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## 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union

### 1. Opening of the Assembly

The 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union<sup>1</sup> opened its proceedings at the Geneva International Conference Centre in the morning of Monday, 4 October, 2010. The President of the IPU, Dr. Theo-Ben Gurirab, welcomed the participants and declared the Assembly officially open. He was subsequently elected President of the Assembly and the Vice-Presidents of the IPU Vice-Presidents of the Assembly.

At the Opening, the Assembly endorsed a statement made by the President of the Assembly on the recent events in Ecuador. In his statement, the President said "I know that, like me, you have been watching the events in Ecuador with some consternation over recent days. I would like to state in the most unequivocal terms before this Assembly, and I believe I can say this on behalf of us all, that the IPU condemns the use of force against President Rafael Correa and wholeheartedly repudiates the recent threat to subvert constitutional order in the country.

We reiterate our support for and defence of the institution of parliament. The subversion of constitutional democracy and the defiance of the rule of law, which in this case has resulted in tragic loss of life, can never be condoned."

### 2. Participation

Delegations of the following 118 Member Parliaments took part in the work of the Assembly:<sup>2</sup> Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho,

Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Palestine, Panama, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Viet Nam, Yemen, Zambia and Zimbabwe.

The following Associate Members also took part in the Assembly: the East African Legislative Assembly, the Inter-Parliamentary Committee of the West African Economic and Monetary Union, and the Transitional Arab Parliament.

Observers included representatives of: (i) United Nations system: United Nations, United Nations Conference on Trade and Development (UNCTAD), International Labour Organization (ILO), Food and Agricultural Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF); (ii) Organization for the Prohibition of Chemical Weapons (OPCW), Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and World Trade Organization (WTO); (iii) International Organization for Migration (IOM), League of Arab States, African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Asian Parliamentary Assembly (APA), Assembly of the Western European Union (WEU), Association of Senates, Shoura and Equivalent Councils in Africa and the Arab World (ASSECAA), Baltic Assembly, Commonwealth Parliamentary Assembly (CPA), Confederation of Parliaments of the Americas (COPA), Association of European Parliamentarians with Africa (AWEPA), Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC), Maghreb Consultative Council, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Mediterranean (PAM), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Assembly of Turkic-speaking Countries (TURKPA), Parliamentary Union of the

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

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

OIC Member States (PUOICM), Socialist International; (iv) Geneva Centre for the Democratic Control of Armed Forces (DCAF), International Committee of the Red Cross (ICRC), International Institute for Democracy and Electoral Assistance (International IDEA), International Federation of Red Cross and Red Crescent Societies (IFRC), Cluster Munitions Coalition (CMC) and the Kofi Annan Foundation.

Of the 1,023 delegates who attended the Assembly, 460 were members of parliament. The parliamentarians included 22 Speakers, 39 Deputy Speakers and 148 women parliamentarians (32%).

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### **3. Choice of an emergency item (Item 2)**

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The Assembly had before it two requests for the inclusion of an emergency item: one submitted by the delegation of the United Arab Emirates, entitled *The importance of international inter-parliamentary cooperation for natural disaster response, in particular with regard to relief aid to flood-stricken Pakistan*, and another, presented by the delegation of the Islamic Republic of Iran, entitled *The urgent need for immediate action by the IPU and its Member Parliaments to encourage international relief efforts in flood-stricken Pakistan*. Considering that both proposals referred to the same situation, at the President's suggestion, the Assembly decided to combine both proposals under the title *Immediate action to support international relief efforts in response to natural disasters, in particular with regard to flood-stricken Pakistan*. The proposal was adopted by acclamation and added to the agenda as Item 6.

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### **4. Debates and decisions of the Assembly and of the IPU Committee on United Nations Affairs**

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- a) Debate on the emergency item  
*Immediate action to support international relief efforts in response to natural disasters, in particular with regard to flood-stricken Pakistan* (Item 6)

The debate on the emergency item took place in the afternoon of Monday, 4 October. It was chaired by Mr. A. Alonso Díaz-Caneja (Mexico), Vice-President of the Assembly. A total of 41 speakers from 38 parliamentary delegations and one observer took part.

During the debate, speakers expressed their deep concern over the situation in flood-stricken Pakistan and other countries recently affected by natural disasters, and expressed their sympathy with the

victims and their families. They urged all parliamentarians to seize that opportunity to promote international inter-parliamentary cooperation aimed at mitigating human suffering and accelerating rehabilitation and reconstruction by providing food, shelter and technical assistance to re-establish the agro industry, infrastructure and health and sanitation facilities. Several speakers also underscored the need to ensure that assistance reached the victims in Pakistan and to keep the world's attention focused on the post-flood situation until such time as the flood-affected areas were fully reconstructed, a prerequisite for achieving the Millennium Development Goals (MDGs).

Many speakers also underscored the need to immediately and effectively deal with the issue of climate change and improve parliamentary oversight of that issue with a view to mitigating the impact of future natural disasters. They urged all nations to comply with international commitments such as the Kyoto Protocol. They issued an urgent appeal to establish a global fund able to tackle unanticipated disasters and phenomena immediately, and urged the IPU to establish a committee to follow that important issue and promote and monitor the creation of such a fund.

The broad range of concerns expressed during the debates were reflected in the draft resolution, which was prepared by a drafting committee composed of representatives of the parliaments of: Bahrain, Benin, Cambodia, Canada, India, Iran (Islamic Rep. of), Mexico, Pakistan, Turkey and Uganda. It appointed Mr. H. Khan (Pakistan) as its president and Mr. B. Rae (Canada) as its rapporteur.

The draft resolution was unanimously adopted by the Assembly on Wednesday, 6 October.

- (b) Report of the IPU Committee on United Nations Affairs (Item 4)

The Committee met from 4 to 6 October 2010. It was briefed by the United Nations Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs, Department of Economic and Social Affairs, on the outcome of the recent UN Summit on the MDGs. He focused in particular on the section, "The Way Forward", which identified the steps that still needed to be taken to achieve all the MDGs. It was considered that gender equality had the largest multiplier effect and was an area where the IPU could make a significant contribution.

The leader of the delegation of Indonesia presented the IPU Report on the MDGs, tabled on the occasion of the 3<sup>rd</sup> World Conference of Speakers of

Parliament, and subsequently circulated as a parliamentary contribution to the preparatory process of the MDG Summit. It detailed the IPU's work over the past decade to help advance the MDGs, galvanize political support, make the case for more and better development financing, and generally encourage action on the ground.

The IPU comparative study on how parliaments worked in support of the MDGs was also presented to the Committee. The study, which reviewed parliamentary mechanisms for the MDGs in seven countries (India, Indonesia, Italy, Kenya, Mozambique, Nigeria and South Africa), was commented on by the delegation of Kenya and others that were exploring similar mechanisms. Several delegations recounted their experiences and the challenges they encountered. Parliamentarians from both developed and developing countries stated their commitment to continue to work towards achieving the MDGs by the target date of 2015.

The Committee devoted its second session to the Brussels Programme of Action and preparations for the Fourth UN Conference on the Least Developed Countries (LDC IV), scheduled for 2011. It heard presentations from the UN Under-Secretary-General and High Representative for the Least Developed Countries, the International Coordinator of LDC Watch and a member of parliament from the National Assembly of Malawi. The presentations addressed challenges and successes in LDCs, parliamentary involvement in LDC-related work and the priority areas to be included in the new programme of action for LDCs.

In the ensuing roundtable discussion, participants and presenters underscored the importance of parliamentary involvement in the design, implementation and review of the programme of action for LDCs. Participants referred to the importance of good governance, institutional strengthening and fighting corruption for achieving the MDGs. They requested more frequent reviews of programme implementation and suggested that future programmes include a reference to parliaments, thereby legitimizing their role in the programme.

As it was the first time that parliaments were involved at such an early stage of establishing a programme for LDCs, the opportunity should not be missed. Parliaments were encouraged to take action well in advance of the Parliamentary Forum in May 2011 on the eve of LDC IV, identify and engage with authorities involved in the design of the new

programme for the LDCs at the national level, and ensure parliamentary participation at regional and global preparatory meetings.

In a separate session, the Committee reviewed cooperation between the IPU and the UN system over the past five years. It heard the 2010 report of the UN Secretary-General on Cooperation between the United Nations, national parliaments and the IPU, and welcomed the growing, more substantive partnership between the two organizations. It discussed the text of the forthcoming UN General Assembly resolution on the issue (see page 37) and underscored the importance of all Member Parliaments engaging actively with their foreign ministries, with a view to garnering robust support among UN Member States.

Several delegations took the floor to underscore the evolving role of parliaments in international relations, and the fact that UN-IPU relations at the global level could play an important role in helping to further clarify relations between the legislature and the executive at the national level. That held true particularly in countries where parliaments as institutions were still in the process of building their capacities and establishing themselves as strong and effective players on the national scene. The general feeling was that there was scope for the United Nations and the IPU to forge a strategic partnership, and from that perspective, the forthcoming session of the UN General Assembly provided an important opportunity.

The Committee discussed political challenges facing the UN Climate Change Conference (COP16/CMP6), to be held in Cancún from 29 November to 10 December 2010. The IPU and the Mexican Congress would be organizing a Parliamentary Meeting in the wings of the UN Conference with the support of UNDP on 6 December, and legislators were encouraged to join their national delegations to the Climate Change Conference in December.

The Committee felt that, in view of the poor results of COP15, urgent progress was needed to restore faith in the ability of the Parties to take the process forward. It was vital to secure a tangible outcome in Cancún, and parliamentarians bore their share of responsibility for the success of the event. The Committee was briefed on the format of the Parliamentary Meeting in Cancún by the Chairperson of the External Relations Committee of the Mexican Chamber of Deputies. The meeting was expected to adopt an outcome document, which would be presented to the UN Conference.

The Mexican Congress had prepared a preliminary draft, which the IPU had sent to all Member Parliaments for their comments. In its final form, the document should be a succinct but powerful political declaration for both governments and parliaments.

At its last sitting, the Committee was briefed on the results of the Beijing +15 review on gender equality. While some progress had been made, important challenges remained, which required the active participation of parliaments. Issues of particular relevance included the need to: improve enforcement of the existing legislative framework and oversight of gender policies; review and amend discriminatory legislation and practices; base policies on sex-disaggregated data and analysis; and mainstream gender into the work of parliaments. The Committee urged all Member Parliaments to discuss follow-up of the Beijing commitments and monitor progress.

The Committee heard a presentation on the new United Nations Entity for Gender Equality and the Empowerment of Women, UN Women. It welcomed the establishment of that body and called on parliaments to support it and follow its work. The Committee expressed the wish that a strong working relationship with the IPU be established, particularly in the areas of political empowerment of women, institutional gender mainstreaming, support to parliaments in promoting gender-sensitive legislation, combating violence against women, and implementation of relevant UN resolutions.

The Committee took note of the new composition of its Advisory Group (see page 17). Recalling the work undertaken by the Group over the past few years, in particular the field missions to examine the implementation of the One UN projects in Tanzania and Viet Nam, the Group was encouraged to continue to explore modalities to best carry forward its mandate. That discussion would be continued during the next meeting of the Group, on 1 December at UN Headquarters in New York, immediately preceding the Annual Parliamentary Hearing at the United Nations (2-3 December 2010).

(c) Panel discussion (First Standing Committee subject item at the 124<sup>th</sup> Assembly): *Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power* (Item 3(a))

The panel discussion took place in the morning of 5 October. It was chaired by Mr. T. Boa (Côte

d'Ivoire), President of the Standing Committee on Peace and International Security. Mr. W. Madzimure (Zimbabwe) presented the draft report by the co-Rapporteurs in the absence of Mr. J.D. Seelam (India). The draft report focused on the elements of a sound legal framework, the causes of electoral violence and the role and responsibility of parliaments and parliamentarians.

Participants also heard keynote presentations from Mr. N. Kaczorowski, Head, Election Department, Office for Democratic Institutions and Human Rights, Organisation for Security and Co-operation in Europe, and Mr. A. Bradley, Director of Global Programmes, Institute for Democracy and Electoral Assistance (International IDEA). They stated that a sound legal framework for free and fair elections encompassed a wide range of elements, ranging from the choice of electoral system to the creation of appropriate dispute-settlement mechanisms.

Forty-four legislators from as many parliaments took part in the ensuing debate. They noted that at election time, when the stakes were particularly high, the struggle for power sometimes took violent forms. Violence occurred in particular when politics was seen as a zero-sum game. Electoral violence was a reflection of the ability of the political system to manage the tension between the competing interests of society. Women were disproportionately affected by electoral violence: women candidates were often vulnerable targets and were deterred from participating in the political process by a climate of intimidation.

A number of factors were identified that could contribute to, or mitigate, the risk of electoral violence, not least voter education. Citizens needed to understand the political process in order to be able to participate effectively. Greater knowledge of the purpose of elections, the place of parliament and the role of political parties in a democratic system of governance contributed to a healthy political environment. The ultimate test of an election was whether or not the results were acceptable to citizens. The perception of an uneven playing field or manipulated election results heightened the risk of violence.

The independence of the national electoral commission, which managed the entire electoral process, was seen by several participants as a sine qua non for a free and fair election. The impartiality of the judiciary and the security forces was also crucial. The State administration, at all levels, must respect strict neutrality throughout the electoral process.

