubwayo;
2. *Is confident* that the new Parliament will continue to make every effort to ensure that the attempts on the life of Mr. Ndiwokubwayo do not remain unpunished;
3. *Wishes* to be kept informed of any progress made towards bringing to justice the person suspected of the attempt on Mr. Ndiwokubwayo's life in September 1994;
4. *Requests* the Secretary General to seek this information from the competent authorities;
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 113<sup>th</sup> IPU Assembly (October 2005).



CASE No. CMBD/18 - CHHANG SONG ) CAMBODIA  
CASE No. CMBD/19 - SIPHAN PHAY )  
CASE No. CMBD/20 - SAVATH POU )

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Chhang Song, Mr. Siphon Phay and Mr. Savath Pou, members (expelled) of the Senate of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the letter of the President of the Senate, dated 16 February 2005, and of communications from the sources dated 17 February and 2 April 2005,

*Recalling* that the Senators concerned were expelled from their party, the Cambodian People's Party (CPP), on 6 December 2001 and dismissed from Parliament a few days later, a decision never formally notified to them; their expulsion occurred after they had criticised in Parliament the Criminal Code Bill; *considering* that, in his letter, the Senate President stated that they had been expelled because of their personal inappropriate behaviour against their party's code of conduct and its general political lines,

*Recalling* its position, which is shared by competent United Nations bodies, that the Senators were expelled although nothing in the Constitution or in the Senate Standing Orders prescribes forfeiture of the parliamentary mandate in the event of expulsion from a political party; only the internal party regulations of the CPP provide for termination of membership in Parliament in cases of expulsion from the party,

*Considering* that, in his letter, the Senate President reiterated his position, namely that the former Senators concerned should take their case to court, this being the only means to obtain redress, and that he advised them to do so quickly, because the pretext of "lack of independence of the Cambodian judiciary, risks to their personal security and the prevailing impunity is not reasonable enough to justify their unwillingness to find any suitable situation"; the Senate's own Committee on Human Rights and Reception of Complaints possessed neither legal nor moral competence to settle the case,

*Recalling also* that one of the Senators concerned has referred the matter to the Senate Committee on Human Rights and Reception of Complaints, but has never received an answer, and that the Chairperson of the Committee stated on 28 May 2004 that it "is unable to find any suitable solutions because the above case has passed without judgement for so long. Moreover, this case concerned the rules and regulations of a political party",

*Considering finally* that, according to the letter from the Senate President, the Senate Special Commission working on the draft standing orders, and which had been expected to finish its work by November 2004, is waiting for the National Assembly to amend its own standing orders before reviewing those of the Senate as "the standing orders of both institutions must be related to a great extent",

1. *Thanks* the President of the Senate for his constant cooperation; and *deeply regrets* nevertheless that he has not replied to any of the arguments, concerns and considerations it has consistently raised in this case;

2. *Can therefore only reaffirm* its view, as expressed in its previous resolution, that the Senate was not bound by the decision of the Cambodian People's Party (CPP) to expel the three Senators from the party as internal party regulations cannot override the Constitution and Standing Orders, and was therefore entitled to refuse the CPP's request to replace them;
3. *Remains convinced* also that the Senate, regardless of any court action that may be brought by the former Senators against their former political party, can and should take remedial action and provide redress, if only moral, to its three former members, and that the Senate's own Committee on Human Rights and Reception of Complaints, which, as its name indicates, is competent to examine complaints from citizens, would be ideally placed to find such a settlement;
4. *Considers* that such a course of action would strengthen the independence of the Senate as such vis-à-vis undue interference by other branches of government and political parties, thereby conforming to the principles of liberal democracy and pluralism and the separation of powers enshrined in the Constitution;
5. *Wishes to ascertain* whether the decision to expel the persons concerned exists in a written form and, if so, would appreciate receiving a copy thereof; *also wishes to ascertain* the prescription period provided for in civil law suits;
6. *Continues* to believe, in the light of the concerns expressed by the competent United Nations human rights bodies with respect to the independence of the judiciary and the still prevailing impunity in the country, that the fears of the former Senators, which have prevented them from taking their case to court, are well founded;
7. *Notes* that the draft standing orders of the Senate have not as yet been adopted; and *reiterates* its wish to be kept informed of the Special Commission's work;
8. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them once again to provide their observations and to respond to the arguments it has put forward in support of its views;
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 113<sup>th</sup> IPU Assembly (October 2005).

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CASE No. CO/01 - PEDRO NEL JIMÉNEZ OBANDO ) COLOMBIA  
CASE No. CO/02 - LEONARDO POSADA PEDRAZA )  
CASE No. CO/03 - OCTAVIO VARGAS CUÉLLAR )  
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/139 - OCTAVIO SARMIENTO BOHÓRQUEZ )

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case concerning the assassinations of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa, Mr. Manuel Cepeda Vargas and Mr. Octavio Sarmiento Bohórquez, all of whom were members of the parliament of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the letter from the Director of the Presidential Programme on Human Rights and International Humanitarian Law, dated 28 March 2005, which includes reports from the Attorney General's Office, and the letters from the Director of Political and Electoral Affairs and the Director of the Legal Order (*Ordenamiento Jurídico*) of the Ministry of the Interior and Justice, dated 20 and 18 February 2005, respectively,

*Recalling* that, in the case of Mr. Jaramillo, paramilitary group leaders Mr. Carlos Castaño and his brother Mr. Fidel Castaño were identified as the murderers and sentenced in absentia in November 2001; that in his book, *My Confession*, Mr. Carlos Castaño not only admitted his responsibility for Senator Cepeda's assassination, but also described the criminal operation in detail and mocked the Colombian justice system which had acquitted him at first and second instances; and that Mr. Carlos Castaño also acknowledged his responsibility in live radio and written press interviews, and tried to justify his motives on numerous occasions and in various places,

*Considering* that on 11 November 2004 the Supreme Court upheld the acquittal of Mr. Carlos Castaño, who had by then disappeared and reportedly been assassinated, and denied the probative force of his book, arguing that it was a "reporter's chronicle" that was submitted at the wrong time; that Senator Cepeda's family intends to refer the matter to the Inter-American Commission of Human Rights,

*Recalling* that in the case of Mr. Jiménez, the presumed suspects, all military officers, had been arrested but were later released, and that evidence exists in the cases of Mr. Posada, Mr. Valencia and, even more so, in the case of Mr. Sarmiento where a detailed account exists of how paramilitaries occupied his farm and shot him dead on 1 October 2001,

*Recalling also* that, in its concluding observations of 2004 on the fifth report of Colombia (CCPR/CO/80/COL) submitted under the International Covenant on Civil and Political Rights (ICCPR), the United Nations Human Rights Committee, in relation to, inter alia, the unpunished murder of legislators, stated that it was "disturbed about the participation of agents of the State party in the commission of such acts, and the apparent impunity enjoyed by their perpetrators", and recommended that the Colombian authorities "should take immediate and effective steps to investigate these incidents, punish and dismiss those found responsible and compensate the victims, so as to ensure compliance with the guarantees set forth in Articles 2, 3, 6, 7 and 9 of the Covenant",

*Recalling furthermore* that since 1999 an amicable settlement procedure has been under way before the Inter-American Commission on Human Rights regarding a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* political party and its members, and that several working groups were set up in that framework to examine human rights violations perpetrated against that party's members; *considering* that, in the meeting the Secretary General had in March 2005 with the Deputy Executive Secretary to the Inter-American Commission, the latter stated that several *Unión Patriótica* members had expressed their disappointment at the lack of progress in the procedure, and were considering seizing the Inter-American Commission of the matter,

*Considering* that the Government has presented a new, revised bill on the demobilisation of the paramilitary groups, now in progress, which was discussed in the Congress at committee level in late March 2005 and strongly criticised by some Congress members for failing to ensure adequate respect for the right to justice and the right to reparation, which prompted several legislative counterproposals,

*Noting* that a Special Committee to advance investigations of human rights violations and breaches of international humanitarian law was established under the Vice-President's programme to combat impunity, which has prioritised certain cases,

*Bearing in mind* that, in its report to the 61<sup>st</sup> session of the United Nations Commission on Human Rights, the United Nations High Commissioner for Human Rights recommended to the Parliament and the Government that a legal framework be put in place as soon as possible that fully recognised and guaranteed the right of the victims to truth, justice and reparation,

1. *Thanks* the authorities for the recent information provided in this case;
2. *Notes with deep concern* that Mr. Carlos Castaño was cleared by the Supreme Court of any involvement in the murder of Senator Cepeda despite his repeated public admissions of responsibility freely made; *fails to understand* how Mr. Carlos Castaño's statements were denied any probative force; and *wishes* to be informed of the legal grounds requiring that such evidence be set aside;
3. *Can only consider* that the ruling runs counter to Colombia's obligations under the International Covenant on Civil and Political Rights and other human rights instruments, and to repeated United Nations recommendations for more decisive action by the authorities to combat impunity;
4. *Notes* that Senator Cepeda's family intends to lodge a complaint with the Inter-American Commission on Human Rights; and *requests* the Committee to act, at the appropriate time in the procedure, as *amicus curiae* before the Commission;
5. *Deeply regrets* that the communications from the Attorney General's Office provide no information on action taken in the case of Mr. Sarmiento and do not specify whether the investigations are still being pursued in the other cases;
6. *Points out* that there is ample evidence in the case of Mr. Sarmiento that he was killed by paramilitary, and that there are clear leads in several of the other cases, which would enable the authorities to progress towards bringing the culprits to trial; *once more calls on* the authorities to act with the necessary resolve to ensure that these cases do not go unpunished; and *wishes to ascertain* the possibility of their being included in the cases dealt with by the Special Committee to advance investigations of human rights violations and breaches of international humanitarian law;
7. *Calls on* the Congress, in this crucial phase, to ensure that the bill on the demobilisation of paramilitary groups fully respects existing standards on justice and reparation and the many recommendations made to this effect by national and international bodies; *would greatly appreciate* being kept informed of any developments in this regard;
8. *Deeply regrets* that the various working groups set up in the framework of the amicable settlement procedure in the *Unión Patriótica* case have so far failed to achieve any tangible results; and *calls on* the authorities to provide their full support in ensuring an effective settlement;
9. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
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 113<sup>th</sup> IPU Assembly (October 2005).

