



TABLE OF CONTENTS

Page(s)

MEETINGS

115th Assembly of the Inter-Parliamentary Union	
1. Opening of the proceedings	4
2. Participation	4
3. Choice of an emergency item	5
4. Debates and decisions of the Assembly and its Standing Committees	5
179th Session of the Governing Council	
1. Membership of the IPU	8
2. Financial situation of the IPU	8
3. Programme and budget for 2007	8
4. Fundraising strategy 2007-2010	8
5. Cooperation with the United Nations system	9
6. Consolidation of reform of the IPU	9
7. Recent specialized conferences and meetings	9
8. Reports of Committees and other bodies	9
9. Future inter-parliamentary meetings	9
247th Session of the Executive Committee	11
Coordinating Committee of Women Parliamentarians	12
Subsidiary bodies and committees of the Governing Council of the IPU	
1. Committee on the Human Rights of Parliamentarians	12
2. Committee on Middle East Questions	13
3. Gender Partnership Group	13
Other events	
1. Hearing of the President of the World Bank	14
2. Interactive panel discussion on the Committee on the Human Rights of Parliamentarians: Thirty years defending free speech	14

ELECTIONS, APPOINTMENTS AND MEMBERSHIP

Elections and appointments

1. Office of the President of the 115 th IPU Assembly	15
2. Executive Committee	15
3. Bureaux of the Standing Committees	15
4. Committee on the Human Rights of Parliamentarians	15
5. Committee on Middle East Questions	15
6. Gender Partnership Group	15
7. Auditors for the 2007 accounts	15

Membership of the Inter-Parliamentary Union	16
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AGENDA, RESOLUTIONS AND VOTES OF THE 115th ASSEMBLY OF THE INTER-PARLIAMENTARY UNION

Agenda	17
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Subject items

• Resolution: <i>Cooperation between parliaments and the United Nations in promoting world peace, particularly from the perspectives of the fight against terrorism and the achievement of greater energy security</i>	18
• Resolution: <i>The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption</i>	22
• Resolution: <i>Missing persons</i>	28

Emergency item

• Results of the roll-call vote on requests for the inclusion of an emergency item in the Assembly agenda	33-34
• Results of the roll-call vote requested by the delegation of the Democratic People's Republic of Korea on the draft resolution on the emergency item	37
• Resolution: <i>The announcement by the Democratic People's Republic of Korea of its nuclear weapons test and the strengthening of the nuclear non-proliferation regime</i>	35

REPORTS, DECISIONS, RESOLUTIONS AND OTHER TEXTS OF THE GOVERNING COUNCIL OF THE INTER-PARLIAMENTARY UNION

Reports, decisions and recommendations

• Decision relating to the participation of the Parliament of Thailand in the IPU	38
• Budget of the IPU for the year 2007	39
• Table of contributions for the year 2007	41
• Cooperation between the United Nations and the Inter-Parliamentary Union	44
• Resource mobilization strategy for the IPU	46
• Cooperation with the United Nations system, list of activities from May to October 2006	48
• Recommendations adopted at the Regional Conference on Women's Participation in Politics (Algiers)	51

Future meetings

• Future meetings and other activities	53
• Agenda of the 116 th Assembly	55
• List of international organizations and other bodies invited to follow the work of the 116 th Assembly as observers	56

Resolutions concerning the human rights of parliamentarians

• Mr. Shah AMS Kibria, of Bangladesh	58
• Sheikh Hasina, of Bangladesh	59
• Mr. Victor Gonchar, of Belarus	61
• Mr. S. Mfayokurera, Mr. I. Ndikumana, Mr. G. Gahungu, Ms. L. Ntamutumba, Mr. P. Sirahenda and Mr. G. Gisabwamana, of Burundi	63
• Mr. Norbert Ndiwokubwayo, of Burundi	64
• Mr. Chhang Song, Mr. Siphon Phay and Mr. Savath Pou, of Cambodia	65
• 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, of Colombia	66
• Mr. Hernán Motta Motta, of Colombia	67
• Ms. Piedad Córdoba, of Colombia	68
• 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, of Colombia	69
• Mr. Jorge Tadeo Lozano Osorio, of Colombia	70
• Mr. Gustavo Petro Urrego, of Colombia	71
• Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, of Ecuador	72
• Eleven parliamentarians of Eritrea	73
• Mr. Miguel Angel Pavón Salazar, of Honduras	74
• Mr. Gibran Tueni, of Lebanon	74
• Mr. Anwar Ibrahim, of Malaysia	75
• Mr. Zorig Sanjasuuren, of Mongolia	76
• Twenty-one parliamentarians of Myanmar	77
• Mr. Asif Ali Zardari, of Pakistan	79
• Mr. Makhdoom Javed Hashmi, of Pakistan	80
• Mr. Marwan Barghouti, of Palestine	82
• Mr. Hussam Khader, of Palestine	82
• Twenty-four parliamentarians of Palestine	86
• Mr. Abdel Aziz Dweik, of Palestine	88
• Mr. Crispin Beltran, Mr. Saturnino Ocampo, Mr. Joel Virador, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, of the Philippines	90
• Mr. Léonard Hitimana, of Rwanda	93
• Mr. D.M.S.B. Dissanayake, of Sri Lanka	94
• Mr. Joseph Pararajasingham, of Sri Lanka	96
• Ten parliamentarians of Turkey	98
• Twenty-six parliamentarians of Zimbabwe	99

115th Assembly of the Inter-Parliamentary Union

1. Opening of the proceedings

The 115th Assembly of the Inter-Parliamentary Union¹ opened its proceedings at the Geneva International Conference Centre in the afternoon of Monday, 16 October 2006. The President of the IPU, Mr. Pier Ferdinando Casini, welcomed the participants and declared the 115th Assembly officially open. Following the official opening, the President of the IPU was elected President of the Assembly and the Vice-President of the Executive Committee, Mrs. M. Mensah-Williams (Namibia), was elected Vice-President of the Assembly.

2. Participation

Delegations of the parliaments of the following 128 countries took part in the work of the Assembly²: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, 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, Maldives, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic

of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen and Zimbabwe.

The following Associate Members also took part in the Assembly: the Andean Parliament, the East African Legislative Assembly, the Latin American Parliament and the Parliamentary Assembly of the Council of Europe.

Observers included representatives of: (i) Palestine; (ii) United Nations system: United Nations, United Nations Conference on Trade and Development (UNCTAD), International Labour Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Children's Fund (UNICEF), World Health Organization (WHO), World Trade Organization (WTO), World Bank; (iii) International Organization for Migration (IOM), League of Arab States, African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Assembly of the Western European Union (WEU), Association of Senates, Shoura and Equivalent Councils in Africa and the Arab World (ASSECAA), Confederation of Parliaments of the Americas, European Parliamentarians for Africa (AWEPA), Inter-Parliamentary Association for the Eurasian Economic Community (EURASEC), Inter-Parliamentary Assembly of the Commonwealth of Independent States, Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC), 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 the Islamic Conference Members (PUOICM), Inter-Parliamentary Assembly on Orthodoxy; and (iv) International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC). Furthermore, a delegation from Afghanistan participated as an observer with a view to future affiliation and a delegation from the Pan-African Parliament with a view to obtaining observer status. The Centre for Humanitarian Dialogue was invited to follow the work of the Assembly as an observer in light of the items on the agenda.

Of the 1,165 delegates who attended the Assembly, 485 were members of national parliaments. The parliamentarians included 39 presiding officers, 24 deputy presiding officers and 148 women parliamentarians (30.5%).

¹ The resolutions and reports referred to in this document and general information on the Geneva session are available on the IPU website (www.ipu.org).

² For the complete list of IPU Members, see page 16.

3. Choice of an emergency item (Item 2)

At the beginning of the consideration of the item on 16 October, the Assembly had before it one consolidated request for the inclusion of an emergency item, submitted by the delegations of Algeria and Jordan on behalf of the Arab Group, which also carried the support of the Islamic Republic of Iran, entitled "The role of parliaments in further mobilizing the international community in efforts to rebuild Lebanon, support its development and its war-ravaged economy, and pursue just and lasting peace in the Middle East", and a proposal submitted by the delegation of Japan entitled "The announcement by the Democratic People's Republic of Korea of its nuclear weapons test and the strengthening of the nuclear non-proliferation regime".

After a vote, the proposal submitted by the delegation of Japan was adopted and added to the agenda as item 7 (see page 34).

4. Debates and decisions of the Assembly and its Standing Committees

(a) Debate on the emergency item

The announcement by the Democratic People's Republic of Korea of its nuclear weapons test and the strengthening of the nuclear non-proliferation regime (Item 7)

The debate on the emergency item took place in the morning of Tuesday, 17 October. The meeting was chaired by Mr. R. Nin Novoa, President of the General Assembly and of the Senate of Uruguay. A total of 18 speakers from 17 parliamentary delegations and one observer took part in the debate.

The Assembly referred the item to a drafting committee composed of representatives of the delegations of Benin, Chile, China, Islamic Republic of Iran, Japan, Mexico, the Netherlands, New Zealand, Pakistan, Portugal, the Republic of Korea and the Russian Federation. The drafting committee appointed Mr. J. Carter (New Zealand) as its president and rapporteur. It met on Tuesday, 17 October in the afternoon and on Wednesday, 18 October in the morning. It adopted a draft resolution by consensus.

On Wednesday, 18 October, the draft resolution was adopted by the Assembly, following a vote (see page 35 for the text of the resolution and page 37 for details of the vote). After the vote, the

delegations of Egypt, Iran (Islamic Republic of), Israel, Lebanon, Namibia and Venezuela took the floor to explain their vote. The delegations of India and Pakistan expressed reservations to preambular paragraph 1, as it did not refer to the States Party to the Treaty.

(b) First Standing Committee: Peace and International Security

(i) *Cooperation between parliaments and the United Nations in promoting world peace, particularly from the perspectives of the fight against terrorism and energy security (Item 3)*

The Committee held three sittings on 16 and 18 October, with its President, Mr. N. Al-Ghanem (Syrian Arab Republic), in the chair. In addition to a report and draft resolution prepared by the co-Rapporteurs, Mrs. A. Möller (Iceland) and Mrs. H. Mgabedeli (South Africa), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of Algeria, Australia, Belgium, China, Cuba, Egypt, Germany, Iceland, India, Indonesia, Islamic Republic of Iran, Italy, Japan, Jordan, Lebanon, Norway, Philippines, Russian Federation, South Africa, Spain, Sudan, Switzerland, Turkey, United Kingdom and Venezuela.

The first sitting began with the presentation of the report and draft resolution by Mrs. H. Mgabedeli of South Africa, in her capacity as co-Rapporteur; Mrs. A. Möller of Iceland was unable to attend the Assembly, due to election-related commitments at home. A total of 55 speakers from 52 parliaments and one organization took the floor during the debate. Following the debate, the Standing Committee appointed a drafting committee composed of representatives from Algeria, Belgium, Benin, Egypt, India, Israel, Malaysia, Mexico, Russian Federation, Sudan, Tunisia, United Kingdom and Venezuela. Mrs. Mgabedeli was also invited to participate in the work of the drafting committee, in an advisory capacity.

The drafting committee met on 17 October. It appointed Mr. F.-X. de Donnea (Belgium) as president and Mr. V. Mongbe (Benin) as rapporteur. It examined 201 amendments and sub-amendments to the draft resolution, and adopted 65 of them in full or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to the initial draft or to those that had been adopted.

On the morning of 18 October, the First Standing Committee considered the consolidated draft. Several delegations took the floor to express support for the text. The Committee endorsed the proposal of the drafting committee to slightly amend the title of the draft resolution, with a view to ensuring greater clarity of meaning. Three delegations submitted a total of four sub-amendments to the text, three of which were accepted by the Committee, while the fourth, which related to operative paragraph 4, was the subject of an extensive debate. Finally, a new sub-amendment was put forward as an alternative proposal and was accepted by the Committee. One delegation requested that its amendment, which had initially been rejected by the drafting committee, be reconsidered, and the amendment was accepted by the Committee. The revised draft resolution was subsequently adopted as a whole by consensus by the First Standing Committee. The delegation of Venezuela expressed a reservation on all the paragraphs dealing with energy security. The delegation of Israel expressed a reservation on operative paragraph 4.

In the afternoon of 18 October, the draft resolution was submitted to the plenary sitting of the Assembly, which adopted it by consensus. The delegation of Venezuela again expressed a reservation on all the paragraphs dealing with energy security. The delegation of Israel expressed its reservation on operative paragraph 4 and its objection to the manner in which this paragraph was amended in the third session of the First Standing Committee (see page 18 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 117th Assembly*

The Bureau of the First Standing Committee met on 18 October to examine eight proposals for the subject item to be debated by the First Standing Committee at the 117th Assembly. It selected the subject item entitled *The role of parliaments in striking a balance between national security, human security and individual freedoms*; its choice was subsequently endorsed by the Committee, which also approved the nomination of Lord Morris of Aberavon (United Kingdom) as one of the co-Rapporteurs. The Asia-Pacific geopolitical Group

indicated that it would be submitting the name of a second co-Rapporteur.³

³ Pending a final decision on the reform proposals relating to the structure of the second annual Assembly, the Assembly took note of the proposals approved by the three Standing Committees, which will be considered at its 116th session.

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

- (i)
- The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption (Item 4)*

The Committee held two sittings on 16 and 18 October, with its President, Mr. A. Fomenko (Russian Federation), in the chair. In addition to a report and preliminary draft resolution prepared by the co-Rapporteurs, Mrs. Z. Bouayad (Morocco) and Mrs. A. Boumediene-Thiery (France), the Committee had before it amendments to the draft resolution submitted by the delegations of Algeria, Argentina, China, Cuba, Egypt, Germany, India, Indonesia, Italy, Japan, Lebanon, Morocco, Norway, Philippines, Romania, South Africa, Spain, Sudan, Sweden, Switzerland, United Kingdom and Venezuela. A separate set of amendments was submitted by the Coordinating Committee of Women Parliamentarians.

A total of 61 speakers from 55 countries and one international organization took the floor during the plenary debate, after which the Standing Committee appointed a drafting committee composed of representatives from Algeria, Bolivia, France, Indonesia, Monaco, Morocco, Nigeria, Republic of Korea, Sudan, Switzerland and Uruguay.

The drafting committee met in the morning and afternoon of 17 October. At the beginning of its work, it appointed Mrs. A. Boumediene-Thiery (France) as its president and Mrs. C. Ait Benamar (Algeria) as rapporteur. The committee examined 127 amendments to the preliminary draft resolution and adopted 63 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 had been adopted.

In the morning of 18 October, the Second Standing Committee considered the consolidated draft. Whereas most paragraphs were adopted without discussion, one of them was modified by vote. Three further proposed amendments were defeated by vote. The Committee also made a number of editorial changes. The amended draft resolution was thereafter adopted as a whole by consensus. At that point, the delegation of India expressed its reservation about the ninth preambular paragraph and the delegation of China about the nineteenth preambular paragraph.

In the afternoon of 18 October, the draft was submitted to the plenary sitting of the Assembly. An editorial correction in the second preambular paragraph was made at the request of the delegation of India, after which the draft was adopted by consensus. The text of the resolution can be found on page 22.

- (ii)
- Selection of subject item and co-Rapporteurs for the Second Standing Committee at the 117th Assembly*

The Bureau of the Second Standing Committee met on 18 October with the Committee's President, Mr. A. Fomenko, in the chair. It examined proposals submitted by IPU Members for the items to be debated by the Second Standing Committee at the 117th Assembly. The Bureau approved the subject item entitled *Parliamentary oversight of State policies on foreign aid in the era of globalization*, nominated Mr. E. Quenum Possy Berry (Benin) as the first co-Rapporteur on the item and proposed that the IPU President and the President of the Second Standing Committee engage in consultations with the geopolitical groups with a view to identifying the second co-Rapporteur as soon as possible. The Second Standing Committee agreed with that proposal.

(d) Third Standing Committee: Democracy and Human Rights

- (i)
- Missing persons (Item 5)*

The Committee held two sittings, on 16 and 18 October, with its President, Mr. J.-K. Yoo (Republic of Korea), in the chair. Mr. Yoo shared his duties with Mrs. R. Kadaga (Uganda), First Vice-President. The Committee had before it a report and a draft resolution drawn up by the co-Rapporteurs, Mrs. B. Gadiant (Switzerland) and Mr. L. Nicolini (Uruguay), along with amendments to the draft resolution submitted by the delegations of Algeria, Argentina, Canada, China, India, Indonesia, Italy, Japan, Philippines, Romania, Spain and Venezuela.

In all, 46 speakers took part in the debate, after which the Committee designated a drafting committee composed of representatives of Algeria,

Benin, Canada, Chile, Egypt, Germany, Islamic Republic of Iran, Japan, Mexico, Nigeria and Switzerland.

The drafting committee met on 17 October. It began its work by naming Mr. M. Harb (Canada) as its president and its rapporteur. It considered the draft resolution in detail and improved the text by incorporating some of the proposed amendments.

On 18 October, the Committee considered the consolidated text of the draft resolution. The delegation of India expressed reservations about the applicability of international humanitarian law to situations of internal violence, on the visits to detention centres referred to in operative paragraph 4(a) and on the authorization of visits carried out by the United Nations Working Group on Enforced or Involuntary Disappearances mentioned in operative paragraph 9. The delegation of the Islamic Republic of Iran expressed reservations about the eighteenth preambular paragraph and on the reference to internal violence in the first and tenth preambular paragraphs. The Committee also took note of the proposal of that delegation to refer to the situation of missing persons under foreign occupation. It then adopted the draft resolution by consensus.

In the afternoon of 18 October, the Assembly, meeting in plenary, adopted the resolution by consensus (see page 28 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 117th Assembly*

The Bureau of the Third Standing Committee met on 18 October to examine proposals submitted for the subject item to be debated by the Third Standing Committee at the 117th Assembly. The Bureau's choice, *Empowering citizens through an effective right-to-information regime*, was subsequently endorsed by the Committee. The Bureau's nomination of Mr. A. Bagbin (Ghana) and Ms. R.M. Albernaz (Portugal) as co-Rapporteurs was also endorsed by the Committee.

179th Session of the Governing Council

1. Membership of the IPU

At the opening of its first sitting on 16 October, the Governing Council observed a moment of silence in honour of the memory of Sir Michael Marshall, a former President of the Inter-Parliamentary Council who had recently passed away.

The Governing Council then approved the requests for affiliation from the parliaments of Gambia, Montenegro and Palau, decided to suspend the participation of Thailand in the activities of the IPU in the wake of the military coup d'état in that country, and granted observer status to the Transitional Arab Parliament (TAP), and to the Centrist Democrat International (CDI). In light of the items on the Assembly's agenda, it also granted observer status at the 115th Assembly to the Centre for Humanitarian Dialogue. At its last sitting on 18 October, it decided to suspend the affiliation of the Parliament of Djibouti, which had accumulated more than three years' arrears in the payment of its contributions. The IPU currently comprises 148 Member Parliaments and seven international parliamentary assemblies as Associate Members.

2. Financial situation of the IPU

The Governing Council received a comprehensive written report on the financial situation of the IPU as at 30 June 2006 and a list of Members' arrears as at 16 October 2006. Five Members had significant arrears and were subject to sanctions. The Secretary General gave the Council updated information on the financial situation at the end of September, confirming that the IPU would end the year with an operating surplus equal to approximately two per cent of the budget. The expected surplus would be used to augment the Working Capital Fund, which stood at CHF 5.1 million.

The Council noted that the closed Staff Pension Fund reported an actuarial surplus; although the IPU remained responsible for the payment of existing retirees' pensions, it would not be required to make any additional contribution to the Fund at this time.

3. Programme and budget for 2007

The Governing Council heard a report by the Executive Committee rapporteur, Mr. J. Austin

(United Kingdom), on the draft programme and budget for 2007, which included a new scale of contributions and a detailed estimate of new voluntary funding.

On the recommendation of the Executive Committee, the Governing Council approved the budget as submitted by the Secretary General with two amendments as outlined below. It approved gross operating expenditures of CHF 17,456,720 and capital expenditures of CHF 50,000. For the first time, the operating budget included the activities funded with voluntary contributions, primarily technical assistance projects. Expenditure on those projects was conditional on funding commitments. The Council approved an overall three per cent increase in assessed contributions for existing Members and assessed the new Members: the Parliaments of The Gambia, Montenegro and Palau (see page 41).

Two amendments to the budget were approved by the Council, one for the translation of documents into Spanish through an arrangement with the GRULAC Secretariat, to be undertaken by the Parliament of Uruguay, and the other to fund a parliamentary event at the Global Forum on Reinventing Government. Both activities are to be carried out within the approved funding ceiling.

The Governing Council approved the implementation of a new revenue-neutral scale of contributions that better reflects capacity to pay. The new scale of contributions, derived from the draft United Nations Scale of Contributions for 2007-2009, will make membership more affordable for parliaments from the least developed countries and will take account of the economic changes that have taken place since the scale was last adjusted in 1991. The Parliament of China accepted its assessment for 2007, but expressed reservations about the assessment formula and the base data. The Council decided that the scale of contributions would be regularly reviewed to take account of changes in the United Nations scale of assessment and in IPU membership.

4. Fundraising strategy 2007-2010

The Governing Council received a four-year plan for promoting peace, democracy and global governance with a detailed list of planned activities

and requirements for voluntary funding. In this regard, the Council approved a resource mobilization strategy setting out a plan for approaching donors and for coordinating efforts with the Global Parliamentary Foundation for Democracy (see page 46).

5. Cooperation with the United Nations System

The Governing Council took stock of recent developments in the area of cooperation between the IPU and the United Nations, considered reports from a variety of United Nations-related activities and approved a calendar of forthcoming initiatives and joint meetings.

The Council approved the draft agreement of cooperation with the United Nations Democracy Fund (UNDEF), which establishes a framework in which both parties will work together on issues of common interest in the context of supporting democracy throughout the world. The Agreement was formally signed in Geneva during the Council session on 17 October. Already, two projects submitted by the IPU – one concerning work by national parliaments in Africa on enforcing international human rights conventions, and another in support of women's political participation in Burundi – have been approved for funding (worth over US\$ 500,000) from UNDEF and will shortly be entering their implementation phase.

The Council also approved a proposed Memorandum of Understanding between the United Nations Department of Economic and Social Affairs and the IPU on the Global Centre for Information and Communication Technologies (ICT) in Parliament. The Centre aims to build the capacity of parliaments worldwide through ICT tools, and to promote relevant ICT-related legislation.

The Council heard a presentation by Mr. J. Somavia, Director-General of the International Labour Organization (ILO), and approved a series of proposals for a programme of cooperation with the ILO aimed at developing a parliamentary perspective to the Decent Work Agenda. A five-year plan is expected to be launched in 2007, to include the establishment of a joint IPU-ILO programme of activities, annual global meetings, the development of a best practices guide and practical recommendations for parliaments with a view to putting jobs at the heart of national policy making.

The Council approved an agreement through which the IPU would join UNDP, International IDEA, UNIFEM and the National Democratic Institute (NDI) as one of the partners in the International Knowledge Network of Women in Politics (iKNOW Politics). The goal of iKNOW Politics is to increase the participation and effectiveness of women in political life through a technology-enabled forum.

In considering the biennial *Report of the United Nations Secretary-General: Cooperation between the United Nations and IPU*, the Governing Council noted the expansion of cooperation between the two organizations over the past two years, and called for further efforts to be made in fully implementing the decisions of the Second World Conference of Speakers of Parliaments. It noted the recommendations made by the United Nations Secretary-General, including: establishing a permanent mechanism for consultation and coordination with a view to achieving greater coherence in the work of the two Organizations and maximizing parliamentary support for the work of the United Nations; forging close cooperation ties between the IPU and the newly established United Nations bodies – the Human Rights Council, the Peacebuilding Commission (PBC) and the United Nations Democracy Fund; and the active involvement of the IPU in implementing the new functions devolved to the United Nations Economic and Social Council (ECOSOC) by the 2005 World Summit.

The Council heard a presentation on the state of negotiations under way in New York on the draft General Assembly resolution on cooperation between the United Nations and the Inter-Parliamentary Union, and was invited to harness support from all Permanent Missions for a robust and substantive resolution (see text of the resolution that was approved by the United Nations General Assembly immediately following the 115th Assembly on page 44).

The President of the IPU drew the attention of the Governing Council to the 2006 Parliamentary Hearing at the United Nations (New York, 13-14 November 2006), which will be focusing on the question of *Conflict Prevention and Peace-Building: Reinforcing the Key Role of the United Nations*.

6. Consolidation of reform of the IPU

The Governing Council received the report of the President's Working Group on Reform. It noted the proposals to make the work of the Standing

Committees more focused, to enhance the role of the IPU President to provide political guidance, and to continue to build a strategic partnership with the United Nations. Particular attention was paid to the new proposals for the second Assembly of the year, which could entail a longer session of the Governing Council to allow for more in-depth discussion of the programme and budget of the IPU and other key items. In tandem with an enlarged Council session, there could be a political event that would be held within a new plenary committee on the United Nations, while the Standing Committees would meet only at the first Assembly of the year.

The Governing Council gave a favourable hearing to the proposals, and no objections were voiced. It was decided that pending further consultations with the geopolitical groups, the formal endorsement of the proposal would take place at the 116th Assembly.

The Governing Council agreed to modify the Members' annual reporting exercise. Members would continue to report on the way that they were organized in national parliaments and would also comment on follow-up in their parliaments on three subjects recently treated in IPU Assembly resolutions, namely, violence against women, small arms and biodiversity.

7. Recent specialized conferences and meetings

The Governing Council took note of the results of the Regional Conference on Women in Politics (see page 51), the Regional Capacity-Building Seminar for African Parliaments on Sustainable Development (see <http://www.ipu.org/splz-e/yaounde06.pdf>), the Regional Conference for Women Parliamentarians in the Gulf Cooperation Council States (see <http://www.ipu.org/Splz-e/gulf06.pdf>), the Regional Seminar for South-East Asian Parliaments on Security Sector Reform (see <http://www.ipu.org/splz-e/Phuket06/report.pdf>), the Inaugural Session of the Parliamentary Assembly of the Mediterranean (see <http://www.ipu.org/splz-e/cscm06/declaration.pdf>), the Panel discussion on Governance in the Least Developed Countries (see <http://www.ipu.org/Splz-e/LDCs06-rpt.pdf>), the IPU Advisory Group on HIV/AIDS and the Parliamentary Caucus on HIV/AIDS (see <http://www.ipu.org/Splz-e/hivaid06-rpt.pdf>), and

the Meeting of Parliamentary Human Rights Bodies (see <http://www.ipu.org/splz-e/hrbodies06/conclusions.pdf>).

The Governing Council gave its formal approval of the establishment of the IPU Advisory Group on HIV/AIDS.

8. Reports of committees and other bodies

At its sitting on 18 October, the Governing Council took note of the reports on the activities of the Committee on the Human Rights of Parliamentarians, the Coordinating Committee of Women Parliamentarians, the Gender Partnership Group and the Committee on Middle East Questions.

9. Future inter-parliamentary meetings

Following the decision to suspend the participation of Thailand in the activities of the IPU, the Parliament of Indonesia proposed to host the 116th Assembly in its stead. The Governing Council endorsed the proposal in principle and gave a mandate to the President and Secretary General to conclude the details of hosting an Assembly in Jakarta prior to final confirmation. The International Conference Centre in Geneva has been reserved as a second option.

The Governing Council confirmed that the 118th Assembly would take place in Cape Town (South Africa) from 13 to 18 April 2008.

In addition to the specialized and other meetings previously approved, the Council approved the following events:

- Parliamentary Conference and Meeting of Women Speakers of Parliament, to be held on the occasion of the 51st session of the Commission on the Status of Women in New York in March 2007;
- Regional seminar on child protection to be held in South Asia in early 2007;
- Parliamentary events to be held on the occasion of the 7th Global Forum on Reinventing Government in Vienna from 26 to 29 June 2007;
- Regional conference for women parliamentarians of the GCC States, to be held in mid-2007;
- Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women, to be held in late 2007;

- Meeting of parliamentary bodies dealing with the status of women and gender equality, to be held in Geneva in late 2007.

A full list of future events may be found on page 53.

247th Session of the Executive Committee

The Executive Committee held its 247th session in Geneva on 13, 14 and 18 October. The President of the IPU chaired the meetings. The following members and substitutes took part in the session: Mr. Lü Congmin (China), substituted by Mr. G. Zhiguo on 13 and 14 October, Mrs. K. Serrano Puig (Cuba), Mrs. K. Komi (Finland), Mrs. E. Papadimitriou (Greece), Mrs. A. Vadai (Hungary), Mr. T. Tamazawa (Japan) substituting for Mr. T. Kawara, Mr. F.X. ole Kaparo (Kenya), Mr. H. Al-Hadi (Libyan Arab Jamahiriya), Ms. R. Benmassaoud substituting for Mr. A. Radi (Morocco), Mrs. M. Mensah-Williams (Namibia), Mr. A. Kozlovsky (Russian Federation), Mr. J. Austin (United Kingdom), and Mrs. M. Xavier (Uruguay) on 18 May only. Mr. J. Jorge (Brazil) and Mr. O.F. Natchaba (Togo) were 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 summarized below.

The Committee discussed a request from representatives of the Turkish Cypriot community to change their status at IPU Assemblies. The Committee concluded that no change was necessary for the time being.

The Committee received a delegation from Thailand which described the political situation in that country following the recent coup d'état.

The annual revisions to the Staff Rules, incorporating the recommendations of the International Civil

Service Commission with respect to changes in salary scales and rates of staff assessment, were submitted to the Executive Committee for information. The Committee was also informed of the staff changes that had taken place since the last meeting. The Secretary General had appointed two new staff members, a French translator and a bilingual secretary. Two temporary staff members had been engaged in New York, one to cover a maternity leave and the other to replace the consultant previously attached to the Office.