Political parties and individual candidates were largely responsible for fostering a climate of political tolerance. In many countries, parties were required to sign a code of conduct for the electoral period. Respect for political opponents and intra-party democracy helped lower the risk of violence.

Election observation by national and international observers could play a significant role in building confidence in the electoral process. To be effective, observation must take place over the entire electoral cycle, not just on polling day. More work was required to develop standards for observation of the post-election phase, including the announcement of election results and the management of legal challenges thereto.

(d) Panel discussion (Second Standing Committee subject item at the 124<sup>th</sup> Assembly): *The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change* (Item 3(b))

The panel discussion took place in the afternoon of 5 October, with Mr. P. Martin-Lalande (France), President of the Second Standing Committee, in the Chair. One of the two co-Rapporteurs appointed by the 122<sup>nd</sup> Assembly, Mr. A. Cherrar (Algeria), was in attendance. The other, Ms. K.G. Ferrier (Netherlands), had been prevented from attending. She was replaced at the session by her parliamentary colleague, Mr. K. Putters, who complemented Mr. Cherrar's presentation of the draft report that had been prepared jointly by both co-Rapporteurs.

Given the exceptionally broad scope of subject, Mr. U. Hoffmann, of the United Nations Conference on Trade and Development (UNCTAD), was invited to provide a comprehensive scientific overview of the problem of managing the earth's resources. He focused on why agriculture was so important for both developed and developing countries and what policy changes were required in the light of global warming.

Following the three introductory statements, an exchange of views took place, with a total of 36 delegates taking the floor, one third of whom were women.

The delegates agreed that there was good reason to feel concerned over the question of how to feed the planet's growing population, provide it with sustainable living conditions and manage its natural resources in a responsible way. It was vital to adopt

an integrated and proactive approach. The discussion focused on a number of interrelated policy areas indentified in the draft report as being of primary importance for achieving that objective.

Both the draft report and the panel discussion served as reminders that, together with governments, management agencies and private stakeholders, legislators were largely responsible for putting in place and implementing sustainable development policies.

(e) Panel discussion (Third Standing Committee subject item at the 124<sup>th</sup> Assembly): *Transparency and accountability in political party funding* (Item 3(c))

The panel discussion took place in the afternoon of 5 October with Mr. J.C. Mahía (Uruguay), President of the Standing Committee on Democracy and Human Rights, in the chair. The President pointed out that Mr. A. Destexhe (Belgium), who had been appointed one of the co-Rapporteurs at the 122<sup>nd</sup> Assembly in Bangkok, was no longer a member of parliament, and had therefore been replaced by Mr. P. Moriau (Belgium). The latter, together with Ms. M. Kubayi (South Africa), the other co-Rapporteur, presented their draft reports. They said that they intended to present a unified report following the panel discussion and asked participants to make contributions that would enrich the report and the future draft resolution. The participants heard a presentation by Mr. A. Bradley, Director of Global Programmes, International IDEA. Thirty-two delegates took the floor during the debate.

Political parties played an important role in the political process. They helped articulate the wishes of the people and transform them into policies and actions that responded to those wishes. As key instruments in the democratic sphere, therefore, they needed resources to function properly. Those resources could come from both public and private sources. Participants provided examples of how political parties were funded in their countries and mechanisms that had been put in place to ensure their responsible use. It was clear from the discussions that many countries provided for public funding of political parties. Such funding could be direct in the form of subsidies allocated by the State, most often taking into account the representativeness of the parties based on their electoral weight. Indirect funding included the allocation of airtime on State-owned media to parties to express their views. Other mechanisms included tax deductions.



Participants recognized the importance of private funding for political parties. However, many delegates expressed concern that a part of such funding could come from dubious sources. In many countries, the authorities had to deal with money laundering, drug money and money obtained from other criminal and illegal activities. Delegates insisted that such money should not find its way into the political process as it could be used to undermine democracy. Discussions also focused on the negative role that some non-governmental organizations (NGOs) and large corporate entities could play by unduly influencing the political process and decision-making through generous funding of political parties. There were divergent views on the judiciousness of allowing funding from foreign sources but broad agreement that where such funding was allowed, measures should be taken to ensure that it was not used to unduly influence or subvert political and other outcomes in the countries of the recipient parties.

Given that the purpose of public funding was to set a level playing field for all actors in the political process, special attention should be paid to women and the creation of conditions that would allow them to compete on an equal footing with men.

Participants underscored the importance of setting guidelines to foster transparency and accountability,

key precepts of democracy. Reference was made to limiting the amount of funding that could be received from various sources, the need for parties to disclose the sources and extent of funding they received and to report on how those funds were utilized, in particular when the funding came from public sources.

As for mechanisms for sanctioning violations of funding regulations, participants were divided between instituting stringent punitive measures for defaulting parties and establishing self-regulatory mechanisms, including codes of conduct and integrity for political parties.

In any case, funding to political parties should aim primarily to give a voice to the people in the political and democratic process rather than subvert their will. Parliaments, together with NGOs and the media, could play a key role in building a culture of transparency and responsibility in political life.

The resolution to be adopted at the 124<sup>th</sup> Assembly in Panama should reflect those concerns and identify mechanisms that the IPU could institute to help parliaments ensure transparency and accountability. Such mechanisms should take into account the prevailing realities in the different countries rather than seek a one-size-fits-all approach.

## 187<sup>th</sup> Session of the Governing Council

### 1. Membership of the IPU

At its sitting on 4 October, the Governing Council took note that the Secretary General had been in contact over recent months with parliaments that were not members of the Organization. He informed the Council that, at the initiative of the Parliaments of Australia and New Zealand, a meeting had taken place with the parliaments from the Pacific Islands, and it was hoped that a mechanism would be devised to allow them to become members in the near future.

At the 123<sup>rd</sup> Assembly, the Governing Council granted observer status to the Parliamentary Assembly of Turkic-speaking Countries (TURKPA) and the Inter-Parliamentary Union of the Member

States of the Intergovernmental Authority on Development (IPU-IGAD).

The IPU currently comprised 155 Member Parliaments.

### 2. Reports on activities of IPU Members

The Governing Council took note of the reports submitted by 58 IPU Members on how their parliaments had followed up and implemented recommendations contained in the three resolutions adopted by the 120<sup>th</sup> Assembly on nuclear non-proliferation and disarmament issues, climate change and renewable energies, and freedom of expression and the right to information (see <http://www.ipu.org/strct-e/stcnfres.htm#120>). The

Council commended the parliaments concerned on their reports and the action they had taken and urged all Members to fulfil their obligations and to submit an annual report, as required by the Statutes.

The Council took note of the report on the many activities carried out by parliaments and the IPU to observe the International Day of Democracy on 15 September 2010. The IPU had proposed *Political accountability: Strengthening links between parliaments and citizens* as the theme for that year and had circulated posters, brochures and other promotional material to assist parliaments. Thirty-six parliaments informed the IPU of activities they had carried out (see <http://www.ipu.org/dem-idd/events.htm#parliaments>).

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### 3. Financial situation of the IPU

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The Governing Council was presented with a comprehensive report on the financial situation of the IPU as at 30 June 2010, and an updated list of unpaid contributions as at 30 September 2010. On that date, two Members had significant arrears and were subject to sanctions. The Council further took note of the Secretary General's projected operating surplus of CHF 227,714 notwithstanding some new activities and higher than expected expenditure on others, due to lower than foreseen expenses for interpretation, translation/editing, publishing and institutional gifts for the 122<sup>nd</sup> Assembly, and other savings achieved under the External Relations and Programmes Divisions.

On the recommendation of the Executive Committee, the Council agreed that the following activities be carried out within the approved budget ceiling for a total amount of CHF 573,000, which included reallocations already approved by the Council at the 122<sup>nd</sup> Assembly: CHF 50,000 for the Extraordinary Executive Committee, which took place in Namibia on 15 and 16 February 2010; higher than foreseen expenditure of CHF 103,000 for the 3<sup>rd</sup> World Conference of Speakers of Parliament; CHF 20,000 for co-sharing the cost of a meeting of Pacific Island parliaments (Auckland, 9-10 August); CHF 50,000 for modernizing the IPU website; CHF 40,000 to carry out an IT needs assessment; CHF 70,000 to organize a Climate Change Parliamentary Meeting in Mexico (December 2010); CHF 40,000 to prepare a report on the effectiveness of parliamentary mechanisms on the MDGs; and, lastly, CHF 140,000 to prepare a Global Parliamentary Report. The Members noted that not all of those items had been included in the

projections prepared as at 30 June 2010 and hence, the projected surplus currently stood at CHF 87,000.

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### 4. Programme and budget for 2011

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The Council received the budget proposal for 2011 and a summary of planned activities and requirements for 2011-2013. Reporting for the Executive Committee, Mr. F.-X. de Donnea (Belgium) stated that the Committee had invited the Secretary General to revisit the 2011 budget and submit a revised version with no increase of the assessed contributions. He also highlighted the fact that several proposals by the Secretary General to enhance the functioning and management of the Secretariat, including changes to the Secretariat's organigram, could be implemented with immediate effect at no cost. It specifically encouraged the Secretary General to implement a new communications strategy within the confines of the IPU budget (ICTs).

During the debate, one Member proposed that the Secretariat continue its efforts to reduce costs, as some parliaments had not been able to send delegations to the Assembly due to financial constraints. He suggested that the IPU, taking into account the limited travel budgets of some parliaments, organize more meetings in close proximity to the less affluent Members. He also suggested that spending had to be closely monitored on staff costs and travel and that better use had to be made of tele- and video-conferencing. Another Member also underscored the need for the IPU to do more with less by optimizing new information and communication technologies.

The Secretary General, in response to those comments, confirmed the IPU's intention to start implementing some of those suggestions. He stated that a broad outline of the 2012 budget would be submitted to the members of the Executive Committee in February 2011 in order for discussions on the next budget to begin earlier than usual. In reference to a comment concerning the scale of contributions, the Secretary General confirmed that the scale would be reviewed at the 124<sup>th</sup> Assembly in Panama.

Following the recommendation of the Executive Committee, the Governing Council approved the new scale of contributions and the revised 2011 budget. It approved gross operating expenses of CHF 18,086,540 and capital expenditures of

CHF 125,000. The approved budget and scale of contributions for 2011 are presented on pages 27 and 30.

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## 5. Cooperation with the United Nations system

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The Governing Council took stock of recent developments in IPU-UN cooperation, and was informed of a variety of activities carried out in collaboration with or in support of the United Nations (see page 34).

The Council noted in particular the many activities, including in-depth studies and reports, carried out by the IPU in support of parliamentary action to achieve the MDGs, as well as the input provided by the IPU to the 2010 high-level meeting of the United Nations General Assembly on the MDGs. The Council adopted a statement on the MDGs (see page 26), in which the IPU pledged to continue to mobilize parliaments in their efforts to achieve the MDGs by 2015.

The Governing Council welcomed the biennial Report of the UN Secretary-General on Cooperation between the United Nations, national parliaments and the IPU, and in particular its conclusions and recommendations for future action. The Council endorsed a draft resolution (see page 37), which it recommended that States adopt at the UN General Assembly when debating the cooperation item on its agenda. All Member Parliaments were encouraged to work closely with their foreign ministries to garner strong support for that UN General Assembly resolution.

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## 6. Consolidation of the reform of the IPU

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The Governing Council received a first draft of a strategic plan for the Inter-Parliamentary Union. The document described the IPU today, how it was depicted in its Statutes and Rules and the internal and external environment in which it operated. It highlighted some of the challenges facing the organization, its strengths and comparative advantages.

The draft provided a basis for IPU Members to reflect on the organization, its mission and future direction. In order to assist Members in that exercise, it identified seven strategic objectives for the IPU, six covering the current areas of its activities and one concerning modernization of the Organization. The document listed 33 tasks/questions which it recommended be addressed by the membership as it set out to draft a strategy for the IPU for the coming years (see page 44).

Several delegates expressed support for the exercise. They pleaded for sufficient time to carry out the process so that all Members could participate and commit themselves to the outcome. They underscored that the strategy would have to take account of the current financial difficulties facing parliaments in all parts of the world. Delegates suggested that certain IPU activities, for example those aimed at promoting democracy, human rights and gender partnership, should be priority strategic objectives of the organization. It was also proposed that in current times of economic hardship, the IPU should give priority to assisting parliaments in promoting development and social justice.

Some delegates suggested that the proposal to base the IPU on an international convention would require further in-depth study and should be deferred to a later stage, as envisaged in the draft strategy.

The IPU President called on all Members to study the draft strategy and be fully involved in the exercise. He noted that one geopolitical group had already set up a working group to study the draft and he encouraged the other geopolitical groups to follow suit. He also called on the different committees within the IPU to study those aspects of the plan which were relevant to their area of work.

The President announced that the Executive Committee would hold a three-day extraordinary session in February 2011 to convert the draft strategy into a concise document expressing a clear vision for the IPU and its strategic development over the coming years. The document would be circulated to all Members in time for them to consider it at the 124<sup>th</sup> IPU Assembly.