**CASE No. CO/09 - HERNÁN MOTTA MOTTA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Senator Hernán Motta Motta of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that the name of Mr. Motta, a member of the *Unión Patriótica*, featured on a hit list drawn up by the paramilitary group led by Mr. Carlos Castaño Gil, that he received death threats which forced him into exile in October 1997, and that, according to a report from the Attorney General's Office dated 6 October 2003, by order of 23 July 2001 a stay of proceedings had been declared in the case of the death threats against Mr. Motta,

*Recalling* also that since 1999 a friendly settlement procedure has been under way before the Inter-American Commission on Human Rights regarding a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* political party, and that several working groups were set up in that connection to examine human rights violations perpetrated against that party's members; *considering* that, in the meeting of 23 March 2005 between the IPU Secretary General and the Deputy Executive Secretary to the Inter-American Commission, the latter stated that several members of the *Unión Patriótica* had expressed disappointment at the lack of progress in the procedure, and were considering taking the matter to the Inter-American Commission,

*Considering* that Article 41 of the Rules of Procedure of the Inter-American Commission states that any friendly settlement "must be based on respect for the human rights recognised in the American Convention on Human Rights, the American Declaration and other applicable instruments" and that "the Commission may terminate its intervention in the friendly settlement procedure if it finds that ... any of the parties ... does not display the willingness to reach a friendly settlement based on respect for human rights",

1. *Deeply regrets* that the various working groups set up under the friendly settlement procedure in the *Unión Patriótica* case have so far failed to achieve any tangible results;
2. *Fears* that the absence of any progress may be due to the lack of sufficient financial resources and political will to use the potential that these mechanisms may have in promoting reparation and justice, including in the case of Mr. Motta;
3. *Stresses* that the friendly settlement procedure is not an end in itself but an opportunity for parties to reach a satisfactory solution in line with applicable human rights standards without the Commission having to pronounce on the matter;
4. *Urges* the authorities to review and adapt the mechanisms set up under this procedure with a view to making them effective in bringing about a satisfactory settlement of the case;
5. *Remains convinced* that the Colombian Congress can make a crucial contribution to this objective; and *wishes to ascertain* what action Congress has taken to put its stated commitment in this regard into practice, in particular by providing the necessary financial means and political support;

6. *Requests* the Secretary General to inform the competent authorities and the source 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 113<sup>th</sup> IPU Assembly (October 2005).
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**CASE No. CO/121 - PIEDAD CÓRDOBA - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the letter from the Director of the Presidential Programme on Human Rights and International Humanitarian Law, dated 28 March 2005, which includes reports from the Attorney General's Office, and the letters from the Director of Political and Electoral Affairs and the Director of the Legal Order (*Ordenamiento Jurídico*) of the Ministry of the Interior and Justice, dated 20 and 18 February 2005, respectively,

*Recalling* that Ms. Córdoba was kidnapped by the *Autodefensas Unidas de Colombia* (AUC) paramilitary group between 21 May and 4 June 1999 and that there is no doubt about the involvement of its then leader, Mr. Carlos Castaño Gil, who disappeared in April 2004; *considering* that, according to the report from the Attorney General's Office, Mr. Carlos Castaño was formally indicted on 9 November 2004, *recalling* furthermore that, in this case, on 26 June 2002 an arrest warrant was issued for Mr. Iván Roberto Duque Gaviria, who was declared absent by the Court on 27 August 2002,

*Recalling further* that Ms. Córdoba was the target of attempts on her life in December 2002 and January 2003; that, according to the information provided by the authorities in October 2003 and January 2004, the investigation into the attempt on her life of 20 January 2003 was at the evidence-taking stage; that four persons who had been placed in detention were implicated; that, on 18 September 2003, a preliminary investigation found them to be involved in that crime; and that the matter is pending the court's determination as to whether it could proceed to trial on the basis of the legal merits,

*Considering* that the Government has presented a new, revised bill on demobilisation of the paramilitary groups which was discussed in the Congress at committee level in late March 2005 and strongly criticised by some Congress members for failing to ensure adequate respect for the right to justice and the right to reparation, which prompted several legislative counterproposals,

1. *Thanks* the authorities for the information provided; *regrets*, however, that the communication from the Attorney General's Office does not provide details of the stage reached in the legal proceedings concerning the attempts on Ms. Córdoba's life;

2. *Trusts* that the proceedings against the alleged perpetrators of those attempts, who were charged 18 months ago, are well under way; and *would greatly appreciate* information on the current stage of the proceedings and whether any timetable exists for their completion;
  3. *Notes* that Mr. Carlos Castaño has been indicted for his role in Ms. Córdoba's kidnapping; *calls on* the authorities to make every effort to establish his whereabouts and those of Mr. Iván Roberto Duque Gaviria and to take such further action as the pursuit of justice may require;
  4. *Urges* the Congress, in this crucial phase, to ensure that the bill on demobilisation of the paramilitary groups fully respects existing standards on justice and reparation and the many recommendations made to this effect by national and international bodies; *would greatly appreciate* being kept informed of any developments in this regard;
  5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
  6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 113<sup>th</sup> IPU Assembly (October 2005).
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CASE No. CO/122 - OSCAR LIZCANO ) COLOMBIA  
CASE No. CO/132 - J. EDUARDO GECHEN TURBAY )  
CASE No. CO/133 - LUIS ELADIO PÉREZ BONILLA )  
CASE No. CO/134 - ORLANDO BELTRÁN CUÉLLAR )  
CASE No. CO/135 - GLORIA POLANCO DE LOZADA )  
CASE No. CO/136 - C. GONZÁLEZ DE PERDOMO )

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all former members of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that these six persons were kidnapped by the Revolutionary Armed Forces of Colombia (FARC) between 5 August 2000 and 23 February 2002, and are still in their hands,

*Recalling* that, according to information provided by the President of the Colombian Congress in June 2004, the Colombian Congress had in August 2003, in the interests of providing security and monitoring reconciliation with FARC, set up a special committee on the question of a humanitarian agreement, and that it is composed of Senators Francisco Murgueitio Restrepo, José Renán Trujillo García, Dilía Francisca Toro, Samuel Moreno Rojas and Jairo Clopatofski,

*Considering* that the Government's offer of 18 August 2004 to release unilaterally 50 imprisoned FARC members who are being prosecuted or have been sentenced in absentia ushered in a series of consultations between both parties; that, however, positions between the Government and FARC have recently hardened again,

*Bearing in mind* that, in her report of February 2005 to the 61<sup>st</sup> session of the United Nations Commission on Human Rights (E/CN.4/2005/10), the United Nations High Commissioner for Human Rights urges that negotiations be opened as soon as possible between the Government and the illegal armed groups to bring hostilities to an end and achieve lasting peace,

1. *Recalls* that the taking of civilian hostages is strictly prohibited under international humanitarian law, and that FARC is bound by this norm;
2. *Reiterates its conviction* that negotiation is the only path to a humanitarian agreement as a first step towards wider negotiations to overcome armed conflict in Colombia;
3. *Is therefore deeply concerned* that the latest "rapprochement" between the Government and FARC, which had improved the prospect of a humanitarian agreement, has lost momentum;
4. *Remains* convinced that the Congress has an essential role to play in securing a national consensus on the need for a prompt humanitarian agreement; *reiterates therefore its wish* to ascertain whether the special Congress committee put in place in August 2003 is still in existence and, if so, *would greatly appreciate* receiving information on its functioning, including whether it has had regular contacts with the families of those kidnapped and has adopted any reports and recommendations;
5. *Requests* the Secretary General to convey this resolution to the competent authorities, the sources and other interested parties;
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 113<sup>th</sup> IPU Assembly (October 2005).

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

#### ***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session (Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the communication from the Director of the Presidential Programme on Human Rights and International Humanitarian Law, dated 28 March 2005, including an annexed report from the Attorney General's Office on Mr. Petro's situation,

*Recalling* the following information on file:

- Mr. Petro has regularly received death threats from paramilitary groups; in June 2002 he learned that contacts had been made between a senior official of the Attorney General's Office and then paramilitary leader Mr. Carlos Castaño Gil with a view to having him assassinated;



- In April 2004, the Prosecutor General reported that three disciplinary investigations were under way regarding the complaints lodged by Mr. Petro, two of which, conducted by the Human Rights Unit of the Prosecutor General's Office and by the National Directorate of Special Investigations, respectively, were at the preliminary stage, while the third, conducted by the Prosecutor for Disciplinary Matters - Human Rights Unit, was at the stage of preliminary investigation of the complaint; in all three investigations, members of Brigade 13 of the National Army were referred to as possible suspects; in addition, the Attorney General has conducted a preliminary investigation into the attempts allegedly carried out by paramilitary groups, in collusion with a police officer, to infiltrate Mr. Petro's security detail for the purpose of preparing an assassination;
- According to the information provided by the authorities in January 2004, elaborate security arrangements have been put in place for Mr. Petro;
- Mr. Petro formally presented to the Committee on Accusations of the Colombian House of Representatives reportedly well-documented accusations against the Attorney General of perjury and criminal offences allegedly committed in the exercise of his functions; in his letter of 16 June 2004, the then President of the Congress stated that the Committee was moving the investigation forward,

*Considering* that two house searches by the Attorney General's Office on 25 August 2004 appeared to reveal the involvement of the Colombian Army and other state authorities in an operation ("*Operación Dragón*") to collect sensitive information on the movements, activities and habits of specified individuals, including Mr. Petro, all of whom are unjustifiably referred to in the material found as supporting the objectives of the insurgency; that this matter was raised in Congress, but reportedly did not lead to any parliamentary action,

*Bearing in mind* that, in her report to the 61<sup>st</sup> session of the United Nations Commission on Human Rights, the United Nations High Commissioner for Human Rights calls inter alia on the Congress to promote adequate norms and mechanisms to address the problem of impunity, and furthermore encourages the Attorney General to ensure that the sub-unit of the human rights and international humanitarian law unit responsible for investigating presumed ties between civil servants and armed groups concentrates on elucidating links between paramilitary groups and members of the public order force, civil servants and private individuals,

1. *Thanks* the authorities for the information provided; *regrets*, however, that the report from the Attorney General's Office does not relate to any of the specific concerns in this case;
2. *Is deeply concerned* that state agents appear to be implicated in a secrete intelligence-gathering operation in which they unjustifiably link Mr. Petro and other opponents of the Government to the activities of FARC;
3. *Fears* that such accusations may be used to present him as a legitimate counter-insurgency target, which, in the context of Colombia, would seriously compromise his security;
4. *Trusts* that the Offices of the Attorney General and the Prosecutor General are actively investigating the material confiscated in the searches so as to identify and bring to justice those responsible for setting up and carrying out the operation, and to ensure that it is fully dismantled;
5. *Regrets* that the Congress has apparently not chosen to come to Mr. Petro's defence, in particular by denouncing the unfounded accusations made against him; *would greatly appreciate* being informed what action, if any, Congress is currently taking to address the concerns in relation to *Operación Dragón*;

6. *Would greatly appreciate* receiving information on the work which the Committee on Accusations has carried out since Mr. Petro submitted to it material regarding the Attorney General's behaviour;
7. *Trusts* that the authorities will continue to provide Mr. Petro with the necessary security detail;
8. *Reaffirms*, however, that any security arrangement is bound to fail in the absence of rigorous action to combat impunity; *urges therefore once again* the authorities to take effective steps to bring to justice those guilty of the death threats; and *would greatly appreciate* being kept informed of progress in this regard;
9. *Calls on* the Congress to ensure that the recommendations made by the United Nations High Commissioner for Human Rights are followed up by the competent authorities;
10. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
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 113<sup>th</sup> IPU Assembly (October 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

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 on 17 February 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* the following information on file:

- Mr. Hurtado and Mr. Tapia were shot dead on 17 February 1999; in August 2000, three men were sentenced to six years' imprisonment for criminal association for their participation in the murder as accessories; they were released in early 2001; however, at the conclusion of the preliminary investigation in July 2002, two of them, Mr. Aguirre and Mr. Ponce were accused of having, together with three others, perpetrated the murder, but subsequently failed to appear before the investigating judge; in October 2003, the indictment was amended to include another person, Freddy Contreras, who at the time was serving a prison sentence for another crime, as the sixth perpetrator of the murder, and the judge declared open the plenary stage of the trial; however, appeals against this decision were pending;
- Shortly after the murder, the Government set up a Special Commission of Inquiry (CEI) to assist the investigation; it has gathered a wealth of evidence on the basis of which it criticised the conclusions of the investigation; on 22 February 2002, the day after its adviser, Mr. Andocilla, submitted the CEI's report to Congress, he was kidnapped, beaten

up and left unconscious; an investigation is under way which had not as yet revealed whether the attack is related to Mr. Andocilla's presentation of the CEI's report; moreover, there were reports indicating that the current Government may reduce financial support for the CEI,

*Considering* that no new information has been conveyed to the Committee,

1. *Remains deeply concerned* at the possibility that suspects may have absconded and may be no longer available for the judicial process; *wishes to ascertain* the current situation; also *wishes to ascertain* whether Mr. Contreras is still in detention;
2. *Wishes further to ascertain* whether the appeals lodged by the parties concerned have meanwhile been decided upon and, if so, the outcome and the current stage of proceedings;
3. *Reiterates finally its desire to ascertain* whether further progress has been made in the investigation into the attack on Mr. Andocilla, including the possibility of a link between that incident and his CEI work;
4. *Earnestly hopes* that the Ecuadorian Parliament is continuing to monitor this case, and *would appreciate* information as to any action it may have taken to this end;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the CEI, 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 113<sup>th</sup> IPU Assembly (October 2005).