The Executive Committee received a comprehensive document setting out a four-year plan for promoting peace, democracy and global governance through projects requiring additional and voluntary funding. The Secretary General informed the Committee that the plan had been distributed to the donor community at a recent meeting in Geneva. While supportive of the role of the IPU in promoting democracy, the Committee expressed reservations about the long-term effect of relying on donor funding.

The Executive Committee discussed the relationship with the Global Parliamentary Foundation for Democracy, and concluded by appointing a working group composed of the IPU President, the Secretary General and Mr. J. Austin to report back on the matter to the next meeting.

The Committee decided to re-elect Mrs. Mensah-Williams as Vice-President for a further one-year term.

Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 16 October 2006 with its First Vice-President, Ms. P. Cayetano (Philippines), in the chair. The session reviewed action taken to follow up on the Eleventh Meeting of Women Parliamentarians (Nairobi, May 2006) and prepared the work of the forthcoming Meeting.

The Committee was briefed on the work and recommendations of the Gender Partnership Group by one of its members, Mrs. M. Mensah-Williams. It welcomed the fact that approximately 30 per cent of delegates attending the Assembly in Geneva were women, and called on delegations to continue their efforts.

Discussion on follow-up by women parliamentarians on the meetings in Nairobi included action taken by several women to promote affirmative action legislation in their countries; meetings with ministers to brief them on the outcomes of IPU meetings; and regional initiatives to strengthen women's participation in politics. The Committee heard a brief report on the Regional Conference of Women Parliamentarians of the Gulf Cooperation Council States, organized jointly by the IPU and the Shura Council of Bahrain in July 2006.

The Committee went on to discuss its input into the work of the Second Standing Committee on *The achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption*. It drafted several amendments which it subsequently submitted to the Committee for inclusion in its resolution.

In preparation for the Twelfth Meeting of Women Parliamentarians, the Committee decided that the

Meeting would debate Assembly agenda item 5 of the 116th Assembly, entitled *Job creation and employment security in the era of globalization*. The Committee also agreed to dedicate part of the afternoon session to a dialogue between men and women on *Political parties and women's political participation*. It further agreed to take up the subject of *Women and the media* at the Thirteenth Meeting of Women Parliamentarians.

The representative of the United Nations Children's Fund (UNICEF) made a short presentation on the recently issued United Nations Secretary-General's Study on Violence against Children. Subsequently, the Committee decided to submit that topic for the panel scheduled to take place during the 116th Assembly.

The Committee discussed ways of enhancing its work, and set up a working group to report back at the next session of the Committee.

The Committee heard presentations on forthcoming meetings organized by the IPU Programme for Partnership between Men and Women. The Committee was also briefed on the International Knowledge Network of Women in Politics – iKNOWpolitics – an online network created to promote women's participation in politics worldwide by supporting the process of accessing, creating and sharing knowledge. The iKNOWpolitics project was developed jointly by the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), International IDEA, the National Democratic Institute for International Affairs (NDI) and the IPU. A Memorandum of Understanding was shared with the Committee for its comments.

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 115th session from 14 to 17 October 2006. Mrs. Z. Benarous (Algeria), Mrs. S. Carstairs (Canada) and Mr. F. Drilon

(Philippines) participated in their titular capacity, while Mr. K. Jalali (Islamic Republic of Iran) participated in his capacity as substitute member.

The Committee conducted nine hearings with delegations from countries where it had cases

pending and with representatives of the sources. The Committee examined a total of 64 cases in 32 countries. Four cases were submitted for the first time.

The Committee submitted 31 cases to the Governing Council (see resolutions on pages 58 to 101).

2. Committee on Middle East Questions

The Committee on Middle East Questions met on 15 October, with Mr. K. Sairaán (Mongolia) in the chair. It was attended by Mrs. M. Bergé-Lavigne (France), Mr. F. Raidel (Germany) and Mr. F. Owusu-Adjapong (Ghana).

The Committee took stock of its role within the IPU and ways in which it might be enhanced. Members stated that they would like to hold direct talks between all partners in the region, including Lebanon, the Syrian Arab Republic and the Islamic Republic of Iran. They regretted the frequent absence of PLC members from the Palestinian delegations, which precluded an opportunity to talk with the elected representatives.

The President of the Committee reported that he had recently visited countries in the Gulf region, where he had discussed possibilities for funding of some aspects of the Committee's work, and the IPU Secretary General debriefed it on the mission to the Middle East conducted by President Casini.

3. Gender Partnership Group

The Gender Partnership Group held its 18th session on 13 and 14 October 2006. Participants included Mr. J. Austin, Mrs. M. Mensah-Williams, Mr. T. Tamazawa and Mrs. K. Serrano Puig. Mr. Austin acted as moderator.

The Group studied the composition of delegations attending the 115th IPU Assembly in Geneva. Of the 485 delegates in attendance, 148 (30.5 per cent) were women. That represented an increase compared with the last Assembly held in Nairobi in May (28.4 per cent) but a drop compared with the Assembly held in Geneva in 2005, where women accounted for 32.5 per cent of all delegates.

Of the 128 delegations attending the 115th Assembly, the vast majority (113) were composed of more than one delegate. Of those, 11 (9.7 per cent) were all-male, which represented a slight decrease from the 13 (11.9 per cent) all-male delegations in attendance at the Assembly in Nairobi. One delegation was all-female, representing a slight setback compared to the

Nairobi Assembly, where there were no all-female delegations. The 11 all-male delegations were from the parliaments of Brazil, El Salvador, Israel, Liberia, Luxembourg, Malta, Qatar, Saudi Arabia, Suriname, Togo and Yemen. The one all-female delegation was from the parliament of Denmark.

The Group noted that the practice of the IPU Secretary General to write to the announced single-sex delegations had borne fruit and recommended that the practice be continued.

Since 2004, the Group has undertaken to analyse the IPU budget from a gender perspective. It has recommended the inclusion of specific gender indicators in the IPU's budget and financial report. At the 115th Assembly, the Group studied the financial data provided for the period 2002 to 2007 and noted that the allocation of funds to gender-specific activities stood at an average of 5 per cent of the total budget, comprising staff costs, goods and services and extra-budgetary allocations. It was noted that there were still insufficient indicators to undertake a gender analysis of the remainder of the IPU's budget and guidance was needed on those issues.

The Group also heard a report on the gender composition of the Secretariat staff. It noted that there was an increase in the number of female staff members at the professional level, which was currently greater than the number of male professional staff. Efforts still needed to be made, however, with regard to the number of women in senior positions. That would take time and depend on staff turnover.

The Group continued its debate on progress made in countries whose parliament did not have women members. At 17 October 2006, a total of 12 parliamentary chambers had no women members. The Group noted developments in many Arab countries, in particular ongoing electoral training for candidates in Bahrain, elections held in Kuwait in June in which no woman was elected, and electoral reform under way in Qatar and the United Arab Emirates. The Group noted no progress in the Pacific region, in particular following recent elections held in the Solomon Islands and Tuvalu. It also noted that several of those countries had not honoured their reporting commitments to the United Nations Committee on the Elimination of Discrimination against Women and requested that the IPU follow up with them.

The Group then held a dialogue session on 14 October 2006 with the delegation from Qatar to

discuss efforts to promote women's political participation. During the debate, the Group was pleased to learn that a government commission had been established under the leadership of H.H. Sheikha Mozah. The Commission aims to provide assistance to women intending to participate in the forthcoming elections. The Group thanked the Qatari delegation for the invitation it extended to meet with members of the Commission or, if

possible, H.H. Sheikha Mozah, on the occasion of the forthcoming Sixth International Conference of New and Restored Democracies due to take place in November 2006.

Other events

1. Hearing of the President of the World Bank

On Tuesday 17 October, at the opening of the Assembly plenary debate, a Parliamentary Hearing was held with the President of the World Bank, Mr. P. Wolfowitz. In his keynote address, Mr. Wolfowitz spoke of the development challenges faced by the global community and welcomed the fact that parliamentarians would be discussing the Millennium Development Goals, particularly with regard to debt, poverty and corruption.

The World Bank wished to expand its collaboration with parliaments, which were critical in the collective fight against poverty. Legislators played a vital role because they amplified the voices of the poorest citizens in the halls of government. Parliaments were also key to addressing corruption because they belonged to the primary institution that could hold governments to account for their actions. Strengthening parliaments in developing countries was a key area for future IPU/World Bank cooperation.

Following his presentation, Mr. Wolfowitz took questions from the floor. In his replies, he said that more money was needed from rich countries for concessional lending, and that those countries must honour their promises to make up for potential losses on concessional lending as a result of debt relief. On the issue of corruption, he repeated that it was vital to strengthen parliaments to enable them to hold public officials to account. No part of the world was exempt from blame – for every bribe taker there was a bribe giver. Legislators could also discourage asset-stripping by legislating on money laundering and banking secrecy.

On the question of export subsidies and particularly agricultural subsidies, he stated that taxpayers in wealthy countries spent some 240 billion dollars a year to support their inefficient farming – several times more than what they spent on development aid. Poor farmers, denied the chance to compete,

were the ones who suffered. Whatever outcome the Doha talks produced, they must generate attention to the special needs of poorer countries.

Responding to a question on development in Africa, Mr. Wolfowitz stated that peace and social harmony were a far greater blessing to a country than oil or gold or minerals, and that peace was gaining ground in that region.

2. Interactive panel discussion on the Committee on the Human Rights of Parliamentarians: Thirty years defending free speech

The year 2006 marked the thirtieth anniversary of the Committee on the Human Rights of Parliamentarians. To celebrate and focus on its important and successful work, an interactive panel discussion, led by the Committee President, Mr. F. Drilon, was held in the morning of 17 October and attended by some 80 participants. The first panellist, Senator S. Carstairs, Committee Vice-President, elaborated on the intricacies of the Committee's procedure. Her presentation was followed by that of Mr. P. Cornillon, honorary Secretary General of the IPU, who spoke of the Committee's history, including the political circumstances which had made its establishment possible. Mr. H. Solari Yrigoyen, a former Argentinean senator, provided a moving account of the persecution – including attempts on his life, abduction and imprisonment – which he endured during the reign of Argentina's military government for speaking out against human rights violations. He highlighted the contribution of the Committee, of which he subsequently became a member and President in the course of the 1990s, in helping address those abuses. Similarly, Mr. A. Condé, former presidential candidate in Guinea, who was arbitrarily arrested and detained in 1998,

emphasized the Committee's role in obtaining his release in 2001. Mrs. A. Clwyd, majority leader in the House of Commons of the United Kingdom and former member and President of the Committee,

closed the series of panel presentations by addressing the pressing issue of follow-up to IPU resolutions on human rights cases.

Elections and appointments

1. Office of the President of the 115th Assembly of the Inter-Parliamentary Union

Mr. P.F. Casini, President of the Inter-Parliamentary Union, was elected President of the Assembly.

2. Executive Committee

The Governing Council elected Mr. G. Versnick (Belgium), Mr. P. Sende (Cameroon) and Mr. A. Toha (Indonesia) to serve on the Executive Committee until October 2010.

3. Bureaux of the Standing Committees

Standing Committee on Democracy and Human Rights

Twelve Plus Group

Ms. R.M. Albernaz (Portugal) was elected substitute Vice-President.

4. Committee on the Human Rights of Parliamentarians

Ms. M.-J. Laloy (Belgium) was elected as titular member for a five-year term of office expiring in

October 2011 and Mrs. R. Green (Mexico) was elected as titular member until October 2010.

Ms. S. Leutheusser-Schnarrenberger (Germany) and Ms. E. Obeng Dappah (Ghana) were elected as substitute members for a five-year term of office expiring in October 2011.

5. Committee on Middle East Questions

Mr. R. Cetin (Turkey) was elected as a titular member for a four-year term of office expiring in October 2010.

6. Gender Partnership Group

The Executive Committee elected Ms. K. Serrano Puig (Cuba) to the Gender Partnership Group.

7. Auditors for the 2007 accounts

The Governing Council appointed Mr. K. Rahman Khan (India) and Mr. D. Pacheco (Portugal) as auditors for the 2007 accounts.

Membership of the Union^{*}

Members (148)

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, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, 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, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, 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, and the Parliamentary Assembly of the Council of Europe.

* At the closure of the 115th Assembly

Agenda, Resolutions and Votes of the 115th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 115th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Cooperation between parliaments and the United Nations in promoting world peace, particularly from the perspectives of the fight against terrorism and energy security
(Standing Committee on Peace and International Security)
4. The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption
(Standing Committee on Sustainable Development, Finance and Trade)
5. Missing persons
(Standing Committee on Democracy and Human Rights)
6. Approval of the subject items for the 117th Assembly and appointment of the Rapporteurs
7. The announcement by the Democratic People's Republic of Korea of its nuclear weapons test and the strengthening of the nuclear non-proliferation regime

COOPERATION BETWEEN PARLIAMENTS AND THE UNITED NATIONS IN PROMOTING WORLD PEACE, PARTICULARLY FROM THE PERSPECTIVES OF THE FIGHT AGAINST TERRORISM AND THE ACHIEVEMENT OF GREATER ENERGY SECURITY

Resolution adopted by consensus by the 115th IPU Assembly
(Geneva, 18 October 2006)*

The 115th Assembly of the Inter-Parliamentary Union,

Convinced that the fundamental goal of the international community is the achievement of peace and prosperity for all humanity, which requires it both to address threats to security and stability, together with the underlying causes thereof, and to ensure access to sufficient and appropriate energy for all States at all levels of development, in the framework of the purposes and principles of the United Nations Charter,

Deeply concerned by the senseless suffering and destruction inflicted on humankind by terrorist activities,

Emphasizing that the use of violence against civilians to achieve any political objective is unacceptable under the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War,

Stressing that there can be no justification whatsoever for any act of terrorism,

Recognizing that terrorism constitutes the worst violation of human rights,

Rejecting any attempt to associate terrorism with any religion, race, culture or nationality,

Deploring the upsurge in terrorism, and *recalling* that this not only jeopardizes initiatives aimed at achieving international peace and security, but also risks impeding dialogue between nations, cultures and religions, and stokes mutual distrust and suspicion,

Noting that the need to fight terrorism diverts resources and attention from other important projects that could enhance the quality of life around the world,

Noting the close link between terrorist organizations and organized crime networks,

Noting the crucial role that parliaments play in drafting legislation aimed at establishing an appropriate legal framework for combating terrorism, its causes and its financing,

Recalling past resolutions of the Inter-Parliamentary Union (IPU), especially those adopted at the 95th, 105th, 106th, 107th and 108th Inter-Parliamentary Conferences and 109th, 111th, 112th and 113th Inter-Parliamentary Assemblies,

Recalling the resolution adopted at the 114th Assembly of the Inter-Parliamentary Union on the role of parliaments in strengthening control of trafficking in small arms and light weapons and their ammunition,

Highlighting the importance of cooperation among States in the fight against terrorism,

* The delegation of Venezuela expressed a reservation on all paragraphs dealing with energy security. The delegation of Israel expressed a reservation on operative paragraph 4.

Reiterating that strengthening democracy, promoting human rights and supporting the just and peaceful settlement of conflicts, in compliance with the norms and principles of international law, are essential in the fight against terrorism,

Reiterating the importance and scope of the Millennium Declaration in achieving development objectives and promoting a world sustained by peace, justice and the economic and social development of peoples,

Emphasizing that international cooperation with a view to addressing international problems of an economic, social, cultural, development or humanitarian nature is an appropriate means of consolidating international peace and security,

Reminding weapon-producing countries, especially those that produce weapons and material of mass destruction, of their responsibility to prevent terrorists and terrorist organizations from acquiring such weapons, and *recalling* the obligation for all countries to fight the illegal trade in arms,

Recalling United Nations General Assembly and Security Council resolutions on threats to international peace and security that terrorist acts represent,

Welcoming the report of the United Nations Secretary-General entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy", and the recent adoption of the United Nations Global Counter-Terrorism Strategy,

Welcoming also the decision of the United Nations General Assembly to adopt the International Convention for the Suppression of Acts of Nuclear Terrorism,

Noting with interest the United Nations Security Council agreement to explore the possibility of setting up an international fund to compensate victims of terrorism and their families,

Deeply concerned that the United Nations General Assembly was unable to conclude a comprehensive convention on international terrorism at its 60th Session,

Noting that energy sources and infrastructure are often vulnerable to terrorist attack,

Recalling the resolution adopted at the 114th Assembly of the Inter-Parliamentary Union, which acknowledges the controversy surrounding the nuclear option for energy production, and *further recognizing* that this option is especially vulnerable to terrorist threats because of the potentially devastating effects of an attack,

Noting that global energy consumption is growing and will continue to grow in the foreseeable future,

Noting also the importance of energy security to all countries, not least developing countries, and to the health of the global economy,

Emphasizing that energy and energy security are central to sustainable development and poverty reduction efforts,

Noting the important work done by both the United Nations Development Programme (UNDP) and the United Nations University Geothermal Training Programme,

1. *Encourages* parliaments to work within their spheres of competence to promote the achievement of a lasting and just peace in the world, based on the purposes and principles of the United Nations Charter;

2. *Reiterates* that the fight against terrorism is never a fight against any religion, nationality, civilization or ethnic group;
3. *Strongly condemns* terrorism in all its forms and manifestations, and whatever its source, as an unjustifiable act of criminality and terrorists themselves as common criminals who have no moral standing;
4. *Calls on* governments, parliaments and the international community to identify and address the causes which create an environment that might make people susceptible to the rhetoric of terrorists and terrorist organizations, in particular poverty, ignorance, economic deprivation, injustice and occupation;
5. *Demands* that all States refrain from and prevent any banks, organizations or other entities within their territories and jurisdiction from funding or encouraging terrorist activities or lending any kind of support to terrorists or terrorist organizations;
6. *Emphasizes* that parliaments also have a fundamental responsibility to ensure that human rights and the rule of law are duly kept in focus when pursuing the fight against terrorism;
7. *Calls on* all parliaments to provide strong and effective support to all resolutions and recommendations on the fight against terrorism adopted at Inter-Parliamentary Conferences and Assemblies;
8. *Calls on* the United Nations to work more closely with the IPU in the fight against terrorism;
9. *Reiterates its call* to the world's parliaments to promote a consensus on the United Nations conventions on terrorism, *urges* national parliaments to press their governments to sign and ratify all relevant United Nations conventions and other international instruments aimed at fighting terrorism, and *calls for* the establishment of national parliamentary monitoring systems to follow up the implementation of these instruments;
10. *Calls for* strong parliamentary support for the preparation of a comprehensive United Nations convention on international terrorism, including a universally-agreed definition of terrorism, and *requests* parliaments to put pressure on their governments to this end;
11. *Calls on* the United Nations to develop standards for compliance with United Nations Security Council resolution 1373 (2001), and to put in place programmes to assist nations in achieving compliance, and clear measures for dealing with non-compliance;
12. *Calls on* the IPU to cooperate more closely with the United Nations Counter-Terrorism Committee and the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC), and to continue to promote the implementation of the UNODC Global Programme against Terrorism;
13. *Calls on* all States to give full support to the United Nations Counter-Terrorism Executive Directorate (CTED), and *calls for* a CTED dialogue with parliamentarians and parliaments;
14. *Welcomes* the establishment of the United Nations Democracy Fund, *applauds* the States that have contributed to the Fund and *calls on* all other nations to follow their example;
15. *Calls again on* all countries to intensify efforts for the implementation of United Nations Security Council resolution 1540 (2004) and of United Nations General Assembly resolution 58/48, to prevent the spread of weapons of mass destruction and their means of delivery, and to consolidate policies aimed at preventing the transfer, especially to terrorists, of equipment,

- materials and technology which may be used for the proliferation and/or manufacture of such weapons;
16. *Calls on* governments and parliaments to make sustained and concrete efforts and to exchange information to identify and stop nuclear proliferators and to adopt specific measures to prevent nuclear weapons from falling into the hands of terrorists or terrorist organizations;
 17. *Calls on* all countries to ensure non-proliferation of nuclear weapons, without distinction and by all States, and implementation of the conventions to limit and prevent the proliferation of weapons of mass destruction;
 18. *Requests* all governments systematically and concretely to combat trafficking in small arms and light weapons and their ammunition, particularly by implementing all the instruments put in place under the United Nations Programme of Action and the recommendations contained in the relevant resolution adopted at the 114th Assembly of the Inter-Parliamentary Union;
 19. *Urges* governments to produce a treaty on the international trade in arms that strictly regulates the transportation of weapons and ammunition;
 20. *Calls on* the United Nations General Assembly to promote international solidarity in support of the victims of terrorist acts and their relatives, including through the establishment of an international fund to compensate such persons;
 21. *Calls for* a deeper international energy dialogue that includes consideration of the links between terrorism and energy security, and which must involve parliaments;
 22. *Calls for* increased parliamentary cooperation, at the international and regional levels, on energy security;
 23. *Calls on* governments to facilitate safe and affordable access to energy transport networks;
 24. *Calls for* governments to look into the ways and means of increasing cooperation between relevant agencies and formulating regional cooperative emergency response systems;
 25. *Calls on* parliaments to enact legislation which will encourage consumers to use renewable energy and promote research and development in new and alternative energy sources;
 26. *Calls for* parliaments to adopt legislation, including fiscal measures, which favours vehicles that use environment-friendly energy;
 27. *Calls on* parliaments and governments to draw up national plans and strategies for energy diversification, enhanced energy efficiency and conservation of energy resources;
 28. *Welcomes* the international cooperation initiatives taken to advance research on thermonuclear fusion;
 29. *Calls on* nations to promote cooperation and capacity building in clean technologies that have little impact on the environment, in order to contribute to energy conservation, efficient energy use and environmental protection;
 30. *Calls for* an increased focus on the possibilities for utilizing renewable energies, especially through the training of specialists from developing countries;
 31. *Calls on* the World Bank, UNDP and the United Nations Environment Programme to further increase their work on energy self-sufficiency;

32. *Calls on* UNDP to scale up its efforts to improve access to modern energy services in the least developed countries;
33. *Calls on* governments to approach nuclear energy for peaceful purposes with caution, by submitting to public scrutiny and ensuring sustainable programmes for managing nuclear waste.

THE ROLE OF PARLIAMENTS IN OVERSEEING THE ACHIEVEMENT OF THE MILLENNIUM DEVELOPMENT GOALS, IN PARTICULAR WITH REGARD TO THE PROBLEM OF DEBT AND THE ERADICATION OF POVERTY AND CORRUPTION

*Resolution adopted by consensus by the 115th IPU Assembly
(Geneva, 18 October 2006)*

The 115th Assembly of the Inter-Parliamentary Union,

Recalling the Declaration of Presiding Officers of Parliaments entitled "The Parliamentary Vision of International Cooperation at the Dawn of the Third Millennium", adopted on 1 September 2000, and the declaration entitled "Bridging the Democracy Gap in International Relations: a Stronger Role for Parliaments", adopted on 9 September 2005, which call upon all parliaments and their organizations, including the Inter-Parliamentary Union, to provide a parliamentary dimension to international cooperation,

Further recalling the Millennium Declaration of 8 September 2000, which established eight goals with specific deadlines and target figures, known as the Millennium Development Goals (MDGs) and representing a commitment to the elimination of poverty established by common agreement within the international community, and the World Summit Outcome adopted by Heads of State and Government on 15 September 2005,

Recalling the final declarations of United Nations special 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 resolutions of the Inter-Parliamentary Union (IPU), in particular those adopted by the 73rd Inter-Parliamentary Conference (Lomé, 1985) on the role of parliaments and their contribution to the elimination of poverty through alleviation of the international debt burden; by the 74th Inter-Parliamentary Conference (Ottawa, 1985) on the contribution of parliaments to the determination of measures and actions to eliminate the external debt burden borne by developing countries; by the 88th Inter-Parliamentary Conference (Stockholm, 1992) on the need for a radical solution to the problem of debt in the developing world; and the final document of the Inter-Parliamentary Conference, "North-South dialogue for global prosperity", held by the Inter-Parliamentary Union at Ottawa in 1993; as well as the resolutions adopted by the 101st Inter-Parliamentary Conference (Brussels, 1999) on writing off the government debt of heavily indebted poor countries (HIPCs); by the 102nd Inter-Parliamentary Conference (Berlin, 1999) on the need to revise the current global financial and economic model; by the 107th Inter-Parliamentary Conference (Marrakech, 2002) on the role of parliaments in developing public policy in an era of globalization, multilateral institutions and international trade agreements; by the parliamentary meeting held in connection with the World Summit on Sustainable Development (Johannesburg, 2002); by the 108th Inter-Parliamentary Conference (Santiago de Chile, 2003) on parliaments' role in strengthening democratic institutions and human development in a fragmented world; by the 109th Assembly of the Inter-Parliamentary Union (Geneva, 2003) on global public goods: a new challenge for parliaments; and by the 112th Assembly of the Inter-Parliamentary Union (Manila 2005) on the role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals (MDGs),

Recalling the information document issued by the IPU for the Second Global Forum on Fighting Corruption and Safeguarding Integrity (The Hague (Netherlands), 28-31 May 2001), entitled "The role of parliaments in fighting corruption",

Greatly concerned by the fact that over 1.2 billion people - one out of every five of the world's inhabitants, the majority of whom are women and children - survive on less than the purchasing power equivalent of one US dollar per day, below the international poverty line set at one dollar a day, and that in over 50 countries - 35 of which are in Africa - poverty indicators have worsened over the past decade,

Mindful that the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) calls for the participation of women on equal terms with men in all fields for the full development of countries, the welfare of the world and the cause of peace,

Recalling the Beijing Declaration, which recognizes that women's empowerment and their full and equal participation in all spheres of society, including participation in the decision-making process and access to power, are fundamental for development and peace,

Recalling that peace is the primary prerequisite for development and therefore for poverty elimination,

Recognizing that peace and security, on the one hand, and development, on the other, are interlinked and mutually reinforcing,

Aware that parliaments have a crucial role to play in promoting the eight MDGs and that it is essential for them to adopt the necessary legislation, participate in formulating general policies and follow up their implementation, exercise oversight of executive action in this regard, request government reports on progress made in achieving the MDGs, and approve the appropriate budget allocations and their disbursement,

Concerned by the fact that, given the current state of affairs, and in spite of some progress made, financing for the MDGs, and thus their achievement by 2015, may not be guaranteed,

Recalling the alarming fact that, according to reports from the United Nations Conference on Trade and Development (UNCTAD), Africa, the richest continent on earth in terms of natural resources, is paradoxically also the poorest,

Stressing the urgent need for honouring the commitment to allocate 0.7% of gross national income (GNI) to official development assistance (ODA), as a fundamental prerequisite for the attainment of the MDGs,

Noting lack of progress with regard to commitments on gender equality, women's empowerment, the improvement of maternal health, and a reduction in the spread HIV/AIDS and other diseases,

Noting that even after the considerable progress made bilaterally, and especially multilaterally, within the framework of the Bretton Woods Institutions, for many developing countries it remains a challenge to significantly reduce the debt burden and unblock resources to achieve the MDGs, or to maintain indebtedness at a sustainable level,

Recognizing in this regard that debt cancellation for the poorest countries is all the more necessary since economic globalization has created wealth in some regions of the world, but has unfortunately been of little benefit to the poorest nations,

Deeply cognizant that as a result of debt-servicing, most debtor countries are deprived of their scarce resources and hard-earned savings and must sacrifice their budget allocations for education, health care, housing and other development projects,

Convinced that increased assistance for sustainable development and debt cancellation will bear fruit if beneficiary countries promote democracy, apply principles of good governance, and eradicate corruption within each country and at the international level,

Stressing the need to make the fight against corruption a priority at all levels and to adopt policies that promote accountable and transparent public sector management and corporate responsibility and accountability, including efforts to return assets misappropriated through corruption, consistent with the United Nations Convention against Corruption,

Convinced that globalization, with its positive and negative repercussions, is a source of both challenges and opportunities for all countries and affects people's daily existence,

Noting that many developing countries are increasingly excluded from international trade and capital flows, with direct consequences in terms of poverty,

Welcoming the fact that the 2006 Nobel Peace Prize has brought to the fore the concept of micro credits and highlighted the fact that micro credits are key to poverty eradication, and help in particular to empower women financially,

Noting the hopes that the developing countries place in the Doha Round of multilateral trade negotiations and the importance of a successful round for their development prospects, and *also noting* the usefulness of external "aid-for-trade" programmes and financing to help these countries boost their capacity to participate more actively in global trade,

Observing that the current international trade and investment system is biased toward developed countries and that the imbalances in the international financial, monetary and trading systems have an adverse impact on the development prospects of developing countries,

1. *Urgently requests* IPU Member Parliaments of countries that have adopted the Millennium Declaration to promote the achievement of the MDGs in their countries by helping to formulate general policies and monitor their implementation, by allocating adequate national budget resources, and through parliamentary oversight to monitor progress on MDG commitments;
2. *Encourages* the parliaments of developing countries to allocate sufficient funds for "safety nets" to cushion the impact of globalization on aggrieved sectors of the economy;
3. *Urges* developed country parliaments to require their governments to honour their commitment to allocate 0.7% of GNI to ODA, as required by the Millennium Declaration and the Monterrey Consensus on Financing for Development;