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## 7. Recent specialized conferences and meetings

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The Governing Council received a full report on the 3<sup>rd</sup> World Conference of Speakers of Parliament (see [www.ipu.org/splz-e/speakers10.htm](http://www.ipu.org/splz-e/speakers10.htm)). The Conference was the biggest parliamentary summit ever organized, with Speakers and Deputy Speakers from 135 parliaments participating in the debates. The Conference adopted a declaration on *Securing global democratic accountability for the common good* (see <http://www.ipu.org/splz-e/speakers10/declaration.pdf>). The Speakers' Conference had been preceded by the Sixth Meeting of Women Speakers of Parliament, which had adopted the *Bern initiative for global parliamentary action on maternal and child health* (see <http://www.ipu.org/splz-e/speakers10/bern.pdf>).

The Council took note of the results of a Regional Seminar for Latin American parliaments on violence against women (see [www.ipu.org/splz-e/cuenca10.htm](http://www.ipu.org/splz-e/cuenca10.htm)), the Third Parliamentary Forum on Shaping the Information Society (see [www.ipu.org/splz-e/ICT10.htm](http://www.ipu.org/splz-e/ICT10.htm)), a Parliamentary Meeting on the occasion of the UN Non-Proliferation Treaty Review Conference (see [www.ipu.org/splz-e/NPT10.htm](http://www.ipu.org/splz-e/NPT10.htm)), a Regional Conference "Towards enhanced parliamentary action to combat the trafficking of children for purposes of labour exploitation in West and Central Africa" (see [www.ipu.org/splz-e/cotonou10.htm](http://www.ipu.org/splz-e/cotonou10.htm)), a Parliamentary Meeting on the occasion of the 2010 Forum of the Alliance of Civilizations (see [www.ipu.org/splz-e/unaoc10.htm](http://www.ipu.org/splz-e/unaoc10.htm)), a Parliamentary Meeting on the occasion of the XVIII International AIDS Conference (see [www.ipu.org/splz-e/aids10.htm](http://www.ipu.org/splz-e/aids10.htm)), a Regional Workshop for Arab Parliaments on Implementing CEDAW and ending violence against women (see [www.ipu.org/splz-e/beirut10.htm](http://www.ipu.org/splz-e/beirut10.htm)) and a Regional seminar on parliamentary oversight in the area of security in West Africa (see [www.ipu.org/splz-e/dakar10.htm](http://www.ipu.org/splz-e/dakar10.htm)).

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## **8. Reports of plenary bodies and specialized committees**

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At its sitting on 6 October, the Governing Council heard the reports of the Coordinating Committee of Women Parliamentarians, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions and the Gender Partnership Group (see pages 13 and 14).

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## **9. Future inter-parliamentary meetings**

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The Governing Council took note of the dates for the next four Assemblies, which would be held in Panama, Bern, Kampala and Quebec City respectively. In addition to meetings already approved, the Governing Council approved the future meetings listed on pages 47 to 48, for which approval had been pending.

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## **10. Amendments to the Statutes and Rules**

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The Governing Council approved amendments to Rules 8 and 9 of the Rules of the Standing Committees and Rule 3 of the Rules of the Secretariat (see page 23 for the text of the amendments).

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

The Executive Committee held its 258<sup>th</sup> session in Geneva on 30 September and 1, 2 and 5 October 2010. The President chaired the meetings. The following titular and substitute members took part in the session: Mr. F.-X. de Donnea (Belgium), Mrs. Z. Drif Bitat (Algeria), Mr. M. Nago (Benin), Mr. N. Thavy (Cambodia), Ms. J. Fotso (Cameroon), Ms. M.A. Saa, substituting for Mr. J.A. Coloma (Chile), Mr. R. del Picchia (France), Mrs. S. Greiss (Egypt), Mr. A. Alonso Díaz-Caneja (Mexico), Mr. Young Chin (Republic of Korea), Mr. K. Örnfjäder (Sweden), Ms. D. Stump (Switzerland), Mr. R. Al-Shariqi (United Arab Emirates) and Mr. Ngo Quang Xuan (Viet Nam). Mr. T. Toga (Ethiopia) and Mr. M. Vardanyan (Armenia) were absent.

The Executive Committee elected by acclamation Ms. Z. Drif Bitat (Algeria) as its Vice-President.

The Committee was informed of efforts to increase the membership of the IPU. A meeting held in Auckland with the leaders of Pacific parliaments had provided an opportunity to discuss steps that could be taken to facilitate their participation in the work of the IPU. The Committee noted the financial

constraints of those parliaments and requested the Secretary General to make proposals to facilitate their effective participation in IPU meetings. It encouraged the Secretary General to undertake a similar effort in respect of the parliaments of small island developing States in the Caribbean.

The Committee concluded its four-yearly review of the participation of observers in IPU meetings. Since the majority of observer organizations had declared their interest in continuing to participate in IPU events, the Committee recommended that the status of all current permanent observers be maintained. At the same time, it noted a worrying increase in the size of observer delegations to IPU Assemblies and requested the Secretary General to take steps to ensure that the rules on the participation of observer organizations be respected at all times.

The Committee had a preliminary exchange of views on a first draft strategy for the IPU's future development. It decided to take a step-by-step approach. In the first instance, the Members and geopolitical groups would be invited to provide comments on the draft strategy and encouraged to

respond to the 33 questions it contained. In parallel, it would encourage all IPU committees, in particular the Coordinating Committee of Women Parliamentarians and the Committee on the Human Rights of Parliamentarians, to make proposals on those aspects of the plan that fell within their respective areas of competence. The Committee decided to meet in February 2011 to draft a concise strategic plan based on the input received. The plan would be circulated to all IPU Members in time for it to be considered at the 124<sup>th</sup> Assembly.

The Committee also discussed the functioning of Standing Committees and decided to revert to the issue in the context of its future consideration of the strategy for the IPU's development. It decided that the issue of a possible convention for the IPU and a new agreement on cooperation with the United Nations would be considered at a later stage in the light of the outcome of that initial exercise.

The Committee debated extensively the financial situation of the IPU and the programme and budget for 2011 and beyond. It decided to take advantage of its February meeting to hold an initial exchange of views on the direction and principal elements of the 2012 budget. The Committee members requested the Secretary General to submit preliminary budget estimates sufficiently in advance so that they could examine them prior to the meeting.

The Committee exchanged views on an action plan to strengthen the management, structure, functions and work processes of the IPU Secretariat. It took note of the resulting reorganization of the Secretariat's management structure. It endorsed the proposals contained in the action plan but noted that some of them would have to be deferred until such time as the requisite financial resources could be identified.

The Committee endorsed proposals for a new communications policy for the IPU, which would include a shift in focus towards parliaments and how the IPU could be more relevant to their needs. The policy involved investing more resources in modern ICTs, dedicated resources for the IPU website and the streamlining of IPU publications. The Committee was informed that the new communications policy would require a team consisting of a communications director, a webmaster and an administrative assistant. The team would be established by temporarily transferring a post from the Executive Office to the new Communications Division and reviewing and, as required, discontinuing existing communications functions. The Committee noted that the process to put in place the new communications policy would be completed by mid-2011.

## Coordinating Committee of Women Parliamentarians

The Coordinating Committee of Women Parliamentarians met on 3 October 2010. The session, which was chaired by Mrs. S. Greiss (Egypt), President of the Committee, followed up on the previous Meeting of Women Parliamentarians and laid the groundwork for its next session. In addition, the Coordinating Committee discussed the contribution of the Meeting of Women Parliamentarians to the 123<sup>rd</sup> IPU Assembly.

The Committee was briefed on the work and recommendations of the Gender Partnership Group by one of its members, Mrs. Z. Drif Bitat (Algeria).

It heard a report on follow-up by the members of the Coordinating Committee of the Fifteenth Meeting of Women Parliamentarians, held in Bangkok, which had been dedicated to human trafficking and violence against women in places of detention and prisons, and discussed its contribution to the 123<sup>rd</sup> Assembly. To that end, it examined the draft reports to be discussed at the panel discussion of each of the three Standing

Committees with a focus on gender issues, which the Rapporteurs would be encouraged to take into account.

The Committee took stock of the preparations under way for the Sixteenth Meeting of Women Parliamentarians. It decided, after a vote, to examine the items on the agenda of the 124<sup>th</sup> Assembly attributed to the First and Third Standing Committees respectively, namely: *Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power and Transparency and accountability in the funding of political parties and election campaigns.*

It also decided to hold a discussion on the conclusions of the study on gender-sensitive parliaments.

Following a presentation made by a UNICEF Representative, the Committee decided to organize a panel discussion, *Narrowing the gaps: Achieving the Millennium Development Goals with equity for children*, at the 124<sup>th</sup> Assembly.

The Committee exchanged views on how to enhance the work of the Meeting and Coordinating Committee of Women Parliamentarians and ensure the full participation of women MPs at IPU Assemblies. It reflected on ways to mainstream gender at all levels of the Organization.

It stressed the importance of giving greater visibility to the work of the Meeting of Women Parliamentarians and its Coordinating Committee, both within and outside the IPU. It recommended reporting on the work of the Coordinating Committee at the meetings of the various geopolitical groups. To attract the media and the wider public, it suggested establishing an international award to popularize the work of parliamentarians and/or institutions that made a significant contribution to gender equality.

Regarding the participation of women MPs at IPU meetings, the Committee suggested examining new measures to enhance women's participation in delegations to IPU Assemblies or other meetings.

Concerning gender mainstreaming at all levels of the IPU, the Committee discussed ways of ensuring that the Rapporteurs of the three Standing Committees took into account the gender perspective from the moment they started preparing the draft report, such as by providing them with guidelines and orienting Committee Secretaries to take the gender dimension into consideration. It also discussed strategies for guaranteeing that more women held elective offices at the IPU, in particular posts on the Executive Committee. Lastly, following an address by the Secretary General, the Committee decided to participate in the preparation of the organization's Strategic Plan, currently under way.

## Subsidiary bodies and Committees of the Governing Council

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

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Ms. Z. Benarous (Algeria), Ms. S. Carstairs (Canada), Ms. R. Green (Mexico), Mr. K. Jalali (Islamic Republic of Iran) and Mr. P. Mahoux (Belgium) participated in the Committee's 131<sup>st</sup> session, which took place from 2 to 5 October. The session was also attended by substitute members Mr. B. Barovič (Slovenia), Ms. A. Boumediene-Thiery (France) and Mr. K.N. Pangilinan (Philippines).

The Committee examined the individual situation of 306 sitting or former parliamentarians from 35 countries. It held seven meetings with official delegations and also met with the parliamentarians concerned or their representatives in four of the cases. The Committee conducted 13 hearings in relation to cases it was studying. The resolutions submitted for approval to the Governing Council concerned cases in 21 countries. One case was presented for the first time.

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

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The Committee on Middle East Questions met on 3 October 2010 under the chairmanship of its President, Ms. A. Clwyd (United Kingdom). Two titular members, Mr. F.-X. de Donnea (Belgium) and Mr. S. Janquin (France), and one substitute member, Mr. H. Alir (Turkey), were present. The meeting was also attended by Ms. N. Ali Assegaf

(Indonesia), who replaced Mr. L.H. Ishaq, a titular member, and by Mr. N. Movassat (Germany), who replaced Mr. J. Winkler, a substitute member.

The Committee invited Ms. E. Mancusi, from the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA), to brief it about the Agency's work to provide relief to Palestinian refugees, in particular women. She highlighted how the current situation affected Palestinian women and how, for example, the incidence of domestic violence against women had escalated in recent years.

The members of the Committee expressed support for the work of UNRWA and urged all countries to provide financial support to the Agency so that it could carry out its mandate and, in particular, extend assistance and support to women and children.

The Committee also discussed its mandate, composition and programme of work and submitted a set of recommendations for the Governing Council's consideration (see page 43).

### **3. Gender Partnership Group**

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The Gender Partnership Group held its 26<sup>th</sup> session on 2 and 5 October 2010. In attendance were Mr. R. del Picchia (France), Mrs. Z. Drif Bitat

(Algeria), Mrs. S. Greiss (Egypt) and Mr. Ngo Quang Xuan (Viet Nam).

As was customary, the Group compared the composition of the delegations attending the 123<sup>rd</sup> IPU Assembly to that of previous statutory meetings.

It took note that of the total number of delegates present at the 123<sup>rd</sup> Assembly, 149 (roughly 32%) were women, which it considered a fair percentage. The Group noted, however, that that percentage had been reached not because delegations had included more women but because general attendance had been lower. The Group expressed concern over the growing tendency to include a single woman in delegations. It recalled that the Statutes called for parity in the composition of delegations, an objective that was far from being achieved.

The Group noted in particular that of the delegations present at the 123<sup>rd</sup> Assembly that were composed of more than two members, 17 had no women. It considered the situation worrying since that figure had been on the rise for the past four years.

At the 123<sup>rd</sup> Assembly, the delegations of Malta, Qatar and Saudi Arabia had been sanctioned for having no women in their delegations for three consecutive years.

Based on the foregoing, the Gender Partnership Group decided to reopen the debate on the composition of delegations and on how to ensure a more equal participation of men and women at Assemblies. It intended to conduct a comparative study on the participation of women in Assemblies and identify concrete measures to redress the current situation. It also intended to broaden its scope by examining women's representation in all IPU bodies, in particular the Standing Committees, and setting objectives to enhance their participation. The Group decided to work on devising mechanisms to mainstream gender into all of the IPU's work, and suggested the following

measures: further sensitizing the geopolitical groups, ensuring that women were better represented in the bureaux of the Standing Committees, applying the principle of parity in the selection of rapporteurs of the Standing Committees and sensitizing the rapporteurs to the gender issue inter alia by preparing a relevant handbook.