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## 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 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians from Eritrea, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that the former parliamentarians concerned, all also former senior government officials, have been held in incommunicado detention since their arrest on 18 September 2001; their detention followed the publication, in May 2001, of an open letter in which they called for respect for the rule of law, justice and democratic reform through peaceful and legal means; owing to their incommunicado detention, there are increasing fears for their health and safety; according to the

authorities, the former parliamentarians concerned committed crimes against the sovereignty, security and peace of the nation during the Eritrea-Ethiopia war; moreover, in line with normal government policy and practice, they have been afforded humane treatment and provided with the necessary medical care,

*Considering* that the African Commission on Human and Peoples' Rights (ACHPR), at its thirty-fourth session (November 2003), adopted a decision in this case, which, as part of the Commission's 17<sup>th</sup> activity report, was adopted by the Summit of Heads of State and Government of the African Union (AU) held in January 2005 in Abuja, Nigeria, and, in accordance with the Commission's rules of procedure, has therefore become public; *considering* that, in its decision on this case, the ACHPR found the State of Eritrea in breach of Articles 2 (entitlement without discrimination to the enjoyment of human rights enshrined in the Charter), 6 (right to liberty and security of person), 7(1) (right to fair trial) and 9(2) (right to freedom of expression) of the African Charter on Human and Peoples' Rights; it urged the State of Eritrea to order the immediate release of the 11 detainees and recommended that the State of Eritrea compensate them,

*Considering that*, in response to the African Commission's decision, the Ministry of Foreign Affairs of Eritrea stated that "the Eritrean Government did not throw away or stash the matter indefinitely" and that the authorities had been unable to bring the 11 detainees before a court of law because of the deficient nature of the criminal justice system in Eritrea; within the High Court of Asmara, there was only one chamber responsible for handling criminal cases, and its timetable was consequently very congested and difficult to manage; hence the delay in bringing the matter of the 11 detainees before a court of law; *considering* that, in contrast to the Ministry's statement, the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain, in his communications with the IPU Secretariat, has stated several times, most recently in his letter of 25 September 2004, that the question whether to start trial proceedings "must be considered in conjunction with progress in the peace process, as the case entails extremely sensitive aspects pertaining to the implication of third countries and a possible adverse impact on the peace process", and that it was therefore correct to assume that their cases would be brought before a court upon completion of the peace process,

*Bearing in mind* that the Constitution of Eritrea (1997) provides that every person held in detention must be brought before a court of law within 48 hours of his or her arrest, and that no person shall be held in custody beyond such period without the authority of the court (Article 17, paragraph 4),

1. *Notes with deep regret* that the situation of the former parliamentarians concerned remains unchanged, and that they have now been held in incommunicado detention for three years without being brought before a judge and without any charges being laid against them;
2. *Can therefore but reaffirm* that this situation constitutes a gross violation of their fundamental rights under the Constitution of Eritrea and under the African Charter of Human and Peoples' Rights, to which Eritrea is a party;
3. *Notes* the discrepancy in the explanation given by the authorities as to the reasons for the delay in the judicial proceedings; *reaffirms* that in any event no argument whatsoever can justify such a violation of human rights;
4. *Fears* that the refusal of the authorities to bring the former parliamentarians concerned to trial, rather than being linked to the peace process, suggests that the accusations brought against them are groundless;
5. *Urges* the authorities to heed the recommendations of the African Commission on Human and Peoples' Rights without further delay, as it is bound to do as a party to the African

Convention on Human and Peoples' Rights, and to release the former parliamentarians concerned forthwith;

6. *Remains convinced* that an on-site mission would contribute to a settlement of this case; therefore *reiterates* its wish to carry out such a visit; and *requests* the Secretary General to pursue his efforts to this end;
7. *Requests* the Secretary General to inform the 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 113<sup>th</sup> IPU Assembly (October 2005).

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## CASE No. HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS

### *Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session (Manila, 8 April 2005)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the murder of Mr. Miguel Angel Pavón Salazar of Honduras, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of a letter from the Prosecutor General dated 18 March 2005,

*Recalling* that Mr. Pavón was murdered in January 1988, that after the investigation had come to a standstill, it was reopened in 1996 and finally led to the identification of two suspects, both military officers, that while one of them died during Hurricane Mitch in 1998, the second, Jaime Rosales, was apprehended in the United States of America and extradited to Honduras, where he stood trial and was acquitted on 22 March 2004, that the Prosecutor's Office lodged an appeal against that decision in order to ensure a reversal of the acquittal of Mr. Rosales, given the compelling evidence of his involvement in the murder,

*Considering* that, according to the communication from the Prosecutor General dated 18 March 2005, the appeal court quashed the acquittal on 25 February 2005 and referred the case back to the court of first instance,

1. *Thanks* the Prosecutor General for his consistent cooperation;
2. *Would appreciate* receiving a copy of the appeal court's ruling setting aside Mr. Rosales's acquittal;
3. *Wishes to know* whether steps have been taken to ensure that Mr. Rosales is at the disposal of the judicial authorities;
4. *Trusts* that, given the lapse of time since Mr. Pavón's murder, the court will consider the case as a matter of priority and will take due account of all the evidence gathered by the prosecution over the years with the help of the National Human Rights Commissioner; *would appreciate* being kept informed of any developments in the proceedings;
5. *Requests* the Secretary General to inform the authorities and the sources 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 113<sup>th</sup> IPU Assembly (October 2005).

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## CASE No. IDS/13 - TENGKU NASHIRUDDIN DAUD - INDONESIA

### *Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\* (Manila, 8 April 2005)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Tengku Nashiruddin Daud of Indonesia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that the previous House of Representatives had entrusted its Aceh Monitoring Team with the task of overseeing the investigation into the murder of Tengku Nashiruddin Daud, perpetrated in January 2000; following the Team's visit to Nanggroe Aceh Darussalam province (NAD province) on 7 and 8 May 2004, the Indonesian House of Representatives received, on 17 June 2004, a progress report on the investigation into the murder of Mr. Daud from the regional police of North Sumatra province, which confirmed earlier information as to the identity of the alleged suspects, namely that witness statements suggested that the perpetrators were five members of the Free Aceh Movement (*Gerakan Aceh Merdeka* [GAM]), one of whom had reportedly been shot dead while the others had fled to NAD province; *recalling* that this hypothesis appears to rest on the statement of Ibrahim Amd, who was or still is suspected of the Jakarta Stock Exchange bombing and his girlfriend; *recalling* finally that a key witness in this case, Abu Bakar Daud, disappeared after he had given testimony to the police,

*Recalling also* that the parliamentary authorities have suggested, most recently at a meeting the IPU Secretary General had with the two Deputy Speakers during the meeting of the ASEAN Inter-Parliamentary Organization (AIPO) (13-17 September 2004), that GAM may have abducted and murdered Mr. Daud because of his criticism of that rebel movement and his refusal to join or support it, and that GAM had issued threats against him; and *recalling* in this respect, however, that the source has always affirmed that there was nothing to suggest that Mr. Daud was engaged in opposing GAM, and that it instead considered it highly likely that Mr. Daud's murder was linked to his outspoken stance against the military and their activities in Aceh,

1. *Remains convinced* that close parliamentary oversight of the investigation in this case can be crucial to progress towards elucidating Mr. Tengku Nashiruddin Daud's murder;
2. *Wishes therefore to ascertain* whether the former Speaker's Decree No. 79/PIMP/III/23003-2004, of 12 April 2004, whereby he assigned to the Aceh House Monitoring Team the task of overseeing the investigation into Mr. Daud's murder, has been maintained; and *also wishes to ascertain* any action taken by the parliament in recent months to monitor the investigation;

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\* The Indonesian delegation expressed its reservation regarding paragraph 3 and stated that Mr. Tengku Nashiruddin Daud had received death threats because of his criticism of GAM.

3. *Remains concerned* that the police seem to have neglected a line of inquiry which would have been suggested by Mr. Tengku Nashiruddin's role as Vice-Chairman of the Parliamentary Commission of Inquiry into Human Rights Abuses in Aceh, and instead relied on witnesses' statements of dubious credence;
4. *Reiterates* in this respect its wish to ascertain: (i) the role played by Mr. Ibrahim Amd, in particular whether he is himself suspected of involvement in the murder and whether he is at the disposal of the investigating authorities; (ii) the outcome of the efforts to ascertain the whereabouts of key witness Abu Bakar Daud; and (iii) the testimony he gave to the police; and *also reiterates its wish* to receive information on the evidence gathered by the police suggesting that GAM rebels committed Mr. Daud's murder;
5. *Requests* the Secretary General to seek this information from the parliamentary authorities;
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 113<sup>th</sup> IPU Assembly (October 2005).

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### CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\*  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/11(a)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the information provided to the Committee by the Malaysian delegation at the hearing held on the occasion of the 112<sup>th</sup> Assembly,

*Taking account also* of a letter from a group of Malaysian citizens established for the purpose of seeking a Royal Pardon for Mr. Anwar Ibrahim, dated 4 March 2005,

*Recalling* that, on 2 September 2004, the Federal Court quashed the sentence for sodomy which the Kuala Lumpur High Court had handed down on 8 August 2000 on Mr. Anwar Ibrahim, and ordered his release; *recalling further* that, owing to the guilty verdict of April 1999 in the abuse of power (corruption) case, which still stands, Mr. Anwar Ibrahim remains barred from standing for election and from any political activity for a period of five years, until 14 April 2008,

*Noting* that, in response to the resolution it adopted in September 2004, the Malaysian delegation objected to paragraph 3 of the resolution, in which the Council had called in particular on parliament to ensure that Mr. Anwar Ibrahim be granted a pardon; *noting* that, in his communication of 8 November 2004, the Chairman of the Malaysian Inter-Parliamentary Group stated that "under Malaysian law it is up to the person convicted to seek pardon, and it is not for the Malaysian parliament to appeal to the King", and asked the Secretary General "to stop this nonsense..."; *considering* that, at the hearing held on the occasion of the 112<sup>th</sup> Assembly, the Malaysian delegation reaffirmed that

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\* The Malaysian delegation took the floor to express its reservation regarding the resolution, stating that Mr. Anwar Ibrahim had to submit a pardon petition himself and that the Parliament had no power to intervene in any way.

parliament had no power to intervene in favour of and even less to submit a pardon petition, and that those convicted had themselves to submit pardon petitions; *noting* in this respect that Mr. Anwar Ibrahim does not wish to submit a pardon petition since, in his view, this would be tantamount to an admission of guilt,

*Bearing in mind* that Article 42 of the Federal Constitution of Malaysia, which deals with the power to pardon, stipulates that the King may grant pardons on the advice of the Prime Minister and notes the role of the Attorney General, but makes no mention of the requirement that convicted persons themselves must appeal to the King for a pardon; *noting* also that, under Malaysian law, a Royal Pardon restores their political rights,

*Considering* that a group of various non-governmental organisations and representatives of political parties met in October 2004 and requested that Mr. Anwar Ibrahim be granted a pardon by the King, and that the group submitted to the King a memorandum to this effect,