4. *Encourages* developing country parliaments to ensure that their governments mobilize the resources necessary for development, adopt economic and social policies to stimulate sustainable growth, establish national strategies for adapting policies to achieve the MDGs, continue reforming their institutions and promoting democracy and human rights, apply the principles of good governance and combat corruption;
5. *Calls on* States to strengthen their national statistics capacities, and institutionalize and improve a uniform and accurate evaluation system to measure results and achievements in relation to development and poverty eradication;
6. *Proposes* that national governments and regional integration mechanisms define complementary country- or region-specific MDGs;
7. *Urges* parliaments to facilitate and monitor, in their respective countries, the implementation of the internationally agreed goals and objectives on gender equality and the advancement of women, *further urges* parliaments to influence policy on the protection of the fundamental rights of women and ongoing efforts to eliminate discrimination against women, *encourages* governments to enact laws on the use of affirmative action measures in the distribution of representative and executive positions, and to that end *recommends* that specialized parliamentary bodies be established on gender issues where necessary;
8. *Calls on* the parliaments of developed countries to support an increase in direct investment aimed at promoting innovative and additional sources of financing for sustainable development;
9. *Encourages* governments to submit regular country and regional reports to their parliaments on progress made in achieving the MDGs and *urges* national parliaments to play a more active role in following up their implementation;
10. *Encourages* parliaments to participate in the formulation of poverty reduction strategy papers (PRSPs) and gender equality and women's advancement policies within ad hoc working groups;
11. *Proposes* the establishment of special committees, or working groups within committees, to monitor executive branch activities within the poverty reduction strategic framework and *encourages* parliaments to consistently promote gender-responsive analysis and budgeting with the aim of addressing gender inequalities;
12. *Recommends* that governments, parliaments and the relevant international organizations:
 - Harmonize the aid efforts of donors in order to avoid duplication and administrative overload and to bring ODA in line with the receiving country's national strategies;
 - In the interest of fairer trade, promote exports of the least developed countries and provide direct aid for crossborder equipment projects;
 - Work towards reforming the ODA system by better targeting and managing investments and providing institutional support for good governance;
 - Revitalize regional coordination to tackle environmental problems, fund major projects, and encourage research and development;

13. *Recommends* that policies and budget documents be presented in such a way as to highlight the achievement of the MDGs;
14. *Proposes* that public debates be organized on PRSPs and missions be fielded to monitor their implementation by national parliaments;
15. *Encourages* developed country parliaments to organize the monitoring of national aid policies, and *also encourages* them to widely disseminate the results to parliamentarians and the public;
16. *Encourages* donor countries, and in particular members of the Organisation for Economic Cooperation and Development (OECD), to issue reports on progress made towards achieving the seventh and eighth MDGs;
17. *Encourages* donor countries to continue and strengthen collaboration with United Nations agencies, international financial institutions, other donor countries, non-governmental organizations (NGOs) and the private sector in a manner that will genuinely empower developing countries;
18. *Emphasizes* that debt has become unbearable for many developing countries, and *calls* for the accelerated establishment of effective procedures for debt forgiveness or viable rescheduling and the adoption of the necessary legal instruments to ensure that developing countries do not become over-indebted, and *encourages* parliaments to support international debt reduction initiatives;
19. *Encourages* States to allocate the resources freed up by debt reduction and cancellation to MDG-related expenditures, particularly in the areas of health, education, and gender equality and women's empowerment, consistent with each country's poverty reduction strategy;
20. *Encourages* parliaments, governments and United Nations agencies to support the concept and provision of micro credits;
21. *Encourages* all donor countries to reinvest in the economies of debtor countries 50% of the agreed portion of the debt service payment due to them in the form of foreign direct investment or other kinds of financial assets and technical assistance for MDG programmes;
22. *Encourages* parliaments to consider reducing military expenditure in favour of expenditure on basic human needs;
23. *Recommends* the adoption of other mechanisms to help countries burdened with heavy indebtedness, but whose income per capita is too high to allow them to receive assistance under the Heavily Indebted Poor Countries Initiative, and the promotion of bilateral and regional initiatives to this end;
24. *Recommends* moving beyond the logic of macro-economic ratios to deal with debt, and mainstreaming a human development and social criteria component;

25. *Encourages* parliaments to implement the IPU recommendations for the fight against corruption, in particular the adoption of codes of ethics designed to prevent conflicts of interest by regulating political party financing and ensuring transparent election campaigns;
26. *Recommends* the adoption of effective anti-corruption laws to act as a deterrent, in particular in order to clearly and transparently regulate public procurement;
27. *Recommends* drawing up a national integrity charter with appropriate implementation mechanisms in accordance with internationally accepted norms;
28. *Invites* States to consolidate and improve their laws on freedom of information and communication in the interests of achieving transparency in public life and denouncing corruption in the public and private sectors;
29. *Encourages* parliaments to adopt measures to effectively combat corruption and provide protection to witnesses in corruption cases;
30. *Recommends* that parliaments ensure that the right of civil society to transparent and objective information is respected;
31. *Encourages* the use of control measures to verify the conformity and veracity of public accounts;
32. *Encourages* the establishment or consolidation of independent anti-corruption committees, working in partnership with the judiciary and civil society, and equipped with the financial and human resources required to function properly;
33. *Encourages* the adoption of transparent mechanisms for the appointment of senior public officials, taking into account quotas for women, and *invites* governments and parliaments to conduct a systematic gender audit of leadership positions;
34. *Recommends* the adoption and ratification of the international conventions against corruption, in particular the OECD and United Nations conventions;
35. *Proposes* the introduction of legislation to implement the provisions of these international conventions at the national and, where applicable, regional levels;
36. *Encourages* the development of parliamentary cooperation in the fight against corruption;
37. *Invites* members of parliament to demonstrate personal accountability by adopting codes of conduct and strengthening the rules against conflicts of interest and on financial disclosure;
38. *Calls urgently on* countries participating in the current multilateral trade negotiations at the World Trade Organization to resume the suspended Doha Round of negotiations at an early date in a manner that significantly improves the multilateral trading system and the development prospects of developing countries;

39. *Calls* for the provision of training programmes for members of parliament to equip them with the necessary capacity to discharge their constitutional duties and to strengthen their capacity to analyse the national budget as it pertains to poverty reduction and the MDGs.

MISSING PERSONS

Resolution adopted by consensus by the 115th IPU Assembly (Geneva, 18 October 2006)

The 115th Assembly of the Inter-Parliamentary Union,

Deeply concerned and alarmed by the continuing suffering of families of persons missing as a result of armed conflict or situations of internal violence and by enforced disappearances,

Considering that the problem of missing persons is a question of both international humanitarian law and international human rights law,

Guided by the principles and standards of international humanitarian law, in particular the four Geneva Conventions of 12 August 1949 and their two Additional Protocols of 1977; and by international human rights law, in particular the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Noting resolution 2005/66 on "The Right to Truth", adopted by the United Nations Commission on Human Rights on 20 April 2005,

Recalling the Declaration on the Protection of all Persons from Enforced Disappearances, adopted by the United Nations General Assembly in its resolution 47/133 of 18 December 1992,

Noting the outcomes of the International Conference of Governmental and Non-Governmental Experts on Missing Persons, held in Geneva, Switzerland, from 19 to 21 February 2003,

Noting also that the 28th International Conference of the Red Cross and Red Crescent, held in Geneva, Switzerland, from 2 to 6 December 2003, adopted the Agenda for Humanitarian Action, in particular General Objective 1: "Respect and restore the dignity of persons missing as a result of armed conflicts or other situations of armed violence and their families",

Considering the Inter-American Convention on Forced Disappearances, adopted on 9 June 1994, and resolutions AG/RES. 2134 (2005) and AG/RES. 2231 (2006) on persons who have disappeared and assistance to members of their families, adopted at the 35th and 36th General Assemblies of the Organization of American States respectively,

Convinced that respect for international humanitarian law by all parties involved in an armed conflict can, in large measure, help forestall enforced disappearances,

Aware of the need for States to adopt a comprehensive national policy on missing persons encompassing all the measures needed to forestall disappearances, elucidate the fate of missing persons, meet the needs of the families of missing persons, acknowledge the facts and determine responsibility for events that have led to disappearances in situations of armed conflict and internal violence and in the case of enforced disappearances,

Convinced that governments bear primary responsibility for forestalling disappearances and determining the fate of missing persons, and that they must recognize their accountability for implementing the relevant mechanisms, policies and laws,

Affirming the individual right of families to know and have information about the fate of their loved ones who are missing as a result of an armed conflict, a situation of internal violence or an enforced disappearance, including their whereabouts and, if they are dead, the circumstances and cause of death,

Reiterating the importance of combating impunity in preventing violations of international humanitarian law and international human rights law,

Recalling that the Rome Statute establishing the International Criminal Court, adopted on 17 July 1998, defines the enforced disappearance of persons as constituting a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,

Observing with great concern that the families, as long as they remain uncertain about the fate of their loved ones, are incapable of rebuilding their lives and communities, which often undermines relationships between communities for several generations,

Paying tribute to a number of international, regional and local organizations – both intergovernmental and non-governmental – and in particular the International Red Cross and Red Crescent Movement, which, throughout the world, strive to elucidate the fate of persons missing as a result of armed conflict or situations of internal violence or enforced disappearance, to maintain and restore family links and support the families of missing persons,

Convinced of the critical role that the Inter-Parliamentary Union and parliaments can play in resolving the problem of missing persons,

Highlighting the need for cooperation among States in order to effectively resolve cases of missing persons by providing mutual assistance in information sharing, locating and identifying missing persons, and returning human remains,

1. *Urges* all parties to a conflict or situation of internal violence to take all the necessary steps to forestall disappearances in accordance with the applicable rules of international humanitarian law, and *urges* States to uphold and protect human rights in every situation in order not to be party themselves to enforced disappearances and to prohibit them;
2. *Urges* States to comply with the rules protecting the rights of persons in order to prevent enforced disappearances, and in particular *invites* States that have not already signed, ratified or implemented the above-mentioned treaties to do so without delay;
3. *Urges* the United Nations General Assembly to adopt the Convention on the Protection of All Persons against Enforced Disappearances, and *encourages* States to ratify it as soon as possible after its adoption;
4. *Requests* parliaments to bring the problem of missing persons to the attention of their respective governments using all the means at their disposal, so that comprehensive

national policies are adopted to resolve the problem of missing persons, enhance assistance to families of victims and forestall further disappearances;

These national policies should entail:

- (a) Passage and enactment of a national law on missing persons, accompanied by the necessary regulatory and administrative measures, which cover notably the following aspects:
- Recognition of the families' right to know and, therefore, their right to information about the fate of their missing loved ones;
 - Recognition of a legal status for missing persons according to standardized rules such as those proposed by the International Committee of the Red Cross in *Recommendations for the Development of a Domestic Law on the Missing and their Families*;
 - Criminalization under national criminal legislation of violations of international humanitarian norms and international human rights standards applicable to disappearances, and in particular criminalization of enforced disappearances;
 - Establishment of a mechanism for investigation and prosecution to guarantee the enforcement of the above-mentioned national criminal legislation;
 - Recognition of the rights of the families of missing persons while their loved ones are missing, paying particular attention to vulnerable persons;
 - Implementation of measures to ensure that all persons, in particular minors and other vulnerable persons, carry some form of personal identification;
 - Implementation of measures to ensure that members of armed forces and security forces bear a form of personal identification, at least an identity badge, and that these forms of identification are mandatory and properly used;
 - The right to exchange family news in all circumstances;
 - In the particular case of persons deprived of their freedom, implementation of measures to guarantee that information concerning the individual's capture or arrest, address and state of health is conveyed to the families, attorneys, consular authorities, or any other person with a legitimate interest in their situation; and that contact is also maintained with such individuals;
 - Implementation of measures to ensure that the release of such persons is verifiable, that their security is guaranteed and that their families or other persons designated by them are properly notified;
 - The right to be registered and detained in an officially recognized facility;
 - Protection of persons against the risk of disappearance, in particular persons deprived of their liberty, by authorizing regular, independent and unrestricted spot visits by the International Committee of the Red Cross or another independent organization, be it national or international;
 - Establishment of a national information bureau charged with centralizing and transmitting information on the wounded, the sick and the shipwrecked, as well as on persons deprived of their liberty and deceased persons, in compliance with legal and ethical norms regarding the protection of personal data, including medical and genetic information;
 - Identification and proper handling of human remains;
 - No statute of limitations on offences of enforced disappearance of persons, abduction of minors and suppression of identity when committed by State agencies or with the State's approval, protection or complicity, or on any other crime against humanity;

- No recourse to pardon, amnesty or similar political measures to terminate the criminal prosecution or punishment of these crimes;
 - Ineligibility to hold public office when, in the view of the constitutional or competent legal authority, the accused is considered to have perpetrated such crimes;
 - The right of minors who have been illegally taken away from their parents and relatives to find out their true identity;
 - Protection of witnesses to disappearances and of their families;
- (b) Putting in place national implementation and coordination mechanisms, notably through national commissions entrusted with implementing international humanitarian law;
- (c) Examination and systematic resolution of the question of missing persons at the end of a conflict in the framework of a process aimed at establishing and maintaining lasting peace and at implementing, where necessary, appropriate independent and impartial national mechanisms of a judicial and non-judicial nature, designed to shed light on the fate of missing persons and meet the needs of families and communities;
- (d) Establishment of competent parliamentary bodies on international humanitarian law, responsible *inter alia* for following up the question of missing persons;
- (e) Appropriate training of State agents in international humanitarian law and international human rights law, as well as in national legislation on missing persons and its implementation;
- (f) Allocation of necessary funds;
5. *Calls on* States to implement sanctions for destroying or unlawfully withholding information on missing persons, while also explicitly defining the circumstances in which exceptions to these rules may be necessary;
6. *Requests* States to extend these national policies and their implementation to other contexts of disappearances in order to guarantee in all circumstances equal protection to missing persons and their families;
7. *Invites* parliaments, in drafting and implementing these policies, to encourage the competent national authorities to seek the expertise of organizations that deal with the issue of disappearances, notably the International Committee of the Red Cross;
8. *Invites* States to cooperate at the international level in order to effectively solve cases of missing persons by providing mutual assistance in terms of information sharing, victim assistance, location and identification of missing persons, and in exhuming, identifying and returning human remains, and *calls for* the creation of an international database for that purpose;
9. *Invites* parliaments to support the work of the United Nations Working Group on Enforced or Involuntary Disappearances and to encourage States to accept the Group's requests to conduct visits;

10. *Encourages* parliaments to get in contact with the National Red Cross or Red Crescent Society in order better to familiarize themselves with and support its activities to assist missing persons and their families;
11. *Invites* parliaments to cooperate through the exchange of information, experiences and expertise on parliamentary action taken to ensure implementation of this resolution;
12. *Requests* the Inter-Parliamentary Union to keep this question on its agenda, through the Committee in charge of promoting respect for international humanitarian law, not only regarding disappearances resulting from armed conflict or a situation of internal violence;
13. *Invites* the IPU to develop in a timely manner a handbook for parliamentarians on missing persons;
14. *Encourages* the IPU to set up a system of inter-parliamentary pledges to support and finance the translation, in as many languages as possible, of such a handbook for parliamentarians.

Results of the roll-call vote on the request of the delegations of Jordan (on behalf of the Arab Group), Algeria and the Islamic Republic of Iran for the inclusion of an emergency item entitled

"THE ROLE OF PARLIAMENTS IN FURTHER MOBILIZING THE INTERNATIONAL COMMUNITY IN EFFORTS TO REBUILD LEBANON, SUPPORT ITS DEVELOPMENT AND ITS WAR-RAVAGED ECONOMY, AND PURSUE JUST AND LASTING PEACE IN THE MIDDLE EAST"

Results

Affirmative votes	668	Total of affirmative and negative votes ...	1058
Negative votes.....	390	Two-thirds majority	705
Abstentions.....	270		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		<i>absent</i>		Gambia		<i>absent</i>		Nicaragua	12		
Algeria	15			Georgia		<i>absent</i>		Niger	13		
Andorra		10		Germany		19		Nigeria	10		
Angola			12	Ghana			13	Norway		11	
Argentina	15			Greece				Pakistan	20		
Armenia	11			Hungary		13		Palau		<i>absent</i>	
Australia		13		Iceland		10		Panama		<i>absent</i>	
Austria			12	India		13		Philippines	6		
Bahrain	10			Indonesia	22			Poland			15
Bangladesh				Iran (Islamic Republic of)	18			Portugal		13	
Belarus	13			Ireland		11		Qatar	10		
Belgium		12		Israel		12		Republic of Korea			16
Benin	8			Italy	7			Romania		14	
Bolivia	12			Japan		20		Russian Federation	10		10
Bosnia and Herzegovina	8		3	Jordan	11			Rwanda			10
Botswana			11	Kazakhstan		<i>absent</i>		San Marino	5		5
Brazil		<i>absent</i>		Kenya	7		7	Sao Tome and Principe			10
Bulgaria	3		9	Kuwait	10			Saudi Arabia	11		
Burkina Faso	7			Kyrgyzstan		<i>absent</i>		Senegal	10		
Burundi	6			Lao People's Dem. Republic	10			Singapore	11		
Cambodia			10	Latvia		10		Slovenia		11	
Cameroon			13	Lebanon	11			Somalia	13		
Canada		15		Libyan Arab Jamahiriya	11			South Africa			16
Chile	7		6	Liechtenstein		10		Spain		15	
China	23			Lithuania		11		Sri Lanka		<i>absent</i>	
Colombia	10			Luxembourg		10		Sudan	15		
Congo		<i>absent</i>		Malaysia	14			Suriname		<i>absent</i>	
Côte d'Ivoire	3		10	Maldives	5			Sweden		12	
Croatia	10			Mali	12			Switzerland		12	
Cuba	13			Malta		<i>absent</i>		Syrian Arab Rep.	13		
Cyprus		<i>absent</i>		Mexico			20	Tajikistan		<i>absent</i>	
Czech Republic		10		Monaco			10	The fYR of Macedonia	5		6
DPR of Korea	10			Mongolia			11	Togo	8		
Denmark		12		Montenegro		10		Tunisia	12		
Ecuador	12			Morocco	14			Turkey	18		
Egypt	18			Mozambique	13			Uganda	13		
El Salvador		<i>absent</i>		Namibia	7			Ukraine		<i>absent</i>	
Estonia		11		Nepal		<i>absent</i>		United Kingdom		17	
Ethiopia			18	Netherlands		13		United Republic of Tanzania	5		
Finland		12		New Zealand		11		Uruguay	11		
France		17									
Gabon			11								

Venezuela	13			Yemen	13					
Viet Nam	12		6	Zimbabwe	13					

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**Results of the roll-call vote on the request of the delegation of Japan
for the inclusion of an emergency item entitled**

**"THE ANNOUNCEMENT BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA OF ITS
NUCLEAR WEAPONS TEST AND THE STRENGTHENING OF THE NUCLEAR NON-
PROLIFERATION REGIME"**

Results

Affirmative votes	773	Total of affirmative and negative votes ...	1112
Negative votes.....	339	Two-thirds majority	741
Abstentions.....	227		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		<i>absent</i>		Georgia		<i>absent</i>		Nigeria	15		
Algeria		15		Germany	19			Norway	11		
Andorra	10			Ghana	13			Pakistan			20
Angola			12	Greece		<i>absent</i>		Palau		<i>absent</i>	
Argentina		15		Hungary	13			Panama		<i>absent</i>	
Armenia	6		5	Iceland	10			Philippines	12		
Australia	13			India	13			Poland	15		
Austria	12			Indonesia			22	Portugal	13		
Bahrain		10		Iran (Islamic Republic of)		18		Qatar		10	
Bangladesh			x	Ireland	11			Republic of Korea	16		
Belarus		13		Israel	12			Romania	14		
Belgium	12			Italy	10			Russian Federation	10		10
Benin	4			Japan	20			Rwanda	10		
Bolivia		12		Jordan		11		San Marino	10		
Bosnia and Herzegovina	3	8		Kazakhstan		<i>absent</i>		Sao Tome and Principe			10
Botswana	11			Kenya	7		7	Saudi Arabia		11	
Brazil		<i>absent</i>		Kuwait		10		Senegal			10
Bulgaria	9		3	Kyrgyzstan		<i>absent</i>		Singapore	11		
Burkina Faso	6			Lao People's Dem. Republic			10	Slovenia	11		
Burundi	12			Latvia	10			Somalia		13	
Cambodia	10			Lebanon		11		South Africa	16		
Cameroon			13	Libyan Arab Jamahiriya		11		Spain	15		
Canada	15			Liechtenstein	10			Sri Lanka		<i>absent</i>	
Chile	13			Lithuania	11			Sudan		15	
China			23	Luxembourg	10			Suriname		<i>absent</i>	
Colombia	10			Malaysia	12			Sweden	12		
Congo		<i>absent</i>		Maldives	5			Switzerland	12		
Côte d'Ivoire	10		3	Mali		12		Syrian Arab Rep.		13	
Croatia	9	1		Malta		<i>absent</i>		Tajikistan		<i>absent</i>	
Cuba		13		Mexico	20			The FYR of Macedonia	11		
Cyprus		<i>absent</i>		Monaco	10			Togo	4		
Czech Republic	10			Mongolia	11			Tunisia		12	
DPR of Korea		10		Montenegro	10			Turkey			18
Denmark	12			Morocco		14		Uganda	13		
Ecuador		12		Mozambique			13	Ukraine		<i>absent</i>	
Egypt		18		Namibia	4			United Kingdom	17		
El Salvador		<i>absent</i>		Nepal		<i>absent</i>		United Republic of Tanzania	10		
Estonia	11			Netherlands	13			Uruguay	11		
Ethiopia			18	New Zealand	11			Venezuela		13	
Finland	12			Nicaragua		12		Viet Nam	12		6
France	17			Niger			13	Yemen		13	
Gabon			11								
Gambia		<i>absent</i>									

Zimbabwe		13										
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N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

**THE ANNOUNCEMENT BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA OF
ITS NUCLEAR WEAPONS TEST AND THE STRENGTHENING OF THE
NUCLEAR NON-PROLIFERATION REGIME**

Resolution adopted by 897 votes for, 33 against and 240 abstentions by the 115th IPU Assembly
(Geneva, 18 October 2006)*

The 115th Assembly of the Inter-Parliamentary Union,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the international regime for nuclear non-proliferation and the foundation for the pursuit of nuclear disarmament,

Deploring the announcement made by the Democratic People's Republic of Korea on 9 October 2006 that it had conducted a nuclear test in violation of United Nations Security Council resolution 1695 (2006) and of the statement made by the Security Council President on 6 October 2006,

Recognizing that the nuclear test conducted by the Democratic People's Republic of Korea, in defiance of repeated calls from the international community, in particular the United Nations Security Council, that it exercise self-restraint, poses a challenge to the nuclear non-proliferation regime and a clear threat to international peace and security,

Recognizing that States need to take action to implement Security Council resolution 1718 (2006), adopted on 14 October 2006,

Reaffirming the need to find peaceful solutions, through diplomatic means, to the nuclear issue on the Korean Peninsula, and that the Six-Party Talks remain the realistic means for handling that issue,

Recalling past IPU resolutions on nuclear weapons, in particular those entitled "Importance of the non-proliferation of nuclear, chemical and biological weapons of mass destruction and of missiles, including the prevention of their use by terrorists" (108th Inter-Parliamentary Conference, Santiago de Chile, April 2003), "Parliamentary action to encourage all countries to sign and ratify the Comprehensive Test Ban Treaty prohibiting all nuclear testing, to encourage universal and non-discriminatory nuclear non-proliferation measures and to work towards the eventual elimination of all nuclear weapons" (101st Inter-Parliamentary Conference, Brussels, April 1999), "To comprehensively ban nuclear weapons testing and halt all present nuclear weapons tests" (94th Inter-Parliamentary Conference, Bucharest, October 1995), and "The importance of adhering to the obligations specified in the Treaty on the Non-Proliferation of Nuclear Weapons" (91st Inter-Parliamentary Conference, Paris, March 1994),

Determined, for the sake of peace and stability in the world, to contribute to international cooperation aimed at strengthening mechanisms for the non-proliferation of nuclear weapons,

* The delegations of India and Pakistan expressed reservations to preambular paragraph 1, as it does not refer to the States Party to the Treaty.

1. *Asserts* on behalf of the international parliamentary community, the expectation that the world will become nuclear weapon free;
2. *Strongly condemns* the announcement made by the Democratic People's Republic of Korea on 9 October 2006 that it had conducted a nuclear test in violation of United Nations Security Council resolution 1695 (2006) and of the statement made by the Security Council President on 6 October 2006;
3. *Endorses* Security Council resolution 1718 (2006), adopted on 14 October 2006;
4. *Calls upon* the Democratic People's Republic of Korea, pursuant to the 1994 Agreed Framework, the NPT, the 1991 Joint Declaration on the Denuclearization of the Korean Peninsula, and the IAEA Safeguards Agreement, to retract its decision to withdraw from the NPT, to return to the NPT and the IAEA Safeguards Agreement and to fulfil all its obligations to the international community in its endeavours to promote the peaceful utilization of nuclear energy;
5. *Strongly urges* the Democratic People's Republic of Korea to resume relations of peace and stability in cooperation with the countries involved in the region by observing the joint statement of the Fourth Round of the Six-Party Talks and other international agreements, to comply with the relevant resolutions of past Inter-Parliamentary Conferences and Assemblies, to conduct no further nuclear tests, to abandon its nuclear development programme immediately, and to deploy no nuclear weapons, and *calls upon* all parties concerned to intensify ongoing diplomatic efforts, to refrain from taking any further steps that may heighten the tension, and to facilitate the prompt resumption of the Six-Party Talks, with a view to achieving the denuclearization of the Korean Peninsula and to maintaining peace and stability on the Korean Peninsula and in North-East Asia;
6. *Calls upon* all States to redouble their efforts to prevent and curb the proliferation of nuclear and other weapons of mass destruction, confirming and strengthening, if necessary, their policies not to transfer equipment, materials or technology that could contribute to the proliferation of such weapons and ensuring that such policies are consistent with the relevant States' obligations under the NPT; *states* that this should not, however, be interpreted in such a way as to inhibit or restrict the right of States to develop nuclear energy for peaceful purposes in accordance with IAEA rules and regulations;
7. *Reminds* the international community that it must spare no effort to resolve these issues peacefully whenever possible, and *expresses* its firm commitment to engage in international cooperation on these issues and to contribute to global peace and stability through dialogue between parliamentarians and cooperation with the relevant international organizations.

**Results of the roll-call vote requested by the delegation of the Democratic People's
Republic of Korea on the draft resolution on the emergency item entitled**

**"THE ANNOUNCEMENT BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA OF ITS
NUCLEAR WEAPONS TEST AND THE STRENGTHENING OF THE NUCLEAR NON-
PROLIFERATION REGIME"**

Results

Affirmative votes	897	Total of affirmative and negative votes ...	930
Negative votes.....	33	Simple majority	465
Abstentions.....	240		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		<i>absent</i>		Germany		<i>absent</i>		Pakistan	20		
Algeria			15	Ghana	13			Palau		<i>absent</i>	
Andorra	10			Greece	13			Panama		<i>absent</i>	
Angola		<i>absent</i>		Hungary	13			Philippines	18		
Argentina			15	Iceland		<i>absent</i>		Poland		<i>absent</i>	
Armenia	11			India	23			Portugal		<i>absent</i>	
Australia	13			Indonesia	11		11	Qatar		<i>absent</i>	
Austria	12			Iran (Islamic Republic of)			18	Republic of Korea	16		
Bahrain		10		Ireland		<i>absent</i>		Romania	14		
Bangladesh		<i>absent</i>		Israel	12			Russian Federation	17		3
Belarus	13			Italy	17			Rwanda	10		
Belgium	12			Japan	20			San Marino	10		
Benin	12			Jordan			11	Sao Tome and Principe		<i>absent</i>	
Bolivia	12			Kazakhstan		<i>absent</i>		Saudi Arabia			11
Bosnia and Herzegovina	8		3	Kenya	14			Senegal		<i>absent</i>	
Botswana	11			Kuwait		<i>absent</i>		Singapore	11		
Brazil	20			Kyrgyzstan		<i>absent</i>		Slovenia		<i>absent</i>	
Bulgaria	10			Lao People's Dem. Republic		<i>absent</i>		Somalia			13
Burkina Faso	13			Latvia		<i>absent</i>		South Africa	16		
Burundi	12			Lebanon			11	Spain		<i>absent</i>	
Cambodia	10			Libyan Arab Jamahiriya			11	Sri Lanka		<i>absent</i>	
Cameroon	13			Liechtenstein	10			Sudan			15
Canada	15			Lithuania	11			Suriname	10		
Chile	13			Luxembourg		<i>absent</i>		Sweden	10		
China	23			Malaysia	14			Switzerland	12		
Colombia		<i>absent</i>		Maldives	10			Syrian Arab Rep.			13
Congo	11			Mali			12	Tajikistan		<i>absent</i>	
Côte d'Ivoire	13			Malta		<i>absent</i>		The FYR of Macedonia	11		
Croatia	10			Mexico	20			Togo			12
Cuba		<i>absent</i>		Monaco	10			Tunisia		<i>absent</i>	
Cyprus		<i>absent</i>		Mongolia		<i>absent</i>		Turkey	18		
Czech Republic		<i>absent</i>		Montenegro		<i>absent</i>		Uganda	13		
DPR of Korea		10		Morocco		<i>absent</i>		Ukraine		<i>absent</i>	
Denmark	12			Mozambique			13	United Kingdom	17		
Ecuador		<i>absent</i>		Namibia		<i>did not participate</i>		United Republic of Tanzania	15		
Egypt			18	Nepal	14			Uruguay	11		
El Salvador	12			Netherlands	13			Venezuela			13
Estonia		<i>absent</i>		New Zealand	11			Viet Nam	9		9
Ethiopia	18			Nicaragua		<i>absent</i>		Yemen		13	
Finland	10			Niger			13	Zimbabwe	13		
France	17			Nigeria	20						
Gabon		<i>absent</i>		Norway	11						
Gambia		<i>absent</i>									
Georgia		<i>absent</i>									

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes.