The Group stated that those issues should be taken into account during the discussions on the IPU's Strategic Plan.

It examined the IPU's budget from a gender perspective and noted with satisfaction that the 2011 budget afforded greater visibility to gender equality questions. The Group was pleased to note that the zero growth foreseen for the 2011 budget had not affected the budget of the Gender Partnership Programme. Indeed, it was crucial for that Programme to continue receiving a high level of funding both from the ordinary budget and from voluntary contributions.

As it did on a regular basis, the Group examined the situation of the parliaments with no women members: six unicameral parliaments and the lower houses of three bicameral parliaments. Most of the parliaments concerned were in the Pacific Islands or the Gulf Cooperation Council States.

The Group took stock of certain activities conducted under the Gender Partnership Programme. It invited all parliaments to mark the International Day for the Elimination of Violence against Women, 25 November. It noted that in 2009, about 30 parliaments had organized activities to mark that Day. In 2010, the Group had requested the IPU President and the President of the Coordinating Committee of Women Parliamentarians to write to all parliaments to remind them to commemorate the occasion.

The Group examined the status of a study - the first of its kind - that was currently under way on gender-sensitive parliaments. Given its importance, the Group requested that the results of that study, which should be concluded in March 2011, be presented in plenary to the 124<sup>th</sup> Assembly in Panama.

## Other meetings

### **Review and follow-up session *Scaling up parliamentary action on migration and development***

The session, the second of its kind since 2009, was designed to review follow-up action taken by Member Parliaments to give effect to past IPU resolutions. It focused on the resolutions *Migration and development*, adopted by 113<sup>th</sup> Assembly (Geneva, October 2005), and *Migrant workers, people trafficking, xenophobia and human rights*, adopted by the 118<sup>th</sup> Assembly (Cape Town, April 2008).

The session took the form of a panel discussion, chaired by the IPU President, Dr. T.-B. Gurirab. The panellists were Mr. P. Muñoz Ledo, Chairperson of the External Relations Committee of the Mexican Chamber of Deputies, Mr. S. Marchi, former Canadian MP and Minister of Citizenship and Immigration, currently Commissioner on the United Nations Global Commission on International Migration, Mr. A. Hernández Basave, Deputy Permanent Representative of Mexico to the United Nations Office at Geneva, and French Senator, Mr. R. del Picchia, a member of the IPU Executive Committee.

Introductory presentations by the panellists sparked numerous comments and questions from the audience. The general feeling was that, despite migration's global dimension, the response by governments had been largely national in scope. The IPU, therefore, should not only keep international migration, including its human rights aspects, permanently on its radar screens, but should also scale up inter-parliamentary cooperation in that field. It was suggested, for example, that the IPU establish an ad hoc body to deal with the issue of migration governance and politics. Another avenue to consider was to promote greater involvement of parliaments in the *Global Forum on Migration and Development*, the next session of which would take place in Puerto Vallarta, Mexico, in November 2010.

Echoing the views of Mr. del Picchia, who referred in his presentation to the *Regional Conference on Migration and Violence against Women in Europe*, hosted by the French IPU Group in December 2009, the participants underscored the importance of paying constant parliamentary attention to the vulnerability of migrant women to gender-based violence, a particularly disturbing aspect of the migration phenomenon.

## Other events

### **1. Launch of an advocacy kit for parliamentarians on Disaster Risk Reduction**

During the Council session on 6 October, the IPU and the United Nations International Strategy for Disaster Reduction (UNISDR) jointly launched an advocacy kit for parliamentarians, *Disaster Risk Reduction: An Instrument for Achieving the Millennium Development Goals*. It was presented to the Council members by Mr. S. Briceño, Director of the UNISDR Secretariat in Geneva.

The new tool is intended to assist members of parliament in their oversight of national progress and investments made towards achieving the MDGs from the perspective of disaster risk reduction, a crucial component of development policies. Goal by goal, the publication outlines priorities, steps and interventions required to reduce or eliminate disaster risks. The kit provides examples of good parliamentary practice in many countries and shows why disaster risk reduction is indispensable for

ensuring steady progress towards the achievement of the MDGs. The publication is available in English, French and Spanish and can be downloaded from the IPU website (<http://www.ipu.org/english/pblctns.htm>).

Following a PowerPoint presentation delivered by Mr. Briceño, delegates of Cambodia and Hungary took the floor to attest to the timeliness of the advocacy kit. Moreover, for the third consecutive time, the IPU Assembly had placed on its agenda an emergency item dealing with the consequences of natural disasters.

### **2. Press events**

A press conference was held on Wednesday, 6 October, under the chairmanship of the President of the Committee of the Human Rights of Parliamentarians, Ms. R. Green (Mexico). She presented some of the more contentious cases before the Committee, alluding in particular to those in Cambodia, Eritrea, Myanmar and Rwanda.



## Elections and appointments

### 1. President of the 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union

Dr. T.-B. Gurirab, President of the Inter-Parliamentary Union, was elected President of the Assembly.

### 2. Vice-President of the Executive Committee

Mrs. Z. Drif Bitat (Algeria) was elected Vice-President by the Executive Committee.

### 3. Vice-Presidents of the Inter-Parliamentary Union

*African Group:* Mrs. Z. Drif Bitat (Algeria)

*Group of Latin America and the Caribbean:* Mr. A. Alonso Díaz-Caneja (Mexico)

*Arab Group:* Mr. R. Al Shariqi (United Arab Emirates)

*Asia-Pacific Group:* Mr. Ngo Quang Xuan (Viet Nam)

*Twelve Plus Group:* Mr. R. del Picchia (France)

*Eurasia Group:* Mr. M. Vardanyan (Armenia)

### 4. Executive Committee

The Governing Council elected Mrs. S. Moulengui-Mouélé (Gabon) and Mr. D. Oliver (Canada) members of the Executive Committee until October 2014. It also elected Mrs. M.A. Saa (Chile) to replace Mr. J.A. Coloma (Chile), who has relinquished his functions, until the latter's term expires in October 2011.

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

The Governing Council elected Mr. J.P. Letelier (Chile) as a substitute member of the Committee on the Human Rights of Parliamentarians until October 2015.

### 6. Group of Facilitators for Cyprus

The Governing Council elected Mr. B. Rae (Canada) and Mr. J. Lobkowitz (Czech Republic) as Facilitators until October 2014.

### 7. Advisory Group of the Committee on United Nations Affairs

The following were appointed or re-appointed members of the Advisory Group: Mr. A.N. Atanasof of (Argentina), Mr. M. El Feki (Egypt), Mr. L. Fraga (Spain), Mr. C. Frolick (South Africa), Ms. R. Green (Mexico), *President*, Ms. K. Komi (Finland) Ms. M. Lugarić (Croatia), Mr. M. Maia (Brazil), Mr. F.H. Naek (Pakistan), Ms. S. Sani (Nigeria), Mr. T. Toga (Ethiopia), Mr. M. Traoré (Burkina Faso), Mr. N. Treacy (Ireland), Mr./Ms. --- (Australia) name to be confirmed)

### 8. Gender Partnership Group

The Executive Committee appointed Mrs. S. Greiss (Egypt) as a member of the Group.

### 9. Internal Auditors for the 2011 accounts

The Governing Council appointed Mr. D. Pacheco (Portugal) and Mr. H. Tajam (Uruguay) as Internal Auditors for the 2011 accounts.

## Membership of the Inter-Parliamentary Union\*

### Members (155)

Afghanistan, 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, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Palestine, 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, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe

### Associate Members (9)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union, Latin American Parliament, Parliament of the Economic Community of West African States, Parliamentary Assembly of the Council of Europe and Transitional Arab Parliament

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• At the closure of the 123<sup>rd</sup> Assembly

## Agenda, Resolutions and other texts of the 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 123<sup>rd</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Panel discussions on the subject items chosen for debate during the 124<sup>th</sup> Assembly (Panama City, 15-20 April 2011):
  - (a) Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power  
*(Standing Committee on Peace and International Security)*
  - (b) The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change  
*(Standing Committee on Sustainable Development, Finance and Trade)*
  - (c) Transparency and accountability in the funding of political parties and election campaigns  
*(Standing Committee on Democracy and Human Rights)*
4. Report of the IPU Committee on United Nations Affairs
5. Amendments to the Statutes and Rules of the IPU
6. Immediate action to support international relief efforts in response to natural disasters, in particular with regard to flood-stricken Pakistan

## **IMMEDIATE ACTION TO SUPPORT INTERNATIONAL RELIEF EFFORTS IN RESPONSE TO NATURAL DISASTERS, IN PARTICULAR WITH REGARD TO FLOOD-STRICKEN PAKISTAN**

### ***Resolution adopted unanimously by the 123<sup>rd</sup> IPU Assembly (Geneva, 6 October 2010)***

The 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union,

*Recalling* the resolution on the earthquakes in Haiti and Chile adopted by the 122<sup>nd</sup> IPU Assembly (Bangkok, 2010), which acknowledges that the growing frequency, intensity and impact of disasters pose a significant threat to people's lives and livelihoods, and to the achievement of the Millennium Development Goals,

*Also recalling* the resolution on natural disasters adopted by the 112<sup>th</sup> IPU Assembly (Manila, 2005), which proposes that nations further strengthen their cooperation on disaster-prevention efforts,

*Further recalling* previous United Nations General Assembly resolutions on enhancing humanitarian aid in natural disasters, in particular resolution 64/294 of 24 August 2010, which urges the international community, in particular donor countries, international financial institutions and relevant international organizations, as well as the private sector and civil society, to extend full support and assistance to the Government of Pakistan in its efforts to mitigate the adverse impacts of the floods and to meet the medium- and long-term rehabilitation and reconstruction needs,

*Noting* the international framework for action provided by the UN International Strategy for Disaster Reduction (UNISDR) and the Hyogo Framework for Action 2005-2015, which were the main outcomes of the 2005 World Conference on Disaster Reduction,

*Also noting* the decisions of the Forty-sixth Session of the United Nations General Assembly regarding the establishment of the United Nations Central Emergency Response Fund (UNCERF) as a mechanism for ensuring that funds go where they are most needed and that there is a rapid and coordinated response by the international community to natural disasters,

*Underscoring* the importance of international inter-parliamentary cooperation in natural disaster mitigation, given the growing role played by international and regional inter-parliamentary organizations in related social and humanitarian areas,

*Deeply concerned* about the suffering endured by the victims of natural disasters - loss of life, refugee flows, collective displacement of populations, and physical and financial destruction - and *considering* that this should serve to promote international inter-parliamentary cooperation aimed at mitigating human suffering and accelerating rehabilitation and reconstruction,

*Considering* that over 2,000 lives were lost in the floods in Pakistan, 2 million people were displaced and the physical damage and resulting economic losses were huge; *also considering* that, according to Pakistani Government figures, more than 20 million people have been left homeless, over 1.8 million houses damaged, 3,000 people injured, 40 bridges damaged, 2 million hectares of cultivated land fouled, 1.3 million hectares of standing crops destroyed, 1.2 million heads of livestock drowned, 3.5 million jobs lost, and 1,300 schools and 5,000 health facilities damaged,

*Noting* that the massive scale of destruction and loss of life caused by the unprecedented flooding, which was itself triggered by torrential rainfall in an otherwise arid region, reflects the adverse impact of climate change and the growing vulnerability of countries to such change,

*Also noting* the growing number and complexity of human catastrophes and natural disasters, the impact of which exceeds the disaster-response capacity of many affected countries, in particular their ability to provide food, medicine, shelter and health care to disaster victims,

*Expressing* its sincere sympathy and solidarity with the people and communities affected by disasters, particularly those in flood-stricken Pakistan, in the wake of the extensive damage and loss of life and property and the collective suffering that they have endured,

*Praising* the efforts made by the Government of Pakistan to reverse the negative impact of the recent disaster on people's daily lives,

1. *Urges* the international community, particularly donor countries, international financial institutions and relevant international organizations, the private sector and civil society to extend their full support and assistance to the Government of Pakistan and to mitigate the adverse impact of the floods by taking swift measures such as writing off and/or rescheduling Pakistan's debt, providing market access to revive Pakistan's economy and investing in medium- and long-term rehabilitation and reconstruction projects;
2. *Appeals* to international and regional parliamentary organizations, UN agencies and relevant regional and international organizations to redouble their efforts and develop programmes to heighten awareness of the damages caused by and potential risks of the flood in Pakistan and of the need for Pakistan to overcome this disaster;
3. *Underscores* the importance of a rapid response by the international community, in particular the United Nations, to meet the needs of people affected by natural hazards that may become disasters, especially the people of Pakistan, who have sustained heavy losses as a result of the recent devastating floods, and *urges* all potential stakeholders to extend humanitarian aid to all those affected by such a disaster;
4. *Requests* the relevant UN bodies to take into account the needs identified by the authorities of Pakistan and *calls upon* international financial institutions, in particular the International Monetary Fund, the World Bank and the Asian Development Bank, and governments to further contribute to the efforts aimed at meeting the needs of the people in the flood-stricken areas of Pakistan, and *encourages* the Government of Pakistan to continue its own efforts to introduce the financial and economic reform required for successful reconstruction;
5. *Appeals* to that the international community to respond rapidly and appropriately by contributing to the Pakistan Emergency Fund established by the United Nations and increasing the budget allocated to UN CERF, and *calls upon* donor countries to secure reliable and diverse donations for this Fund;
6. *Calls upon* parliaments to urge their governments to prioritize compliance with international commitments such as the Kyoto Protocol and other agreements dealing with climate change;
7. *Also calls upon* governments to provide adequate and accessible resources to UN agencies involved in funding and providing disaster assistance, and *appeals* to the IPU to support UN efforts in this area by developing a parliamentary programme on disaster-risk reduction that encompasses mitigation, prevention and preparedness;
8. *Encourages* all governments to further coordinate their international relief, reconstruction and recovery activities, among themselves and with humanitarian agencies, and to take concrete action to enhance people's understanding of the need for disaster-risk reduction through public awareness, education and training;

9. *Calls upon* parliaments to urge their governments - through their legislative and oversight roles - the United Nations and its specialized agencies and all relevant regional and international organizations to develop disaster-risk-reduction strategies, facilitate the exchange of relevant technology, establish early warning systems, and develop rapid response mechanisms, in particular under the Capacity for Disaster Reduction Initiative (CADRI) launched by the UN Office for the Coordination of Humanitarian Affairs, UNDP and UNISDR;
10. *Appeals* to the United Nations to hold an international conference on the rehabilitation and reconstruction of the flood-affected areas in Pakistan, on the understanding that one day of the proceedings will be devoted to an IPU-sponsored parliamentary meeting, and *calls upon* the UN Secretary-General to take the necessary action to that end;
11. *Issues* an urgent call for all nations, acting within the framework of a strategy to manage unforeseen events, and in view of the need to ensure global security, to establish a global fund able to tackle unanticipated disasters and phenomena immediately, and *urges* the IPU to establish a committee to follow this important issue and to promote and monitor the creation of such a fund;
12. *Requests* the IPU Secretary General to report on implementation of this resolution at the 124<sup>th</sup> IPU Assembly.