1. *Thanks* the Malaysian delegation for the observations provided;
2. *Notes* that the Malaysian Parliament lacks the power to support any pardon petitions and therefore cannot intervene in support of a pardon for Mr. Anwar Ibrahim; *notes also*, however, that a group of Malaysian citizens has been set up to seek a Royal Pardon for Mr. Anwar Ibrahim;
3. *Recalls* that, in the light of the evidence brought to its attention in relation to the judicial proceedings against Mr. Anwar Ibrahim, it has reached the conclusion that Mr. Anwar Ibrahim's prosecution was built on a presumption of guilt and that he did not enjoy a fair trial before an independent and impartial tribunal in either of the cases brought against him; *notes* that while no redress can be provided for the time he has unjustly spent in prison and the suffering thereby inflicted on him and his family, and although the Federal Court ruling in the sodomy case provides partial redress, he nevertheless remains subjected to a sanction since he remains debarred from political life for a period of five years;
4. *Declares* therefore its full support for the granting of a Royal Pardon to Mr. Anwar Ibrahim in order to enable him once more to participate fully in the political life of his country, should he so wish;
5. *Requests* the Secretary General to inform the Prime Minister, the parliamentary authorities, the sources and Mr. Anwar Ibrahim 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 113<sup>th</sup> IPU Assembly (October 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,



*Referring* to the case of Mr. Zorig Sanjasuuren of Mongolia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the information provided by the Chairman of the Mongolian Inter-Parliamentary Group on the occasion of his visit to the IPU Headquarters in March 2005,

*Recalling* that Mr. Zorig Sanjasuuren was murdered in October 1998; the investigation, carried out by a joint team of police and the intelligence service, has been unavailing so far; according to information provided by the Mongolian delegation to the 111<sup>th</sup> Assembly (September 2004), the team has grounds for believing Mr. Zorig's murder to have been politically motivated,

*Recalling* that it has consistently invited the Mongolian Parliament to monitor the investigation, and *recalling* in this respect also that the parliamentary authorities who took office following the June 2004 legislative elections have stated their commitment to creating an environment in which the investigative authorities can work independently and enjoy the necessary financial support; nevertheless *considering* that, contrary to information provided previously, the oversight subcommittee of the Standing Committee on Foreign Affairs and Security has not as yet been officially entrusted with monitoring the investigation in this case, and that the Speaker has still to take a decision to this effect,

1. *Regrets* that the new Parliament has not as yet taken any specific steps to monitor the investigations into Mr. Zorig's murder; *reaffirms* its conviction that such monitoring would assist progress in the investigations, which have now been under way for more than six years, and *calls therefore* on the Speaker to take the necessary action to this end;
2. *Would appreciate* receiving information on any other measures Parliament may have taken to create a favourable environment for the investigation of Mr. Zorig's murder;
3. *Reiterates* its earlier recommendation, made as a result of its on-site mission to Mongolia in August 2001 and initially welcomed by the authorities, that the investigative authorities make use of foreign expertise in criminology;
4. *Requests* the Secretary General to notify the parliamentary authorities and the source accordingly, inviting them to keep it informed of any fresh developments;
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 113<sup>th</sup> IPU Assembly (October 2005).

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## MYANMAR

### Parliamentarians reportedly in detention / imprisoned:

CASE No. MYN/04 - KHIN MAUNG SWE	CASE No. MYN/119 - MAY WIN MYINT
CASE No. MYN/09 - SEIN HLA OO	CASE No. MYN/133 - YAW HIS
CASE No. MYN/13 - SAW NAING NAING	CASE No. MYN/215 - AUNG SOE MYINT
CASE No. MYN/24 - SOE MYINT	CASE No. MYN/234 - THAN HTAY
CASE No. MYN/60 - ZAW MYINT MAUNG	CASE No. MYN/236 - KHUN HTUN OO
CASE No. MYN/80 - KYAW SAN	CASE No. MYN/237 - SAW HLAING
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/238 - KYAW MIN
CASE No. MYN/118 - THAN NYEIN	

### Parliamentarians who died in custody:

CASE No. MYN/53 - HLA THAN	CASE No. MYN/83 - KYAW MIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/132 - AUN MIN

**Parliamentarians who were assassinated:**

**CASE No. MYN/66 - WIN KO**

**CASE No. MYN/67 - HLA PE**

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

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/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Recalling* that not only have the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, not been respected, but also that many parliamentarians-elect have been eliminated from the political process through arbitrary means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards,

*Recalling* that the health of parliamentarians-elect U Ohn Kyaing, U Sein Hla Oo, U Khin Maung Swe, Than Nyein and Dr. May Win Myint has reportedly seriously deteriorated in detention, and that without proper medical treatment their lives may be at risk; and *considering* that the prison terms of Dr. May Win Myint was recently extended for 60 days and subsequently for a further year without any reason being provided, and that, in a similar vein, a prison-term extension was imposed on Than Nyein,

*Considering* that on 9 December 2004, Myint Naing, who had been released in early 2004 after spending 14 years in prison on account of his political activities, was sentenced to three months' imprisonment in connection with a motorcycle accident, although he had not been at fault, as was subsequently sustained in court by the motorcyclist involved in the accident; he was reportedly released on 8 March 2005,

*Considering* that Ohn Maung and Toe Po were released on 19 November 2004; that parliamentarian-elect and Chairperson of the Shan Nationalities League for Democracy (SNLD) Khun Htun Oo was reportedly arrested on 9 February 2005, allegedly as part of an effort by the authorities to break the united stand of the ethnic parties led by the SNLD, and has reportedly been charged with conspiracy against the State, an offence carrying the death penalty; that Kyaw Min and Kyaw San were reportedly rearrested on 17 March 2005 and that no reasons were provided for their arrest,

*Considering also* that the Special Rapporteur on the situation of human rights in Myanmar, in his report (E/CN.4/2005/36), stated that "only the full and unconditional release of all political prisoners will pave the way for national reconciliation and the rule of law" and expressed concern "that the number of persons imprisoned for the exercise of their fundamental right to freedom of expression, opinion, information, religion, association and assembly, has remained essentially unchanged over the reporting period"; that he "continued to be concerned by the administrative detention of political prisoners beyond the expiry of their prison sentences",

*Recalling* that at its 175<sup>th</sup> session (October 2004) it asked the Secretary General to renew its request to all IPU Members to provide feedback on action taken in favour of the parliamentarians-elect and the promotion of democracy in Myanmar in general, and to compile this information and make it available at the 112<sup>th</sup> IPU Assembly in Manila; *noting* that many parliaments and other organisations concerned with Myanmar have contributed to this compilation,

*Noting* in this regard that at the *Workshop of ASEAN Parliamentarians on the Myanmar Issue*, held by the Pro-Democracy Myanmar Caucus of the Malaysian parliament from 26 to 28 November 2004 in Kuala Lumpur, some 40 parliamentarians from Cambodia, Indonesia, Malaysia,

the Philippines, Singapore and Thailand reached agreement on forming parliamentary caucuses on Myanmar in their respective countries and on the establishment of the ASEAN Inter-Parliamentary Caucus on Myanmar, which, on 2 April 2005 in Manila, adopted a comprehensive resolution in favour of democracy in Myanmar,

1. *Remains deeply concerned* at the absence of any progress towards the full release of the parliamentarians-elect, who continue to languish in prison although most of them have already served their sentences; *is also concerned* in this regard at recent reports that prison terms have been arbitrarily extended for Than Nyein and May Win Myint;
2. *Is alarmed* at reports that parliamentarians-elect continue to be subjected to arbitrary arrests; *expresses particular concern* at the serious allegations concerning the recent arrest of Khun Htun Oo;
3. *Once more urges* the authorities to release all parliamentarians-elect forthwith, starting with those whose health is highly precarious, and to refrain from arbitrarily rearresting them and prolonging their detention periods;
4. *Reaffirms* that the restoration of the rule of law and human rights further requires the full removal of the ban on political activities and the establishment of institutions that are representative of the people's will; *reaffirms* in this respect its conviction that the National Convention, in its present form, can only be seen as a body designed to prolong and legitimise military rule against the will of the people as expressed in the 1990 elections, and that any constitution adopted by that body would lack legitimacy;
5. *Calls upon* the authorities to engage in a genuine dialogue with those who were elected in the 1990 elections and represent the people;
6. *Remains convinced* that members of the Inter-Parliamentary Union can make a significant contribution in pressing for the respect of democratic principles in Myanmar; *encourages* them to show their solidarity with their elected colleagues from the Pyithu Hluttaw, in particular by supporting the "*Committee Representing the People's Parliament*" and by making appropriate Myanmar-related policy recommendations to their governments, such as discouraging trade with or tourism to Myanmar;
7. *Is heartened* by the feedback on parliamentary initiatives taken at the national, regional and international levels, and *expresses its gratitude* to all those who have provided information on such action;
8. *Welcomes* in particular the recent initiative by a group of parliamentarians from the ASEAN States to establish the *ASEAN Inter-Parliamentary Caucus on Myanmar* and its resolution adopted in Manila on 2 April 2005; and *encourages* others to join them or to take similar steps in their region;
9. *Requests* the Secretary General to convey this resolution to the authorities and other concerned parties;
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 113<sup>th</sup> IPU Assembly (October 2005).

**CASE No. PAK/08 - ASIF ALI ZARDARI - PAKISTAN**

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Senator Asif Ali Zardari of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the information provided to the Committee by the Pakistani delegation at the hearing held during the 112<sup>th</sup> IPU Assembly,

*Recalling* that Mr. Zardari was first arrested in November 1996, that a series of criminal cases and accountability cases have been brought against him, some of which have remained at a standstill, and that he was later released on bail in all cases, except the so-called BMW car case, for which he was arrested in December 2002,

*Considering* that on 22 November 2004 Mr. Zardari was also released on bail in the latter case, that he has been provided with a passport, and that his name was taken off the Exit Control List, thus enabling him to travel abroad,

*Recalling* that Mr. Zardari was tortured on 17 and 19 May 1999, as established by judicial inquiry on 16 September 1999, and that the culprits have yet to be brought to justice, that in May 2004 Mr. Zardari submitted a private complaint against several former and current officials relating to the injuries he had sustained, that, according to the sources, the judge in that case ordered the Sindh police to register a criminal case against those persons, that the police declined to do so, and that an application for contempt of court is pending against the responsible police officer,

*Considering* that, according to a note conveyed by the Pakistani delegation, a case was registered at the request of Mr. Zardari regarding his torture (case register vide First Information Report (FIR) No. 10/2002) and that the note refers to a report by the senior superintendent of police investigation Zone-1 Karachi, according to whom the investigation could not be finalised "because the injured was in judicial custody. Under law, an accused in judicial custody cannot be transferred to police custody without the court's intervention. Mr. Zardari therefore could not be made to join investigation for preparation of a memorandum of the place of occurrence. Similarly, the alleged perpetrators of torture could not be identified on account of his non-availability with the police. Now that Mr. Zardari stands released ... it is available to him and his lawyers to identify the accused ... To reiterate, no evidence has so far been brought on the record identifying the accused for the above-stated reasons. The investigation, however, is still alive and continuing.",

1. *Thanks* the Pakistani delegation for the information provided and *looks forward* to continuing cooperation with a view to the settlement of this case;
2. *Notes with satisfaction* that Mr. Zardari has finally been released on bail;
3. *Is perplexed* at the contention that Mr. Zardari's prolonged detention, which had long been a concern in itself, was to blame for the lack of progress in the investigation towards identifying his torturers;
4. *Is deeply concerned* that, almost six years after Mr. Zardari was tortured, not only have the police apparently failed to act on the substantive leads which would help them make progress in this regard, but they have also refused to implement a court order issued as a

result of Mr. Zardari's private complaint against those he named as the presumed culprits; and *can but consider* that the failure to do so, which has so far shielded the presumed perpetrators from prosecution, lends weight to the accusations put forward in Mr. Zardari's complaint;

5. *Urges* the competent authorities to ensure that the court order is implemented without further delay by carrying out an independent and effective investigation into the substantive leads in this case, in particular by examining the register with the names of the officers on duty at the time and place of his torture; and *would greatly appreciate* receiving information on any steps taken to this end;
6. *Calls once again on* the competent Pakistani authorities to ensure that the proceedings against Mr. Zardari are conducted with all necessary diligence with a view to their speedy completion; and *wishes to ascertain* whether a timetable is in place for this purpose;
7. *Requests* the Secretary General to convey the present resolution to the competent executive, parliamentary and judicial authorities and to the sources;
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 113<sup>th</sup> IPU Assembly (October 2005).