Reports, Decisions, Resolutions and other texts of the Governing Council of the Inter-Parliamentary Union

SITUATION OF CERTAIN MEMBERS

*Decision approved by the Governing Council at its 179th session
(Geneva, 18 October 2006)*

THAILAND

- "1. The Inter-Parliamentary Union condemns the coup d'état, reaffirms its belief in democratic principles and deplores the removal of a democratically elected government or parliament by force.
2. In view of the dissolution of the parliament in Thailand and bearing in mind Article 4.2 of the Statutes, the IPU therefore decides to suspend the participation of Thailand in the activities of the Organization.
3. The IPU welcomes the declared intention to return to democracy and hold elections within 12 months and notes the promulgation of a transitional Constitution and the establishment of a new, albeit appointed, National Legislative Assembly as a transitional measure.
4. The IPU offers to extend support to Thailand in its return to democratic rule built upon the foundation of an elected parliament.
5. The IPU looks forward to the time when the parliament of Thailand can resume its participation in the Organization, in conformity with Article 3 of the Statutes, decides to monitor the situation as it develops, and will revert to the subject of the status of Thailand within the IPU at its next statutory session."

BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2007

*Approved by the IPU Governing Council at its 179th Session
(Geneva, 18 October 2006)*

GROSS SPENDING ESTIMATES BY COST CENTRE

(in CHF, Swiss francs)

DESCRIPTION	2005 ACTUAL	2006 REVISED	2007 APPROVED
Revenues			
Assessed Contributions	10,156,910	10,544,590	10,977,720
Staff Assessments and Tax Equalization Levy	1,243,290	1,133,600	1,340,900
Other Sources	2,480,144	2,673,900	5,138,100
Total Revenues	13,880,344	14,352,090	17,456,720
Expenses			
Executive Office	1,075,596	1,061,500	1,374,600
Assembly Affairs and Relations with Member Parliaments	3,096,514	2,837,200	2,955,920
Promotion of Democracy	2,826,320	3,060,100	8,192,100
External Relations	1,926,741	2,152,800	2,129,000
Support Services	2,330,618	2,302,500	2,586,100
Transfers of Funds	84,586	265,000	219,000
Extra-budgetary Expenses	2,321,124	2,623,900	-
Total Expenses	13,661,499	14,303,000	17,456,720
Operating Surplus/Deficit	218,845	49,090	0

SPENDING ESTIMATES BY OBJECT OF EXPENDITURE FOR 2007

EXPENDITURE ITEM	2005 ACTUAL	2006 REVISED	2007 PROPOSED
Regular staff salaries	5,457,113	5,596,500	6,620,000
Benefits	1,658,455	1,818,300	2,108,600
Staff overheads	25,240	95,900	96,000
Overtime payments	92,731	60,500	57,000
Temporary and contract employees	400,646	305,600	799,100
Interpreters	776,773	615,800	835,800
Translations and editing	300,832	286,000	454,120
Other purchased services	259,634	293,600	1,689,800
Honorariums	30,000	30,000	68,000
Duty travel - transportation	466,440	462,000	1,511,700
Duty travel - allowances	189,845	172,400	582,200
Duty travel - incidentals	236	3,300	23,500
Rent	119,767	166,900	181,900
Heating	27,469	26,000	28,400
Electricity	23,334	26,000	37,700
Water	1,901	2,400	2,200
Buildings and grounds	20,816	32,300	50,400
Cleaning supplies	7,296	5,100	4,600
Insurance	42,206	42,200	47,600
Office vehicles	6,547	10,000	20,400
Office furniture and equipment purchases	5,259	4,400	138,000
Equipment maintenance and repair	4,349	6,400	5,900
Equipment rental/leasing	162,634	167,600	105,100
Conference venue services	74,968	46,500	276,100
Stationery	53,053	47,900	50,400
Miscellaneous office supplies	21,815	30,700	95,100
Sundry expenses	- 5,415	14,800	20,200
Telephone/Telefax	86,236	78,500	82,400
Postage	127,685	113,300	138,300
Courier services	13,590	29,000	20,900
Freight	25,476	30,000	40,400
Internet connection	37,333	38,000	37,900
Computer hardware maintenance	7,376	15,000	14,800
Computer software/supplies/service	16,490	32,600	35,000
Publishing	105,006	163,800	379,100
Web site technical maintenance	1,587	7,500	7,500
Online databases	30,279	27,500	40,000
Library acquisitions	11,309	16,000	29,900
Information activities	42,648	18,400	47,600
Official hospitality	123,119	108,400	113,900
Bank charges	6,383	4,000	4,000
Audit costs	4,288	5,000	5,000
ASGP	57,068	100,000	55,000
Amortization	393,040	358,000	331,200
Allowance for Doubtful Accounts	27,518	115,000	109,000
Extra budgetary expenditures	2,321,124	2,623,900	-
Reserves	-	50,000	55,000
TOTAL EXPENSES	13,661,499	14,303,000	17,456,700

APPROVED PROGRAMME AND BUDGET FOR 2007

**TABLE OF CONTRIBUTIONS TO THE BUDGET OF THE
INTER-PARLIAMENTARY UNION FOR THE YEAR 2007**
*Approved by the IPU Governing Council at its 179th Session
(Geneva, 18 October 2006)*

Members or Associate Members	UN Scale	Approved Scale (2007)		Target
		Per cent	CHF	Per cent
Albania	0.008%	0.205%	CHF 22,460	0.13%
Algeria	0.090%	0.355%	CHF 38,920	0.32%
Andorra	0.008%	0.205%	CHF 22,460	0.13%
Angola	0.008%	0.205%	CHF 22,460	0.13%
Argentina	0.346%	0.749%	CHF 82,260	0.72%
Armenia	0.003%	0.256%	CHF 28,130	0.11%
Australia	1.787%	1.747%	CHF 191,740	2.26%
Austria	0.887%	0.994%	CHF 109,150	1.37%
Azerbaijan	0.006%	0.341%	CHF 37,390	0.12%
Bahrain	0.033%	0.229%	CHF 25,090	0.20%
Bangladesh	0.010%	0.206%	CHF 22,580	0.14%
Belarus	0.023%	0.468%	CHF 51,350	0.18%
Belgium	1.102%	1.279%	CHF 140,400	1.59%
Benin	0.002%	0.200%	CHF 22,010	0.11%
Bolivia	0.007%	0.204%	CHF 22,400	0.13%
Bosnia and Herzegovina	0.009%	0.233%	CHF 25,540	0.14%
Botswana	0.015%	0.208%	CHF 22,860	0.15%
Brazil	0.893%	1.662%	CHF 182,490	1.37%
Bulgaria	0.025%	0.304%	CHF 33,390	0.18%
Burkina Faso	0.003%	0.201%	CHF 22,100	0.11%
Burundi	0.001%	0.199%	CHF 21,880	0.10%
Cambodia	0.002%	0.200%	CHF 22,010	0.11%
Cameroon	0.010%	0.206%	CHF 22,580	0.14%
Canada	2.977%	3.189%	CHF 350,070	3.30%
Cape Verde	0.001%	0.199%	CHF 21,880	0.10%
Chile	0.171%	0.314%	CHF 34,450	0.46%
China	2.716%	1.298%	CHF 142,470	3.08%
Colombia	0.112%	0.334%	CHF 36,640	0.36%
Congo	0.002%	0.200%	CHF 22,010	0.11%
Costa Rica	0.037%	0.218%	CHF 23,890	0.21%
Côte d'Ivoire	0.010%	0.206%	CHF 22,580	0.14%
Croatia	0.067%	0.311%	CHF 34,110	0.27%
Cuba	0.070%	0.293%	CHF 32,200	0.28%
Cyprus	0.044%	0.229%	CHF 25,180	0.23%
Czech Republic	0.281%	0.561%	CHF 61,540	0.62%
Democratic People's Republic of Korea	0.008%	0.232%	CHF 25,480	0.13%
Democratic Republic of the Congo	0.004%	0.202%	CHF 22,190	0.12%
Denmark	0.739%	0.885%	CHF 97,110	1.20%
Dominican Republic	0.026%	0.232%	CHF 25,420	0.18%
Ecuador	0.030%	0.233%	CHF 25,600	0.19%
Egypt	0.094%	0.283%	CHF 31,040	0.33%
El Salvador	0.021%	0.211%	CHF 23,170	0.17%
Estonia	0.021%	0.257%	CHF 28,190	0.17%
Ethiopia	0.004%	0.202%	CHF 22,190	0.12%

Members or Associate Members	UN Scale	Approved Scale (2007)		Target
		Per cent	CHF	Per cent
Fiji	0.004%	0.202%	CHF 22,190	0.12%
Finland	0.564%	0.796%	CHF 87,340	0.99%
France	6.301%	5.884%	CHF 645,970	5.78%
Gabon	0.009%	0.205%	CHF 22,520	0.14%
Gambia	0.001%	0.199%	CHF 21,880	0.10%
Georgia	0.004%	0.284%	CHF 31,230	0.12%
Germany	8.577%	8.453%	CHF 927,920	7.27%
Ghana	0.005%	0.203%	CHF 22,260	0.12%
Greece	0.596%	0.619%	CHF 67,990	1.03%
Guatemala	0.034%	0.226%	CHF 24,760	0.20%
Guinea	0.002%	0.200%	CHF 22,010	0.11%
Hungary	0.244%	0.415%	CHF 45,530	0.57%
Iceland	0.037%	0.236%	CHF 25,910	0.21%
India	0.459%	0.600%	CHF 65,900	0.86%
Indonesia	0.192%	0.383%	CHF 42,070	0.49%
Iran (Islamic Republic of)	0.191%	0.867%	CHF 95,220	0.49%
Ireland	0.445%	0.460%	CHF 50,540	0.85%
Israel	0.419%	0.491%	CHF 53,930	0.81%
Italy	5.079%	4.389%	CHF 481,840	4.92%
Japan	16.624%	11.592%	CHF 1,272,500	11.75%
Jordan	0.013%	0.207%	CHF 22,750	0.15%
Kazakhstan	0.036%	0.446%	CHF 48,930	0.21%
Kenya	0.011%	0.206%	CHF 22,640	0.14%
Kuwait	0.182%	0.454%	CHF 49,820	0.48%
Kyrgyzstan	0.001%	0.218%	CHF 23,900	0.10%
Lao People's Democratic Republic	0.001%	0.199%	CHF 21,880	0.10%
Latvia	0.023%	0.285%	CHF 31,300	0.18%
Lebanon	0.047%	0.221%	CHF 24,300	0.23%
Liberia	0.001%	0.199%	CHF 21,880	0.10%
Libyan Arab Jamahiriya	0.066%	0.411%	CHF 45,090	0.27%
Liechtenstein	0.010%	0.206%	CHF 22,580	0.14%
Lithuania	0.041%	0.311%	CHF 34,090	0.22%
Luxembourg	0.085%	0.271%	CHF 29,720	0.31%
Madagascar	0.003%	0.201%	CHF 22,100	0.11%
Malaysia	0.202%	0.358%	CHF 39,350	0.51%
Maldives	0.001%	0.199%	CHF 21,880	0.10%
Mali	0.002%	0.200%	CHF 22,010	0.11%
Malta	0.017%	0.209%	CHF 22,970	0.16%
Mauritius	0.012%	0.207%	CHF 22,700	0.14%
México	2.257%	1.314%	CHF 144,300	2.69%
Monaco	0.003%	0.201%	CHF 22,100	0.11%
Mongolia	0.001%	0.199%	CHF 21,880	0.10%
Montenegro	0.002%	0.200%	CHF 22,010	0.11%
Morocco	0.045%	0.239%	CHF 26,240	0.23%
Mozambique	0.003%	0.201%	CHF 22,100	0.11%
Namibia	0.007%	0.204%	CHF 22,400	0.13%
Nepal	0.004%	0.202%	CHF 22,190	0.12%
Netherlands	1.873%	1.751%	CHF 192,170	2.34%
New Zealand	0.256%	0.463%	CHF 50,860	0.59%
Nicaragua	0.003%	0.201%	CHF 22,100	0.11%

Members or Associate Members	UN Scale	Approved Scale (2007)		Target
		Per cent	CHF	Per cent
Níger	0.001%	0.199%	CHF 21,880	0.10%
Nigeria	0.058%	0.317%	CHF 34,760	0.26%
Norway	0.782%	0.820%	CHF 89,970	1.25%
Pakistan	0.063%	0.264%	CHF 28,930	0.27%
Palau	0.001%	0.199%	CHF 21,880	0.10%
Panama	0.024%	0.212%	CHF 23,310	0.18%
Papua New Guinea	0.003%	0.201%	CHF 22,100	0.11%
Paraguay	0.006%	0.203%	CHF 22,330	0.12%
Peru	0.083%	0.270%	CHF 29,650	0.31%
Philippines	0.083%	0.279%	CHF 30,660	0.31%
Poland	0.533%	0.707%	CHF 77,620	0.96%
Portugal	0.527%	0.487%	CHF 53,420	0.95%
Qatar	0.085%	0.262%	CHF 28,720	0.31%
Republic of Korea	2.173%	1.156%	CHF 126,900	2.61%
Republic of Moldova	0.002%	0.292%	CHF 32,050	0.11%
Romania	0.085%	0.362%	CHF 39,750	0.31%
Russian Federation	0.672%	5.212%	CHF 572,200	1.12%
Rwanda	0.001%	0.199%	CHF 21,880	0.10%
Samoa	0.001%	0.199%	CHF 21,880	0.10%
San Marino	0.003%	0.201%	CHF 22,100	0.11%
Sao Tome and Principe	0.001%	0.199%	CHF 21,880	0.10%
Saudi Arabia	0.748%	1.134%	CHF 124,490	1.21%
Senegal	0.005%	0.203%	CHF 22,260	0.12%
Serbia	0.022%	0.330%	CHF 36,260	0.17%
Singapore	0.347%	0.393%	CHF 43,160	0.72%
Slovakia	0.080%	0.306%	CHF 33,560	0.30%
Slovenia	0.096%	0.302%	CHF 33,110	0.33%
Somalia	0.001%	0.199%	CHF 21,880	0.10%
South Africa	0.305%	0.603%	CHF 66,180	0.66%
Spain	2.968%	2.292%	CHF 251,620	3.29%
Sri Lanka	0.017%	0.209%	CHF 22,970	0.16%
Sudan	0.010%	0.206%	CHF 22,580	0.14%
Suriname	0.001%	0.199%	CHF 21,880	0.10%
Sweden	1.071%	1.310%	CHF 143,820	1.56%
Switzerland	1.216%	1.381%	CHF 151,580	1.71%
Syrian Arab Republic	0.017%	0.237%	CHF 25,980	0.16%
Tajikistan	0.001%	0.208%	CHF 22,880	0.10%
Thailand	0.198%	0.348%	CHF 38,240	0.50%
The FYR of Macedonia	0.006%	0.203%	CHF 22,330	0.12%
Togo	0.001%	0.199%	CHF 21,880	0.10%
Tunisia	0.033%	0.234%	CHF 25,730	0.20%
Turkey	0.405%	0.525%	CHF 57,610	0.79%
Uganda	0.004%	0.202%	CHF 22,190	0.12%
Ukraine	0.048%	0.587%	CHF 64,460	0.23%
United Arab Emirates	0.302%	0.447%	CHF 49,050	0.65%
United Kingdom	6.642%	5.146%	CHF 564,920	6.01%
United Republic of Tanzania	0.007%	0.204%	CHF 22,400	0.13%
Uruguay	0.029%	0.242%	CHF 26,560	0.19%
Uzbekistán	0.009%	0.361%	CHF 39,580	0.14%
Venezuela	0.213%	0.654%	CHF 71,750	0.52%

Members or Associate Members	UN Scale	Approved Scale (2007)		Target
		Per cent	CHF	Per cent
Viet Nam	0.029%	0.214%	CHF 23,540	0.19%
Yemen	0.009%	0.205%	CHF 22,520	0.14%
Zambia	0.002%	0.200%	CHF 22,010	0.11%
Zimbabwe	0.009%	0.205%	CHF 22,520	0.14%
Andean Parliament		0.016%	CHF 1,790	0.02%
Central American Parliament		0.010%	CHF 1,120	0.01%
East African Legislative Assembly		0.010%	CHF 1,080	0.11%
European Parliament		0.102%	CHF 11,230	0.05%
Latin American Parliament		0.022%	CHF 2,410	0.04%
Parliamentary Assembly of the Council of Europe		0.062%	CHF 6,800	0.04%
Parliament of the ECOWAS		0.010%	CHF 1,110	0.03%
TOTAL		100.00%	CHF10,977,720	100.00%

COOPERATION BETWEEN THE UNITED NATIONS AND THE INTER-PARLIAMENTARY UNION

*Resolution adopted by the United Nations General Assembly
on 20 October 2006**

The General Assembly,

Having considered the report of the Secretary-General of 21 September 2006, which takes stock of the broad and substantive cooperation between the United Nations and the Inter-Parliamentary Union over the past two years,¹

Taking note of the resolutions adopted by the Inter-Parliamentary Union and circulated in the General Assembly and the many activities undertaken by the organization in support of the United Nations,

Welcoming the annual parliamentary hearings at the United Nations as a regular feature of the programme of events held at United Nations Headquarters on the occasion of the sessions of the General Assembly, as well as other specialized parliamentary meetings organized by the Inter-Parliamentary Union in cooperation with the United Nations in the context of major United Nations conferences and events,

Taking into consideration the Cooperation Agreement between the United Nations and the Inter-Parliamentary Union of 1996,² which laid the foundation for cooperation between the two organizations,

Recalling the United Nations Millennium Declaration³ and the 2005 World Summit Outcome,⁴ in which Heads of State and Government resolved to strengthen further cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in all fields of work of the United Nations and for the effective implementation of United Nations reform,

Also recalling its resolution 57/32 of 19 November 2002, in which the Inter-Parliamentary Union was invited to participate in the work of the General Assembly in the capacity of observer, as well as resolutions 57/47 of 21 November 2002 and 59/19 of 8 November 2004,

* The resolution was co-sponsored by the following countries: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Congo, Costa Rica, Croatia, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Yemen and Zambia

¹ A/61/256, Part Three.

² A/51/402, annex.

³ Resolution 55/2.

⁴ Resolution 60/1.

Taking note of the recommendations contained in the report of the Panel of Eminent Persons on United Nations-Civil Society Relations⁵ in regard to engaging parliamentarians more systematically in the work of the United Nations,

1. *Welcomes* the efforts made by the Inter-Parliamentary Union to provide for a greater parliamentary contribution and enhanced support to the United Nations;
2. *Takes note* of the conclusions of the second World Conference of Speakers of Parliament,⁶ held at United Nations Headquarters in September 2005 in conjunction with the 2005 World Summit;
3. *Encourages* the United Nations and the Inter-Parliamentary Union to continue to cooperate closely in various fields, in particular peace and security, economic and social development, international law, human rights, and democracy and gender issues, bearing in mind the significant benefits of cooperation between the two organizations, to which the report of the Secretary-General attests;⁷
4. *Encourages* the Inter-Parliamentary Union to strengthen further its contribution to the work of the General Assembly, including its revitalization, as envisaged in resolution 60/286 of 8 September 2006, and in relation to the newly established bodies such as the Human Rights Council and the Peacebuilding Commission;
5. *Encourages* the Inter-Parliamentary Union to play an active role in support of the Economic and Social Council, particularly in the implementation of the new functions devolved to the Council by the 2005 World Summit;
6. *Welcomes* the partnership agreement concluded recently between the United Nations Democracy Fund and the Inter-Parliamentary Union, and looks forward to growing cooperation in the realm of democracy and good governance;
7. *Calls for* the further development of the annual parliamentary hearing at the United Nations and other specialized parliamentary meetings in the context of major United Nations meetings as joint United Nations-Inter-Parliamentary Union events;
8. *Also calls for* closer involvement, as appropriate, of the Inter-Parliamentary Union in the elaboration of system-wide strategies for consideration by the United Nations system and the United Nations System Chief Executives Board for Coordination, with a view to ensuring greater and more coherent support by parliaments to the work of the United Nations;
9. *Decides* to include in the provisional agenda of its sixty-third session the sub-item entitled "Cooperation between the United Nations and the Inter-Parliamentary Union".

⁵ See A/58/817 and Corr.1.

⁶ See A/60/398, annex.

⁷ See A/61/256, Part Three.

RESOURCE MOBILIZATION STRATEGY FOR THE IPU

*Approved by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

OVERALL OBJECTIVES OF THE IPU'S RESOURCE MOBILIZATION STRATEGY

- To secure adequate funding and support for the activities of the IPU;
- To obtain timely and predictable voluntary funding allowing for appropriate planning of activities;
- To obtain both flexible, broadly earmarked funding and funding for specific projects.

FOR THIS PURPOSE THE IPU SHOULD:

Establish close and professional working relations with donors based on credibility and transparency.

Donors should be approached in a spirit of transparency, openness and dialogue. Contacts with governments should be nurtured in Geneva, donor capitals and in the field. This will include informal contacts, information sharing, and briefings for donor missions at the IPU Secretariat, as well as missions to donor capitals by the Senior Programme Support Officer, the Secretary General and other staff for discussions with decision-makers, focal points for issues relevant to the IPU and parliamentarians. As some donors have delegated funding decisions to field embassies, discussions will in some cases best be held in countries where the IPU implements projects.

Initially, the IPU will mainly approach government donors. It will then progressively expand the group of donors to include foundations. Most foundations of potential interest to the IPU are likely to be located in United States. In order to identify foundations with funding criteria that correspond to the IPU's activities and needs, various networks of foundations covering relevant themes will be useful, as well as the United Nations Democracy Fund (UNDEF) and the United Nations Fund for International Partnerships (UNFIP).

Approaches in the private sector will require different sets of networks and skills. The Global Parliamentary Foundation for Democracy will build on its Chairperson's and Board members' contacts in approaching high net worth individuals and corporations.

The IPU should be selective in its approaches, keeping in mind its limited capacity to meet the requirements of particularly exigent donors.

Formulate plans and budgets on which donors can base funding decisions. Donors need to be confident that activities for which the Organization requests financial support have been subjected to thorough review and prioritization and that their contributions are managed efficiently. The introduction of a Four-year Plan, with annual revisions, will provide comprehensive, clear and succinct overviews of all planned activities and requirements and: 1) serve as main resource mobilization tools 2) encourage predictable and flexible funding; 3) promote an equitable spread of contributions; 4) encourage longer-term planning of activities; 5) project a professional image of the Organization; and 6) inform Member Parliaments of the IPU's additional activities in a transparent manner. Additional funding submissions tailored to meet donors' criteria and formats will be prepared where necessary, based on long-term and annual plans. This will be required in particular for the private sector where fund-raising is likely to build on cooperation around themes or specific projects. The Four-year Plan, annual plans and reports will serve as a basis for the preparation of tailor-made material for specific target groups.

Establish systems for reporting on the implementation of activities, which respond to the needs and expectations of the donors in terms of structure, content and timing. Reports on the implementation of activities and use of funds are as important as succinct plans, and help donors convince their constituencies that money provided to the IPU is well spent. The IPU should devise a uniform system for reporting, which is acceptable to as many donors as possible to avoid a multitude of reporting formats. Reports should mirror the plans – long-term and annual – and provide an overview of implementation of activities, achievements and use of funds. It should be analytical in approach and present difficulties and shortcomings, as well as propose solutions to them. Additional reports tailored to meet donors' requirements will be prepared as the need arises.

The introduction of a planned and systematic approach to evaluation would be helpful in resource mobilization efforts.

Work and coordinate closely with relevant partners. With its limited resources and capacity, the IPU must work with partners to maximize its impact. The close cooperation with UNDP and other United Nations organizations such as UNICEF in implementing activities and technical cooperation projects in the field should be developed, and avenues to include support of a more institutional nature explored.

Coordinate resource mobilization efforts with the Global Parliamentary Foundation for Democracy. The Global Parliamentary Foundation for Democracy will target the private sector, in particular high net worth individuals and corporations, while the IPU Secretariat will focus on donor governments and foundations. Resource mobilization efforts of the IPU Secretariat and the Foundation should be well coordinated and relevant information and material shared. It is proposed that information be shared on a continuous basis on:

- Donors being approached;
- Feedback from donors on possible funding;
- Funding indications and firm pledges;
- Earmarking and conditions;
- Projected income from voluntary contributions;
- Material prepared for donors (Four-year Plan, annual revisions and reports and other tailor-made submissions and reports);
- Relevant financial information.

Set up and maintain a sustainable system for the administration of voluntary contributions. Pledges inform the Organization of contributions and determine how they can be used. Conditions and earmarking must be respected and donors should be requested to formulate pledges in a manner that leaves no doubt as to how the contribution should be used. Most funding is provided under agreements setting special conditions. These should be kept simple and clear and include conditions that are practical and consistent with IPU rules and regulations. Pledges/agreements must be acknowledged in thank you letters and receipt of payments must always be confirmed. Funds provided with broad or no earmarking should be allocated according to priorities set by senior management, conditions/earmarking expressed in the pledges and/or in agreements covering the contribution and immediate funding needs.

In the longer term – depending on the volume of activities under voluntary funding – a decision-making process for the allocation of broadly earmarked contributions may be considered. A tracking system would be helpful in registering pledges, payments, allocations and reporting requirements.

COOPERATION WITH THE UNITED NATIONS SYSTEM

LIST OF ACTIVITIES FROM MAY TO OCTOBER 2006

*Noted by the Governing Council at its 179th session
(Geneva, 18 October 2006)*

UNITED NATIONS

- Parliamentary Caucus on the occasion of the United Nations High-Level Meeting on HIV/AIDS (New York, 1 June). The participants in this meeting nominated members for an IPU Advisory Group on HIV/AIDS that would provide the momentum for future IPU policy in responding to the pandemic. A first meeting of this group will take place in Geneva on 18 and 19 September.
- Parliamentary Panel on Governance in the Least Developed Countries (New York, 15 September).
- Preparations under way for the Annual Parliamentary Hearing at the United Nations (New York, 13-14 November). The theme of this year's hearing will be "*Conflict Prevention and Peace-Building: Reinforcing the Key Role of the United Nations*".
- Close cooperation with the UN Department for Political Affairs in preparing the 2006 Report of the UN Secretary-General on Cooperation between the United Nations and the IPU.
- Consultations on and preparations for future meetings in cooperation with the UN on the following subjects: New or Restored Democracies (International Conference in Doha, November 2006); Reinventing Government (World Forum in Vienna, July 2007).
- Official statements delivered before the General Assembly or its subsidiary bodies on the following topics: revitalization of the General Assembly, fight against HIV/AIDS, small arms and light weapons, review of progress on the Brussels Programme of Action for the Least Developed Countries.
- Circulation of resolutions from the 114th IPU Assembly to the General Assembly, in all six official languages of the United Nations (texts available on both the UN and IPU websites).
- Discussions under way with the President of the General Assembly and Co-chairs of the Working Group on Revitalization of the General Assembly (ambassadors of Latvia and Yemen) on a possible parliamentary contribution to that process.
- Mission of a high-level delegation of parliamentarians to the United Nations headquarters in New York for talks with Permanent Representatives of Member States and United Nations officials on the subject of United Nations reform (26-27 June). The report of the mission was sent to IPU Members on 10 July.

UN Democracy Fund

- Negotiations have begun on an Agreement of Cooperation between IPU and UNDEF, with a view to developing a comprehensive partnership among the two organizations in the promotion of democracy worldwide.
- Two project proposals submitted by the IPU (role of parliaments in implementing UN human rights treaties, and support for women parliamentarians in Burundi) have been awarded grants by UNDEF worth over 500,000 USD and are expected to be implemented over the next two years.

Peace-Building Commission (PBC)

- Initial consultations were held with the Chairman and Vice-Chairperson (ambassadors of Angola and El Salvador) of the PBC Organizational Committee. As a result, IPU has been invited to attend and contribute to the first PBC country-specific session on Burundi (12-13 October)

UNDESA

- Joint project with UNDESA and the Office of the High Commissioner for Human Rights, to produce a handbook for parliamentarians on the Convention on the Rights of Persons with Disabilities (due to be adopted by the United Nations General Assembly later this year).
- Global Centre for Information and Communication Technologies in Parliaments. First meeting of technical representatives of members of the Board, Geneva, 18 May 2006. Multi-stakeholder meeting on Parliaments and the Information Society, as part of the Consultation Meetings on Action Lines C1 and C7 of the World Summit on the Information Society, Geneva, 18 May 2006. Presentation of the Global Centre to the World Library and Information Congress, 21 August 2006.

UNDAW (UN Division for the Advancement of Women)

- One-day information seminar entitled "Implementing the Convention on the Elimination of all Forms of Discrimination Against Women: the Role of Parliaments and their Members". (Geneva, 19 October 2006).
- Preparatory meetings for the IPU-UNDAW parliamentary conference to be held on the occasion of the 51st session of the United Nations Commission on the Status of Women (CSW).

Office of the UN High Representative for the Least Developed Countries

- Supported the UN mid-term review process for the Brussels Programme of Action for the Least Developed Countries by inviting national parliaments' participation in the national reporting exercise in view of the high-level meeting of the General Assembly (September 2006).
- The IPU is a consultant in the review of a major UN study on Governance in the Least Developed Countries, as well as a participant in a UN team of field experts on governance-related questions.

UNDP

- Cooperation in the context of projects of assistance to the parliaments of Afghanistan, Algeria, Iraq, Niger, Pakistan, Uruguay and Viet Nam.
- IPU and UNDP jointly organized an international conference on parliaments, crisis prevention and recovery in Brussels. Guidelines for assistance to parliaments in conflict situations were formally adopted at the conference.
- IPU is a member of the UNDP democratic governance practice network.