## Amendments to the Statutes and Rules of the Inter-Parliamentary Union

*Approved by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

### RULES OF THE STANDING COMMITTEES

Rule 38.1 of the Rules of the Standing Committees states that "*the Governing Council shall adopt and amend the Standing Committee's Rules*". Furthermore Rule 38.2 indicates that "*Proposals for amending the Standing Committees' Rules shall be formulated in writing and sent to the Secretariat of the Union at least three months before the next meeting of the Governing Council. The Secretariat shall communicate such proposals immediately to all Members of the Union. It shall communicate any proposal for sub-amendments at least one month before the meeting of the Governing Council*".

In accordance with the Rules, the proposed amendments are as follows:

#### Rule 8

1. A Committee officer shall not be eligible for re-election to the same post, **either as titular or substitute**, after four years in office.
2. When a Committee officer has served for four consecutive years, two years must elapse before that person may again be elected to the post held previously.

#### Rule 9

1. In order to ensure as far as possible a fair distribution of these posts among the Members of the Union, representatives of a Member shall not simultaneously hold more than one post as President or Vice-President, **or hold a post in the same body for more than four consecutive years (cf. Rule 8)**.
2. Members of the Executive Committee shall not simultaneously hold office as President or Vice-President of a Standing Committee (cf. Statutes, Art. 23.8 and Standing Committees, Rule 10.2).
3. There shall be no candidates for the post of President of a Standing Committee from a Member of the Union represented on the Executive Committee.

### RULES OF THE SECRETARIAT

#### Rule 3

1. **In accordance with the recruitment procedure appended to these Rules**, the Secretary General shall be **elected or re-elected** by the Governing Council on the proposal of the Executive Committee **for a four-year term, renewable twice** (cf. Statutes Art. 21(l), 24.2(h) and 26.1). The terms of the Secretary General's appointment shall be fixed by the Executive Committee.
2. **The Executive Committee may propose to the Governing Council that it waive the procedure set out in paragraph (1) above and vote on the re-appointment of the incumbent Secretary General.**

\* \* \* \*

## **PROCEDURE FOR SELECTING THE SECRETARY GENERAL OF THE INTER-PARLIAMENTARY UNION**

### **Vacancy announcement**

The selection process for the post of Secretary General will commence ten months before the expiry of the current term of the Secretary General.

A vacancy announcement containing a description of the functions of the Secretary General and the skills and qualifications required of candidates will at that time be circulated to all Member Parliaments of the IPU.

The announcement will also be placed on IPU's website and shared with the United Nations system. All parliaments will be invited to publicize the announcement in the manner they deem fit.

At the same time as it finalizes the vacancy announcement, the Executive Committee will agree on a set of minimum requirements that have to be met by candidates in order to be retained during the initial selection process.

### **Presentation of candidatures**

Candidatures can be submitted by the candidates themselves or by one or more Members of the IPU.

Candidatures shall be submitted within a period of four months from the date of the official vacancy announcement.

Each candidature shall be submitted in one of the two working languages of the IPU – English and French – and shall consist of a letter of motivation accompanied by a curriculum vitae.

Each application will be received in confidence and recorded by the Director of Support Services, who will act as registrar and will also respond to enquiries from candidates.

### **Shortlisting of candidates**

At the end of the period for presenting candidatures, the President of the IPU, assisted by the registrar, will examine all candidatures to ensure that they meet the minimum requirements for the post contained in the vacancy announcement. Any candidate who does not meet these requirements will be eliminated from the process.

The complete documentation submitted by all candidates who meet the minimum requirements will be reviewed by the President of the IPU and the Vice-President of the Executive Committee who will together draw up an initial shortlist consisting of the twenty best qualified candidates.

The complete documentation of these candidates will be shared with each member of the IPU Executive Committee together with a report from the President on the conduct and outcome of the pre-selection procedure.

After studying the candidatures, each member of the Committee will indicate up to a maximum of five candidates which he or she proposes to maintain on the shortlist.

The Committee members will communicate their preferences to the Secretariat through a confidential procedure within a month of receiving the documentation.

The five candidates who receive the largest number of preferences will be shortlisted.

### **Interviews of selected candidates**

The five shortlisted candidates will be invited to the Assembly where the final selection will take place.



The Executive Committee will devote one extra day during that Assembly to interviewing the candidates. Each candidate will be interviewed for an equal length of time. They will be invited to present their candidature for ten minutes and will then take questions from the members.

Before starting the interviews, the Executive Committee will have agreed upon a set of questions which will be addressed to all candidates. Members of the Executive Committee will also be able to address follow up questions to the candidates as well as questions relating to the candidate's individual presentations.

After the interviews the members of the Executive Committee will exchange views on the candidatures. They will seek to determine if one or more of the candidates can be excluded at this stage of the procedure on the grounds that they either clearly do not meet the requirements of the post or fail to muster sufficiently wide support. To this end the Executive Committee may resort to straw polls or similar techniques.

At the end of its deliberations the Executive Committee will forward two or more candidatures for consideration by the IPU membership present at the Assembly.

### **Presentation of candidatures during the Assembly**

Each candidate retained by the Executive Committee will have equal opportunities to present his/her candidature to each of the geopolitical groups, in accordance with procedures set by them.

The candidates will also be heard by the Meeting of Women Parliamentarians, in accordance with a procedure determined by its Coordinating Committee.

The candidates will present their candidature during the last sitting of the Governing Council. They will each be given five minutes for this purpose.

### **Election**

The Governing Council will elect the Secretary General by secret ballot.

For the purpose of identifying the candidate most capable of securing a broad if not all-inclusive consensus among the Members, the Governing Council will elect the Secretary General with an absolute majority of the votes cast, as per Council Rule 35.1(b).

If there are more than two candidates and none receives the required majority in the first round of voting, the candidate who received the least support will be eliminated and a new round of voting held.

This procedure will be repeated until such time as one candidate receives an absolute majority of the votes cast.

The winning candidate will be appointed by the Governing Council for a four year term.

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

### **STATEMENT BY THE PRESIDENT OF THE ASSEMBLY ON THE MILLENNIUM DEVELOPMENT GOALS ENDORSED BY THE GOVERNING COUNCIL AT ITS 187<sup>th</sup> SESSION**

We parliamentarians, meeting at the 123<sup>rd</sup> Assembly of the Inter-Parliamentary Union (IPU) in Geneva in October 2010, welcome the declaration *Keeping the promise: United to achieve the Millennium Development Goals*, approved at the 2010 high-level meeting of the United Nations General Assembly on the Millennium Development Goals (MDGs).

The IPU recognizes the widely held view that progress towards achieving the MDGs has been uneven. Despite significant achievements, considerable challenges lie ahead. The IPU therefore welcomes the commitment by the United Nations and its Member States to give top priority to the MDGs over the next five years so as to ensure their speedy implementation.

The IPU has endorsed the need for greater accountability in international development cooperation. Governments must also be accountable for the MDGs in their own countries. It is imperative that the MDG national reports are tabled and discussed in parliament, not only to guarantee accountability, but also to make the pursuit of the Goals an inclusive national exercise. Without good governance, both on the national and international levels, the MDGs will not succeed. We urge all parliaments to do everything in their power to place the MDGs high on their agenda, to identify modalities to further support MDG-related efforts, and to ensure that their governments honour the promise of meeting the MDGs.

The IPU has worked energetically towards achieving the MDGs, in particular those relating to gender equality and the empowerment of women, child and maternal health, HIV and AIDS, and environmental sustainability. It has also undertaken valuable work in the area of parliamentary scrutiny of development aid. As a vital partner in the global effort to halve world poverty by 2015, we pledge to continue working to mobilize parliaments in these efforts as the deadline approaches.

**BUDGET OF THE INTER-PARLIAMENTARY UNION FOR 2011**

*Approved by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

**Approved 2011 operating budget (gross amount before eliminations)**

	2009 actual (CHF)	2010 approved (CHF)	2011 budget	
			(CHF)	(Tonnes CO <sub>2</sub> e)
<b>REVENUES</b>				
Membership fees	11,856,735	12,046,100	12,080,700	
Staff assessment	1,222,306	1,283,800	1,372,000	
Interest	149,926	110,000	75,000	
Other revenues	14,806	14,000	10,000	
Voluntary contributions	1,878,778	5,238,400	4,548,840	
Programme support costs	138,989	140,000	100,000	
<b>TOTAL REVENUE</b>	<b>15,261,540</b>	<b>18,832,300</b>	<b>18,186,540</b>	
<b>EXPENSES</b>				
Executive Office	1,401,986	1,453,530	1,037,010	152
Communications	-	584,860	788,020	
Members & External Relations	3,999,483	4,167,610	4,027,440	468
Programmes	4,547,178	4,399,710	4,675,820	346
-- Voluntary funds	1,878,778	5,238,400	4,548,840	875
Support Services	2,385,124	2,686,190	2,805,910	137
Grants and Reserve Contributions	160,560	302,000	303,500	0
<b>TOTAL EXPENSES</b>	<b>14,749,101</b>	<b>18,832,300</b>	<b>18,186,540</b>	<b>1,983</b>

**Approved 2011 capital budget**

	2009 actual (CHF)	2010 approved (CHF)	2011 budget (CHF)
<b>CAPITAL EXPENDITURES</b>			
Information technology	43,659	35,000	35,000
Development of new website	-	-	20,000
Improved conference facilities	9,287	50,000	25,000
Furnishings	3,499	15,000	15,000
Vehicle	-	-	50,000
<b>Total Capital Expenditures</b>	<b>56,445</b>	<b>100,000</b>	<b>145,000</b>

**SPENDING ESTIMATES BY OBJECT OF EXPENDITURE  
FOR REGULAR FUNDS (CHF) FOR 2011**

EXPENDITURE ITEM	2009	2010	2011
	ACTUAL	APPROVED	PROPOSED
Regular staff salaries	6,435,805	6,683,800	6,696,330
Benefits	2,016,474	2,049,500	2,243,620
Staff overheads	41,866	51,800	75,400
Overtime payments	100,167	92,000	73,600
Temporary staff	344,226	367,200	396,550
Interpreters	655,525	829,000	819,840
Translations and editing	283,618	271,400	181,200
Other purchased services	252,928	302,400	214,100
Website technical maintenance	5,860	7,500	32,000
Online databases	25,176	30,000	62,000
Honoraria	32,536	50,900	63,500
Duty travel - transportation	623,998	750,100	749,390
Duty travel - allowances	289,750	279,200	266,690
Duty travel - incidentals	1,359	3,500	14,350
Rent	141,338	148,700	159,600
Heating	34,245	30,900	34,000
Electricity	43,472	38,800	44,780
Water	2,427	2,200	2,500
Buildings and grounds	63,417	47,200	58,850
Insurance	34,569	42,600	46,600
Office vehicles	13,948	10,700	8,800
Office furniture and equipment	288	3,900	1,500
Equipment maintenance	15,975	14,300	14,200
Equipment rental/leasing	42,557	65,300	59,600
Conference venue services	124,406	105,200	60,180
Stationery	64,902	54,400	52,750
Miscellaneous office supplies	15,259	35,200	38,010
Sundry expenses	13,247	4,600	11,800
Telephone/Telefax	66,328	71,300	72,300
Postage	144,535	139,700	128,880
Courier services	18,453	13,300	14,640
Freight	22,886	24,500	26,500
Internet connection	31,628	33,600	33,860
Computer hardware maintenance	11,321	10,000	10,000
Computer software/supplies/service	28,580	47,200	30,000
Publishing	170,091	165,800	119,000
Library acquisitions	14,028	14,600	12,960
Information activities	0	9,600	89,000
Official hospitality	110,841	151,100	85,380
Bank charges	54,366	20,900	20,900
Audit costs	3,649	4,600	4,600
Grants	52,153	55,000	55,000
Amortization	313,719	247,900	240,440
Allowance for Doubtful Accounts	19,207	157,500	157,500
Reserves	89,200	55,000	55,000
<b>TOTAL EXPENSES</b>	<b>12,870,323</b>	<b>13,593,900</b>	<b>13,637,700</b>