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### **CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN**

#### ***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session (Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Makhdoom Javed Hashmi, a member of the National Assembly of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the information provided by the Pakistani delegation at the hearing held on the occasion of the 112<sup>th</sup> Assembly (April 2005); *also taking account* of information provided by the source on 18 January and 3 April 2005,

*Recalling* that Mr. Hashmi, a member of parliament and the leader of the Alliance for the Restoration of Democracy, was arrested on 29 October 2003 on the grounds that he had circulated an allegedly forged letter written in the name of Pakistani army officers, which criticised the army and its leadership; at the end of the trial, which was held in jail and for the most part held in camera, he was found guilty on all charges, namely defaming the Government and the army, forgery and incitement to mutiny, and was sentenced on 12 April 2004 to a 23-year prison term; it transpires from the judgement that the judge in the case heard only prosecution witnesses, and not a single witness for the defence, although the latter had pointed to the necessity of calling certain witnesses,

*Considering* that, according to the Pakistani delegation, Mr. Hashmi's trial was conducted in jail for security reasons and that public access to prison trials is naturally more restricted; *noting* that Mr. Hashmi's petition for leave to appeal challenging the order to conduct his trial in jail has not as yet been decided, and has therefore become irrelevant since the first-instance trial is over; *noting* that, according to a communication from the Attorney General's Office which the Pakistani delegation conveyed at the hearing, "no formal order, however, has been passed in the matter, as yet",

*Recalling* further that, on 24 April 2004, Mr. Hashmi filed an appeal against the judgement, which is pending; *considering* that, according to the Pakistani delegation, owing to the court's backlog of cases, appeals are normally heard after two years,

*Considering* that Mr. Hashmi filed a bail application; although, according to the source, such applications are normally heard within two to three weeks, the court returned it after seven months under the pretext that it did not bear the appeal number when such number has to attributed by the court; the application was dismissed after a short hearing on 24 February 2005 on the ground that the case against Mr. Hashmi was very strong and that he could therefore not be released; according to the source, a judge deciding on a bail application should not comment on the substance of a case; *considering* that, according to the Pakistani delegation, a distinction has to be made between bail applications and appeal for release on suspension of sentences, such release being normally granted only if there is poor evidence in a case; *noting* that an appeal in this matter is now pending before the Supreme Court,

*Considering* that, according to the source, Mr. Hashmi remains in solitary confinement in Adyala prison, which means that he cannot communicate with his fellow prisoners and can see his counsel only once every two weeks and his family once a week, for one hour; according to the source, this is in violation of the Pakistani Penal Code, as only the court can order such confinement, which it has not done in this case; moreover, according to the source, Mr. Hashmi is entitled to A-treatment and facilities, he is being treated at C-class standards; *considering* that, according to the Pakistani delegation, Mr. Hashmi enjoys the facilities of a better prison class and has a separate kitchen and a servant; noting that, as regards his state of health, while the source states that he was operated for hernia in October 2003 and suffered post-operative complications for which he has not as yet been treated, the Pakistani delegation stated he was in good health and has not complained in this respect either to the court or to the parliament,

*Recalling* finally that the Speaker of the National Assembly refused on several occasions to issue an order under Rule 90 of the Rules of Procedure and Conduct of Business in the National Assembly ordering that Mr. Hashmi be produced in the parliament; before Mr. Hashmi's sentencing, he argued that there was no important business being dealt with in the parliament requiring Mr. Hashmi's presence, and after his sentencing he argued that Rule 90 did not apply to a member who had been convicted in court; *noting* in this respect that the Judge hearing Mr. Hashmi's appeal for his release on suspension of sentence refused to allow Mr. Hashmi to perform parliamentary duties,

1. *Thanks* the Pakistani delegation for the information provided;
2. *Remains deeply concerned* that Mr. Hashmi was found guilty and sentenced to a heavy prison term at the close of a trial which, given the secrecy of the proceedings and the disregard of the rights of the defence, fell far short of fundamental fair trial guarantees and suggested partiality on the part of the judge;
3. *Notes* that Mr. Hashmi's petition challenging the decision to hold his trial inside jail has not as yet been decided, and *considers* that such incapacity of courts to deliver decisions in due time makes a mockery of the whole system of judicial redress;
4. *Notes* that Mr. Hashmi has lodged an appeal for release on suspension of sentence before the Supreme Court; *endorses* the Committee's decision to observe those appeal proceedings; and *requests* the Secretary General to take the necessary steps to this end;
5. *Remains concerned* at the allegation that Mr. Hashmi is held in solitary confinement in prison in the absence of a court order to this effect, and *would appreciate* receiving clarification in this respect;
6. *Reiterates its regret* that the Speaker has not exercised his power to order Mr. Hashmi's production in the National Assembly, despite several requests to this end, all of which

were widely supported by the parliamentary opposition and should therefore have carried additional weight;

7. *Stresses* in this respect that Mr. Hashmi was sentenced only at first instance, and that consequently, by virtue of the principle of presumption of innocence which carries through until a conviction is confirmed at final instance, he should be presumed innocent;
  8. *Would appreciate* information as to legal provisions regulating the respective powers of the Speaker and the judiciary with respect to authorisation of a member of parliament who has only been convicted at first instance to attend parliamentary meetings and thus ensure that his constituents are represented in parliament,
  9. *Requests* the Secretary General to convey this resolution to the competent executive, parliamentary and judicial authorities and to the sources;
  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 113<sup>th</sup> IPU Assembly (October 2005).
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#### **CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session (Manila, 8 April 2005)***

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/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the letter from the Diplomatic Adviser to the Speaker of the Knesset, dated 29 March 2005, and the attached information provided by the Israeli Prison Service,

*Recalling* that Mr. Barghouti was arrested in April 2002 in Ramallah by the Israeli Armed Forces and transferred to a detention facility in Israel; on 6 June 2004, the Tel Aviv District Court found him guilty of murder, attempted murder and hostile terrorist activities and sentenced him to five life sentences and two 20-year prison terms; Mr. Barghouti has not appealed against the judgment as he does not recognise Israeli jurisdiction,

*Recalling* that, in his expert report on Mr. Barghouti's trial that the Committee had commissioned, Mr. Simon Foreman concluded that "the numerous breaches of international law... make it impossible to conclude that Mr. Barghouti was given a fair trial"; *noting* that neither the authorities nor the sources have submitted observations on the report,

*Considering* that, according to the Israeli Prison Service, Mr. Barghouti was held until recently in the segregated wing of the Ohalei Keddar prison; on 5 January 2005 he was moved to the restricted wing in the Eshel prison, and on 21 February 2005 to the restricted wing in the Hadarim prison; he has been held in restricted wings following information from security sources that he had directed terrorist acts from inside prison; *noting* that, according to figures provided, Mr. Barghouti has since the beginning of this year received six visits of family members (one in January, two in February

and three in March), one visit from a member of the Palestinian Authority, two visits by two members of the Knesset, five visits of his lawyers and one visit by a member of parliament and a lawyer from abroad; *noting* also that, according to the same statistics, he did not receive any visit from family members in 2004, but did receive one visit by a member of the Palestinian Authority, one visit by a member of the Knesset and 21 visits by his lawyers,

*Noting* that, as a result of the recent election of a new President of the Palestinian Authority, the Israeli authorities have indicated their willingness to re-establish, to a certain extent, talks and cooperation with the Palestinian authorities,

1. *Thanks* the Speaker of the Knesset and his Diplomatic Adviser for the information provided;
2. *Can but reaffirm*, in the light of the stringent legal arguments put forward in Mr. Foreman's report, that Mr. Barghouti's trial did not meet the standards of fair trial which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
3. *Reaffirms further*, in the light of the report, that Mr. Barghouti's transfer to Israel was in breach of the Fourth Geneva Convention and the Oslo Accords, and consequently *appeals once again* to the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities with a view to his being tried by them in accordance with international law;
4. *Notes with concern* that, in 2004, Mr. Barghouti did not receive any visits from family members, and *regrets* that he was deprived of family contact for one year;
5. *Notes also* that Mr. Barghouti has been held in restricted or high-security prison sections throughout his detention, and *would be interested* to receive information as to how he might have directed terrorist attacks from such a location;
6. *Requests* the Secretary General to inquire into the possibility of sending two Committee members to Israel for the purpose of a private meeting with Mr. Barghouti;
7. *Requests* the Secretary General to inform the Israeli parliamentary authorities 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 113<sup>th</sup> IPU Assembly (October 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Hussam Khader, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),



*Taking account* of the letters from the Diplomatic Adviser to the Speaker of the Knesset, dated 13 January, 9 and 29 March 2005; *taking also account* of communications from the source, dated 24 and 31 March 2005,

*Referring* to the expert report drawn up by Mr. Simon Foreman and commissioned by the Committee on the trial of Mr. Marwan Barghouti,

*Recalling* that Mr. Hussam Khader was arrested on 17 March 2003 at his home in Balata refugee camp by the Israeli defence forces and transferred to an Israeli detention facility and has been held by the Israeli Prison Service since 19 June 2003; *noting* that, according to the Israeli Prison Service, he is at present being held in the Hadarim detention centre in a restricted wing and has continued to direct terrorist acts from inside the detention centre,

*Considering* that the sources have always affirmed that Mr. Khader's right to receive visits from his family and his lawyers is extremely limited, and *noting* in this respect that, according to the information provided by the Israeli Prison Service, Mr. Khader received only one visit of a family member in 2004 and had three visits of family members (his brother and his children) since the beginning of 2005; from his arrest until November 2004, he received the visit of one member of the Knesset and two visits of his lawyers, and again two visits of his lawyers since the beginning of 2005; *considering* that, according to the authorities, there is no formal ban on visitors seeing him; visits from abroad are subject to approval by the Israeli Prison Service; between 19 August and 19 September 2004 Mr. Khader was not allowed to receive visitors for disciplinary reasons; moreover, visiting arrangements were reviewed from time to time by the Israeli Prison Service,

*Noting* with respect to visiting rights that:

- a petition has been filed by an Israeli organisation demanding that permission be granted for contact visits of political prisoners by their children, which is set for hearing on 5 May 2005;
- according to the source, Mr. Khader's defence counsel sent a preliminary petition to the Minister of Justice seeking removal of the ban on his meeting his client;
- on 1 September 2004, the Supreme Court of Israel ruled that the right of prisoners and detainees to meet their lawyers was guaranteed, including those on hunger strike, and declared that barring such meetings was unlawful,

*Recalling* that Mr. Khader has repeatedly complained of ill-treatment, constant prison transfers and prison conditions which prompted him to go on a nine-day hunger strike in March 2004 and a further hunger strike, together with other Palestinian prisoners, in August 2004,