UNESCO

- Work in progress on a handbook on education for all for the use of parliaments, state legislators and National Commissions for UNESCO. The handbook will explain in a concrete and practical manner what parliaments can do in terms of policy and planning, financing and budget, legislation, governance, monitoring and evaluation in order to contribute towards achieving the Education for All goals endorsed by the international community at the 2000 Dakar Framework for Action.

UNICEF

- Participation in and contribution to the launch of the United Nations Secretary-General's Report on Violence against Children.

UNITAR

- Further to the joint programme inaugurated in April 2005 to strengthen the capacities of parliaments to interpret and implement international environmental agreements, a second workshop for African parliaments was held in Yaoundé, Cameroon in June 2006.

Human Rights Council

- Statement delivered by the Secretary General at the opening session of the Human Rights Council.

UN High Commissioner for Refugees (UNHCR)

- Production of three new versions of the Handbook for Parliamentarians on Nationality and Statelessness.

UNV

- The Secretary General addressed the Governing Board of United Nations Volunteers to inform it of the cooperation extended to UNV by the IPU.

World Trade Organization (WTO)

- In preparation for the annual session of the Parliamentary Conference on the WTO (Geneva, 1 and 2 December 2006), the Steering Committee of the Conference met twice at IPU Headquarters (22-23 June and 14-15 September).

RECOMMENDATIONS ADOPTED AT THE REGIONAL CONFERENCE ON WOMEN'S PARTICIPATION IN POLITICS

Algiers, 25 and 26 June 2006

*Noted by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

Framework of action

1. Promoting women's participation in politics must take into account the often precarious socioeconomic status of women. Therefore, any policy designed to promote the role of women should be incorporated into a broader framework for developing women's rights.
2. It should be recalled that the political emancipation of women requires autonomy: women and girls must be able to access education and training, which are sine qua non prerequisites of that emancipation. Policies must also be formulated to improve access for women to the workplace, for there can be no effective political emancipation without economic independence.
3. Family obligations and constraints are often hurdles in women's political career because it is often difficult to juggle public life and family life. Therefore, social measures should be adopted to facilitate women's entry into active political life (day care centres, adapting working hours to constraints of family life, etc.).

Formulating a policy on strengthening participation in politics

4. In order to increase and strengthen women's participation in politics, a specific national strategy must be drawn up with realistic, concrete targets and adequate resources to implement it.
5. Developing such a strategy and any other action aimed at promoting the participation of women in politics must first of all be based on accurate knowledge about the situation of women as well as the obstacles that bar their participation. A scientific analysis of the situation would facilitate identification of measures likely to enhance the situation.

Therefore, research should be conducted, particularly in the field of sociology, and using available data on the status of women in order to highlight the difficulties to be overcome.

Ways of promoting women's participation in politics

6. There are a number of different ways of promoting women's participation in politics. To overcome the existing inequalities and step up progress, a debate should be initiated on the concrete measures to be implemented (including special temporary measures) such as:
 - Affirmative action measures to offset real inequalities;
 - Quotas and measures for implementing them; and
 - The annual review of electoral laws and legal texts.
7. Political parties play a key role in political life. They should be invited, while respecting their sovereignty, to engage openly in promoting greater participation of women in politics and to consider internal procedures to foster women's participation in politics (voluntary party measures, in particular those concerning the positioning of women candidates on party lists).
8. Training programmes for candidates on political strategy should also be put in place to build the capacity of women.

Inclusive dynamics

9. Through a more balanced participation of men and women in political life, the expectations of society as a whole can better be met. Promoting the participation of women in politics is a common goal and therefore requires the involvement of all actors in society: men and women, parliamentarians, political parties, civil society, the media, etc.
10. Nationwide awareness-raising campaigns should be organized on the importance of women's participation in politics.
11. A constructive partnership between men and women should be developed to promote women's participation in public life (e.g. meetings between men and women parliamentarians).
12. The important role of the media should also be taken into account. A constructive partnership with the media should be forged to project a better image of women in politics.
13. Solidarity and cooperation among women must also be strengthened. It is necessary for women to forge strong, close ties with women's association and the women's movement. Women in rural areas should also be targeted: reception centres should be established to raise awareness and educate these women about their rights.
14. Dialogue and cooperation among women parliamentarians from all political affiliations are needed. In Algeria, this kind of cooperation through the Forum of Algerian Women Parliamentarians should be pursued and on the regional level, through regular meetings of women parliamentarians.
15. Lastly, to ensure that the objectives laid out by the Forum are achieved, a follow-up committee should be set up. The support of the UNDP, the IPU and any other organization involved in women's participation in politics is welcome.

Future meetings and other activities

*Approved by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

Conference on broadcasting of parliamentary business through dedicated TV channels and public broadcasting systems, organized jointly by the IPU, the ASGP and EBU	GENEVA 19 October 2006
Information seminar on Implementing the Convention on the Elimination of All Forms of Discrimination against Women: The role of parliaments and their members	GENEVA (IPU Headquarters) 19 October 2006
Parliamentary Forum on the occasion of the sixth International Conference of New or Restored Democracies	DOHA (Qatar) 29 October-1 November 2006
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA (IPU Headquarters) 6-10 November 2006
Annual Parliamentary Hearing at the United Nations	NEW YORK 13-14 November 2006
Annual Session of the Parliamentary Conference on the WTO	GENEVA 1-2 December 2006
Meeting of parliamentary bodies dealing with the status of women and gender equality	GENEVA (IPU Headquarters) 4-6 December 2006
116 th session of the Committee on the Human Rights of Parliamentarians	GENEVA January 2007
Parliamentary conference on the occasion of the 51 st session of the Commission on the Status of Women	NEW YORK March 2007
Meeting of Women Speakers of Parliament on the occasion of the 51 st session of the Commission on the Status of Women	NEW YORK March 2007
116 th Assembly and Related Meetings	April-May 2007 Venue and dates to be decided
Regional seminar on Parliament, Budget and Gender, for European and central Asian parliaments	Europe Early 2007
Regional seminar on child protection – South Asia	Venue to be decided Early 2007
Regional Capacity Building Seminar for Asian Parliaments on Sustainable Development	Asia Early 2007

Parliamentary events on the occasion of the 7 th Global Forum on Reinventing Government	VIENNA 26-29 June 2007
Regional conference for women parliamentarians of the GCC States	Venue to be decided Mid-2007
117 th Assembly and Related Meetings	Venue to be decided October 2007
Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women	Venue to be decided Late 2007
Meeting of parliamentary bodies dealing with the status of women and gender equality	GENEVA Late 2007

Invitations received for future IPU Assemblies

118 th Assembly and Related Meetings	CAPE TOWN (South Africa) 13-18 April 2008
Future Assembly	ADDIS ABABA (Ethiopia)
Future Assembly	CARACAS (Venezuela)

AGENDA OF THE 116th ASSEMBLY

*Adopted by the 114th IPU Assembly
(Nairobi, 12 May 2006)*

Agenda of the 116th Assembly (April-May 2007)

1. Election of the President and Vice-Presidents of the 116th 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
4. Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world
(Standing Committee on Peace and International Security)
5. Job creation and employment security in the era of globalization
(Standing Committee on Sustainable Development, Finance and Trade)
6. Promoting diversity and equal rights for all through universal democratic and electoral standards
(Standing Committee on Democracy and Human Rights)
7. Approval of the subject items for the 118th Assembly and appointment of the Rapporteurs

LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED TO FOLLOW THE WORK OF THE 116th ASSEMBLY AS OBSERVERS

*Approved by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

Palestine

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

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)

ACP-EU Joint Parliamentary Assembly (JPA)
African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Organization (AIPO)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Asian Parliaments for Peace (AAPP)
Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Eurasian Economic Community
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
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 Member States (PUOICM)
Southern African Development Community Parliamentary Forum (SADC)
Transitional Arab Parliament (TAP)

Centrist Democrat International (CDI)

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)

Resolutions concerning the Human Rights of Parliamentarians

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

Resolution adopted by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh killed in a grenade attack in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of a message from the Secretary of the Bangladesh Parliament of 17 July 2006, forwarding copies of the letters by the Speaker dated 5 July and 24 December 2005, together with the text of the oral statement he made at the 177th session of the Governing Council (October 2005),

Taking account of the information provided by one of the sources on 8 and 12 September and on 9 October 2006,

Considering the following evidence on file:

- Mr. Shah Ams Kibria was killed on 27 January 2005 in a grenade attack during a political gathering; on 19 March 2005, 10 persons were charged in the murder case brought under the Criminal Code and eight were arrested, while two absconded; according to the charge sheet, the main accused, Mr. Abdul Quayum, had been assured by some powerful leaders that he would be nominated in the next elections if he succeeded in killing Mr. Kibria; Mr. Quayum affirmed that he was framed, tortured, and denied food and medical care; he was reportedly prevented by police from making a voluntary confession under Article 164 of the Criminal Procedure Code;
- Upon the closure of the investigation in April 2005, the lawyer for the family of Mr. Kibria submitted an application for further investigation before the Tribunal at Sylhet, as the family considered the investigation to be incomplete, particularly since it had failed to identify the source of the explosives used in the attack, to track the funding for the attack, to examine important witnesses, and to identify the powerful political leaders who assured the main accused that he would be nominated for the election; the application was dismissed and appeals against that decision were likewise disallowed;
- However, on 14 May 2006, the High Court Division Dhaka in the Supreme Court of Bangladesh heard a review application for setting aside the order by the trial court (Tribunal at Sylhet) refusing a prayer (application) for further investigation in the case and issued a ruling in which it called "upon the opposite party (the State) to show cause as to why the order dated 3 May 06 passed by the ... Tribunal at Sylhet ... rejecting the application ... for further investigation should not be set aside ..."; pending disposal of the ruling, the Court stayed all further proceedings; the State lodged an appeal against the ruling and proceedings have reportedly been stayed until November 2006;
- On 26 January 2006, the High Court Division of the Supreme Court of Bangladesh heard writ petition No. 3201 of 2005 in which four of the suspects (Shahed Ali, Joynal Abedin Momen, Zamri Ali and Tajul Islam) applied to be allowed to retract their confessional statements as they had been obtained under torture; the High Court found no reason "not

to give the accused a chance to retract their confession" and directed the lower court to allow them "to file application before the trial court for retraction of their confessions".

Recalling that, while the Parliament of Bangladesh condemned Mr. Kibria's assassination and adopted a resolution to that effect, a debate on the murder was blocked by the parliamentary authorities and requests to have the case placed on the agenda of the Standing Committee on the Home Ministry were refused,

Bearing in mind that elections are due to be held in Bangladesh in January 2007 and that a caretaker government will be put in place upon the expiry of the present Government's tenure on 27 October 2006,

1. *Thanks* the Secretary of the Parliament of Bangladesh for his communication; *regrets* nevertheless that the parliamentary authorities have provided no further information on this case;
2. *Recalls* that States have a duty to dispense justice and that the authorities of Bangladesh must consequently conduct a thorough, independent and diligent investigation into Mr. Kibria's assassination and identify both the perpetrators and the instigators of this crime and bring them to justice;
3. *Notes with interest* the ruling of the High Court Division Dhaka of the Supreme Court inviting the State to show cause as to why the investigation should not be reopened; and *reaffirms* in this respect that an investigation which has omitted to look into essential issues cannot serve the ends of justice;
4. *Reiterates its wish to ascertain* whether, in line with the High Court ruling of 26 January 2006, the four aforesaid suspects have been allowed to file an application for retraction of their witness statements, and whether such retraction has indeed taken place;
5. *Trusts* that the proceedings will resume without delay in November 2006 and will be pursued with the necessary diligence, and *wishes* to be kept informed of the progress made;
6. *Renews* its decision to observe the relevant proceedings, and *requests* the Secretary General to take the necessary steps to this end and to convey this resolution to the competent authorities;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

CASE No. BGL/15 - SHEIK HASINA - BANGLADESH

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheik Hasina, a member of the National Parliament of Bangladesh, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the letter from the Speaker of the Parliament of Bangladesh, dated 14 October 2006,

Recalling the following: Sheik Hasina was the target of a grenade attack during a rally of the Awami League held on 21 August 2004 in the centre of Dakar which left her with a permanent hearing disability, took the lives of 25 people and left hundreds maimed for life; seven other members of parliament sustained injuries from grenade pellets; the attack reportedly involved the explosion of a dozen Argès grenades, and occurred in broad daylight in the presence of over 300 policemen and scores of government intelligence and surveillance agents; *noting* in this respect that, in his letter, the Speaker stated that Sheik Hasina was on a truck and that there were other Awami League leaders gathered around the truck; nobody was injured nor was any splinter found on the truck,

Considering that in his letter the Speaker repeated his earlier statement to the effect that the Awami League had failed to cooperate in the investigation; more particularly, he stated that it had not cooperated with the FBI, Scotland Yard and Interpol, for which reason those agencies had left, that it did not give evidence before the Judicial Inquiry Commission and did not produce before it Sheik Hasina's bullet-proof jeep which was allegedly hit; that at the investigation stage the Awami League leaders did not extend any manner of cooperation for a full investigation and that, whenever the prosecution asked for remand of any suspect, the Awami League lawyers preferred writ petitions before the High Court Division of the Supreme Court, thus staying the investigation proceedings,

Noting that the source has strongly refuted this and stated the following: after the attack, Sheik Hasina's vehicle was examined at least six times between 24 August and 10 September 2004, and complete access to the bulletproof vehicle was given on demand to the investigators from the FBI, Interpol and their Bangladeshi counterparts; the source provided the names of eight Bangladeshi investigators who went to Sheik Hasina's residence to examine the vehicle; according to the source, full and unhindered access was given to the damaged vehicle whenever a request was made by a Bangladeshi government agency; moreover, the Awami League did not prevent any of its workers or activists from giving testimony to Justice Md. Joynul Abedin, the single judge of the Judicial Inquiry Commission; many Awami League members are said to have provided such testimony, as acknowledged in the Executive Summary of the Judicial Inquiry Commission's Report, which has not as yet been made public; moreover, the source affirms that Awami League leaders have always declared their readiness to provide testimony to any government agency,

Recalling that, according to the source, the crime scene was not protected, and evidence was allowed to be contaminated; unexploded grenades were not preserved for forensic tests, but detonated instead; no punitive action was reportedly taken against any member of the security personnel for their lapses, and some are said to have been promoted since; nine FBI and Interpol officials visited Dhaka to assist the Criminal Investigation Department (CID); Interpol reportedly made an eight-point recommendation but it is unclear whether those recommendations are being followed; moreover, the investigation officers in charge of the case have reportedly been changed four times,

Recalling that, according to the information provided earlier by the Speaker, 20 persons were arrested in connection with this case, and *considering* in this respect that, according to the source, 17 have been released on bail as the Criminal Investigation Department (CID) found them not to have any links with the attacks, and that the remaining three who are in detention, namely Abdul Hasem, alias Rana, Shafiqul Islam, alias Shafiq and Joj Mia, alias Jalal Ahmed, made confessional statements on 16 November 2005, 17 November 2005 and 26 June 2005, respectively, which, however, have not led to any charges against them; in their statements, they reportedly said that some 18 people were involved in the grenade attack and gave the names of 11 of them whom the police are reportedly trying to track down,

Noting that, with regard to action taken by the Parliament of Bangladesh, the Speaker stated that parliamentarians belonging to the Awami League had raised the issue in Parliament and deliberated on a point of order; thus the matter had been discussed and the Speaker had concluded that judicial proceedings should not be deflected or influenced by discussion in the Parliament and that since the matter was under investigation the law would take its own course, for which reason he also hoped that the Committee on the Human Rights of Parliamentarians would drop the case; *recalling* that, according to

the source, at a meeting of the parliamentary House Committee on 23 August 2004 members of the opposition party proposed the adoption of an all-party resolution condemning the attack, offering condolences for the deceased and prayer for the recovery of the wounded; however, the Committee Chairperson reportedly ruled the resolution out of order; moreover, attempts to discuss the attack in Parliament through adjournment motions have proved futile, despite the fact that the leader of the opposition and other parliamentarians had been injured.

Bearing in mind that elections are due to be held in Bangladesh in January 2007 and that a caretaker government will be put in place upon the expiry of the present Government's tenure on 27 October 2006,

1. *Thanks* the Speaker for his letter; *wholly fails to understand*, however, how he can possibly state, contrary to all evidence, that nobody was injured in the grenade attack;
2. *Regrets* that he has not taken note of the information supplied by the source regarding the alleged lack of cooperation of the Awami League with the investigating authorities, which was conveyed to him earlier for comment;
3. *Is appalled* at the lack of progress in the investigation, which has now been under way for almost two years; and *fears* that this may indicate little resolve on the part of the competent authorities to shed full light on the grenade attack;
4. *Strongly recalls* that it is the duty of all States to provide justice and thus to conduct effective, independent and thorough investigations into any crime, especially one of this magnitude, in order to identify the culprits and prosecute and punish them in accordance with the law; and *urges* the authorities to comply with this duty;
5. *Wishes to ascertain* what follow-up, if any, has been given to the Judicial Inquiry Commission and to the recommendations made by Interpol; *would also like to know* why the results of that Commission have not as yet been disclosed to the aggrieved parties;
6. *Strongly believes* that the attack, in which not only the leader of the opposition and seven other parliamentarians were injured, but also 25 people were killed and hundreds maimed for life, should be a matter of deep concern to the Parliament, which, as a guardian of human rights, must ensure that justice is done, and *affirms* that raising such matters in parliament is in no way interference in the judiciary but constitutes parliament's duty to ensure due administration of justice;
7. *Requests* the Secretary General to inform the authorities and the source 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 116th Assembly (April-May 2007).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the hearing the Committee held with Mr. Cherginets, a member of the Belarusian delegation, during the 115th IPU Assembly (October 2006),

Recalling that Mr. Gonchar disappeared together with his friend Anatoly Krasovsky on 16 September 1999 and has not reappeared since; an investigation was launched and the parliamentary authorities have consistently reported that all available leads have been followed, even those suggested by newspaper reports and other sources; however, the authorities have rejected as totally unfounded the detailed information contained in the report on disappearances for allegedly political reasons in Belarus, published by the Parliamentary Assembly of the Council of Europe (PACE) in February 2004 (Pourgourides report),

Considering the following information and observations provided by Mr. Cherginets: the investigation into Mr. Gonchar's and Mr. Krasovsky's disappearance is still under way and parliament continues to monitor it; in particular, it receives reports from the Prosecutor General, most recently in May 2006 and on 2 October 2006 during parliament's opening session, when the report was largely devoted to the search for disappeared persons; neither political nor economic or personal grounds of the disappearance have been ruled out so far; Mr. Gonchar and Mr. Krasovsky were clearly abducted but it is not clear whether the target was Mr. Gonchar or Mr. Krasovsky; the latter had business-related problems and his wife, now living in the United States, has refused to appear for investigation; the information contained in the PACE report was verified by the Prosecutor but found to be wrong; he has asked the author of the report, Mr. Pourgourides, to share information, but Mr. Pourgourides has never answered his letters; the investigation is hampered by the fact that new allegations are constantly made as to the persons possibly behind the disappearance; in his personal opinion, Mr. Gonchar is dead,

Noting further that Mr. Cherginets referred to the cases of two other disappeared persons, Ms. Vinnikova, the former President of the National Bank of Belarus who had disappeared and later reappeared in London, and Mr. Baturin, who had also disappeared and later reappeared in Washington, *noting* also that Mr. Cherginets provided a set of documents regarding the investigation,

Considering lastly that, according to an interview of Mr. Gonchar's wife on 15 September 2006 and published in the *Narodnaya Volya* newspaper, the investigating judge, Mr. Koukharenok, informs her regularly that the investigation is still under way but not of the specific actions that are being taken and, unlike the former investigating judge, has refused to meet her,

1. *Thanks* Mr. Cherginets for the information he provided and for his personal interest in this case;
2. *Deplores* the fact that, seven years after Mr. Gonchar's disappearance, no progress whatsoever has been made in the investigation; *states firmly* that any suggestion that Mr. Gonchar may in fact be somewhere abroad is implausible since the persons whom the authorities regularly mention in this respect have reappeared whereas Mr. Gonchar has not;
3. *Is gratified* that parliament is being regularly briefed about the investigation, but *wonders* whether any questions are asked and whether anyone else, such as Mr. Gonchar's wife, is invited to address the parliament or one of its committees in this respect;
4. *Notes* that Mr. Cherginets has provided a set of documents concerning the investigation, which need translating;
5. *Requests* the Committee to continue examining this case in the light of these documents and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

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 by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the letters dated 7 and 26 September 2006 from the President of the National Assembly and of the hearing the Committee on the Human Rights of Parliamentarians held with her and other members of the delegation of Burundi to the 115th IPU Assembly (October 2006),

Recalling the following:

- The parliamentarians concerned, elected on a FRODEBU (Front for Democracy in Burundi) ticket in the 1993 elections were killed in the years 1994, 1995, 1996, 1997 and 1999; only in the case of Mr. Gisabwamana was the perpetrator - a military officer - identified and brought to justice; although, according to the information provided in 2001 by the then Minister for Human Rights, the law prescribed reparation for victims of human rights violations perpetrated by State agents, Mr. Gisabwamana's family has received no such compensation;
- In 2003, the then Transitional National Assembly set up a parliamentary working group to look into the cases of the parliamentarians concerned and into ways and means of reactivating the investigation into their cases; according to its report, one suspect in the murder of Mr. Mfayokurera was apprehended, albeit in connection with another crime, arrest warrants were issued for two people suspected of the murder of Mr. Ndikumana and, in the case of Mr. Sirahenda, witnesses exist of his abduction in a jeep from Makamba military camp and of his killing,

Considering the following:

- According to the President of the National Assembly, the new National Assembly has appointed a committee to examine the cases of all members of parliament assassinated since 1993 in addition to other cases of alleged human rights violations of former and incumbent members of the parliament of Burundi, to contact the families of the victims with a view to obtaining information and to report to the Bureau of the National Assembly; the Bureau will then take appropriate action, such as assisting the families of the victims, requesting the reopening of investigations or contacting the competent authorities; the committee has already started its work but still lacks the necessary financial and other means to start visiting the families of victims; the President stated that the committee's reports would be conveyed to the IPU;
- According to the President, preparations for setting up the National Truth and Reconciliation Commission provided for in the Arusha Peace Agreement are under way but its establishment depends not only on the national authorities but also on the United Nations; it is, however, the Government's wish to establish it as soon as possible; nevertheless, testimony has already started to come to light and even been broadcast,

1. *Thanks* the President of the National Assembly for her cooperation and the information provided;
 2. *Is gratified* that a committee has been set up to look inter alia into the cases concerned; *trusts* that it will receive all the necessary assistance and support from the authorities to carry out its mandate effectively;
 3. *Is convinced* that, provided it is given the means, the committee will be able to make a crucial contribution to shedding light on these murders and to bringing the perpetrators to trial; *is confident* that the committee will also take up the question of reparation for Mr. Gisabwamana's family; *notes with appreciation* that the IPU will be kept informed of its work;
 4. *Reaffirms* that the National Truth and Reconciliation Commission can play an important role in the pursuit of truth and justice in these cases; *sincerely hopes* that the authorities will make every effort to establish it as early as possible; and *would appreciate* being kept informed in this regard;
 5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the sources and also to raise the issue of the Truth and Reconciliation Commission with the competent United Nations bodies;
 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 116th Assembly (April-May 2007).
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CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

Resolution adopted by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Norbert Ndiwokubwayo, a member of the parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the letters dated 7 and 26 September 2006 from the President of the National Assembly and of the hearing the Committee on the Human Rights of Parliamentarians held with her and other members of the delegation of Burundi to the 115th IPU Assembly (October 2006),

Recalling that Mr. Ndiwokubwayo was elected in the 1993 elections on a FRODEBU (Front for Democracy in Burundi) ticket and that he was the target of two attempts on his life in September 1994 and again in December 1995 and that one of the persons suspected of the September 1994 attempt on his life, which left him severely injured, has since been apprehended, albeit in connection with another crime,

Considering that the National Assembly has appointed a committee to examine the cases of human rights violations of former and incumbent members of the parliament of Burundi, including the case of Mr. Ndiwokubwayo, and that he has been appointed coordinator of the group,

Noting also that, according to the President of the National Assembly, while preparations for setting up the National Truth and Reconciliation Commission provided for in the Arusha Peace Agreement are under way, its establishment depends not only on the national authorities but also on the United Nations; that it is, however, the Government's wish to establish it as soon as possible,

1. *Thanks* the President of the National Assembly for her cooperation and for the information provided;
 2. *Is gratified* that a committee has been set up to look inter alia into Mr. Ndihekubwayo's case; *trusts* that it will receive all the necessary assistance and support from the authorities to carry out its mandate effectively;
 3. *Is convinced* that, provided it is given the means, the committee will be able to make a crucial contribution to shedding light on the attempts on Mr. Ndihekubwayo's life and to bringing the perpetrators to trial;
 4. *Reaffirms* that the National Truth and Reconciliation Commission can play an important role in the pursuit of truth and justice in this case too; *is confident* that the authorities will make every effort to establish it as early as possible; and *would appreciate* being kept informed in this regard;
 5. *Requests* the Secretary General to inform the parliamentary 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 116th Assembly (April-May 2007).
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CASE No. CMBD/18 - CHHANG SONG) CAMBODIA
CASE No. CMBD/19 - SIPHAN PHAY)
CASE No. CMBD/20 - SAVATH POU)

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling its persistent concern that the Senators concerned were dismissed from parliament, following their expulsion from their political party, the Cambodian People's Party, on 6 December 2001, in the absence of any provisions under the Constitution or the Standing Orders prescribing forfeiture of the parliamentary mandate in the event of expulsion from a political party,

Recalling further that, in an effort to prevent the recurrence of similar cases, an expert from the French Senate provided assistance in April 2003 for the drafting of revised Standing Orders; he advised, in keeping with IPU views, that no provision should be made prescribing forfeiture of the parliamentary mandate in the event of expulsion from a political party,

Noting that the amended Senate Standing Orders, a copy of which was forwarded by the President of the Senate in July 2006, do not provide for the loss of the parliamentary mandate in the event of expulsion from the political party on whose ticket a person was elected; *noting* further that, in the conversation he had with the President of the Committee on the Human Rights of Parliamentarians during the 115th Assembly (October 2006), the leader of the Cambodian delegation stated that the Standing Orders enumerated all grounds for the loss of the parliamentary mandate and that, consequently, senators would not lose their mandate in the event of the expulsion from their political party,

1. *Thanks* the President of the Senate for his consistent cooperation in this case;
 2. *Is gratified* that the IPU's recommendations have been taken into account to prevent the recurrence of similar cases; *is convinced* that the new provisions will strengthen the independence of the Senate vis-à-vis the executive branch;
 3. *Regrets* nevertheless that the persons concerned lost their mandate on the basis of what it considered to have been legally unsound proceedings and suffered serious prejudice as a result;
 4. *Decides* to close this case.
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CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO) COLOMBIA
CASE No. CO/02 - LEONARDO POSADA PEDRAZA)
CASE No. CO/03 - OCTAVIO VARGAS CUELLAR)
CASE No. CO/04 - PEDRO LUIS VALENCIA GIRALDO)
CASE No. CO/06 - BERNARDO JARAMILLO OSSA)
CASE No. CO/08 - MANUEL CEPEDA VARGAS)
CASE No. CO/139 - OCTAVIO SARMIENTO BOHORQUEZ)

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the assassination 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 and, with the exception of Mr. Sarmiento, of the *Unión Patriótica* (Patriotic Union) political party, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following information regarding the judicial proceedings concerning the murder of the parliamentarians concerned:

- in January 2001, the conviction and sentence of two non-commissioned officers each to 43 years' imprisonment for the murder of Senator Cepeda was upheld on appeal; however, paramilitary group leader Carlos Castaño Gil was acquitted despite unambiguous acknowledgments of his responsibility in the book *My Confession* and in live radio and written press interviews; Mr. Cepeda's family lodged a petition regarding his acquittal with the Inter-American Commission on Human Rights, which in December 2005 agreed to deal with its merits forthwith;
- in November 2001 Carlos Castaño was found guilty in absentia of the murder of Mr. Jaramillo, but was never arrested for this crime; he disappeared in April 2004 and a paramilitary leader has recently publicly stated that he was in fact killed by rival paramilitary groups;
- Mr. Jesús Emiro Pereira Rivera was, after having been acquitted at first instance, convicted on appeal of the murder of Mr. Sarmiento and given a 40-year prison sentence;
- investigations in the cases of Mr. Jiménez, Mr. Posada and Mr. Valencia have been abandoned,

Recalling that, following a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* (Patriotic Union) political party, a friendly settlement procedure has been under way since 1999 before the Inter-American Commission on Human Rights (IACHR); it nevertheless produced no result, reportedly owing to a lack of will on the part of the Colombian authorities, and in May 2006 the Commission therefore reportedly embarked upon the examination of the merits of the *Unión Patriótica* case, which has been termed a political genocide case,

Noting that, in her latest report on the human rights situation in Colombia of May 2006 (E/CN.4/2006/9), the United Nations High Commissioner for Human Rights "encourages the Government to adopt and implement a public policy to combat impunity ..." and exhorts the judiciary and the Office of the Prosecutor General "to investigate and sanction human rights violations and breaches of international humanitarian law in an adequate and timely manner",

1. *Deeply regrets* that after seven years the friendly settlement procedure, which would have permitted a settlement also in the cases in question, has failed, and that the procedure on the merits of the case may well take many more years and so once again delay the prospect of justice being done;
2. *Notes*, however, that the IACHR has decided to deal with Senator Cepeda's case forthwith, and *would appreciate* receiving information on the current stage of the proceedings in this case and more generally on the proceedings regarding the *Unión Patriótica* case as such;
3. *Reiterates* that, under international human rights law and the American Convention on Human Rights, the State of Colombia is obliged to make a determined effort to ensure that justice is done by holding perpetrators of human rights abuses to account and by providing victims and their families with reparation; and that the proceedings pending before the IACHR do not dispense them of these duties; *urges* the authorities to comply with those duties;
4. *Notes* that Mr. Sarmiento's killer has been identified and sentenced; and *decides* consequently to close his case;
5. *Requests* the Secretary General to inform the competent authorities and the source of this resolution and to seek 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 116th Assembly (April-May 2007).