**SPENDING ESTIMATES BY OBJECT OF EXPENDITURE  
FOR VOLUNTARY FUNDS (CHF) FOR 2011**

<b>EXPENDITURE ITEM</b>	<b>2009 ACTUAL</b>	<b>2010 APPROVED</b>	<b>2011 PROPOSED</b>
Regular staff salaries	450,825	625,700	580,190
Benefits	141,253	188,700	298,900
Staff overheads	661	26,400	-
Overtime payments	2,187	-	-
Temporary and contract employees	24,386	426,200	645,900
Interpreters	40,654	265,000	365,650
Translations and editing	96,968	247,800	260,300
Other purchased services	160,237	940,700	327,600
Programme support costs	138,989	140,000	100,000
Honoraria	-	5,000	40,250
Duty travel - transportation	435,530	1,156,600	1,005,400
Duty travel - allowances	237,996	405,800	319,500
Duty travel - incidentals	8,429	33,300	20,000
Rent	-	4,000	-
Office vehicles/local transport	6,447	-	-
Conference venue services	36,805	163,200	85,200
Miscellaneous office supplies	7,036	11,500	3,900
Sundry expenses	862	4,700	22,000
Telephone/Telefax	5,013	800	1,200
Postage	14,168	15,000	17,250
Courier services	2,479	13,800	13,500
Freight	-	10,100	14,000
Publishing	119,783	422,100	320,000
Library acquisitions	540	-	-
Information activities	1,464	109,600	72,500
Official hospitality	78,731	22,400	35,600
Recoveries/Grants	6,324	-	-
<b>TOTAL EXPENSES</b>	<b>2,017,767</b>	<b>5,238,400</b>	<b>4,548,840</b>

## APPROVED PROGRAMME AND BUDGET FOR 2011

### TABLE OF CONTRIBUTIONS TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 2011

*Approved by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

Member or Associate Member	UN Scale	2012 Target	Proposed Scale (2011)	
			Percentage	CHF
Afghanistan	0.001%	0.10%	0.100%	CHF 12,100
Albania	0.006%	0.13%	0.142%	CHF 17,200
Algeria	0.085%	0.31%	0.315%	CHF 38,100
Andorra	0.008%	0.13%	0.141%	CHF 17,100
Angola	0.003%	0.11%	0.105%	CHF 12,700
Argentina	0.325%	0.69%	0.668%	CHF 80,700
Armenia	0.002%	0.11%	0.139%	CHF 16,800
Australia	1.787%	2.27%	2.126%	CHF 256,900
Austria	0.887%	1.37%	1.252%	CHF 151,300
Azerbaijan	0.005%	0.12%	0.165%	CHF 20,000
Bahrain	0.033%	0.20%	0.183%	CHF 22,100
Bangladesh	0.010%	0.14%	0.110%	CHF 13,300
Belarus	0.020%	0.17%	0.230%	CHF 27,800
Belgium	1.102%	1.60%	1.493%	CHF 180,400
Benin	0.001%	0.10%	0.100%	CHF 12,100
Bolivia	0.006%	0.13%	0.141%	CHF 17,000
Bosnia and Herzegovina	0.006%	0.13%	0.150%	CHF 18,100
Botswana	0.014%	0.15%	0.158%	CHF 19,100
Brazil	0.876%	1.35%	1.503%	CHF 181,600
Bulgaria	0.020%	0.17%	0.196%	CHF 23,700
Burkina Faso	0.002%	0.11%	0.105%	CHF 12,700
Burundi	0.001%	0.10%	0.100%	CHF 12,100
Cambodia	0.001%	0.10%	0.100%	CHF 12,100
Cameroon	0.009%	0.14%	0.149%	CHF 18,000
Canada	2.977%	3.30%	3.246%	CHF 392,100
Cape Verde	0.001%	0.10%	0.100%	CHF 12,100
Chile	0.161%	0.44%	0.414%	CHF 49,800
China	2.667%	3.04%	2.702%	CHF 326,400
Colombia	0.105%	0.35%	0.341%	CHF 41,300
Comoros	0.001%	0.10%	0.100%	CHF 12,100
Congo	0.001%	0.10%	0.100%	CHF 12,100
Costa Rica	0.032%	0.20%	0.196%	CHF 23,600
Côte d'Ivoire	0.009%	0.14%	0.149%	CHF 18,000
Croatia	0.050%	0.24%	0.256%	CHF 31,000
Cuba	0.054%	0.25%	0.232%	CHF 28,100
Cyprus	0.044%	0.23%	0.220%	CHF 26,600
Czech Republic	0.281%	0.63%	0.606%	CHF 73,300
Democratic PR of Korea	0.007%	0.13%	0.147%	CHF 17,800
Democratic Republic of the Congo	0.003%	0.11%	0.105%	CHF 12,700
Denmark	0.739%	1.20%	1.104%	CHF 133,300
Djibouti	0.001%	0.10%	0.100%	CHF 12,100
Dominican Republic	0.024%	0.18%	0.178%	CHF 21,500
Ecuador	0.021%	0.17%	0.182%	CHF 22,000
Egypt	0.088%	0.32%	0.299%	CHF 36,200
El Salvador	0.020%	0.17%	0.173%	CHF 20,900
Estonia	0.016%	0.16%	0.180%	CHF 21,800

Member or Associate Member	UN Scale	2012 Target	Proposed Scale (2011)	
			Percentage	CHF
Ethiopia	0.003%	0.11%	0.105%	CHF 12,700
Finland	0.564%	1.00%	0.929%	CHF 112,200
France	6.301%	5.78%	5.768%	CHF 696,800
Gabon	0.008%	0.13%	0.144%	CHF 17,500
Gambia	0.001%	0.10%	0.100%	CHF 12,100
Georgia	0.003%	0.11%	0.144%	CHF 17,500
Germany	8.577%	7.27%	7.481%	CHF 903,700
Ghana	0.004%	0.12%	0.134%	CHF 16,200
Greece	0.596%	1.03%	0.935%	CHF 112,900
Guatemala	0.032%	0.20%	0.196%	CHF 23,700
Guinea-Bissau	0.001%	0.10%	0.100%	CHF 12,100
Hungary	0.244%	0.57%	0.528%	CHF 63,800
Iceland	0.037%	0.21%	0.209%	CHF 25,300
India	0.450%	0.85%	0.789%	CHF 95,300
Indonesia	0.161%	0.44%	0.428%	CHF 51,700
Iran (Islamic Rep. of)	0.180%	0.48%	0.548%	CHF 66,300
Iraq	0.015%	0.16%	0.165%	CHF 20,000
Ireland	0.445%	0.85%	0.754%	CHF 91,100
Israel	0.419%	0.81%	0.712%	CHF 86,000
Italy	5.079%	4.92%	4.755%	CHF 574,400
Japan	16.624%	11.75%	11.570%	CHF 1,397,600
Jordan	0.012%	0.15%	0.158%	CHF 19,100
Kazakhstan	0.029%	0.19%	0.247%	CHF 29,800
Kenya	0.010%	0.14%	0.149%	CHF 18,100
Kuwait	0.182%	0.48%	0.472%	CHF 57,000
Kyrgyzstan	0.001%	0.10%	0.123%	CHF 14,900
Lao People's Democratic Republic	0.001%	0.10%	0.100%	CHF 12,100
Latvia	0.018%	0.16%	0.186%	CHF 22,500
Lebanon	0.034%	0.21%	0.203%	CHF 24,500
Lesotho	0.001%	0.10%	0.100%	CHF 12,100
Liberia	0.001%	0.10%	0.100%	CHF 12,100
Libyan Arab Jamahiriya	0.062%	0.27%	0.302%	CHF 36,500
Liechtenstein	0.010%	0.14%	0.149%	CHF 18,100
Lithuania	0.031%	0.20%	0.223%	CHF 26,900
Luxembourg	0.085%	0.31%	0.291%	CHF 35,100
Malawi	0.001%	0.10%	0.100%	CHF 12,100
Malaysia	0.190%	0.49%	0.457%	CHF 55,300
Maldives	0.001%	0.10%	0.100%	CHF 12,100
Mali	0.001%	0.10%	0.100%	CHF 12,100
Malta	0.017%	0.16%	0.164%	CHF 19,900
Mauritania	0.001%	0.10%	0.100%	CHF 12,100
Mauritius	0.011%	0.14%	0.129%	CHF 15,600
Mexico	2.257%	2.69%	2.369%	CHF 286,200
Monaco	0.003%	0.11%	0.128%	CHF 15,400
Mongolia	0.001%	0.10%	0.120%	CHF 14,500
Montenegro	0.001%	0.10%	0.121%	CHF 14,600
Morocco	0.042%	0.22%	0.219%	CHF 26,500
Mozambique	0.001%	0.10%	0.100%	CHF 12,100
Namibia	0.006%	0.13%	0.142%	CHF 17,200
Nepal	0.003%	0.11%	0.105%	CHF 12,700
Netherlands	1.873%	2.34%	2.183%	CHF 263,700
New Zealand	0.256%	0.59%	0.546%	CHF 66,000
Nicaragua	0.002%	0.11%	0.128%	CHF 15,400
Nigeria	0.048%	0.24%	0.253%	CHF 30,600
Norway	0.782%	1.25%	1.147%	CHF 138,500
Oman	0.073%	0.29%	0.280%	CHF 33,800

Member or Associate Member	UN Scale	2012 Target	Proposed Scale (2011)	
			Percentage	CHF
Pakistan	0.059%	0.26%	0.256%	CHF 30,900
Palau	0.001%	0.10%	0.100%	CHF 12,100
Palestine	0.001%	0.10%	0.100%	CHF 12,100
Panama	0.023%	0.18%	0.179%	CHF 21,700
Papua New Guinea	0.002%	0.11%	0.105%	CHF 12,700
Paraguay	0.005%	0.12%	0.134%	CHF 16,200
Peru	0.078%	0.30%	0.284%	CHF 34,400
Philippines	0.078%	0.30%	0.286%	CHF 34,600
Poland	0.501%	0.92%	0.909%	CHF 109,800
Portugal	0.527%	0.95%	0.824%	CHF 99,600
Qatar	0.085%	0.31%	0.299%	CHF 36,100
Republic of Korea	2.173%	2.62%	2.279%	CHF 275,300
Republic of Moldova	0.001%	0.10%	0.138%	CHF 16,700
Romania	0.070%	0.28%	0.310%	CHF 37,400
Russian Federation	1.200%	1.70%	2.435%	CHF 294,200
Rwanda	0.001%	0.10%	0.100%	CHF 12,100
Samoa	0.001%	0.10%	0.100%	CHF 12,100
San Marino	0.003%	0.11%	0.128%	CHF 15,400
Sao Tome & Principe	0.001%	0.10%	0.100%	CHF 12,100
Saudi Arabia	0.748%	1.21%	1.176%	CHF 142,200
Senegal	0.004%	0.12%	0.110%	CHF 13,300
Serbia	0.021%	0.17%	0.201%	CHF 24,300
Seychelles	0.001%	0.10%	0.100%	CHF 12,100
Sierra Leone	0.001%	0.10%	0.100%	CHF 12,100
Singapore	0.347%	0.72%	0.638%	CHF 77,200
Slovakia	0.063%	0.27%	0.284%	CHF 34,300
Slovenia	0.096%	0.33%	0.312%	CHF 37,800
South Africa	0.290%	0.64%	0.627%	CHF 75,800
Spain	2.968%	3.29%	3.055%	CHF 369,100
Sri Lanka	0.016%	0.16%	0.166%	CHF 20,000
Sudan	0.010%	0.14%	0.110%	CHF 13,300
Suriname	0.001%	0.10%	0.100%	CHF 12,100
Sweden	1.071%	1.56%	1.473%	CHF 177,900
Switzerland	1.216%	1.71%	1.593%	CHF 192,400
Syrian Arab Republic	0.016%	0.16%	0.173%	CHF 20,900
Tajikistan	0.001%	0.10%	0.121%	CHF 14,600
Thailand	0.186%	0.48%	0.440%	CHF 53,100
The FYR of Macedonia	0.005%	0.12%	0.134%	CHF 16,200
Timor-Leste	0.001%	0.10%	0.100%	CHF 12,100
Togo	0.001%	0.10%	0.100%	CHF 12,100
Tunisia	0.031%	0.20%	0.199%	CHF 24,100
Turkey	0.381%	0.76%	0.734%	CHF 88,700
Uganda	0.003%	0.11%	0.105%	CHF 12,700
Ukraine	0.045%	0.23%	0.302%	CHF 36,500
United Arab Emirates	0.302%	0.66%	0.610%	CHF 73,800
United Kingdom	6.642%	6.01%	5.835%	CHF 704,800
United Republic of Tanzania	0.006%	0.13%	0.110%	CHF 13,300
Uruguay	0.027%	0.19%	0.193%	CHF 23,200
Venezuela	0.200%	0.51%	0.543%	CHF 65,600
Viet Nam	0.024%	0.18%	0.182%	CHF 22,000
Yemen	0.007%	0.13%	0.110%	CHF 13,400
Zambia	0.001%	0.10%	0.100%	CHF 12,100
Zimbabwe	0.008%	0.13%	0.142%	CHF 17,100
Andean Parliament		0.01%	0.01%	CHF 1,200
Central American Parliament		0.01%	0.01%	CHF 1,200
East African Legislative Assembly		0.01%	0.01%	CHF 1,200



Member or Associate Member	UN Scale	2012 Target	Proposed Scale (2011)	
			Percentage	CHF
European Parliament		0.09%	0.084%	CHF 10,100
Inter-Parliamentary Committee of the WAEMU		0.01%	0.01%	CHF 1,200
Latin American Parliament		0.02%	0.02%	CHF 2,400
Parliament of the ECOWAS		0.01%	0.01%	CHF 1,200
Parliamentary Assembly of the Council of Europe		0.06%	0.059%	CHF 7,200
Transitional Arab Parliament		0.01%	0.03%	CHF 3,600
<b>TOTAL</b>			<b>98.89%</b>	<b>CHF 11,946,900*</b>

\* An amount of CHF 133,800 is to be withdrawn from the Working Capital Fund, thereby bringing the total revenue to CHF 12,080,700.