*Considering* that Mr. Khader is charged with (i) performing a service for an unauthorised association on account of his having at the end of 2002 approached Al Amir Sualama to reorganise the activities of the Martyrs of the Al-Aqsa Brigades; (ii) attempting wilfully to cause death on account of his having helped Amir Sualama to organise a suicide attack which finally did not take place owing to the arrest of the designated terrorist; (iii) failing to prevent three offences (intentionally causing death) on account of his not having notified the authorities of three planned terrorist attacks of which he had been informed by Amir Sualama, and in which two military officers were killed; *noting* that Mr. Khader denies all charges and has affirmed that Amir Sualama's statements against him were obtained under duress; *considering* that, according to the source, the prosecution successfully objected to the defence counsel's demand to question Amir Sualama, who is serving five life sentences, about the methods used by the authorities to obtain information from him; according to the authorities, in his testimony before the court Sualama claimed that senior persons in the Palestinian Authority had asked him to incriminate Mr. Khader in the event of his being detained; however, this was not corroborated by the testimonial material and totally contradicts his statements at his own trial,

*Considering* that, in reply to the allegation of the source that the defence counsel was denied access to prosecution material, the authorities stated that all public investigation material had been placed at Mr. Khader's disposal; however, since he was questioned by the General Security Services (GSS), a certificate of secrecy was issued that applied secrecy to the identity and sources of information, methods of action, capabilities and technical means, work procedures, and information-gathering means in the GSS; however, no conviction could be based on confidential material since the court did not receive material classified as secret; moreover, the defence had not applied for removal of the secrecy,

*Considering* that, with respect to the publicity of the trial hearings, the authorities have stated that hearings have been open with the exception of those at which GSS personnel have testified; those hearings were held, with the consent of Mr. Khader and his defence, in camera; according to the source, only following a petition to the court by Mr. Khader's counsel were media coverage and access permitted,

*Noting* that, according to the authorities, the prosecution will have completed its case in the approaching deliberations, after which the defence will present its case,

*Bearing in mind* that, as a result of the recent election of a new President in the Palestinian Authority, the Israeli authorities have indicated their willingness to re-establish cooperation with the Palestinian authorities,

1. *Thanks* the Speaker of the Knesset and his Diplomatic Adviser for the information provided and their cooperation;
2. *Reiterates* that the legal arguments put forward in Mr. Foreman's report on the trial of Mr. Barghouti in respect of the forcible transfer of Palestinians to Israeli territory for the purpose of their prosecution, and the incompatibility of certain interrogation methods and conditions of detention with international human rights law, also apply mutatis mutandis in the case of Mr. Khader; and therefore *can but once again urge* the Israeli authorities to transfer Mr. Khader to the custody of the Palestinian authorities with a view to his being tried by them in accordance with international law;
3. *Notes* that Mr. Khader has been held in restricted prison sections throughout his detention, and *would be interested* to receive information as to how he might have directed terrorist attacks from such a location;
4. *Notes with concern* the extremely limited visiting rights not only of his family but also of his counsel, and *fears* that such restriction may greatly hamper his ability to defend himself and, in addition, may be at variance with the ruling of the Supreme Court of 1 September 2004 on the right of detainees and prisoners to meet their lawyers; *would appreciate* any observation in this regard;
5. *Notes with deep concern* that the prosecution case essentially rests on the statement of one person, who himself does not appear to be a credible witness;
6. *Wishes to ascertain* whether any investigation has been instituted into Mr. Khader's complaint of ill-treatment in detention, especially during interrogation;
7. *Decides* to send a legal practitioner to observe the remaining hearings in Mr. Khader's trial, and *requests* the Secretary General to take the necessary steps to this end and to inform the authorities and Mr. Khader's defence 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 113<sup>th</sup> IPU Assembly (October 2005).

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

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

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, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of a letter from the Speaker of the Chamber of Deputies dated 29 March 2005,

*Recalling* that Mr. Hitimana disappeared in the night of 7 to 8 April 2003; the sources believe that he was the victim of a forced disappearance and was abducted by the Rwandan Intelligence Service (DMI), citing the fact that he had been mentioned in the parliamentary report on his party, the Democratic Republic Movement (*Mouvement démocratique républicain*, MDR), as belonging to a group of persons allegedly aiming to disseminate an ideology of divisiveness and ethnic discrimination; the authorities have affirmed that such a scenario is highly unlikely as Mr. Hitimana was not a high-profile person who would have been targeted and that a forced disappearance could consequently be ruled out,

*Recalling* further that, according to the authorities, an investigation into Mr. Hitimana's disappearance was immediately opened and is still under way; it is being monitored by the parliament's Committee on Human Rights and National Unity; on 21 September 2004 the Committee had a meeting with the Minister in charge of the police, at which the Deputy Commissioner General of the police was present; the Minister stated that there was every indication that Mr. Hitimana was in Uganda or the Democratic Republic of the Congo, and that the investigation was continuing to bear out that hypothesis; regular meetings had been planned between that Committee and the Minister; *considering* that, according to the President of the Chamber of Deputies, parliament is pursuing its contacts with the authorities with a view to elucidating Mr. Hitimana's disappearance,

*Recalling* further that, according to the sources, Mr. Hitimana's family and children have been subjected to threats and intimidation, and that the parliamentary authorities have stated that they were unaware of this and have suggested that the family bring this situation to the attention of the parliament's Committee on Human Rights and National Unity, or to the attention of the Ombudsman; *considering* in this respect that from 14 to 16 March 2005, a parliamentary delegation consisting of the President and a member of parliament's Committee on Human Rights and National Unity visited Mr. Hitimana's parents in Kibuye province, his children studying in Butare, and his sister living in Kigali; the delegation reported that they all lived quietly and were not subject to any threats; the family affirmed that they would not hesitate to inform the Parliament should they receive any threats,

1. *Thanks* the President of the Chamber of Deputies for his letter;
2. *Is very pleased* that the Chamber took the initiative of visiting Mr. Hitimana's family to see for itself the family's situation; *notes with relief* that, according to the delegation's report, they are not subject to any threats or harassment;
3. *Reiterates its wish* to learn of any progress which may meanwhile have been made in the investigations into Mr. Hitimana's disappearance; and *notes* in this respect that, in September 2004, the investigating authorities stated that the investigation bore out their assumption that Mr. Hitimana had gone abroad;

4. *Would appreciate* receiving a copy of any report the Committee on Human Rights and National Unity may have drawn up about its work on this case, including its visit to Mr. Hitimana's family;
5. *Reaffirms* that, so long as Mr. Hitimana's whereabouts have not been established, there remains the suspicion of a forced disappearance; *recalls* that forced disappearances are a serious violation of human rights, and that Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in 1992, states that "Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights ...";
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 113<sup>th</sup> IPU Assembly (October 2005).

#### **CASE No. SYR/02 - MAMOUN AL-HOMSI - SYRIAN ARAB REPUBLIC**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\* (Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Mamoun Al-Homsi, a former member of the People's Council of the Syrian Arab Republic, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(a)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the information provided by one of the sources on 22 November 2004,

*Considering* the following:

- The Syrian delegations with which the Committee has had the opportunity to meet have repeatedly stated that Mr. Al-Homsi was guilty of corruption, and the authorities also expressed this opinion to the IPU Secretary General during his visit to Damascus in March 2004; they did so despite the fact that Mr. Al-Homsi was neither accused nor found guilty of corruption, but of attempting to change the Constitution by unlawful means, preventing the authorities from carrying out their duties, undermining national unity, tarnishing the reputation of the State, impeding the functioning of its institutions and insulting the legislative, executive and judicial branches;
- In the light of the information and documents gathered by the Committee's on-site mission of May 2002, it reached the conclusion that Mr. Al-Homsi was sentenced on account of having exercised his constitutionally guaranteed right to freedom of expression and fulfilling his duties as a member of parliament; its conclusions corresponded with the views expressed by one of the three trial judges in his dissenting opinion; it has therefore consistently called on the Head of State and on the parliament to grant Mr. Al-Homsi an amnesty;
- As detailed in the resolution adopted at its 175<sup>th</sup> session, since September 2002 the Syrian parliamentary authorities had maintained that Mr. Al-Homsi would be granted an

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\* The Syrian delegation expressed its strong reservation regarding the resolution.

amnesty, and that action had been taken to that end; yet at the hearing held in Geneva in September 2004 they informed the Committee that in fact the President could grant an amnesty only if the person concerned lodged a petition to such effect; they stated that Mr. Al-Homsi had not lodged such a petition, and that parliament's Committee on Constitutional Affairs had confirmed that a pardon petition was necessary for the President to consider a case, and that Mr. Al-Homsi had been informed accordingly; according to the authorities, however, he had refused to submit such a petition;

- Likewise, while at the hearing held during the 109<sup>th</sup> Assembly (October 2003), the Syrian delegation reported to the Committee that as a consequence of a presidential amnesty, Mr. Al-Homsi's remaining prison term had been reduced by one third, at the hearing held during the 111<sup>th</sup> Assembly (September 2004) the delegation stated that Mr. Al-Homsi had not been granted a one-third reduction of his remaining sentence, because to be eligible for such a reduction a convict statutorily had to have served three-quarters of his full sentence and, even then, the prisoner would only be eligible if he lodged an application for the purpose;
- Finally, in May 2002, during the visit of its on-site mission to Damascus, the authorities, contrary to what they had stated before the visit, informed the Committee's delegation that Syrian law did not allow foreigners to visit Syrian prisoners; the delegation was thus unable to meet Mr. Al-Homsi; yet after completion of the mission, the delegation was provided with the Prison Regulations and Modifications, articles 64 and 65 of which would clearly have enabled the authorities to permit the on-site mission to visit Mr. Al-Homsi,

*Considering* that, according to one of the sources, for decisions on general amnesties no requests are required, since such amnesties are granted on the sole initiative of the President of the Republic or issued through the People's Council; that the People's Council has the right to adopt an amnesty law and to oblige the President to promulgate it; that, moreover, what the Syrian authorities are reportedly seeking from Mr. Al-Homsi is not a request for an amnesty, but a signed statement acknowledging that he has committed an offence and violated the law and asserting that the judgement against him was fair and impartial and that he submits to it, which is something that he refuses to do; and *noting* that an appeal was lodged ten months ago with the competent court to obtain Mr. Al-Homsi's release, but that it has remained unanswered,

*Considering further* that the trial judge in this case who had issued the dissenting opinion has since reportedly been transferred to an administrative post,

*Considering finally* that the Syrian delegation, at the hearing with the Committee held in September 2004, stated that the parliament remained committed to action in favour of a pardon for Mr. Al-Homsi; and *noting*, however, that he has already served more than half of his sentence and is said to be in any case due for release in May 2005, provided he is granted the usual one-third reduction,

1. *Deeply regrets* that the parliamentary authorities have not replied to the letters which the Secretary General sent to them on the Committee's behalf;
2. *Deplores* the fact that the authorities, in particular the parliamentary authorities, have over time supplied information on important legal issues which later proved wrong; and wholly *fails to understand* how this could possibly have occurred unless there was an intention to mislead;
3. *Is deeply concerned* that, according to the source and contrary to what the Syrian delegation has affirmed, under Syrian law no request is required for an amnesty to be granted, and that Mr. Al-Homsi is in fact being asked to sign a recognition of guilt in exchange for an amnesty; and *would appreciate* receiving urgent clarification of both

points, together with a copy of the legal rules governing the granting of pardons and amnesties;

4. *Calls once again* on the Head of State and, in the light of its stated commitment to take action in favour of Mr. Al-Homsi, also on the parliament to avail themselves of their powers to ensure that Mr. Al-Homsi is granted an early release as soon as possible and thus enjoys the same treatment as many other prisoners who have been granted amnesties and released;
5. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 113<sup>th</sup> IPU Assembly (October 2005).