CASE No. CO/09 - HERNAN MOTTA MOTTA - COLOMBIA

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling that Mr. Motta, a member of the *Unión Patriótica* (Patriotic Union) party, was on a hit list drawn up by the paramilitary group led by Mr. Carlos Castaño Gil, that Mr. Motta received death threats which forced him into exile in October 1997, and that the investigations were discontinued in mid-2001 without yielding any result,

Recalling that following a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica*, a friendly settlement procedure has been under way since 1999 before the Inter-American Commission on Human Rights (IACHR); it nevertheless produced no result, reportedly owing to a lack of will on the part of the Colombian authorities, and in May 2006 the Commission therefore reportedly embarked upon the examination on the merits of the *Unión Patriótica* case, which has been termed a political genocide case,

Noting that, in her latest report on the human rights situation in Colombia of May 2006 (E/CN.4/2006/9), the United Nations High Commissioner for Human Rights "encourages the Government to adopt and implement a public policy to combat impunity ..." and exhorts the judiciary and the Office of the Prosecutor General "to investigate and sanction human rights violations and breaches of international humanitarian law in an adequate and timely manner",

1. *Deeply regrets* that after seven years the friendly settlement procedure, which would have permitted a settlement also of the case of Mr. Motta and allowed him to return to Colombia without fear for his life, has failed, and that the procedure on the merits of the case may well take many more years and so once again delay the prospect of justice being done;
2. *Would appreciate* receiving information on the current stage of the proceedings in the *Unión Patriótica* case before the IACHR;
3. *Reiterates* that, under international human rights law and the American Convention on Human Rights, the State of Colombia is obliged to make a determined effort to ensure that justice is done by holding perpetrators of human rights abuses to account and by providing victims and their families with reparation; and that the proceedings pending before the IACHR do not dispense them of these duties;
4. *Requests* the Secretary General to seek the requested information from all parties concerned;
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 116th Assembly (April-May 2007).

CASE No. CO/121 - PIEDAD CORDOBA - COLOMBIA

Resolution adopted by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling that Senator Córdoba, was kidnapped and held by the Autodefensas Unidas de Colombia (AUC) paramilitary group between 21 May and 4 June 1999, that its then leader, Mr. Carlos Castaño Gil, who disappeared in April 2004 and, according to recent public statements by paramilitary leaders, was murdered, was formally indicted as the instigator of the kidnapping on 9 November 2004; that 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 that Ms. Córdoba was the target of an attempt on her life in January 2003; a preliminary investigation on 18 September 2003 found four detainees to be involved in the attack; on 14 March 2005 the Third Criminal Court of the Medellín Circuit acquitted three of the accused, while the fourth one, the same Mr. Iván Roberto Duque who is allegedly involved in the above-mentioned kidnapping, was declared absent,

Recalling finally that Mr. Jaime Gómez, a close adviser to Senator Córdoba, disappeared and that his completely decomposed body was found at the end of April 2006 in the vicinity of the National Park in Bogotá,

Noting that, in her latest report on the human rights situation in Colombia of May 2006 (E/CN.4/2006/9), the United Nations High Commissioner for Human Rights "encourages the Government to adopt and implement a public policy to combat impunity ..." and exhorts the judiciary and the Office of the Prosecutor General "to investigate and sanction human rights violations and breaches of international humanitarian law in an adequate and timely manner",

1. *Expresses* deep concern that, after more than three and seven years respectively since Ms. Córdoba was the target of an attempt on her life and was kidnapped, the culprits have yet to be brought to trial; *regrets* in this regard that no information has been forthcoming about efforts made to shed light on the whereabouts of Mr. Iván Roberto Duque;
2. *Regrets* the absence of any information indicating that an effective investigation is under way into the killing of Ms. Córdoba's close adviser, failing which the lives of Ms. Córdoba and her entourage will continue to be at great risk;
3. *Recalls* in this regard that, under its international law obligations, the Colombian State is obliged to combat impunity effectively by apprehending and punishing human rights offenders, providing effective redress to their victims, and taking effective action to ensure that such offences do not recur;
4. *Calls therefore* on the authorities to take all possible steps to ensure that the crimes against Ms. Córdoba and the murder of her adviser do not go unpunished, in particular by locating Mr. Duque to apprehend him and to bring him to trial;
5. *Calls in particular* on the Congress to carry out its oversight function in order to ensure that justice is done and that Senator Córdoba and her staff enjoy the necessary protection;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 116th IPU Assembly (April-May 2007).

CASE No. CO/122 - OSCAR LIZCANO) COLOMBIA
CASE No. CO/132 - JORGE EDUARDO GECHEN TURBAY)
CASE No. CO/133 - LUIS ELADIO PEREZ BONILLA)
CASE No. CO/134 - ORLANDO BELTRAN CUELLAR)
CASE No. CO/135 - GLORIA POLANCO DE LOZADA)
CASE No. CO/136 - CONSUELO GONZALEZ DE PERDOMO)

*Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)*

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

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

Considering that FARC provided proof in September 2006 that their hostages, including the above former parliamentarians, were alive, and that on 28 September 2006 President Uribe accepted FARC's demand that two municipalities in the south-west of the country be demilitarized to permit a humanitarian exchange of the hostages for FARC rebels,

Noting lastly that, in her report of May 2006 (E/CN.4/2006/9), the United Nations High Commissioner for Human Rights called upon all the illegal armed groups to declare and implement an effective cessation of hostilities, to be reciprocated by the Government, and also called for "progress in the process of dialogue and negotiations between the Government and the illegal armed groups, in order to overcome the internal armed conflict and reach a lasting peace ...",

1. *Is encouraged* by the latest signs of progress towards the conclusion of a humanitarian agreement;
2. *Calls on* the Colombian Government and FARC to start negotiations without delay for this purpose and to bring them to a successful conclusion;
3. *Calls in particular* on the Colombian Congress to make every effort to promote and monitor negotiations for the conclusion of a humanitarian agreement, in particular by establishing a parliamentary body for this purpose and giving it effective terms of reference and adequate resources, and *would appreciate* receiving the observations of the parliamentary authorities in this respect;
4. *Requests* the Secretary General to inform the authorities 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 116th Assembly (April-May 2007).

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

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following:

- In May 1990, when Mr. Tadeo Lozano was a congressman, an investigation was launched on the basis of his alleged illicit enrichment. In September 1992, the Supreme Court of Justice ruled that there were no grounds for prosecuting Mr. Lozano. The prosecutor

appealed against that decision, which was upheld on appeal. Mr. Lozano submitted a request for reparation for the damages incurred. The prosecutor subsequently filed, on the basis of the same evidence, two complaints against Mr. Lozano accusing him of malicious use of legal process. He was cleared on both counts. The prosecutor then used the same evidence to bring a new charge against Mr. Lozano of embezzlement, alleging that he had unlawfully granted subsidies in 1990. An investigation was formally launched in March 1994, and closed on 17 February 1997. The prosecutor had meanwhile become a member of the Supreme Court, which on 17 August 2000 found Mr. Lozano guilty of the charge and sentenced him to 12 years' imprisonment. Mr. Lozano was paroled in January 2005;

- By virtue of Article 186 of the 1991 Constitution in force at the time of his conviction, Mr. Lozano did not enjoy the right to appeal as members of Congress were investigated and judged by the Supreme Court at first and last instance; Mr. Lozano was reportedly denied access to the file for more than four years; during the investigation phase and the trial itself, he was reportedly denied the right to present evidence and witnesses and to have prosecution witnesses cross-examined, and legal deadlines were substantially exceeded;
- Mr. Lozano brought his case before the Inter-American Commission on Human Rights; the case was first declared inadmissible; in August 2002, however, the Executive Secretary of the Inter-American Commission stated that the question of admissibility of the case would be re-examined in the light of the Inter-American Commission's jurisprudence; such action has nevertheless not as yet been taken,

Recalling that the Committee received assurances that the case of Mr. Lozano would be raised at the Commission's 125th session, held from 17 to 21 July 2006 in Guatemala City; however, as at 2 October 2006, the source stated that Mr. Lozano had received no information from the Commission that his case had indeed been considered and, if so, with what results; *noting* that the Commission's 126th session is being held from 16 to 27 October 2006,

1. *Remains convinced* that full and swift consideration of this case by the Inter-American Commission is crucial to helping effectively address the prejudice suffered by Mr. Lozano and to increasing the likelihood of his being afforded appropriate reparation by the Colombian authorities;
2. *Trusts* that the Commission will decide on the admissibility of the case and rule on its merits as a matter of urgency; *anxiously awaits* the outcome of the Commission's last two sessions;
3. *Requests* the Secretary General to follow up the matter with the Inter-American Commission on Human Rights, the competent Colombian authorities, and Mr. Lozano accordingly;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

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

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling that Mr. Petro has been the subject of repeated death threats, most recently in October 2005 when intelligence operations brought to light information suggesting that illegal armed groups were planning to assassinate him, and that the Deputy Attorney General subsequently wrote to the Head of the Administrative Department of Security, the Interior and Justice Minister, the Human Rights Director of that Ministry, and the Director General of the Police requesting them to provide Mr. Petro with all necessary protection,

Recalling that two house searches by the Attorney General's Office on 25 August 2004 appeared to reveal the involvement of members of the Colombian army and other State authorities in an operation (*Operación Dragón*) to collect sensitive information on the movements, activities and habits of specific individuals (including, according to the source, Mr. Petro), all of whom were considered to be supporters of the insurgency conducted by the Revolutionary Armed Forces of Colombia (FARC), and that this matter was raised in Congress but reportedly did not prompt any parliamentary action; that, according to reports of the judicial authorities, on 11 August 2005, the Prosecutor General's Office ordered a disciplinary investigation into *Operación Dragón* with respect to certain agents attached to various State agencies and State-run enterprises and is now in the process of determining whether or not disciplinary charges can be brought under Article 161 of Law 734 of 2002; that, according to information provided by the Prosecutor General's Office, Mr. Petro is not mentioned as a victim in the investigation,

Noting that, in her latest report on the human rights situation in Colombia of May 2006 (E/CN.4/2006/9), the United Nations High Commissioner for Human Rights "encourages the Government to adopt and implement a public policy to combat impunity ..." and exhorts the judiciary and the Office of the Prosecutor General "to investigate and sanction human rights violations and breaches of international humanitarian law in an adequate and timely manner",

1. *Regrets* that its request for information has remained unanswered;
2. *Is confident* that an investigation is under way into the previous and latest death threats against Mr. Petro and that he has been afforded the necessary security detail, and *would appreciate* confirmation of that;
3. *Reiterates* that it would like to know why Mr. Petro is not included in the investigation into *Operación Dragón*, given that his name was reportedly mentioned in reports wrongly linking him to FARC, which constitutes an additional threat to his security; and *would greatly appreciate* clarification on this point;
4. *Reaffirms* that the Colombian Congress has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation, and therefore *calls upon* the Congress to do everything in its power to ensure due administration of justice in this case, and the provision of appropriate security arrangements for Mr. Petro;
5. *Requests* the Secretary General to inform the authorities and the source 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 116th Assembly (April-May 2007).

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

Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling its persistent concern that only one of those accused of the murder of Mr. Hurtado and Mr. Tapia, Mr. Freddy Contreras Luna, stood trial - and was sentenced on 20 December 2005 to 16 years' imprisonment for this murder - and that proceedings against the other five accused have been suspended because they are still at large,

Recalling also the attack on the adviser to the Special Commission of Inquiry, Mr. Andocilla, on 22 February 2002, the day after he submitted the Commission's report to Congress,

Noting that the delegation of Ecuador to the 115th Assembly (October 2006) forwarded to the Committee on the Human Rights of Parliamentarians comprehensive documents on this case at the session it held during the Assembly,

Requests the Committee to continue examining this case in the light of those documents and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELASSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Parliament of Eritrea, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following: the former parliamentarians concerned have been held incommunicado since their arrest on 18 September 2001 and have been neither officially charged nor brought before a judge; their arrest followed the publication of an open letter in which they called for democratic reforms; the African Commission on Human and Peoples' Rights (ACHPR), at its thirty-fourth session (November 2003), adopted a decision on this case and found the State of Eritrea to be 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; the ACHPR urged the Government of Eritrea to order the immediate release of the 11 detainees and recommended that they be granted compensation; as part of the ACHPR 17th annual activity report, the decision was endorsed by the Assembly of the Heads of State and Government of the African Union at the Abuja summit in January 2005,

Noting that the Ambassador of Eritrea to the European Union was unavailable for meetings requested by the Secretary General and the substitute member of the Committee, Senator Marie-José Laloy, in May and June 2006,

1. *Deplores* the lack of any cooperation from the Eritrean authorities;
2. *Condemns* the continuing incommunicado detention of the former parliamentarians concerned as it constitutes a gross violation of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights, to which Eritrea is a party;
3. *Reaffirms* that no argument whatsoever can justify such violations; and *urges* the authorities to release the former parliamentarians concerned forthwith in keeping with the decision of the African Commission on Human and Peoples' Rights;
4. *Appeals once again* to the authorities of the African Union and to the African Parliamentary Union to do everything in their power to ensure compliance with the decision of the ACHPR in this case;
5. *Reiterates its wish* to conduct an on-site visit since it remains convinced that such a visit would contribute to settlement of this case; and *requests* the Secretary General to continue his steps to this end;
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 116th Assembly (April-May 2007).

CASE No. HOND/02 - MIGUEL ANGEL PAVON SALAZAR - HONDURAS

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Miguel Angel Pavón Salazar of Honduras, who was murdered in January 1988, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following: one of the two persons suspected of Mr. Pavón's murder died during Hurricane Mitch in 1998; the other, Mr. Jaime Rosales, stood trial in Honduras and was acquitted on 22 March 2004; the Appeals Court quashed the acquittal on 25 February 2005 and referred the case back to the court of first instance, which on 11 April 2005 again acquitted Mr. Rosales; the Attorney General's Office lodged an appeal and, on 23 May 2005, presented its arguments before the Appeals Court,

Considering that on 16 June 2006 the Appeals Court revoked the acquittal and sentenced Mr. Jaime Rosales, who was in detention until 16 December 2005, to a 20-year prison term, and that a cassation petition is pending before the Supreme Court,

1. *Is pleased to note* that the Appeals Court has issued a ruling;
2. *Would appreciate* being kept informed of the cassation proceedings, *trusts* that, while the case is pending before the Supreme Court, Mr. Rosales will remain at the disposal of the judicial authorities, and *would appreciate* receiving confirmation of this;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

CASE No. LEB/01 - GIBRAN TUENI - LEBANON

Resolution adopted by consensus by the IPU Governing Council at its 179th session*
(Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gibran Tueni, a member of the National Assembly of Lebanon, managing editor of *an-Nahar* newspaper and an outspoken critic of the Syrian Arab Republic and its allies in Lebanon, who was killed in a car bomb attack on 12 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following:

- In its resolution 1644 (2005), the United Nations Security Council authorized the International Independent Investigation Commission entrusted with the investigation of Prime Minister Hariri's murder to direct part of its capacity to the task of extending technical assistance to the Lebanese authorities with regard to 14 cases of assassination attempts, assassinations and bomb attacks carried out in Lebanon since 1 October 2004, including the murder of Mr. Tueni; in relation to these 14 cases, the Commission's latest report of 10 June 2006 (S/2006/375) states that "[I]t seems unlikely that progress, including possible arrests, can be achieved without significant external assistance to the Lebanese authorities, serving as a catalyst for providing investigative capacity, coordinating capability and technical assistance";
- Shortly after Mr. Tueni's assassination, the National Assembly associated itself in the court action taken by the public prosecutor; on 15 June 2006 the Minister of Justice, acting with the approval of the Supreme Judicial Council, designated Mr. Jihad Alwadi as the investigating judge in the case,

Bearing in mind the fighting that took place in Lebanon in the summer of 2006,

1. *Trusts* that the Lebanese authorities, notwithstanding the difficult situation the country is facing, will continue to make every effort, as is their duty, to identify and bring to justice Mr. Tueni's killers, and that it will be assisted in this task by the United Nations International Independent Investigation Commission;
2. *Would appreciate* receiving information on any progress that may meanwhile have been made in the investigation;
3. *Requests* the Secretary General to seek this information from the Speaker of the National Assembly of Lebanon and from the head of the United Nations International Independent Investigation Commission;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

* The Syrian delegation objected to the term "an outspoken critic of the Syrian Arab Republic" in preambular paragraph one.

***Resolution adopted by consensus by the IPU Governing Council at its 179th session*
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling the following: Mr. Anwar Ibrahim, former Deputy Prime Minister of Malaysia and Finance Minister, was found guilty in April 1999 and August 2000 on charges of corrupt practices (directing two senior police officers to obtain retractions of allegations of sexual misconduct made by two persons against him) and sodomy, respectively; in September 2004 the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's release; however, as a result of the conviction in the "corrupt practices" case, he will remain debarred from holding office in political parties and standing for election until April 2008,

Recalling further that in May 2005 a group of Malaysian citizens submitted to the King of Malaysia a petition for a Royal Pardon of Mr. Anwar Ibrahim, setting out the following rationale: (i) Mr. Ibrahim has served his prison sentence for a longer period than is normal practice, (ii) he has suffered injuries while in police custody as a result of being assaulted by the former Inspector General of Police, (iii) the court's decision on the first charge (corrupt practices) became irrelevant when the court's decision on the second charge (sexual misconduct) was set aside on appeal to the Federal Court since the two charges were interrelated, and (iv) that a precedent has been set in granting royal pardons; *considering*, however, that the petition has so far remained unanswered,

Taking account of the following information provided by one of the sources on 12 July 2006: on 14 June 2006, the Court of Appeal quashed the conviction of Mr. Sukma Darmawan for having allowed Mr. Anwar Ibrahim to sodomize him; the three judges on the bench ruled unanimously that his conviction – which was based on a guilty plea – was manifestly unsound as there had been suppression of evidence on the part of the prosecution; the court set aside his six-month jail sentence and ordered the case to be sent back to the Kuala Lumpur Sessions Court for retrial,

Recalling in this respect that Mr. Anwar Ibrahim's conviction on sodomy charges was based inter alia on the prosecution's contention that he sodomized Sukma Darmawan in April 1998,

Noting also that Mr. Ibrahim has lodged a defamation lawsuit against former Prime Minister Mahathir, which is pending,

Recalling lastly that Article 42 of the Federal Constitution of Malaysia, which deals with the power to pardon, stipulates that the King has the power to grant pardons, reprieves and respites in respect of all offences which have been tried by court martial and all offences committed in the Federal territories of Kuala Lumpur and Labuan,

1. *Affirms* that the quashing of Mr. Sukma Darmawan's conviction for sodomy is one more element which shows that Anwar Ibrahim's trial and conviction were based on wholly unfounded charges and were not legally motivated;
2. *Reaffirms* its full support for the granting of a Royal Pardon to Mr. Anwar Ibrahim as requested by a group of Malaysian citizens in May 2005, and *invites* member parliaments to express their support as well;

* The delegation of Malaysia objected to the resolution arguing that, under Malaysian law, Mr. Anwar Ibrahim himself had to lodge a pardon petition with the King.

3. *Requests* the Secretary General to inform the King of Malaysia, the Prime Minister and the Parliament of this resolution;
 4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).
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CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

Resolution adopted by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the letter from the Chairman of the Mongolian Inter-Parliamentary Group, dated 9 October 2006,

Noting that, according to that letter, a five-member working group was established on 7 August 2006 by resolution No. 121 of the Chairman of the State Great Hural "to study the process of the examination of this case and to provide the necessary support",

Recalling further that the German authorities are ready to provide assistance with the investigation but require an official letter from the Mongolian authorities to this effect, that the Japanese authorities would likewise require such an official request to be able to look into the matter, and that the British Inter-Parliamentary Group is prepared to make a financial contribution,

1. *Thanks* the Chairman of the Inter-Parliamentary Group of the State Great Hural for his letter; also *thanks* the German and Japanese parliaments and the British Inter-Parliamentary Group for their cooperation;
 2. *Is very pleased* that the State Great Hural has set up a working group regarding this case, and *trusts* that it has been vested with the powers it requires to work effectively;
 3. *Is confident* that the Mongolian authorities will now make an official request for foreign assistance in the investigation as a matter of priority;
 4. *Remains committed* to continuing to provide any possible help that may be needed as regards assistance from foreign experts in criminology;
 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 116th Assembly (April-May 2007).
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MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE NO. MYN/04 - KHIN MAUNG SWE	CASE NO. MYN/133 - YAW HSI
CASE NO. MYN/13 - SAW NAING NAING	CASE NO. MYN/215 - AUNG SOE MYINT
CASE NO. MYN/35 - SAW HLAING	CASE NO. MYN/234 - THAN HTAY
CASE NO. MYN/60 - ZAW MYINT MAUNG	CASE NO. MYN/236 - KHUN TUN OO
CASE NO. MYN/104 - KYAW KHIN	CASE NO. MYN/237 - KYAW SAN
CASE NO. MYN/118 - THAN NYEIN	CASE NO. MYN/238 - KYAW MIN
CASE NO. MYN/119 - MAY WIN MYINT	

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 by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling its long-standing concerns regarding the complete lack of respect for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, and the continuous elimination from the political process of a large number of parliamentarians-elect by various means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards, and pressure to resign from the NLD and so relinquish their status as elected members of parliament,

Recalling that, on 30 August 2003, General Khin Nyunt announced a "road map" for Myanmar's future, which as a first step included the reconvening on 17 May 2004 of the National Convention on the basis of the same detailed blueprint for a unitary, military-dominated State which had guided the Convention when it was first set up in 1993; that, according to the source, Order 5/96, which penalizes any criticism of the National Convention, is still in force; that the NLD decided not to participate and to make its participation conditional on fulfilment of five minimum requirements to ensure democratic and inclusive progress respectful of basic human rights, none of which conditions have been met; *considering* that the National Convention was due to reopen on 10 October 2006,

Considering that, with respect to the National Convention, the United Nations Special Rapporteur on the situation of human rights in Myanmar, in his latest report (E/CN.4/2006/34), stated that he was "deeply dismayed to learn that no progress has been made since the previous session. Procedural conditions and restrictions remain, legitimate political representatives are not included and apparently the concerns of the ethnic parties have not been addressed. No deviation from the preordained agenda and defined principles set by the Government has been reportedly accepted",

Recalling that, in February 2006, the NLD called for the authorities to convene the parliament on the basis of the 1990 election results in order that, in turn, it could declare the current authorities to be the legitimate transitional government pending new elections and the establishment of a democratic government; the appeal includes a call for the release of Aung San Suu Kyi and her inclusion in the negotiations and suggests a mediator's role for a prominent leader from Association of Southeast Asian Nations (ASEAN); the appeal has remained unanswered by the authorities,

Recalling further the many parliamentary initiatives throughout the world in favour of the parliamentarians-elect and the promotion of democracy in Myanmar in general, and in particular the work of the ASEAN Inter-Parliamentary Caucus on Myanmar,

Recalling finally that an informal briefing on the situation in Myanmar before the United Nations Security Council took place in December 2005 and that the United Nations Under-Secretary General for Political Affairs, Mr. Ibrahim Gambari, carried out an official three-day visit (18-20 May 2006) to Myanmar on which he briefed the Security Council on 31 May 2006; *noting* that "the situation in Myanmar" was an agenda item for the Security Council's meeting of 29 September 2006,

1. *Reaffirms* its conviction that the National Convention, in its present form, is designed to prolong and legitimize military rule against the will of the people as expressed in the 1990 elections, and that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
2. *Is deeply concerned* at the lack of any willingness on the part of the authorities to address these concerns; *urges them once again* to release the 13 parliamentarians-elect still imprisoned forthwith and to engage in a genuine dialogue with those who were elected in the 1990 elections, in particular by giving serious consideration to the proposal made by the NLD;
3. *Remains convinced* that strong action by the international community is crucial in helping bring about respect of democratic principles in Myanmar; *welcomes* in this regard recent developments at the Security Council and *calls on* the parliaments of the countries which are members of the Security Council to press their governments to ensure the continuing consideration of the situation in Myanmar by the Security Council; *also calls again on* the Member Parliaments of the IPU, in particular China and India as neighbouring countries, to pursue and strengthen their national, regional and international initiatives in favour of the parliamentarians-elect and in support of respect for democratic principles in Myanmar, and *encourages* the ASEAN Inter-Parliamentary Caucus on Myanmar to continue its important work;
4. *Requests* the Secretary General to convey this resolution to the authorities and to all others concerned;
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 116th Assembly (April-May 2007).

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

*Resolution adopted by consensus by the IPU Governing Council at its 179th session **
(Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

* The delegation of Pakistan expressed its reservation regarding the resolution.

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the hearing the Committee held with a member of the Pakistani delegation during the 115th Assembly, and of the information provided by one of the sources on 9 October 2006,

Recalling that Mr. Zardari was tortured on the night of 17 May 1999 and again on 19 May 1999 while in the custody of the Central Investigation Agency, Civil Line; his wrists and tongue were cut and he received a two-and-a-half-inch cut to his throat and neck; a judicial investigation was launched which concluded in August 1999 that the injuries were not self-inflicted but the result of severe ill-treatment, but that no further action was taken; *noting* that Mr. Zardari subsequently filed a complaint against the police officers, and that it was only by order of the court that a First Information Report (FIR) was registered on 9 February 2005; however, the ensuing police investigation being to no avail, the court dismissed the case on 13 September 2006 and acquitted the suspected police officers for lack of evidence; an appeal against this order is pending before the High Court of Sindh at Karachi,

Recalling also that several criminal and accountability cases are pending against Mr. Zardari and that, having been granted bail in all of them and his name having been struck off the Exit Control List in December 2004, he was able to travel to Dubai and meet his family and that, at present, he is undergoing medical treatment in New York,

Noting, as regards the proceedings under way against him, that Mr. Zardari has been granted exemption from personal appearance in court except in one case which has been pending against him since December 1996, where a non-bailable arrest warrant has now been issued for him; an appeal against that decision is pending; *considering*, moreover, that in May 2006 a new case, allegedly time-barred as it dates back to 1995 and 1996, was reportedly registered against Mr. Zardari before the Sessions Judge Islamabad under section 42-A of the Representation of the People Act 1976 and a non-bailable arrest warrant was issued for him which the Judge is seeking to have implemented through Interpol although he reportedly has no competence to do so; according to the source, it is widely reported that the judge, against whom proceedings on corruption charges were pending, received the assurance that the charges would be shelved if he followed the instructions of the National Accountability Bureau (NAB) in this case,

1. *Thanks* the Pakistani delegate for the information he provided;
2. *Is appalled* that seven years after Mr. Zardari was tortured, as acknowledged by a judicial inquiry, the perpetrators have still not been identified and the case was dismissed for lack of evidence, although the exact date, time and place where Mr. Zardari was tortured is known, and it must therefore be possible to identify the persons who were on duty at the time;
3. *Considers* this state of affairs to lend serious weight to the longstanding contention by the source that the authorities are deliberately shielding the presumed perpetrators from prosecution;
4. *Recalls* that the prohibition of torture is absolute and that States have an obligation to prevent, investigate, prosecute and punish any act of torture; *urges* therefore the authorities to identify the culprits without any further delay and to bring them to justice;
5. *Is concerned* that the cases which have been pending against Mr. Zardari since 1996 are not duly proceeding and that instead new cases, reportedly even a time-barred one, are brought against him, and *notes with particular concern* the reports that the latest case against him may have been brought by a corrupt judge, and *would appreciate* receiving the observations of the authorities in this regard;

6. *Firmly recalls* the principle that justice delayed is justice denied, and *fears* that justice may well be delayed in Mr. Zardari's case;
 7. *Requests* the Secretary General to bring this resolution to the attention of the authorities and the sources and to seek from them information on the current stage of all the proceedings pending against Mr. Zardari;
 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 116th Assembly (April-May 2007).
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CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

Resolution adopted by consensus by the IPU Governing Council at its 179th session * (Geneva, 18 October 2006)

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the hearing the Committee held with a member of the Pakistani delegation during the 115th Assembly, and *also taking account* of the letter from the Secretary of the National Assembly of 12 September 2006,

Recalling the following: Mr. Hashmi, 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 criticized the army and its leadership; at the close of a trial which was held in camera and did not respect the rights of the defence, he was found guilty on all charges (defaming the Government and the army, forgery and incitement to forgery) and sentenced on 12 April 2004 to a 23-year prison term which, as the sentences run concurrently, amounts to seven years of imprisonment; he had lodged an appeal against the conduct of his trial in camera which, however, has never been considered; an appeal against the judgement is pending, an application for bail was dismissed on 24 February 2005; he subsequently lodged an application with the Supreme Court for suspension of sentence pending the appeal,

Considering that, according to the Pakistani delegate, on 9 October 2006 the Supreme Court rejected the application and ruled that the matters raised in the application were to be decided upon by the appeal court, and that the latter was expected to rule on the appeal within the months ahead and that appeals were normally heard within two years; and *recalling* in this respect that, according to information provided by the Pakistani delegation during the 114th Assembly (May 2006), appeals could even take up to seven years,

Recalling that while the authorities have consistently stated that Mr. Hashmi, who remains a member of parliament, is being afforded A-class facilities and is therefore entitled to a spacious room with a bathroom attached, furniture, TV, refrigerator and servants, a special diet and the medical treatment he requires, allowed to meet his lawyer, family and friends twice a week and, according to the Pakistani delegate, has been granted special conditions by the Government, the sources have consistently affirmed that Mr. Hashmi is being treated at C-class standards, is allowed to see his counsel once a fortnight and his family once a week for one hour only and does not receive the necessary medical treatment,

Recalling that it has requested the Committee to carry out an on-site mission to gather from all parties concerned, including the imprisoned Mr. Hashmi himself, detailed information on his situation;

* The delegation of Pakistan expressed its reservation regarding the resolution.

that, in his letter of 12 September 2006, the Secretary of the National Assembly stated that parliament could not discuss matters which were sub judice and that prisons were a provincial matter and neither the National Assembly nor the Federal Government were supposed to interfere in the administrative matters of the Provincial Government, and that for these reasons it was not advisable for the IPU delegation to undertake the visit at present; *noting* that the Pakistani delegate echoed that message during the hearing,

1. *Thanks* the Pakistani delegation for the information provided and *deeply regrets* the negative response regarding the requested mission;
2. *Wholly fails to understand and cannot therefore accept* the grounds put forward by the parliamentary authorities since neither gathering information about Pakistani judicial procedure nor visiting Mr. Hashmi can possibly be construed as interference in judicial decisions; nor can it be argued that a visit to him cannot be arranged because the prisons come under provincial administration; *hopes* therefore that the parliamentary authorities will reconsider their decision;
3. *Notes* that Mr. Hashmi's application for suspension of sentence has been dismissed and that his appeal will shortly be heard; *requests* the Committee to send an observer to the appeal proceedings;
4. *Requests* the Secretary General to inform the authorities 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 116th Assembly (April-May 2007).