## COOPERATION WITH THE UNITED NATIONS SYSTEM

### List of activities undertaken by the IPU between 2 April and 4 October 2010

*Noted by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

#### United Nations

- The 3<sup>rd</sup> World Conference of Speakers of Parliament was held from 19 to 21 July at the United Nations Office at Geneva. The UN Secretary-General attended the opening and delivered a keynote statement *Parliaments in Time of Crisis: Securing Global Democratic Accountability*, the main theme of the conference. Several other high-ranking officials from the UN system, including the World Bank, were also in attendance and participated in side events of the Conference. The Conference concluded with a Declaration on *Securing global democratic accountability for the common good* which, among other things, takes stock of the growing cooperation between parliaments, the IPU and the United Nations since the first Conference in 2000, and points to the need to further strengthen this relationship. The Declaration and other key reports of the Conference were formally circulated to the UN General Assembly.
- The final results of the IPU survey on how parliaments organize their work vis-à-vis the United Nations, based on some 100 responses, were officially submitted to the United Nations as a report under the General Assembly item on cooperation between the United Nations, parliaments and the IPU. The survey report will help further inform strategic decisions on the relationship between the two organizations, particularly as a new resolution of the General Assembly will have to be adopted later in 2010.
- The IPU provided input to the multi-stakeholder Development Cooperation Forum (DCF) of the UN Economic and Social Council. In June, it sent a parliamentary delegation to the DCF's second preparatory symposium in Helsinki, for an in-depth discussion on policy coherence, gender and other key dimensions of development cooperation. IPU representatives also participated in the main 2010 session of the DCF and related meetings, including a session on mutual accountability that was moderated by the IPU Secretary General. The Summary report of the DCF reflects many of the views expressed by the MPs participating in this two-year process. Throughout the first quarter of the year, the IPU worked with the United Nations Department of Economic and Social Affairs (UN-DESA) and the United Nations Development Programme (UNDP) to support a 70 country survey on mutual accountability. The report of this survey was presented officially at the DCF session.
- Preparations got under way for the 2010 Parliamentary Hearing at the United Nations (2-3 December), which will focus on *"The World in Crisis: Rethinking Development, Retooling Global Governance"*. Convened for the third consecutive year as a joint UN-IPU event, in close cooperation with the office of the President of the General Assembly, the 2010 Hearing will seek to review how global economic governance needs to be reformed in order to overcome existing development challenges, uphold the role of the United Nations, and help end the ongoing global crisis.
- On 21 September, the IPU and the UN Millennium Campaign will hold a side event at the United Nations Millennium Development Goals (MDG) Review Summit (20-22 September). The event, entitled *Mobilizing Parliamentary Support for MDG Policies and Plans*, will be open to MPs attending the UN Summit as part of their national delegations. Among other things, it will serve to launch a joint IPU-Millennium Campaign study on different modalities for parliaments to mainstream the MDGs in their internal decision-making processes and political agendas. The meeting will also help highlight the main messages of the UN Summit's Outcome Document. It is expected that the role of parliaments in supporting further action towards the achievement of the MDGs by 2015 will be recognized in the Summit's Outcome Document.
- The IPU, in collaboration with Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), organized a series of activities in the context of the 2010 NPT Review Conference, held at United Nations Headquarters in New York in May. On 5 May, a parliamentary meeting, attended by MPs who had joined their national delegations to the UN conference, examined progress and setbacks in meeting commitments and advancing towards a nuclear-weapons-free world. Several legislators also participated in a panel discussion with the UN Secretary-General held on 6 May.

- On the occasion of the annual Forum of the UN Alliance of Civilizations (UNAoC), held in May in Rio de Janeiro, the IPU organized a half-day parliamentary meeting on *The Role of legislators in promoting intercultural dialogue and cooperation*. The meeting served to follow up on the resolution adopted by the 116<sup>th</sup> IPU Assembly in Bali in 2007 on peaceful coexistence and mutual respect among religious communities in a globalized world, and was attended by MPs from some 20 countries and three regional parliamentary organizations. The keynote address was given by UNAoC High Representative Jorge Sampaio. The IPU also organized the first thematic session of the Forum, devoted to democracy, good governance and cultural diversity.
- In celebration of the International Day of Democracy on 15 September, proclaimed by the United Nations, the IPU organized a brainstorming session at its Geneva Headquarters with graduate students from the Geneva-based Institute for International Relations. A brochure and other materials on democracy were produced and distributed to all Member Parliaments.
- The IPU continued to support the work of the UN Peacebuilding Commission (PBC) by providing assistance to the parliaments of three countries currently on the docket of the Commission: Burundi, Central African Republic and Sierra Leone. In turn, the PBC field missions and related UN activities include regular consultations and engagement with the national parliament in the respective countries.
- The IPU, together with the United Nations and the International Telecommunications Union (ITU), co-organized the Third Parliamentary Forum on the *Information Society, ICT and the Global Economic Crisis: Current Situation and Future Perspectives*, from 3 to 5 May in Geneva through the Global Centre for ICT in Parliament. The forum series aims to spur parliamentary action in support of the future information society in view of the World Summit on the Information Society (WSIS) implementation, follow-up and future 2015 review.
- The World e-Parliament Report 2010, prepared by the Global Centre for ICT in Parliament, was launched in June as a joint product of the IPU and the United Nations. The report is the second in a series started in 2008 and helps track progress in the ways in which ICTs are being utilized by parliaments around the world.
- In July, the resolutions of the 122<sup>nd</sup> IPU Assembly held in Bangkok, Thailand, were circulated to the UN General Assembly in the six official languages, as part of the official documentation for the forthcoming 65<sup>th</sup> UNGA session. The IPU also intervened in several important debates of the UN during this period such as the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the substantive session of the Economic and Social Council (ECOSOC) on gender issues, and the MDGs Summit.
- Preparations for the 4<sup>th</sup> United Nations Conference on the Least Developed Countries (LCD-IV) continued during this period. The IPU participated in the UN inter-agency meeting held in June in New York. The final arrangements for the global phase of the parliamentary track leading up to the event (to be held in Istanbul in mid-2011) were finalized in August. These include a parliamentary briefing at the 123<sup>rd</sup> IPU Assembly as and a Parliamentary Forum to take place a day before the actual UN conference, on 29 May 2011. The briefing in particular will serve to identify the main messages the IPU wishes to see reflected in the future programme of action for the LDCs.
- A parliamentary meeting was held in Vienna on 20 July, in the context of the XVIII International AIDS Conference. Participants from some 50 countries discussed the impact of criminal law on public health activities, with a special focus on testing and HIV virus transmission modes (sexual, intravenous and vertical). A keynote statement was delivered by Manfred Nowak, UN Special Rapporteur on Torture. The meeting endorsed the international community's call to eliminate vertical transmission of the HIV virus by 2015 and pledged to support this as a goal in their countries.
- The IPU intensified its contribution to the United Nations Secretary-General's campaign *UNiTE to End Violence against Women and Girls*, with three seminars to heighten parliamentary awareness of and increase action on this subject. In April, members of parliament from Latin America met in Ecuador to identify mechanisms for the effective enforcement of legislation on violence against women. In June, a national seminar in Mali provided a forum for a constructive debate between parliamentarians and civil society on violence against women, with a specific focus on female genital mutilation. In July, a regional workshop for Arab parliaments on the implementation of CEDAW and ending violence against

women was held in Beirut. The Beirut workshop was followed by a day of discussions with Lebanese parliamentarians and civil society representatives on the bill on domestic violence currently before the Lebanese Parliament. All these meetings were organized in close partnership with the United Nations Development Fund for Women (UNIFEM) and the United Nations Division for the Advancement of Women (UNDAW).

## **UNDP**

- A new and more comprehensive Memorandum of Understanding (MoU) was signed on 1 July, providing for a stronger partnership between the IPU and UNDP. The MoU covers virtually all areas of work in which the two organizations are engaged. These include: building the capacities of parliaments to exercise their oversight and legislative role, particularly with respect to aid effectiveness, economic governance and poverty reduction; developing standards, benchmarks and good practices for democratic parliaments; supporting parliamentary involvement in implementing UN conventions; promoting the empowerment of women, particularly facilitating their integration into politics and elected office; and promoting the role of parliaments in peace and reconciliation processes.
- Parliamentary-strengthening projects in which UNDP is cooperating with the IPU, through national MoUs based on the above-mentioned global one, progressed during the period in the following countries: Cambodia, Democratic Republic of the Congo, Guinea Bissau, Pakistan, Palestine, Sierra Leone, Togo, and Viet Nam.
- Work on a joint report on parliaments and democracy, the *Global Parliamentary Report*, advanced with the finalization of a concept note, the selection of a lead author, and the constitution of an Advisory Board. The report will be ambitious in scope and will seek to provide in-depth analysis and information on the major issues affecting parliaments in both developed and developing countries. Publication is expected in September 2011, on the occasion of the International Day of Democracy.
- A number of activities took place under the joint IPU-UNDP project on "Promoting inclusive parliaments: The representation of minorities and indigenous peoples in parliament". On 21 April, during the Ninth Session of the United Nations Permanent Forum on Indigenous Issues, the IPU and UNDP, together with the Permanent Mission of Mexico, organized a side event on *Promoting inclusive parliaments: The effective participation of indigenous peoples in decision-making*. The panel was composed of three indigenous parliamentarians from Colombia, Mexico and New Zealand, who shared their personal experiences and discussed the main challenges facing indigenous peoples in elected office. Work also began during this period on a joint IPU-UN-UNDP Handbook for parliamentarians on the new Declaration on the Rights of Indigenous People. Preparations continued for three publications: interviews with minority and indigenous parliamentarians; case studies of the inclusion of minorities and indigenous peoples in selected national parliaments; and an analysis of survey data on the participation of minorities and indigenous peoples in parliaments around the world. These publications will be presented at the International Parliamentary Conference on Parliaments, Minorities and Indigenous Peoples that will take place in Chiapas, Mexico, in November 2011.

## **Office of the UN High Commissioner for Human Rights (OHCHR)**

- During the first half of 2010, the IPU initiated a survey to assess the extent to which parliaments are aware of and contribute to the Universal Periodic Review (UPR) of the United Nations Human Rights Council. The results of this survey will be shared with the United Nations and its human rights mechanisms and are intended to help the IPU, in cooperation with OHCHR, in its efforts to identify and spread good parliamentary practices and establish the needs of parliaments with regard to the UPR.

## **World Trade Organization (WTO)**

- The Steering Committee of the Parliamentary Conference on the WTO met in June, over two days, at IPU Headquarters in Geneva. The agenda of the session included items such as the WTO Aid-for-Trade campaign, the successful settlement of the WTO banana dispute, and preparations for the WTO Public Forum 2010. The Steering Committee called on WTO Members to show resolve and do their utmost to find the necessary "extra quantum" in the Doha Round negotiations.

## DRAFT UN GENERAL ASSEMBLY RESOLUTION

*Endorsed by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

**Sixty-fifth Session  
General Assembly**

**Agenda Item 124 (m): Cooperation between the United Nations and regional and other organizations:  
Cooperation between the United Nations, national parliaments and the Inter-Parliamentary Union**

**Namibia**

### *Cooperation between the United Nations, national parliaments and the Inter-Parliamentary Union*

The General Assembly,

*Having considered* the report of the Secretary-General of ..... 2010,<sup>1</sup> which attests to the broad and substantive cooperation between the United Nations and the Inter-Parliamentary Union (IPU) over the past two years,

*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,

*Taking note* of the outcome of the Third World Conference of Speakers of Parliament and its Declaration on Securing Global Democratic Accountability for the Common Good, which reaffirms the commitment of national parliaments and the Inter-Parliamentary Union to support the work of the United Nations and continue efforts to bridge the democracy gap in international relations,<sup>2</sup>

*Taking note* also of the findings and recommendations of the Report of the Inter-Parliamentary Union on how parliaments organize their work with the United Nations,<sup>3</sup>

*Welcoming* the annual parliamentary hearings at the United Nations as joint UN-IPU events during 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,<sup>4</sup> which laid the foundation for cooperation between the two organizations,

*Recalling* the United Nations Millennium Declaration, as well as the 2005 World Summit Outcome, 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 the work of the United Nations, including the effective implementation of United Nations reform,

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<sup>1</sup> A/65/382 – S/2010/490.