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### **CASE No. SYR/03 - RIAD SEEF - SYRIAN ARAB REPUBLIC**

#### ***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\* (Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Riad Seef, a former member of the People's Council of the Syrian Arab Republic, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of information provided by one of the sources on 22 November 2004,

*Considering* the following:

- The Syrian delegations with which the Committee has had the opportunity to meet have repeatedly stated that Mr. Seef was guilty of corruption, and the authorities also expressed this opinion to the IPU Secretary General during his visit to Damascus in March 2004; they did so despite the fact that Mr. Seef was neither accused nor found guilty of corruption, but of "defamation of the Constitution, unlawful activities and hostility towards the regime" on account of having organised discussion forums;
- In the light of the information and documents gathered by the Committee's on-site mission of May 2002, it reached the conclusion that Mr. Seef had been sentenced on account of having exercised his constitutionally guaranteed right to freedom of expression and assembly; it has therefore consistently called on the Head of State and on the parliament to grant Mr. Seef an amnesty;
- As detailed in the resolution adopted at its 175<sup>th</sup> session, since September 2002 the Syrian parliamentary authorities had maintained that Mr. Seef would be granted an amnesty, and that action had been taken to that end; yet at the hearing held in Geneva in September 2004 they informed the Committee that in fact the President could grant an amnesty only if the person concerned lodged a petition to such effect; they stated that parliament's Committee on Constitutional Affairs had confirmed that a pardon petition was necessary for the President to consider a case, and that Mr. Seef had been informed accordingly; according to the authorities, however, he had refused to submit such a petition;

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\* The Syrian delegation expressed its strong reservation regarding the resolution.

- Likewise, while at the hearing held during the 109<sup>th</sup> Assembly (October 2003), the Syrian delegation reported to the Committee that, as a consequence of a presidential amnesty, Mr. Seef's remaining prison term had been reduced by one third, at the hearing held during the 111<sup>th</sup> Assembly (September 2004) the delegation stated that Mr. Reef had not been granted a one-third reduction of his remaining sentence, because to be eligible for such a reduction a convict statutorily had to have served three-quarters of his full sentence and, even then, the prisoner would only be eligible if he lodged an application for the purpose;
- Finally, in May 2002, during the visit of its on-site mission to Damascus, the authorities, contrary to what they had stated before the visit, informed the Committee's delegation that Syrian law did not allow foreigners to visit Syrian prisoners; the delegation was thus unable to meet Mr. Seef; yet after completion of the mission, the delegation was provided with the Prison Regulations and Modifications, articles 64 and 65 of which would clearly have enabled the authorities to permit the on-site mission to visit Mr. Seef,

*Considering* that, according to one of the sources, no requests are required for decisions to be taken on general amnesties, since such amnesties are granted on the sole initiative of the President of the Republic or issued through the People's Council, and that the People's Council has the right to adopt an amnesty law and to oblige the President to promulgate it,

*Considering finally* that the Syrian delegation, at the hearing held in September 2004, stated that the parliament remained committed to action in favour of a pardon for Mr. Seef; *noting*, however, that he has already served more than half of his sentence and is said to be in any case due for release in May 2005, provided he is granted the usual one-third reduction,

1. *Deeply regrets* that the parliamentary authorities have not replied to the letters which the Secretary General sent to them on the Committee's behalf;
  2. *Deplores* the fact that the authorities, in particular the parliamentary authorities, have over time supplied information on important legal issues which later proved wrong; and wholly *fails to understand* how this could possibly have occurred unless there was an intention to mislead;
  3. *Notes with concern* that, according to the source and contrary to what the Syrian delegation has affirmed, under Syrian law no request is required for an amnesty to be granted, and *would appreciate* receiving urgent clarification of this point, together with a copy of the legal rules governing the granting of pardons and amnesties;
  4. *Calls once again* on the Head of State and, in the light of its stated commitment to take action in favour of Mr. Seef, also on the parliament, to avail themselves of their powers to ensure that he is granted an early release as soon as possible and thus enjoys the same treatment as many other prisoners who have been granted amnesties and released;
  5. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
  6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 113<sup>th</sup> IPU Assembly (October 2005).
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## TURKEY

**CASE No. TK/39 - LEYLA ZANA**  
**CASE No. TK/40 - SEDAT YURTDAS**  
**CASE No. TK/41 - HATIP DICLE**  
**CASE No. TK/42 - ZÜBEYİR AYDAR**  
**CASE No. TK/43 - MAHMUT ALINAK**  
**CASE No. TK/44 - AHMET TÜRK**  
**CASE No. TK/48 - SIRRI SAKIK**  
**CASE No. TK/51 - ORHAN DOGAN**

**CASE No. TK/52 - SELIM SADAK**  
**CASE No. TK/53 - NIZAMETTİN TOĞUÇ**  
**CASE No. TK/55 - MEHMET SINÇAR**  
**CASE No. TK/57 - MAHMUT KILINÇ**  
**CASE No. TK/58 - NAİF GÜNES**  
**CASE No. TK/59 - ALI YIGİT**  
**CASE No. TK/62 - REMZİ KARTAL**

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\****  
***(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of a letter from the President of the Turkish Inter-Parliamentary Group dated 24 March 2005,

*Recalling* that the former parliamentarians concerned were all members of the Democracy Party, which was dissolved in June 1994, and that all of them were prosecuted on charges of separatism,

*Recalling* that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for membership of an armed organisation; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial and granted them just satisfaction; a retrial opened in March 2003 before the Ankara State Security Court, which on 21 April 2004 upheld the conviction and the sentence, again without respecting fair trial guarantees; on 9 June and 14 July 2004, the Cassation Court (*Yargıtay*) ruled that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak had not received a fair trial, and ordered their release and retrial, and that the retrial proceedings were set to open on 22 October 2004; *considering* that, on 25 February 2005, the four former parliamentarians pleaded innocent in court and asked for a fair hearing and for more time to present their views on how the retrial should be conducted; the court has set the next hearing for 22 April 2005,

*Recalling* that Mr. Yurtdas, Mr. Alinak, Mr. Sakik and Mr. Türk were found guilty of separatist propaganda and sentenced to a fine and 14 months' imprisonment, which they served, and that as a result of that judgement Mr. Alinak and Mr. Yurtdas were barred from practising their profession as lawyers; that Mr. Toğuç, Mr. Kiliñç, Mr. Günes, Mr. Yigit and Mr. Kartal, all of whom fled abroad in 1994, were subsequently also accused of separatism; and *considering* in this respect that during the presentation of its public report at the 175<sup>th</sup> session of the Governing Council (October 2004), the Turkish delegation stated that the former parliamentarians who had gone into exile for fear of arrest were free to return to Turkey, where they would receive a fair trial,

*Noting* that, on 22 January 2005, Mr. Remzi Kartal was arrested in Germany on the basis of an international arrest warrant issued at the request of the Turkish authorities to prosecute him on account of membership in a terrorist organisation; he was released on 1 March 2005 after the court rejected the extradition request, having found it fundamentally flawed,

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\* The Turkish delegation took the floor to state that the reform undertaken in Turkey since October 2001 to bring the country's legislation into line with international human rights standards had resulted in the Parliamentary Assembly of the Council of Europe closing its monitoring procedure with respect to Turkey.



*Recalling* that Mr. Sinçar was assassinated in September 1993 and that the sources had pointed to circumstances of the murder which indicated possible police involvement; on the occasion of the Committee's second on-site mission to Turkey (April 1996), the Minister of Justice stated that the identity of the murderer had been established; however, the suspect, a "Hezbollah" member, had absconded and was living in Iran; *considering* in this respect that, according to the President of the Turkish IPU Group, several persons have been brought to justice in connection with Mr. Sinçar's murder and the relevant proceedings are under way,

*Bearing in mind* that, as stated in the letter from the President of the Turkish IPU Group, Turkey has undergone a substantial reform process to strengthen democracy and human rights and align relevant standards on international and European norms, and that this process is being pursued,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his letter;
  2. *Notes* that the second retrial proceedings of Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan have opened, and *wishes* to be kept informed of their progress;
  3. *Reaffirms its conviction* that, as in the cases of these four former parliamentarians, Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik were also prosecuted and sentenced on account of having exercised their right to freedom of expression;
  4. *Reiterates* therefore its wish to ascertain:
    - (i) whether there are any prospects, especially in the light of the reform process under way in Turkey, that the charges against the six former members of parliament currently in exile will be dropped;
    - (ii) whether Mr. Alinak, Mr. Yurtdas, Mr. Türk and Mr. Sakik have fully recovered their civil and political rights, and in particular whether Mr. Alinak and Mr. Yurtdas are exercising their profession as lawyers;
  5. *Is pleased* to note that proceedings against those suspected of Mr. Sinçar's murder are finally under way, and *would appreciate* receiving more detailed information in this respect;
  6. *Requests* the Secretary General to convey this resolution to the authorities, once again inviting them once again to provide the requested information;
  7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 113<sup>th</sup> IPU Assembly (October 2005).
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## CASE No. TK/66 - MERVE SAFA KAVAKÇI - TURKEY

### *Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session\* (Manila, 8 April 2005)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Merve Safa Kavakçı of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of a letter from the President of the Turkish Inter-Parliamentary Group, dated 24 March 2005, and of a communication from the source dated 21 January 2005,

*Recalling* that Ms. Kavakçı was duly elected in the April 1999 elections on a Virtue Party ticket but was prevented from taking her oath owing to her wearing of a headscarf at the swearing-in ceremony, that she was subsequently deprived of her Turkish nationality, for which reason the parliamentary authorities no longer considered her to be a member of the Turkish Parliament and her name was struck off the parliamentary records, and that on 22 June 2001 the Constitutional Court dissolved the party to which she belonged and banned her from political activity for five years,

*Considering* that, on 28 May 2001, Ms. Kavakçı filed an application with the European Court of Human Rights (ECHR) in relation to the revocation of her Turkish nationality and consequent loss of parliamentary membership, affirming that this violated her rights under Article 9 (freedom of thought, conscience and religion) and article 6, paragraph 1 (right to a fair and public hearing) of the European Convention on Human Rights and article 3 of the First Protocol to the European Convention on Human Rights (guarantee of free elections which ensure the free expression of the opinion of the people in the choice of the legislature), and that the Court has instituted the procedure to determine the admissibility of the application, in the course of which the Turkish Government provided its observations on 2 November 2004 and Ms. Kavakçı presented her comments thereon on 25 November 2004,

*Noting* that, in his letter of 24 March 2005, the President of the Turkish Inter-Parliamentary Group referred to the proceedings before the ECHR, adding that any comment that might prejudice the independence of the judiciary should be avoided,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for his letter;
2. *Deeply regrets* that the Turkish Parliament has taken no action to remedy the injustice Ms. Kavakçı suffered as a result of the decisions taken by the previous legislature; *fails to understand* the reasons for such inaction, all the more so given that the present parliamentary authorities themselves had expressed regret about, and criticised, the decisions which had led to the loss of Ms. Kavakçı's parliamentary mandate; *notes* that providing redress, if only symbolic, to her would not constitute any interference with the independence of the ECHR; and therefore *once again calls on* the Turkish Parliament to take such a measure;
3. *Notes* that the decision of the ECHR on the admissibility of Ms. Kavakçı's case is pending; and *requests* the Secretary General to seek leave in due course from the European Court of Human Rights to submit to it a third-party intervention under the Court's Rule 61;

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\* The Turkish delegation took the floor to state that the reform undertaken in Turkey since October 2001 to bring the country's legislation into line with international human rights standards had resulted in the Parliamentary Assembly of the Council of Europe closing its monitoring procedure in respect of Turkey. It declared that Ms. Kavakçı's case was pending before the European Court of Human Rights and that therefore any comments compromising the independence of the Court should be avoided.