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

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Recalling that Mr. Marwan Barghouti was sentenced on 6 June 2004 by the Tel Aviv District Court, whose jurisdiction he did not recognize, to five life sentences and two 20-year prison terms, which he is currently serving in an Israeli prison, and *referring* to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman, which it considered at its 174th session (April 2004),

1. *Notes* that Mr. Barghouti's situation has remained unchanged, and therefore *reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Reaffirms* further, in the light of the expert report, that Mr. Barghouti's transfer to Israel was in breach of the Fourth Geneva Convention and the Oslo Accords, and consequently *urges* the Israeli authorities to transfer Mr. Barghouti without delay to the custody of the Palestinian authorities;
3. *Reiterates its wish* for a Committee member to pay a private visit to Mr. Barghouti, and *requests* the Secretary General to continue to raise this matter with the Israeli authorities;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007).

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

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hussam Khader, a former member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Referring also the report of the IPU trial observer, Mr. Simon Foreman, and the conclusion he had reached, namely that Mr. Khader "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial", and that "these shortcomings give the impression that Israel has, for the sake of combating terrorism, abandoned the idea of ensuring absolute respect in all circumstances for the physical and mental integrity of prisoners, which nonetheless is an overriding obligation, from which no exceptional circumstance allows any derogation",

Recalling that, in his letter of 27 April 2006, the Diplomatic Advisor to the Speaker of the Knesset provided comments on the report,

Noting the following observations by the Committee on the Human Rights of Parliamentarians, which were shared with the Israeli parliamentary authorities in July 2006 for any further observations they may have:

1. *Mr. Khader was tried and convicted based on his own admission that he was guilty of involvement in terrorist activity.*
 - While it is true that Mr. Khader was convicted on the basis of his admission of guilt, it must be borne in mind that the prosecution was unable to prove the initial charges brought against Mr. Khader, which explains why the charges against Mr. Khader were modified and changed throughout Mr. Khader's two-and-a-half-year trial and a plea bargain was offered after all the witnesses had been heard⁴. Indeed, at the time of his arrest, the statements implicating Mr. Khader which formed the basis of the charges against him did not exist, as the principal prosecution witness had not yet been arrested. According to his lawyer, Mr. Khader throughout the trial vigorously denied the charges and decided to plead guilty in the context of a plea bargain for two reasons: firstly, because before Mr. Khader's sentencing evidence from the main witness had already been deemed admissible in a separate case, not related to him, heard by the same judge. Mr. Khader therefore assumed that, given Israeli military court practice, he would be sentenced in any event and wanted to reduce the length of his sentence; secondly, given that under the amended charges Mr. Khader was no longer accused of personal responsibility for acts of violence, he agreed to plead guilty in the context of the plea bargain.
2. *As regards the assertion that Mr. Khader's family was unable to gain information regarding his whereabouts, it should be noted that the Israeli Defence Forces (IDF) has a detentions operations centre which provides information to all those seeking to locate detainees. The existence of this centre is well known and it could have been easily approached to obtain information about his exact whereabouts.*
 - Mr. Khader's lawyer provided the following information in this respect: an IDF detention operations centre exists, however, it provides neither lawyers nor prisoners' families with accurate and immediate information and it does not have Arabic-speaking staff. In reality, it is known by families and lawyers that this centre cannot, and does not, provide information on detainees' whereabouts. According to Israeli law, the Authorities are meant to call the family of the arrested person and inform them where the person is being held - but this does not happen. Likewise, the arrested person has the right to call his family and tell them where he is - but this also does not happen. Usually lawyers call the Israeli human rights organization *Ha'Moked* – which provides a service to families and lawyers to follow up on where people who have been arrested are being held. *Ha'Moked* usually obtains information after 48 hours of following up on a person's whereabouts after arrest. According to *Ha'Moked*, it is usually only after 48 hours that the IDF information centre has information on the arrested person's case. As noted in Mr. Foreman's report (see paragraphs 9, 11 and 34), Mr. Khader's lawyer was unable to find out his client's whereabouts on a number of occasions when he indeed "disappeared".
3. *As regards the period of detention before Mr. Khader was brought before a judge, it is correct that this period was longer than the normally permitted period of eight days. At the particular time of Mr. Khader's arrest, however, in the light of the especially grave security situation, it was permitted - as a temporary measure - to bring a suspect before a judge within 12 days of his arrest. Mr. Khader was brought before the judge 10 days after his arrest, i.e. within the legally permitted time limit.*

⁴ According to Lisa Hajjar "Courting Conflict: The Israeli Military Court System in the West Bank and Gaza", University of California Press, 2005, in most cases before the military courts, a plea bargain is discussed and negotiated before any witnesses are heard, so that the court proceedings have little relation to the facts of a case. Approximately 90-95% of Palestinians brought before the military courts are convicted, and 97% of the cases are resolved through plea bargaining.

- Under international human rights standards, 10 days of detention before being brought before a judge is not an acceptable period of time, even as a temporary measure.⁵ In its General Comment No. 8, paragraph 4, the Human Rights Committee established under the International Covenant on Civil and Political Rights (ICCPR) to which Israel is a party, states that persons detained for reasons of public security and charged with public security offences, must enjoy the full protection of Article 9, paragraph 3, and Article 14 of the ICCPR. The United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has therefore expressed concern at the provisions in the newly adopted Law 5767-2006 "Criminal Procedure (Enforcement Powers-Detention) (Detainees Suspected of Security Offences) (Temporary Provision), which provides that an individual detained for security reasons may be held for up to 96 hours before being brought before a judge.
- 4. *Regarding the issue of Mr. Khader being kept incommunicado, it should be noted that most legal systems seeking to confront terrorism include some provision permitting the prevention of meetings of suspects with their lawyers for a limited period of time for the purpose of conducting questioning and investigation. All such measures in the case of Mr. Khader were conducted in accordance with the guidelines set out in Israeli law.*
- The right of detainees to meet with a lawyer is guaranteed under Article 14, paragraph 3 (b), of the ICCPR to which Israel is a party and supersedes any conflicting national law. Israeli security legislation allows the authorities to deny the right to access to a lawyer to detainees held for security reasons for a period of up to 21 days. In his comments on the newly adopted Law referred to above which maintains the 21-day period, the Special Rapporteur held that this is incompatible with international human rights law. He recalled that the right to liberty of the person as enshrined in the ICCPR requires access to legal counsel immediately after arrest.⁶ If domestic legislation is contrary to this requirement, it should therefore be amended.
- 5. *No claim of "cruel, inhuman or degrading treatment" was raised by Mr. Khader during the entire judicial process. Claims of mistreatment were raised by witnesses but, as Mr. Khader's conviction was based on his own admission, there was no room for the legal system to delve into these indirect claims.*
- At the trial hearing held on 29 June 2005 at which Mr Foreman was present, Mr. Khader addressed the court and, according to his lawyer, stated the following regarding his treatment in detention: he had been kept awake and denied sleep for days at a time, and was often unaware of whether it was day or night. At one point he was held in the secret prison, Facility 1391, where he said it was dark all the time. On many occasions, intelligence officers came into his cell while he was sleeping; he was forced to stand up, face the wall and a bag was placed over his head. His hands and legs were tied (in what is known as the *shabeh* position) and he was sometimes kept like this for up to two days at a time. He was given very little food and water and therefore felt very weak. He was also often not permitted to go to the toilet. In a statement of 16 June 2006, Knesset member Dr. Jamal Zahalka stated that he attended a number of trial hearings and had heard Mr. Khader describing to the Court the inhuman treatment to which he had been subjected.
- Moreover, Mr. Khader's lawyer affirms having raised during the trial the issue of the illegal torture and inhuman treatment to which his client had been subjected.
- According to Mr. Khader's lawyer, the main prosecution witness, Mr. Amir Suwalma, stated in court that he had suffered torture and inhuman treatment, and that his "confessions" had

⁵ Human Rights Committee, cases *Fillastre and Bizouarn v. Bolivia* (No. 336/1988), *Mc.Lawrence v. Jamaica* (No. 702/1996), *Kurbanov v. Tajikistan* (No. 1096/2002).

⁶ United Nations, Press release, 4 July 2006.

been obtained under torture when he had been pressured during police interrogations to make false allegations against Mr. Khader. Mr. Khader's lawyer states in this respect that during the trial, he was denied the opportunity to question Mr. Amir Suwalma about the circumstances relating to his interrogation, in order to establish whether his confession was extracted under duress and coercion, as he stated to the court. The Court chose to believe the testimony given by Mr. Suwalma during police interrogation rather than the statements he made before the court.

- Under Article 12 of the United Nations Convention against Torture which Israel ratified in 1991 "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction". This has not been done.
- 6. *The report's suggestion that the nature of Israel's military legal system is "difficult to reconcile with Israeli law" is hard to fathom. The model of the military court system established by Israel in the territories is precisely that envisaged by Article 66 of the Fourth Geneva Convention. It should also be noted that the continued application of the current legal system was part of the agreed arrangements in the legal annex to the Israeli-Palestinian Interim Agreement.*
 - In his comment, the Diplomatic Advisor misquoted the report as Mr. Foreman did not write that Israel's military system was "difficult to reconcile with Israeli law" but "difficult to reconcile with the development of international law" (paragraph 57). In paragraphs 42 to 47 of his report, Mr. Foreman acknowledges that a military legal system is envisaged under Article 66 of the Fourth Geneva Convention, and discusses its purpose and conformity with the development of international law since the adoption of the Convention in 1949.
- 7. *Finally, with reference to the claim that evidence was concealed, it should be pointed out that in every legal system it is possible, within the limits of the law, to prevent the introduction and use of certain confidential material. The Court was approached by the defendant's lawyers requesting the removal of secrecy and denied the request. However, had the material contained evidence exculpating the accused, by Israeli law, the State would have been obliged to provide this to Mr. Khader.*
 - The Committee concurs with Mr. Foreman's view, as expressed in paragraph 49 of his report, that it is not for the prosecution but for the defence to appreciate whether evidence is useful for the defence or not. In any event, fair trial guarantees must be in place to ensure that proper use is made of any such provision. This does not seem to have been the case in this instance. Motions filed by the defence asking for the disclosure of the secret evidence allegedly compiled against Mr. Khader, since such material could be exculpatory, were rejected by the appellate military court. As stated in Mr. Foreman's report, some of the confidential information and secret evidence which purported to incriminate Mr. Khader was proved to be false and Israeli General Security Services (GSS) agents admitted in court that some of the evidence and witness statements had been fabricated.

Noting the following: according to the sources, Mr. Khader's conditions of detention have worsened since April 2006, particularly regarding the right to receive visits, letters and medical care (Mr. Khader is said to continue to suffer from severe back pain for which he reportedly does not receive the necessary medical treatment); accounts for prisoners to receive small amounts of money have reportedly been closed and he may therefore not have the means to buy food and basic supplies; in September 2006, Mr. Khader reportedly contracted a bad skin infection from another prisoner; he was seen by the prison doctor and given an injection, but is still suffering badly from the infection; his lawyer has asked for him to be either allowed to see a medical specialist or transferred to the prison hospital for adequate treatment, which the authorities refused; he is said to be currently held in solitary confinement for a period of three weeks as he was caught passing on something he had written; in this respect the source stated that he writes regularly from prison; his mother and children have managed to visit him approximately every four to six weeks, although each time they must apply for a permit, which is not

always given; according to prison regulations, his children can only visit him if accompanied by an adult family member; his family has reportedly not received any messages or letters from him for months and he has also not received letters sent to him by his children and family; his brother died two months ago and, contrary to usual practice, he was allowed only two weeks later to talk to his mother and his brother's children,

1. *Maintains* its view, in the light of Mr. Foreman's report as trial observer and the Committee's observations on the comments made by the Diplomatic Advisor to the Speaker on Mr. Foreman's report, that Mr. Khader was not given a fair trial;
2. *Calls once again* on the Israeli authorities to transfer Mr. Khader without delay to the competent Palestinian authorities;
3. *Notes with concern* that the Israeli authorities have so far not fulfilled their duty under the United Nations Convention against Torture to investigate the evidence given in court by Mr. Khader and the main prosecution witness that they were tortured and ill-treated;
4. *Is concerned* at Mr. Khader's state of health and *trusts* that the Israeli authorities will fulfil their duty to provide him with the requisite medical treatment; *is also concerned* at the alleged restrictions on family visits, and *would appreciate* receiving the observations of the authorities on this point;
5. *Reiterates its wish* for a Committee member to pay a private visit to Mr. Khader in prison, and *requests* the Secretary General to pursue his contacts with the Israeli parliamentary authorities in this respect;
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 116th Assembly (April-May 2007).

PALESTINE/ISRAEL

CASE No. PAL/16 - OMAR ABDEL RAZEQ
 CASE No. PAL/17 - SAMEER ABU-EISHA
 CASE No. PAL/18 - WAFI KABHA
 CASE No. PAL/19 - ISSA AL JAA-BARI
 CASE No. PAL/20 - KHALED ABU ARAFEH
 CASE No. PAL/21 - FAKHRI TURKUMAN
 CASE No. PAL/22 - MOHAMMED BARGHOUTI
 CASE No. PAL/23 - NAYEF AL-ROJOUB
 CASE No. PAL/24 - YASER MANSOOR
 CASE No. PAL/25 - AHMAD AL HAJ ALI
 CASE No. PAL/26 - HUSNY AL-BURIENY
 CASE No. PAL/27 - REYAD DAWOOD

CASE No. PAL/28 - FATHI QARA'WI
 CASE No. PAL/29 - WAJEEH QAWAS
 CASE No. PAL/30 - IMAD NAWFAL
 CASE No. PAL/31 - ANWAR ZBOUN
 CASE No. PAL/32 - MAHMOUD AL-KHATEEB
 CASE No. PAL/33 - ABDULJABER AL-FUQAHAA
 CASE No. PAL/34 - KHALED YAHYA
 CASE No. PAL/35 - KHALED SULAIMAN
 CASE No. PAL/36 - NASER ABDULJAWAD
 CASE No. PAL/37 - MUHAMMAD ABU-TEIR
 CASE No. PAL/38 - AHMAD 'ATTOUN
 CASE No. PAL/39 - MUHAMMAD TOTAH

Resolution adopted by consensus by the IPU Governing Council at its 179th session *
 (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of the above-mentioned parliamentarians, all of whom were elected in January 2006 to the Palestinian Legislative Council, and *taking note* of the detailed study and report (CL/179/11(a)-R.1) prepared by the Committee on the Human Rights of Parliamentarians pursuant

* The delegation of Israel expressed its reservation regarding the resolution.

to the Procedure for the Treatment by the IPU of Communications concerning Violations of the Human Rights of Members of Parliament,

Considering the following information on file:

- The parliamentarians concerned, eight of whom (Mr. Omar Abdel Razeq, Mr. Sameer Abu-Eisha, Mr. Wafi Kabha, Mr. Issa Al Jaa-bari, Mr. Khaled Abu Arafeh, Mr Fakhri Turkuman, Mr. Mohammed Al-Barghouti and Mr. Nayef Al-Rojoub) are also government ministers, were all elected on the list of Hamas (Change and Reform) in the January 2006 elections to the Palestinian Legislative Council; in the light of independent election observer reports, the international community unanimously considered those elections to have been free, fair and secure;
- With the exception of the first three parliamentarians referred to below, all the parliamentarians concerned were arrested in the early hours of 29 June 2006 in the occupied West Bank along with scores of Hamas members and officials and transferred to Israeli prisons; no charges are said to have been brought against them; according to official statements by the Israeli authorities, they were arrested "for being members and activists in a terrorist organization whose activities are banned by law";
- On 12 September 2006, the Ofer military tribunal ordered the parliamentarians' release on bail; however, on 25 September 2006, an Israeli military appeal court in the West Bank overturned that decision and ruled that they would have to remain in jail pending trial;
- On 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun, Mr. Muhammad Totah and Mr. Khaled Abu-Arafeh, who is also the Palestinian Minister of Jerusalem Affairs, on the grounds that they were deemed to be residents in the State of Israel and, therefore, obliged to pay allegiance to the State of Israel; but that nonetheless their actions proved otherwise and indicated their allegiance was to the Palestinian Authority,

Bearing in mind that the arrests and withdrawal of residence permits come in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations, responsibility for which the Israeli Government lays on Hamas and the Palestinian Authority, both of which deny responsibility,

Noting in this respect the following observations made by the Speaker of the Knesset in her letter of 22 August 2006: "the indirect acceptance by the Palestinian Government of responsibility for" the abduction of Cpl. Gilad Shalit on 25 June 2006 and the murder of two Israeli soldiers, and the demand for an exchange of prisoners were clear proof that Hamas is chiefly concerned, not for the welfare of the Palestinian nation, but to implement its policy of terrorism against Israel; in this respect, there was no distinction between the political echelons of the organization and its military branch, the Izzadin al-Qassam Brigade; until the Hamas-led government began to engage actively and openly in terrorism, by firing Kassam rockets and kidnapping an Israeli soldier, Israel had refrained from taking any direct action against Hamas so as to give the organization the opportunity to change its approach and meet the three basic conditions set by the Quartet; however, as soon as Hamas terrorists, with the backing of the Hamas-led government, chose to continue their active engagement against the State of Israel, Israel began to take steps to act against Hamas in order to protect its citizens from attack; this included the arrest of members of Hamas, which had long been designated a terrorist organization and was therefore an unlawful organization; the suspects, including the parliamentarians in question, had been arrested in order to ascertain their membership of Hamas and indict them for their involvement in additional acts of terrorism; they had been arrested as part of a routine criminal investigation into a suspected criminal offence, in this case membership and leadership of and action on behalf of a terrorist organization,

1. *Thanks* the Speaker of the Knesset for the information she provided;
2. *Is alarmed* at the sweeping arrests of members of the Palestinian Legislative Council, and *fears* that these arrests are based not on formal charges of any specific criminal activity but

rather on the political affiliation of the persons concerned, and that they were therefore carried out for non-judicial purposes;

3. *Recalls* in this respect that the parliamentarians in question stood in the January 2006 elections for the Palestinian Legislative Council, which the international community, including Israel, considered to have been free, fair and secure;
4. *Firmly recalls* that, under international human rights law and international humanitarian law, no arrest shall be arbitrary and no one shall be held responsible for criminal acts committed by others; *refers* in this respect to Article 33 of the Fourth Geneva Convention (Relative to the Protection of Civilian Persons in Time of War), which specifically provides that "no protected person may be punished for an offence he or she has not personally committed";
5. *Is deeply concerned* that the arrests not only prevent the parliamentarians concerned - a third of the elected Hamas representatives - from carrying out the mandate for which they were elected but also greatly impairs the right of the Palestinian people to be represented by persons of their choice;
6. *Urges* the Israeli authorities to release the parliamentarians concerned forthwith or to charge them without delay with a recognizable criminal offence and try them in a fair and transparent legal process, guaranteeing full right of defence, as required under international human rights law and international humanitarian law;
7. *Expresses further concern* at the revocation of the East Jerusalem residence permits of four members of the Palestinian Legislative Council belonging to Hamas, and *recalls* that, in keeping with Article 45 of the Hague Convention (IV) of October 1907, which is considered to embody rules of customary international law, the inhabitants of occupied territory, such as East Jerusalem, shall not be compelled to swear allegiance to the occupying power;
8. *Therefore calls on* the authorities, in keeping with international law, to reconsider their decision to revoke the East Jerusalem residence permits of the four parliamentarians concerned;
9. *Requests* the Secretary General to convey this resolution to the Israeli authorities and to the sources of the communication;
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 116th Assembly (April-May 2007).

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

Resolution adopted by consensus by the IPU Governing Council at its 179th session*
(Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council, and *taking note* of the detailed study and report (CL/179/11(a)-R.1) prepared by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the Treatment by the IPU of Communications concerning Violations of the Human Rights of Members of Parliament,

* The delegation of Israel expressed its reservation regarding the resolution.

Noting the following information on file:

- Dr. Abdel Aziz El-Dweik, the Speaker of the Palestinian Legislative Council, was arrested at his home in Ramallah in the night of 5 to 6 August 2006 by the Israeli Defence Forces. His arrest comes in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations. The Israeli Government holds Hamas and the Palestinian Authority responsible for the attack. Hamas and the Palestinian Authority deny responsibility;
 - In her letter of 22 August 2006, the Speaker of the Knesset stated that the "indirect acceptance by the Palestinian Government of responsibility" for the abduction of Cpl. Gilad Shalit on 25 June 2006 and the murder of two Israeli soldiers, and the demand for an exchange of prisoners were clear proof that Hamas was chiefly concerned, not for the welfare of the Palestinian nation, but to implement its policy of terrorism against Israel. In this respect, she stated, there was no distinction between the political echelons of the organization and its military branch, the Izzadin al-Qassam Brigade. Until the Hamas-led government began to engage actively and openly in terrorism, by firing Kassam rockets and kidnapping an Israeli soldier, Israel had refrained from taking any direct action against Hamas so as to give the organization the opportunity to change its approach and meet the three basic conditions set by the Quartet. However, as soon as Hamas terrorists, with the backing of the Hamas-led government, chose to continue their active engagement against the State of Israel, Israel began to take steps to act against Hamas in order to protect its citizens from attack. This included the arrest of members of Hamas, which had long been designated a terrorist organization and was therefore an unlawful organization. The suspects, including Dr. Dweik, were arrested in order to ascertain their membership of Hamas and indict them for their involvement in additional acts of terrorism. According to the Speaker, Dr. Dweik's arrest was part of a routine criminal investigation into a suspected criminal offence, in this case membership and leadership of and action on behalf of a terrorist organization;
 - On 12 September 2006, the Ofer military tribunal ordered Dr. Dweik's release on bail. However, on 25 September 2006, an Israeli military appeal court in the West Bank overturned the decision and ruled that he would have to remain in jail pending trial;
 - According to reports of late August 2006, Dr. Dweik is being held in solitary confinement and is in poor health, suffering from chest pain and shortness of breath,
1. *Thanks* the Speaker of the Knesset for the information she provided;
 2. *Is alarmed* at the arrest of the Speaker of the Palestinian Legislative Council, and *fears* that his arrest is based not on formal charges of any specific criminal activity but rather on his political affiliation, and that it was therefore carried out for non-judicial purposes;
 3. *Recalls* in this respect that Dr. Dweik stood in the January 2006 elections for the Palestinian Legislative Council on the list of Hamas (Change and Reform), and that the international community, including Israel, considered the elections to have been free, fair and secure;
 4. *Firmly recalls* that, under international human rights law and international humanitarian law, no arrest shall be arbitrary and no one shall be held responsible for criminal acts committed by others; *refers* in this respect to Article 33 of the Fourth Geneva Convention (Relative to the Protection of Civilian Persons in Time of War), which specifically provides that "no protected person may be punished for an offence he or she has not personally committed";
 5. *Considers* that Dr. Dweik's arrest not only impairs the right of the Palestinian citizens who elected him to be represented by a person of their choice, but also constitutes an attack on the Palestinian Legislative Council itself whose authority the Speaker symbolizes;

6. *Urges* the Israeli authorities to release Dr. Dweik forthwith or to charge him with a recognizable criminal offence and try him in a fair and transparent legal process, guaranteeing full right of defence, as required under international human rights law and international humanitarian law;
7. *Requests* the Secretary General to convey this resolution to the Israeli authorities and to the sources of the communication;
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 116th Assembly (April-May 2007).

CASE No. PHI/01 - CRISPIN BELTRAN) PHILIPPINES
CASE No. PHI/02 - SATURNINO OCAMPO)
CASE No. PHI/03 - JOEL VIRADOR)
CASE No. PHI/04 - TEODORO CASIÑO)
CASE No. PHI/05 - LIZA MAZA)
CASE No. PHI/06 - RAFAEL MARIANO)

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Saturnio Ocampo, Mr. Joel Virador, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the Treatment by the IPU of Communications concerning Violations of the Human Rights of Members of Parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/179/11(a)-R.1),

Referring to the resolution adopted at its 178th session (May 2006) on the case of Mr. Crispin Beltran,

Taking account of the indictments of 27 February, 21 April, 11 May and 7 June 2006 copies of which were conveyed to the Committee, and of the hearing the Committee held with Representatives Ocampo and Casiño during the 115th Assembly (October 2006),

Considering that the parliamentarians concerned were elected in the 2001 and 2004 elections respectively as party-list nominees (Bayan Muna, Anakpawis, Gabriela) under the Philippine electoral system to ensure the representation of underprivileged groups and minorities in the Philippine House of Representatives; they are all known to be outspoken critics of President Gloria Macapagal Arroyo's policies,

Considering that the case of the parliamentarians concerned has to be placed in the following context: in January 2006, President Arroyo issued an executive order ordering the Interagency Legal Action Group to prepare cases of rebellion and sedition against suspected enemies of the State; in the early morning of 24 February 2006, the military announced that it had foiled a plot to unseat President Gloria Macapagal Arroyo; before noon of the same day, President Arroyo issued Presidential Proclamation 1017 placing the country under a state of national emergency and issued General Order 5 entitled "Directing the Armed Forces of the Philippines in the face of national emergency, to maintain public peace, order and safety and to prevent and suppress lawless violence". As a consequence, all rally permits issued to various groups by the Mayor of Manila to celebrate the 20th anniversary of the end of the Marcos regime were revoked, and the rallies of several groups were indeed dispersed; on 3 March 2006, the widely criticized state of emergency was lifted and Order No. 5 was subsequently declared unconstitutional by the Supreme Court,

Considering the following information on file:

- On 25 February 2006, Mr. Crispin Beltran "was invited" for questioning by police belonging to the Criminal Investigation and Detection Group (CIDG); at the CIDG, he was shown an arrest warrant on a rebellion charge dating back to 1985; although the police were told by his lawyer that the warrant, which stemmed from an inciting-to-rebellion case filed by the Marcos regime, had long been quashed, the police refused to release him; later that day, a case was filed against him for allegedly inciting to rebellion at a rally held on 24 February 2006 in commemoration of the ousting of the Marcos regime; counter-affidavits were

issued stating that this was untrue and that Mr. Beltran had never given any such speech; on 27 February and 4 March 2006, two new charges of rebellion were brought against him, one of conspiring with an army officer involved in an attempted coup d'état in 2003 and another one linking him to the Communist Party of the Philippines; on 23 March 2006, the Quezon City Metropolitan Court, which was handling the inciting-to-sedition case, ordered his release; he was, however, kept in detention on the ground that rebellion was a continuing crime; an amended indictment against him was filed on 7 June 2006; Mr. Beltran is 71 years old and his state of health has worsened in detention; he is currently being kept under police surveillance at the Philippine Heart Center;

- On 25 February 2006 a team of police officers attempted to arrest Representative Ocampo of the Bayan Muna party after he spoke at a press conference held by the opposition; the police had no arrest warrant and were unable to say on what grounds he was to be arrested; on 27 February 2006, charges of rebellion were brought against him and Representatives Virador, Casiño, Maza and Mariana on account of their alleged involvement in a conspiracy with right-wing soldiers to overthrow President Gloria Macapagal Arroyo; knowing that they faced arrest, on 27 February 2006 all five parliamentarians sought protective custody in the House of Representatives; on 28 February, the House unanimously adopted a resolution affirming the right of the persons concerned to due process and granting them "protective custody" in the absence of any judicially issued arrest warrant resulting from a preliminary investigation or indictment; on 1 March 2006, the Senate adopted Resolution 69, stressing that the rights of the parliamentarians in question, as guaranteed under the Constitution and national law, needed to be upheld and that the Philippine Congress had a duty to continue affording them protection,

Considering that on 21 April 2006 the State Prosecutor issued an amended indictment for the crime of rebellion against a large number of accused, including the parliamentarians concerned; on 4 May 2006, Judge Delorino of the Regional Trial Court for Makati City dismissed the case; the parliamentarians concerned left the House of Representatives; however, the Secretary of Justice stated that other charges might still be brought against them,