4. *Requests* the Secretary General to inform the authorities and the sources 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 113<sup>th</sup> IPU Assembly (October 2005).
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## ZIMBABWE

CASE No. ZBW/12 - JUSTIN MUTENDADZAMERA	CASE No. ZBW/29 - A. MUPANDAWANA
CASE No. ZBW/13 - FLETCHER DULINI-NCUBE	CASE No. ZBW/30 - GIBSON SIBANDA
CASE No. ZBW/14 - DAVID MPALA	CASE No. ZBW/31 - MILTON GWETU
CASE NO. ZBW/15 - ABEDNICO BHEBHE	CASE No. ZBW/32 - SILAS MANGONO
CASE No. ZBW/16 - PETER NYONI	CASE No. ZBW/33 - EDWIN MUSHORIWA
CASE No. ZBW/17 - DAVID COLTART	CASE No. ZBW/34 - THOKOZANI KHUPE
CASE No. ZBW/18 - MOSES MZILA NDLOVU	CASE No. ZBW/35 - WILLIAS MADZIMURE
CASE No. ZBW/19 - ROY BENNET	CASE No. ZBW/36 - FIDELIS MHASHU
CASE No. ZBW/20 - JOB SIKHALA	CASE No. ZBW/37 - TUMBARE MUTASA
CASE No. ZBW/21 - TICHAONA MUNYANYI	CASE No. ZBW/38 - GILBERT SHOKO
CASE No. ZBW/22 - PAULINE MPARIWA	CASE No. ZBW/39 - JELOUS SANSOLE
CASE No. ZBW/23 - TRUDY STEVENSON	CASE No. ZBW/40 - EDWARD MKHOSI
CASE No. ZBW/24 - EVELYN MASAITI	CASE No. ZBW/41 - PAUL TEMBA NYATHI
CASE No. ZBW/25 - TENDAI BITI	CASE No. ZBW/42 - RENSON GANSELA
CASE No. ZBW/26 - GABRIEL CHAIBVA	CASE No. ZBW/43 - BLESSING CHEBUNDO
CASE No. ZBW/27 - PAUL MADZORE	CASE No. ZBW/44 - NELSON CHAMISA
CASE No. ZBW/28 - GILES MUTSEKEWA	

***Resolution adopted unanimously by the IPU Governing Council at its 176<sup>th</sup> session  
(Manila, 8 April 2005)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the on-site mission concerning the above-mentioned Zimbabwean parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/176/13(b)-R.1), and to the resolution adopted at its 175<sup>th</sup> session (October 2004),

*Taking account* of the letter from the Speaker of the Zimbabwean Parliament dated 25 November 2004, of a letter from the Chief Justice dated 17 March 2005 and of a letter from the Commissioner of Police, dated 29 March 2005; *also taking account* of communications from the sources dated 9 and 16 March 2005,

*Recalling* that, as detailed in the Committee's mission report, Mr. Roy Bennett has been the target of consistent harassment and abuse, and that six court rulings ordering the vacating of his farm have not been implemented to date; *considering* in this respect that the Minister of Justice, Legal and Parliamentary Affairs, Mr. Patrick Chinamasa, in the parliamentary debate of 18 May 2004, stated inter alia that Mr. Bennett "has never forgiven this Government for seeking to redistribute land. He forgets that his forefathers were thieves... That it is an inheritance of stolen wealth accumulated over a century and a half. I want to warn him that we have taken over Charleswood Farm and he must not set foot on that ground", that Mr. Bennett then charged towards Mr. Chinamasa and pushed him forcefully so that he fell to the floor, and that during the altercation, Mr. Bennett himself was kicked by a parliamentarian belonging to the Zimbabwe African National Unity - Patriotic Front party (ZANU-PF), Mr. Mutasa, but that no one was hurt in the scuffle,

*Considering* the following developments regarding the incident in Parliament of 18 May 2004:

- On 20 May 2004, acting on a motion of the Minister of Public Service, Labour and Social Welfare, Mr. Paul Mangwana, a Committee of Privileges was set up to investigate the conduct of Mr. Bennett and allegations of contempt of Parliament made against him. The Committee comprised three ZANU-PF members and two members of the Movement for Democratic Change party (MDC), and was chaired by Mr. Mangwana himself. The Committee rejected the request of Mr. Bennett's counsel that Mr. Mangwana decline to act in the case because he had moved the motion for the Committee. It also rejected requests that the conduct of Minister Chinamasa and Mr. Mutasa be examined as well;
- The Committee unanimously concluded that Mr. Bennett was guilty of contempt of Parliament. With respect to the sentence, the two MDC members felt that a custodial sentence was not warranted. However, the majority recommended that Mr. Bennett be sentenced to 15 months' imprisonment with hard labour, of which three months were to be suspended. On 27 October 2004, the Committee presented its findings and recommendations to Parliament. The following day, Mr. Bennett was allowed to address Parliament. On that occasion he apologised again to the Speaker and Mr. Chinamasa for his conduct, after which he was asked to leave the House while the matter was debated and voted on. The vote was strictly along party lines, with 53 ZANU-PF members voting to adopt the recommendations and 42 MDC members rejecting them;
- Mr. Bennett was shortly thereafter taken into custody and started serving an effective one-year prison term. He was first held in Harare Central Prison in degrading and humiliating conditions, and was later transferred to Mutoko Prison, 160 kilometres north-east of Harare, where he is currently being held, reportedly also in inhuman conditions, with extremely restricted visiting rights;
- While it was first reported that the Speaker of Parliament had barred consideration by a court of law of Parliament's guilty verdict and sentence, the Speaker himself, in his letter of 25 November 2004, stated that Mr. Bennett "has the right to seek redress through the judiciary and has, in fact, instituted legal proceedings which are pending before the Supreme and High Courts". On 1 November 2004, Mr. Bennett had indeed filed an application seeking his release pending the determination of an appeal he had lodged with the Supreme Court and constitutional challenges to be instituted by him. On 18 February 2005, High Court Judge Hungwe found that the Court was not competent in this case as the Speaker had issued the certificate of privilege provided for under section 6 (1) of the Privileges, Immunities and Powers of Parliament Act and that, by virtue of that section, any proceedings had to be immediately stayed upon production of that certificate and be deemed to be finally determined;
- On 17 March 2005, the Electoral Court set aside a decision by the Constituency Registrar rejecting Mr. Bennett's nomination papers as a member of parliament for the March 2005 elections; an urgent application was filed against this decision and it is not clear whether Mr. Bennett was able to stand in the elections; on 10 March 2005, an application challenging Mr. Bennett's continuing incarceration following the dissolution of Parliament was dismissed,

*Noting* that, according to the sources, in Zimbabwe criminal law, the incident in Parliament of May 2004 would be considered a common assault and courts would have imposed a small fine or a caution; courts have deemed imprisonment for common assault "most unusual" (The State v. Munemo H-B-24/93),

*Noting* further that the constitutional challenge of section 16 of the Privileges, Immunities and Powers of Parliament Act and setting aside of the parliamentary proceedings into his misconduct are pending and, according to the Chief Justice, were set down for 12 May 2005,

*Considering* that the following other new developments have been reported concerning the parliamentarians in question:

- On 13 December 2004, Mr. Paul Madzore was arrested and taken to the Police Law and Order Section at Harare Central police station. He was released on bail; according to the police, charges of malicious injury to property and assault with intent to cause grievous bodily harm were brought against him on account of his having thrown a stone against a car park which is a ZANU-PF youth cooperative;
- On 20 January 2005, a court hearing took place in the case concerning the attack on Mr. Bhebe committed on 26 May 2001, when he was assaulted and left for dead; however, the case did not proceed as the public prosecutor announced that the case file could not be found in Bulawayo;
- On 23 January 2005, Mrs. Thokozani Khupe, MDC Deputy Chief Whip, was arrested together with others during a private meeting in her restaurant, which was closed for the occasion, and was reportedly accused of holding an illegal meeting. Three police details reportedly arrived at the private meeting and demanded to attend it. Mrs. Khupe allowed them to do so, and the meeting proceeded. However, after about 30 minutes, riot police in full riot gear reportedly arrived and told everyone that they were under arrest. Mrs. Khupe was released the next day; according to the police, she was charged with contravening the Public Order and Security Act (POSA) for having failed to notify the regulating authority and was remanded out of custody to 15 May 2005 on bail;
- On 25 January 2005, Mr. Nelson Chamisa was arrested on allegations of inciting violence; according to the police, he said at a meeting of MDC youth "If a mentally retarded person pinches you, you should also pinch him/her so that he/she knows how painful it is"; he was charged with "incitement to violence"; he has been released and the matter is to proceed by way of summons,

*Considering* that, according to the sources, none of the complaints lodged by the parliamentarians concerned on the grounds that they were tortured, as in the case of Mr. Job Sikhala, or beaten up by security agents, as in the case of Mrs. Evelyn Masaiti, have been addressed,

*Bearing in mind* that legislative elections took place in Zimbabwe on 31 March 2005,

1. *Thanks* the Speaker, the Chief Justice and the Commissioner of Police for the information they provided and their cooperation;
2. *Expresses deep concern* at the sentencing of Mr. Bennett to a prison term, and *stresses* in this regard that the sentence imposed by Parliament on Mr. Bennett is unprecedented in international parliamentary practice, is exceedingly severe and disproportionate and does not serve the purpose of contempt of parliament proceedings, which is to maintain the dignity and decorum of the parliament;
3. *Notes* that the Speaker of Parliament recognised Mr. Bennett's right to judicial review of the sentence which Parliament imposed on him; nevertheless *fails to understand* how this can be reconciled with his issuing of a certificate of privilege, which prevents any court from carrying out such judicial review; *would appreciate* clarification in this respect;
4. *Recalls* that Zimbabwe is a party to the International Covenant on Civil and Political Rights (ICCPR), which enshrines the right to fair trial, and that international law overrides any contrary national law; *affirms* that consequently, if a parliament is entrusted with judicial functions as is the case in Zimbabwe, defendants must enjoy all fair trial guarantees, including the right to appeal to a court of law;
5. *Notes* that a constitutional application challenging the relevant section of the Privilege Immunities and Powers of Parliament Act is pending, and *wishes to be kept informed* of

those proceedings; *encourages* Mr. Bennett to take this matter also before the Human Rights Committee established under the ICCPR;

6. *Is dismayed* that Mr. Bennett's application challenging his continuing incarceration following the dissolution of Parliament has been rejected, and *would appreciate* receiving a copy of the relevant judgment;
7. *Recalls* that, as detailed in the Committee's mission report, Mr. Bennett and his family have been the target of harassment, abuse and a failure by the authorities to implement court decisions setting aside the government's decision to acquire Mr Bennett's farm compulsorily and ordering certain respondents not to interfere with farming activities; *is perplexed* to note in this respect that the Minister of Justice openly declared in Parliament that these court decisions would not be respected;
8. *Expresses deep concern* at the rearrests of Mr. Madzore, Mrs. Khupe and Mr. Chamisa and the disappearance of the case file concerning the attack on Mr. Bhebhe; *deeply regrets also* that the complaints which Mr. Sikhala and Mrs. Masaiti lodged regarding the torture and ill-treatment they suffered have not as yet led to any effective action to prosecute the culprits, the identity of whom is said to be public knowledge; and *declares with regret* that all this can only strengthen its fears that opposition members of parliament have been the target of systematic harassment, a situation inimical to the free expression of the will of the people;
9. *Reaffirms* that Parliament has a duty and special interest to ensure that all its members are treated in a way consonant with national and international law and with the human rights standards to which Zimbabwe has subscribed, in order that they may carry out their mandate without hindrance; *calls on* the new Parliament to take these matters into serious consideration and to avail itself of all its powers to ensure respect for human rights; *calls on* it in particular to review the previous Parliament's decision with regard to Mr. Bennett and to order his release from detention, as this would be conducive to renewed dialogue between ZANU-PF and the MDC, the only way forward;
10. *Requests* the Secretary General to convey this resolution to the competent authorities, the parliamentarians concerned and the sources;
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 113<sup>th</sup> IPU Assembly (October 2005).