Considering that, indeed, on 11 May 2006, a new case was filed against them, largely based on the previous one that had been dismissed, bringing against the parliamentarians concerned and others three charges of rebellion, one of which is reportedly unspecified, alleging that as members of the underground Communist Party (CPP) or affiliated organizations created by them as legal front organizations of the CPP, they committed the crime of rebellion by conspiring, confederating and mutually helping each other to overthrow the Government by using their position as legislators to ensure the victory of the armed struggle, *inter alia* by providing the funds allocated to them as legislators to finance the armed rebellion and by organizing protest marches which were to culminate on 24 February 2006 when the CPP legal front organizations, led by the parliamentarians concerned, would converge with the military and then, on 1 May 2006, overthrow the Government,

Noting in this respect the following: the various indictments issued contain essentially unsubstantiated and excessively broad allegations, including murder and armed confrontations between the New People's Army (NPA) guerrilla and government troops; the CPP, of which the parliamentarians concerned are accused of being members, had no longer been considered an illegal organization since 1992; according to the Omnibus motion filed by the defendants to strike out the amended indictment of 21 April 2006, the evidence presented to substantiate the allegations made in the indictments consists of affidavits which are not duly certified and, with the exception of one affiant, Jaime Beltran Fuentes who, on 13 March 2006, appeared before the prosecuting panel as a hooded witness, none of the affiants, mostly alleged former members of the CPP/NPA who have surrendered or were captured and are working for the anti-insurgency campaign, appeared in person before the prosecuting panel to swear to the truth of their affidavits; the rest of the evidence is said to be irrelevant, hearsay and unauthenticated pieces of paper such as CPP/NPA education and propaganda materials, police and military intelligence documents, news releases, documents of legal mass organizations, excerpts of unknown documents, newsletters and death certificates; *noting* also that Mr. Casiño was two years old when the crimes of

which he is accused were allegedly committed and that, when this question was brought to the attention of the Secretary of Justice, he reportedly stated that this was a matter for the defence to raise,

Considering that, acting upon a petition for certiorari and prohibition, on 5 June 2006 the Supreme Court issued a Status Quo Order ordering, commanding and directing the Department of Justice (DOJ), the State prosecutors and the Police to maintain the status quo and refrain from conducting any further preliminary investigation pending further orders from the court,

Noting that, upon Judge Delorino's dismissal of the amended indictment of 21 April 2006, the Department of Justice filed a motion for Judge Delorino to decline to act in the case for having been biased in handling the case; the Judge indeed did so; another Judge to whom the case was then transferred declined to act in the case on her own initiative and the case is now pending before Judge Alameda from another branch of the Makati Regional Court; *considering* that, on 22 August 2006, he suspended proceedings against Representatives Ocampo, Virador, Casiño, Maza and Mariano "in deference to whatever resolution the Supreme Court will issue on the pending certiorari proceedings"; that this decision, however, does not concern Mr. Beltran owing to an earlier court decision finding probable cause in his case; a motion for reconsideration of that decision was rejected on 29 August 2006 on the ground that rebellion was a continuing offence and subject to arrest without warrant; *noting* further that efforts are under way to have Representative Beltran transferred to the custody of the House of Representatives,

Considering further that in October 2006 a new rebellion case was brought against 50 persons in connection with the February 2006 demonstrations; that, although the parliamentarians concerned are not mentioned in that case, the Secretary of Justice reportedly stated that it might be consolidated with the case currently pending against them,

Considering also that the Secretary of Justice, in interviews with local and national media, stated that the parliamentarians concerned were guilty; in an ABS-CBN television interview on 31 March 2006, he said "we will just declare probable cause, then it's up to the court to decide" and President Arroyo stated in an interview with the Philippine Star on 12 March 2006 that the parliamentarians concerned "committed a crime. They are committing a continuing crime. And we have laws to deal with that. In fact, they are disrupting the work in Congress with what they are doing",

Considering further that, on 26 May 2006, the Secretary of Justice and the Cabinet Oversight Committee on Internal Security barred Mr. Ocampo, who had been granted official authorization from the Speaker of the House of Representative to travel to Jakarta, from doing so; on 12 June 2006, he was again prevented from travelling abroad to attend the 95th International Labour Conference; on 20 June, the Makati Regional Court granted him leave to travel abroad; despite this, the Department of Justice appears to have kept his name on the list of persons subjected to a travel ban as he faced difficulties in leaving the country to travel to Geneva; *noting* that, under the Constitution of the Philippines, a citizen's right to travel is recognized and thus can only be curtailed by order of a competent court of law,

Considering that, in reply to its requests for information and a response to its concerns, the Secretary of Justice, in his letters of 26 April and 28 June 2006, affirmed that Mr. Beltran and the others had been formally charged with violating certain national security laws and that their current status was in accordance with the rules of procedure; as to Mr. Beltran, he was being kept in detention since rebellion was a non-bailable offence,

Noting that elections are due to be held in the Philippines in 2007 and that the National Security Advisor reportedly stated publicly that he would do his utmost to secure the disqualification of the political parties to which the parliamentarians concerned belong,

Bearing finally in mind that the Philippines is a party to the International Covenant on Civil and Political Rights and thus bound to respect freedom of expression, assembly and association, the right to liberty and the right to fair trial,

1. *Expresses deep concern* at the charges brought against the parliamentarians concerned and *notes* in this respect: (i) the filing of a new case against Representatives Ocampo, Virador, Casiño, Maza and Mariano based on charges that the court had dismissed on 14 March 2006; (ii) the continuous efforts of the prosecution to bring amended indictments, all based on the same broad allegations; (iii) the circumstances of the arrest and detention of Mr. Beltran on highly questionable grounds; (iv) the inhibition of two judges; and (v) the public statements of President Arroyo and the Secretary of Justice which clearly prejudge the guilt of the persons concerned in defiance of the fundamental principle of the presumption of innocence;
2. *Fears* that all this suggests that the persons concerned are prosecuted on the basis of considerations alien to the law;
3. *Is puzzled* at the notion of a continuing crime, which entails serious consequence such as arrest without warrant, and *wishes to ascertain* on what legal basis and procedure it is based; *recalls* that the human right to personal liberty implies that individuals can only be deprived of their liberty on legal grounds and under a procedure established by law, both of which must conform to international standards;
4. *Is further deeply concerned* that the prosecution attempts to criminalize legally authorized political parties which participated in the 2001 and 2004 elections and the parliamentary work of their representatives, and *stresses* that freedom of expression and of assembly are cornerstones of democracy; *considers* that this constitutes a grave attack on parliament itself and should therefore be of concern to the parliamentary authorities; *calls on* them to monitor the investigation and *would appreciate* the observations of the parliamentary authorities in this respect;
5. *Is, moreover, deeply concerned* that Mr. Ocampo was prevented from travelling abroad although there was no court order to such effect and that, even when the court explicitly authorized his travel abroad, he faced difficulties in so doing;
6. *Notes* that the case is currently pending before the Supreme Court, all further procedural steps having been stopped; that those against Representative Beltran are nevertheless continuing;
7. *Remains deeply concerned*, in the light of the foregoing, at the continuing detention of Mr. Beltran, which it fears is arbitrary; and *calls once again* on the authorities to release him forthwith or at the very least to transfer him to the custody of the House of Representatives;
8. *Requests* the Secretary General to convey this resolution to the authorities and the parliamentarians concerned;
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 116th Assembly (April-May 2007).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

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 that was dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of a letter from the President of the National Human Rights Commission dated 13 October 2006 and of a letter from the President of the Chamber of Deputies, also dated 13 October 2006,

Recalling the following:

- Mr. Hitimana disappeared during the night of 7 to 8 April 2003; on 21 September 2004, the investigative authorities reported to the parliamentary Committee on Human Rights and National Unity 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 support that assumption;
- In October 2005 the Parliament referred the case of Mr. Hitimana to the National Commission for Human Rights, which had already assumed jurisdiction in this case; in her letter of 3 April 2006, the President of the Commission stated that the Commission's investigations were for the time being confidential, and partial or final results would be released in due course;
- Mr. Hitimana's family and children have reportedly been subjected to threats and intimidation; in response to these allegations a parliamentary delegation visited Mr. Hitimana's family from 14 to 16 March 2005 and reported that they all lived quietly and were not the object of any threats; this information, which was contested by one of the sources, was subsequently confirmed by the National Human Rights Commission, which carried out its own investigation,

Considering that, in her letter of 13 October 2006, the President of the National Human Rights Commission stated that the Commission's inquiry into the disappearance of Mr. Hitimana was almost finished and that its report would shortly be conveyed to the Committee on the Human Rights of Parliamentarians,

Noting lastly that, in response to the repeated allegations of harassment of Mr. Hitimana's family, the President of the National Assembly sent a parliamentary delegate for an on-the-spot inquiry, who reported that none of the allegations were true and that Mr. Hitimana's family was well,

1. *Thanks* the President of the Chamber of Deputies and the President of the National Human Rights Commission for their cooperation;
2. *Awaits with interest* the report of the National Human Rights Commission;
3. *Reaffirms* that, so long as Mr. Hitimana's whereabouts have not been established, there remains the suspicion of a forced disappearance, and *recalls* that forced disappearances are serious human rights violations;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 116th Assembly (April-May 2007), in the light of the report of the National Human Rights Commission.

CASE No. SRI/48 - D.M.S.B. DISSANAYAKE - SRI LANKA

***Resolution adopted by consensus by the IPU Governing Council at its 179th session
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the response by the Government of Sri Lanka forwarded on 12 October 2006 by the Permanent Mission of Sri Lanka to the United Nations Office and other International Organizations at Geneva; *taking account* also of the hearing the Committee on the Human Rights of Parliamentarians held with Dr. Jayawardena, a member of the delegation of Sri Lanka, during the 115th IPU Assembly (October 2006),

Recalling the following:

- On 7 December 2004, the Supreme Court sentenced Mr. Dissanayake at first and last instance to two years' rigorous imprisonment, having found him guilty of contempt of court in connection with a political speech he had made on 3 November 2003 in a remote part of the country, disputing the competence of the Supreme Court to give an advisory opinion on a question put to it by the then President of Sri Lanka and stating that his party would not "accept any shameful decision" that the Court might give; the Chief Justice, whose removal on 14 grounds of misbehaviour Mr. Dissanayake and other members of parliament had demanded by motion of 4 November 2003, presided the panel hearing his case;
- In early February 2006, President Rajapaksa remitted the remainder of Mr. Dissanayake's sentence, with the result that he was released from Welikada Prison on 17 February 2006; shortly before his release, acting upon a request from government party members, the Speaker ruled that Mr. Dissanayake had forfeited his seat because he had absented himself for a continuous period of three months from parliament without seeking leave; Mr. Dissanayake's subsequent petition challenging the revocation of his parliamentary mandate was dismissed by the Supreme Court, reportedly without a hearing,

Considering that, according to the authorities, by virtue of Article 89 (d)⁷ of the Constitution, Mr. Dissanayake is disqualified from voting and standing for election for seven years; *noting* in this respect, that two legal opinions sought by the Speaker on the question of whether or not Mr. Dissanayake had been disqualified arrived at the conclusion that he had not become subject to any disqualification specified in Article 89 of the Constitution and that his seat therefore had not fallen vacant,

Bearing in mind that Sri Lanka is a party to the International Covenant on Civil and Political Rights, which supersedes any contrary national law, and is thus bound to respect freedom of speech and the right to fair trial enshrined in Articles 19 and 14, respectively,

1. *Thanks* the Sri Lankan authorities for the information provided;
2. *Is deeply concerned* that Mr. Dissanayake will be prevented from voting and standing in elections owing to a highly questionable verdict and sentence, which moreover, in violation of essential fair trial standards, was not open to judicial review;
3. *Remains concerned* at the loss of Mr. Dissanayake's parliamentary mandate since the legal pertinence of the relevant decision appears to be doubtful; and *refers* in this respect to the fact that it was public knowledge that Mr. Dissanayake's absence from parliament was involuntary;

⁷ Article 89 (d) of the Constitution stipulates that if a person is or has served during the period of 7 years preceding a sentence of imprisonment for a period of not less than 6 months imposed after the conviction by a Court or is under a sentence of death or during the preceding 7 years has served such a sentence, such a person is disqualified from being an elector or being elected.

4. *Reaffirms* that, in making the allegedly offending statement, Mr. Dissanayake was exercising his freedom of speech, and *recalls* that both common law jurisprudence and human rights doctrine amply demonstrate that freedom of speech must be the overriding value where contempt of court is concerned;
 5. *Calls therefore on* the President of Sri Lanka to grant Mr. Dissanayake a pardon so as to enable him, if not to resume his parliamentary mandate, at least to vote and stand in elections, thereby redressing the injustice suffered by Mr. Dissanayake as a result of the contempt of court proceedings;
 6. *Requests* the Secretary General to inform the authorities accordingly; and to inform the United Nations Human Rights Committee, to which the case has been submitted, of its position;
 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 116th Assembly (April-May 2007).
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CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA

Resolution adopted by consensus by the IPU Governing Council at its 179th session (Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the information note by the Government of Sri Lanka forwarded on 12 October 2006 by the Permanent Mission of Sri Lanka to the United Nations Office and other International Organizations at Geneva; *noting also* that the case of Mr. Pararajasingham has been taken up by the Inter-Ministerial Committee on Human Rights, chaired by the Minister of Disaster Management and Human Rights, and that it has set up a special subcommittee that has identified this case as a priority matter,

Recalling that Mr. Pararajasingham, a prominent member of parliament belonging to the Tamil National Alliance, was shot dead on 24 December 2005 during the Christmas Eve Mass in St. Mary's Church in Batticaloa,

Considering the following details as provided by the Government:

- Investigations started immediately after the shooting incident and revealed that Mr. Pararajasingham and his wife had travelled to Batticaloa early on 24 December with two personal security officers provided by Batticaloa police; only Mrs. Pararajasingham and the personal security officer of Mr. Pararajasingham were privy to Mr. Pararajasingham's decision to attend the Christmas Eve Mass and the security officer was informed thereof only after they arrived in Batticaloa that morning;
- In the course of the investigation, the priest who was playing the organ made a statement to the Criminal Investigation Department (CID) to the effect that he could identify one of the assailants of whom he also gave descriptions; no one else gave the investigators any particulars of the assailants;
- Inquiries revealed that the two assailants had used two handguns and six empty casings of 9mm ammunition were found at the scene; they were sent, through courts, to the

Government Analysts to ascertain supportive material, if any, in the identification of the group responsible for the assassination;

- In July 2006, the police took into custody two individuals suspected of involvement in the assassination; an identification parade was held on 16 August 2006 but witnesses failed to make a positive identification and the persons were released for lack of evidence;
- The terrain where the murder occurred was at one time dominated by the Karuna Faction, a breakaway group of the Liberation Tigers of Tamil Eelam (LTTE) and there has been fighting to gain dominance of this area; this has led to a situation where there is less public cooperation for fear of reprisals; in the absence of public support revealing material of evidential value, the CID has reached deadlock in the investigation, which is nevertheless continuing; the Batticaloa Magistrates Court will call the case on 3 November 2006,

Recalling the following information provided by the sources: St. Mary's Church is located in a high-security zone between two military checkpoints and at the time of the murder, additional security forces were on duty, the church was reportedly surrounded by military personnel, which means that the culprits could only have escaped with the complicity of the security forces; soon after the murder, Mr. Pararajasingham's family and TNA parliamentarians gave President Rajapaksa the names of three suspects, but no action has been taken against them; two of the names are (i) Kaluthavalai Ravi and (ii) Kalai; one of the sources reported in August 2006 that it was public knowledge that Ravi, a member of the Karuna group, was one of the assailants; the Karuna group is reportedly cooperating with the military forces and its members enjoy their protection,

Noting, as to the meaning of "high-security zone", that the authorities have stated that it refers to a zone demarcated by the Government where additional security measures are enforced where security-sensitive establishments are located within such areas; in the past, the LTTE has sometimes been able to commit acts, such as the assassination of the former Minister of Foreign Affairs, in high-security zones,

Bearing in mind finally that President Rajapaksa has decided to set up a national commission of inquiry to look into cases of grave human rights violations, including the case of Mr. Pararajasingham, and that the IPU has been invited to suggest names for inclusion in a group of eminent persons to be set up to act as observers of the work of the national inquiry commission,

1. *Remains deeply shocked* at the murder of Mr. Joseph Pararajasingham, and *concerned* at the lack of progress in the investigation;
2. *Commends* the President of Sri Lanka for the measures he envisages to combat impunity, and *believes* that a national commission of inquiry can indeed make an essential contribution to this end and shed light on Mr. Pararajasingham's murder, provided that its terms of reference are such as will enable it to work independently and impartially and to be recognized as independent by all parties, and that it is provided with the necessary financial and other means;
3. *Also thanks* the Minister of Disaster Management and Human Rights for his cooperation in this case and the special attention that the Inter-Ministerial Committee on Human Rights is giving to it;
4. *Affirms* that the authorities nevertheless have a duty vigorously to pursue the investigation and explore all existing leads - including involvement of the security forces - that may permit the identification of the perpetrators; and *trusts* that the Inter-Ministerial Committee on Human Rights will closely follow it and ensure that it is provided with any additional means or support it may require to make progress;

5. *Requests* the Secretary General to inform the authorities accordingly and to take any such steps as may contribute to assisting the authorities in their efforts to shed light on Mr. Pararajasingham's murder;
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 116th Assembly (April-May 2007).

TURKEY

CASE No. TK/39 - LEYLA ZANA
CASE No. TK/41 - HATIP DICLE
CASE No. TK/42 - ZÜBEYİR AYDAR
CASE No. TK/51 - ORHAN DOĞAN
CASE No. TK/52 - SELİM SADAK

CASE No. TK/53 - NİZAMETTİN TOĞUÇ
CASE No. TK/55 - MEHMET SİNÇAR
CASE No. TK/57 - MAHMUT KİLİNÇ
CASE No. TK/59 - ALİ YİĞİT
CASE No. TK/62 - REMZİ KARTAL

***Resolution adopted by consensus by the IPU Governing Council at its 179th session*
(Geneva, 18 October 2006)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking account of the letter from the President of the Turkish Inter-Parliamentary Group, dated 12 October 2006, and of information provided by Amnesty International on 12 September 2006,

Recalling that Mr. Sinçar was shot dead by four masked men in September 1993 in Batman where he had gone with a delegation of representatives of his party, the Democracy Party (DEP) to attend the funeral of a member of the DEP bureau; the murder was committed in broad daylight in a place with usually heavy police presence owing to the state of emergency in the region; according to the information provided by the President of the Turkish Inter-Parliamentary Group in March 2005, several persons have been brought to justice in connection with his killing and proceedings are under way; *noting*, however, that according to his letter of 12 September 2006, a case was filed against 13 suspects on charges of committing a crime against the constitutional order of the State and membership of Hezbollah, an illegal armed organization; the court acquitted them in 1994 for lack of evidence,

Recalling that the other former parliamentarians concerned lost their parliamentary mandates owing to the dissolution of their party by the Constitutional Court in June 1994; that Ms. Zana, Mr. Dicle, Mr. Sadak and Mr. Dogan were found guilty of belonging to an armed organization and sentenced to 15 years' imprisonment; in June 2001, the European Court of Human Rights found that their right to fair trial had been violated and afforded them just satisfaction; a retrial took place, which, in mid-2004, the Turkish Court of Cassation held to have been also unfair and ordered their release; a second retrial before Ankara Heavy Penal Court No. 11 started in October 2004 and continues; *considering* that: (i) according to the President of the Turkish IPU Group, the case file was referred to the public prosecutor for final opinion and that the Court is expected to deliver its final judgement in the coming months; (ii) according to Amnesty International, the second retrial is proceeding unsatisfactorily; at the hearing on 7 July 2006, it was revealed that tapes which allegedly constituted a key part of the evidence against the defendants in the original trial had been destroyed back in 1997 and could not therefore be transcribed; the defendants had requested the examination and transcription of the alleged evidence in their retrial,

Recalling that Mr. Zübeyir Aydar, Mr. Nizamettin Toğuç, Mr. Mahmt Kilinç, Mr. Ali Yigit and Mr. Remzi Kartal fled abroad in June 1994 and are now living in exile; and *noting* that, according to the information provided by the President of the Turkish IPU Group, arrest warrants were issued for them as part of the ongoing legal process due to charges of membership in and participation in the activities of the terrorist organization PKK/KADEK/KONGRA-GEL that are pending against them,

1. *Thanks* the President of the Turkish Inter-Parliamentary Group for the information he provided;

* The Turkish delegation took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 179th session of the Governing Council.

2. *Is alarmed* that the third trial of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak may again be flawed and once more fail to comply with the fair trial standards by which Turkey, as a party to the European Convention on Human Rights, must abide; *stresses* that the failure to conduct thorough and impartial retrials after European Court rulings finding Turkey in breach of ECHR fair trial principles is tantamount to total disregard for the Court and its rulings;
 3. *Calls on* the Turkish parliament to look into this matter seriously and *would appreciate* receiving the observations of the parliamentary authorities in this respect;
 4. *Notes with deep concern* that the killers of Mr. Sinçar have not been identified and *recalls* that States have a duty to dispense justice by identifying and prosecuting offenders; *wishes therefore to ascertain* what steps have been taken to ensure that this crime, which occurred in the presence of many witnesses, does not remain unpunished;
 5. *Would appreciate* receiving, if possible, a copy of the indictment against the former parliamentarians concerned who are currently living in exile;
 6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the sources;
 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 116th Assembly (April-May 2007).
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ZIMBABWE

CASE N° ZBW/12 - JUSTIN MUTENDADZAMERA	CASE N° ZBW/28 - GILES MUTSEKWA
CASE N° ZBW/14 - DAVID MPALA	CASE N° ZBW/29 - A. MPANDAWANA
CASE N° ZBW/15 - ABEDNICO BHEBHE	CASE N° ZBW/31 - MILTON GWETU
CASE N° ZBW/16 - PETER NYONI	CASE N° ZBW/33 - E. MUSHORIWA
CASE N° ZBW/18 - MOSES MZILA NDLOVU	CASE N° ZBW/34 - THOKOZANI KHUPE
CASE N° ZBW/19 - ROY BENNETT	CASE N° ZBW/35 - WILLIAS MADZIMURE
CASE N° ZBW/20 - JOB SIKHALA	CASE N° ZBW/36 - FIDELIS MHASHU
CASE N° ZBW/21 - TICHAONA MUNYANYI	CASE N° ZBW/37 - TUMBARE MUTASA
CASE N° ZBW/22 - PAULINE MPARIWA	CASE N° ZBW/38 - GILBERT SHOKO
CASE N° ZBW/24 - EVELYN MASAITI	CASE N° ZBW/39 - JELOUS SANSOLE
CASE N° ZBW/25 - TENDAI BITI	CASE N° ZBW/40 - EDWARD MKHOSI
CASE N° ZBW/26 - GABRIEL CHAIBVA	CASE N° ZBW/43 - BLESSING CHEBUNDO
CASE N° ZBW/27 - PAUL MADZORE	CASE N° ZBW/44 - NELSON CHAMISA

*Resolution adopted by consensus by the IPU Governing Council at its 179th session**
(Geneva, 18 October 2006)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Zimbabwean parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/179/11(a)-R.1), and to the resolution adopted at its 178th session (May 2006),

Taking into account of the memorandum of 4 July 2006 of the Police General Headquarters, forwarded on 11 October 2006 by the Parliament of Zimbabwe,

* The delegation of Zimbabwe took the floor to comment on the resolution. Its observations may be found in the Summary Records of the 179th session of the Governing Council.

Recalling that its concerns in this case relate to the arrest and detention, mostly on charges brought under the Public Order and Security Act (POSA), of former and incumbent members of parliament concerned, the torture and ill-treatment of some of them while in detention, and attacks against them or their property; *recalling* also that most of these incidents occurred in the context of the 2000 parliamentary elections, the presidential elections of March 2002 and a mass stay-away organized by the opposition Movement for Democratic Change in March and June 2003,

Noting that according to the information provided by the Police, (i) the judicial proceedings that were pending against Mr. Mutendadzamera, Mr. Ndlovu, Mr. Munyanyi, Mr. Madzore, Mr. Gwetu, Mr. Mushoriwa, Mr. Madzimure, Mr. Mutsekwa, Ms. Khupe, Mr. Biti and Mr. Chamisa have been closed; (ii) that the investigations into complaints made by Mr. Mhashu, Mr. Sansole, Mr. Chaibva and Mr. Chebundo regarding attacks on their property and person have all been closed and that no one was brought to justice except in the case of Mr. Sansole, where the suspects were acquitted, and (iii) that with respect to the attacks by members of the police or military and/or the alleged ill-treatment in detention as reported in the cases of Mr. Mpandawana (who died in July 2003), Mr. Mutendadzamera, Mr. Ndlovu, Mr. Madzore, Ms. Mpariwa and Ms. Masaiti, either no complaint has been lodged or the police stated that they had received no complaint, or again cases were closed for lack of evidence,

Considering the following information provided by the Police General Headquarters:

- in the case of Mr. Mpala, who in February 2002 was attacked by a group of about 18 men and severely injured and died in February 2004; six persons were brought to trial and found guilty of kidnapping and assault with intent to do grievous bodily harm and commit theft, and were sentenced;
- on 20 June 2006, Mr. Melusi Ncube was found guilty of the attempt of 21 May 2001 on Mr. Abednico Bhebhe's life, and has been sentenced to 50 months' imprisonment;
- Mr. Mushoriwa lodged a complaint on 1 July 2000 of having been beaten by about 20 soldiers in June 2000; no arrests were made since he failed to identify the perpetrators and the case has been closed barring fresh evidence;
- As regards the alleged ill-treatment of Mr. Munyanyi while he was in detention in September 2002 and where medical certificates exist attesting to the injuries he had sustained, the police authorities were not made aware of the alleged ill-treatment; as a matter of procedure, when accused persons appear for the first time in court, a magistrate asks them how the Police treated them while in custody; the police are not aware of Mr. Munyanyi's having made any complaints to the magistrate;
- in August 2003, Mr. Mutasa brought a lawsuit against the authorities for the injuries he suffered during a reported assault on him by riot police in March 2003; the investigation has revealed that four of the cited officers were nowhere near the area of the incident on the said date and were therefore not linked to the case; one officer, who retired on 28 February 2004, is still to be located and interviewed; the lawsuit is pending,

Recalling that Mr. Sikhala was tortured while in detention from 14 to 16 January 2003 and that the police, while initially stating that progress was being made in the investigation, later stated that they had found it difficult to proceed with the case as the witness, Job Sikhala, failed to identify the culprits after a team of investigators had been put in place; and *noting* that, according to the latest police report, Mr. Sikhala has filed a lawsuit against the Minister of Home Affairs and the Police on allegations of torture and that the matter is before the High Court under reference HC7645/03,

Recalling further its concerns in the case of Mr. Bennett essentially relating to the fact that court rulings ordering the vacation of his farm have not been implemented, and to the contempt of parliament proceedings brought against him in October 2004 which prevented him from standing in the March 2005 legislative elections; and *noting* that Mr. Bennett has in the meantime asked for asylum abroad having been sought in connection with an alleged attempt to kill President Mugabe,

1. *Thanks* the Police General Headquarters for the information provided and the parliamentary authorities for their cooperation;
2. *Notes* that those responsible for the attack on Mr. Mpala in February 2002 have been identified and brought to justice; and consequently *decides* to close this case;
3. *Decides* also to close the cases of Mr. Mutendadzamera, Mr. Ndlovu, Mr. Madzore, Mr. Gwetu, Mr. Mushoriwa, Mr. Madzimore, Mr. Mutsekwa, Ms. Khupe, Mr. Biti, Mr. Chamisa, Mr. Mhashu, Mr. Sansole, Mr. Chaibva, Mr. Chebundo, Mr. Mpandawana and Ms. Masaiti as proceedings against them are closed and, as regards attacks on them, either no official complaint has been made, or investigations have been instituted, albeit not leading to identification of the culprits; *regrets* that in many cases (Justin Mutendadzamera, Giles Mutsekwa, Milton Gwetu, Silas Mangono, Edwin Mushoriwa, Thokozani Khupe, Tendai Biti), the accusations were manifestly unfounded since either charges were withdrawn before plea or prosecution was declined for lack of evidence;
4. *Decides* also to close the case of Mr. Bhebhe since his attacker was identified and brought to justice;
5. *Notes* that, in the case of Mr. Munyanyi, a medical certificate exists as to the injuries he sustained as a result of his ill-treatment in custody, and *wishes to ascertain* whether a copy of it has been submitted to the Police; *notes* further that the investigation into the complaint of Mr. Mutasa is under way, and *wishes* to be kept informed of further developments;
6. *Remains deeply concerned* that the investigation regarding Mr. Sikhala's torture is not proceeding; and *insists* that the authorities cannot argue that this is due to Mr. Sikhala's failure to cooperate when in fact it is public knowledge that he has given a detailed testimony including names, which, provided they have the will, would enable the police rapidly to identify the culprits; and *can only urge* them once again to investigate this crime without further delay, as their duty requires; *notes* that a lawsuit against the Minister of Home Affairs and the Police is pending, and *wishes* to be kept informed of the stage reached in the relevant proceedings;
7. *Recalls* that impunity, a human rights violation in itself, undermines the rule of law and encourages the repetition of crime; and *reaffirms* that parliaments must make every effort to prevent it;
8. *Reiterates its wish* to receive a copy of the Supreme Court ruling issued on Mr. Bennett's application to declare Section 16 of the Privileges, Powers and Immunities Act unconstitutional and to declare null and void the contempt of parliament proceedings against him;
9. *Points out* once again that several court decisions ordering the vacation of Mr. Bennett's farm have not been implemented, which does not reflect well on respect for the rule of law in Zimbabwe; and *would appreciate* receiving the observations of the authorities on this point;
10. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them to provide the requested information;
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 116th Assembly (April-May 2007).