<sup>2</sup> A/65/289.

<sup>3</sup> A/65/289, annex.

<sup>4</sup> A/51/402, annex.

*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, 59/19 of 8 November 2004, 61/6 of 20 October 2006 and 63/24 of 18 November 2008,

*Welcoming* the close cooperation between the IPU and the United Nations Peacebuilding Commission in fostering political dialogue and building national capacities for good governance,

*Welcoming* the contribution of the IPU in shaping the agenda and work of the new Development Cooperation Forum (DCF) of ECOSOC,

*Recognizing* the importance of continued parliamentary support to the work of United Nations Human Rights Council,

*Recognizing* also the work of the Inter-Parliamentary Union in the areas of gender equality, political empowerment of women and combating violence against women, as well as the close and systematic cooperation between the Inter-Parliamentary Union and the relevant United Nations bodies, including the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women (CEDAW),

*Acknowledging* the role and responsibility of national parliaments in the elaboration of national plans and strategies, as well as in ensuring greater transparency and accountability at the national and international levels,

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. *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;
3. *Encourages* the IPU to strengthen further its contribution to the work of the United Nations General Assembly, including its revitalization, and in relation to the process of United Nations reform and system-wide coherence;
4. *Invites* the United Nations Peacebuilding Commission to continue to work closely with the IPU in engaging national parliaments in the countries under consideration by the Commission in efforts to promote democratic governance, national dialogue and reconciliation;
5. *Encourages* the IPU to continue to work closely with the United Nations Development Cooperation Forum and bring a robust parliamentary contribution to the DCF process and the broader development cooperation agenda, including in the context of the current ECOSOC reform process;
6. *Encourages* the IPU to continue its efforts in mobilizing parliamentary support and action towards the achievement of the Millennium Development Goals (MDGs) by the target date of 2015;
7. *Further encourages* the IPU to strengthen its contribution to the United Nations human rights treaty body system and to the Human Rights Council, particularly as it relates to the Universal Periodic Review of the fulfilment of human rights obligations and commitments by UN member States;

8. *Invites* the new United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) to work closely with the Inter-Parliamentary Union in areas that include the political empowerment of women, institutional gender mainstreaming, support to parliaments in promoting gender sensitive legislation, combating violence against women, and the implementation of relevant United Nations resolutions;
9. *Encourages* the IPU to further assist in developing closer cooperation between the United Nations and parliaments at the national level, including in terms of strengthening parliamentary capacities and helping to align national legislation with international commitments;
10. *Welcomes* the growing practice of including legislators as members of national delegations to major United Nations meetings and events, as appropriate, and invites member States to continue this practice in a more regular and systematic manner;
11. *Calls* for the further development of the Annual Parliamentary Hearing at the United Nations as a joint UN-IPU event and for the circulation of the Hearing summary report as an official UN General Assembly document;
12. *Decides* to more systematically engage with the Inter-Parliamentary Union in organizing and integrating a parliamentary component and contribution to major United Nations review and deliberative processes;
13. *Welcomes* the proposal for a regular annual exchange between the Chief Executives Board for Coordination and the senior leadership of the IPU, with a view to building greater coherence in the work of the two organizations, maximizing parliamentary support for the United Nations, and helping to forge a strategic partnership between the two organizations;
14. *Decides*, in recognition of the unique role of national parliaments in support of the work of the United Nations, to include in the provisional agenda of its sixty-sixth session a stand-alone item entitled "Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union".

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## REPORT ON PROGRESS IN UN-IPU COOPERATION SINCE 2005

### "STRENGTHENING THE IPU AND ITS RELATIONSHIP WITH THE UNITED NATIONS"

*Noted by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

#### Introduction

Since they began in 2000, the world Conferences of Speakers of Parliament have provided Speakers with opportunities to discuss major challenges facing humanity, the need for a stronger United Nations to cope with them, and the role they see for parliaments and the IPU in furthering international cooperation.

The first Conference led to a commitment by Heads of State and Government, expressed in the Millennium Declaration, to strengthen further the cooperation between the United Nations and parliaments through their world organization, the Inter-Parliamentary Union. This was to be done in various fields, including peace and security, economic and social development, international law and human rights, and democracy and gender issues.

The present report provides an overview of progress achieved in implementing this commitment by strengthening the IPU and its relationship with the United Nations. The first part of the report recalls the recommendations formulated by the two Speakers Conferences in 2000 and 2005. The second part describes the steps that have been taken to implement them. The reports end by looking ahead with a few conclusions.

## Two World Conferences of Speakers of Parliament

The 2000 Conference of Presiding Officers was the first event ever at which Speakers of Parliament from throughout the world had met in the same room to discuss their role in the international sphere. As the world celebrated the millennium, the Speakers assembled at the United Nations in New York to pledge their interest in and their commitment to international cooperation.

At a time when multilateralism was seen to be under threat, the focus of the first Conference was thus to offer political support to the United Nations as the principal instrument of international cooperation. In asserting the need for a strong relationship between parliaments and the United Nations, the Speakers declared that their ambition was to bring a more manifestly democratic dimension to international decision-making and cooperation.

The Declaration which the Speakers adopted at the end of the debate reflected this ambition. It contained a description of the main challenges facing humanity at the dawn of the new millennium, as viewed by parliaments. It reaffirmed the central role of the United Nations in meeting those challenges, committed parliamentary support for UN reform, outlined the momentous evolution in international relations, set forth the imperative for parliaments and the IPU to provide a parliamentary dimension to international cooperation and described how they proposed to accomplish this objective.

Five years later the Speakers of Parliament met in New York for their second World Conference. As the Heads of State and Government assembled in New York, much of the Speakers' debate at UN Headquarters centred on a set of proposals for reform of the United Nations which had been tabled by the Secretary-General. Delegates also had a first opportunity to take stock of the Millennium Development Goals (MDGs) which had been adopted five years earlier.

The Speakers of Parliament reviewed progress in implementing the declaration they adopted in 2000 and discussed growing challenges facing the world. In their concluding declaration, they issued a strong call for multilateral action to solve global problems and pledged to provide support. They asked that the United Nations be given the structures and resources needed to address economic and social development problems and called on States to live up to their commitments to provide development assistance. They asked for greater efforts to address global security issues, fight terrorism, defend human rights and promote democracy and good governance.

More than anything, however, the Speakers drew attention to what they saw as a democracy gap in international relations and issued a call for greater democracy at the United Nations. While expressing appreciation for the progress that had been made in creating greater and more meaningful cooperation between parliaments, the IPU and the United Nations, they emphasized that they wished to see more strategic and mutually beneficial interaction between the United Nations and the parliamentary world. The Speakers also resolved to work ever more closely with the IPU, the unique global parliamentary counterpart of the United Nations.

## The IPU and its relationship with the UN ten years on

The IPU has seen major changes over the last decade. After the Millennium Summit, the IPU undertook a comprehensive review of its strengths and weaknesses, assessing its objectives, structures and working methods. It adopted a large scale reform programme which was accompanied by a comprehensive revision of its Statutes and Rules.

The modernized IPU is more clearly an organization of parliaments that strives to assist parliament in its work and is accountable to parliaments. Its structures and working methods are those of parliaments. Like parliaments, the IPU holds debates in plenary Assemblies and carries out much of its work in standing or select committees. Its programs are geared to assisting parliaments in a wide range of fields with special emphasis on issues relating to democracy.

As requested in the Millennium Declaration, the IPU facilitates parliaments' interaction with the United Nations on matters broadly falling within the spheres of peace, development and democracy. It mobilizes



parliamentary expertise on issues that are high on the agenda of the United Nations, providing a parliamentary perspective informed directly by the views of the electorate. Throughout the year, the IPU offers members of parliament opportunities to debate these topics and to formulate recommendations for action by parliaments, by governments and by the United Nations.

The IPU has set up a Committee on United Nations Affairs which considers how the organization can help strengthen cooperation between the United Nations and parliaments. In 2007, the Committee put forward a policy paper on the nature of the relationship between the United Nations and the world of parliaments, which was endorsed by the IPU's governing bodies and submitted to the United Nations.

The paper makes the fundamental point that in tomorrow's world parliament must be part of international efforts to address global problems and challenges, and that the IPU is a critical component of this equation. Each parliament is sovereign in its approach to international cooperation and the IPU is not a substitute for action by parliaments. It is not, nor should it become, a global parliament. It is nonetheless useful to parliaments. It promotes action by parliaments, acting as a catalyst, facilitating interaction with the world of the United Nations and, more generally, helps to ensure that the views of the parliamentary community are heard at the United Nations.

To be able to do these things, the IPU has had to solidify its own relationship with the United Nations. A first step was taken in 2002, when the IPU obtained permanent observer status with the UN General Assembly, endowing IPU representatives with the right to take the floor at the meetings of the General Assembly and its subsidiary bodies. The status also made it possible to have official IPU documents distributed in the General Assembly. UN specialized agencies were invited to adopt similar modalities for cooperation with the IPU. For the first time, the General Assembly welcomed the efforts made by the IPU to provide for a greater parliamentary contribution to the UN.

The IPU also did more to encourage legislators to join national delegations and attend parliamentary sessions convened by IPU at major UN conferences: the World Summit on Sustainable Development (Johannesburg 2002), the World Summit on the Information Society (Geneva 2003 – Tunis 2005), the Global Conference on Financing for Development (Monterrey 2002 – Doha 2008), the Global Forum on Human Trafficking (Vienna – 2008), the UNCTAD Ministerial Meetings (Sao Paulo 2004 – Accra 2008) are some examples.

Substantive cooperation with UN specialized agencies developed at a fast pace, particularly in the cases of UNDP, UNICEF, ILO, UNCTAD, UNAIDS and UNESCO. Activities included seminars and workshops, consultations on good practices and model legislation, joint publications, and technical assistance to parliaments, particularly in countries trying to rebuild their institutions in the aftermath of war.

The IPU has worked with various UN bodies and agencies to produce guides and handbooks for parliamentarians. To date, some 16 handbooks have been issued and distributed to parliaments. The publications cover a wide range of areas: humanitarian law, refugee protection, rights of the child, oversight of the security sector, small arms, violence against women, gender budgeting, persons with disabilities, human trafficking, HIV/AIDS, and so forth. Many have already been translated into the languages of UN member States.

In the UN Treaty Bodies and their review mechanisms the IPU has helped parliaments to increase their leverage in the national review of international commitments. Perhaps the most successful to date is in the case of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The IPU works with the parliaments of the countries under review so that they can take part in the review process, provide input to the national report, attend the session of the CEDAW Committee and receive the UN findings for consideration and action by parliament. Efforts are currently under way to develop a similar mechanism for the UN Human Rights Council and its Universal Periodic Review mechanism.

With its new status at the United Nations, the IPU has also been able to influence UN processes and decisions, particularly in the new UN bodies established after the UN Summit of 2005: the Peacebuilding Commission, the Development Cooperation Forum (DCF) of ECOSOC and the UN Human Rights Council. A General Assembly Resolution of November 2008 acknowledges the contribution by the IPU in shaping the

agenda and work of the Development Cooperation Forum, while encouraging the UN Peacebuilding Commission to work closely with the IPU.

The annual Parliamentary Hearing at the United Nations is now formally a joint UN-IPU event convened by the IPU President and the President of the UN General Assembly. Its summary report is an official document of both the IPU and the General Assembly. The Hearing brings parliamentarians' views directly to the United Nations and provides a basis for improving parliamentary oversight of UN operations. In the course of the year, there are other specialized parliamentary meetings at the UN in New York, such as the one held at the annual session of the UN Commission on the Status of Women.

Parliamentary scrutiny of UN operations also takes on other forms. As mentioned above, the IPU recently set up a Committee on United Nations Affairs, which meets annually at the IPU October Assembly. The Committee reviews UN-IPU cooperation, monitors progress towards institutional reform of the UN system, and identifies new areas of action. Its Advisory Group is mandated, inter alia, to conduct field missions to UN pilot countries implementing the One-UN reform. To date, missions have visited two of the eight pilot countries, Tanzania and Viet Nam. In both cases, the missions have led to better involvement of the respective parliaments in national development strategies and the monitoring of international aid. More and more, local UN offices are working with the parliament.

At the United Nations, initial reservations towards involving parliamentarians in UN work are gradually being overcome. For example, General Assembly thematic debates often feature MPs as key-note speakers. The UN acknowledges the practice of including MPs as members of national delegations to major UN meetings and events, and member States have been invited to adopt it more systematically. Permanent Missions are paying greater attention to parliamentary meetings held at the United Nations.

In essence, a broad agenda of work has developed between the two organizations. This is attested to by the biennial Report of the UN Secretary-General on Cooperation between the United Nations and the IPU. Despite this, more systematic consultations are needed. It has thus been decided that a regular annual exchange will take place between the UN System Chief Executives Board for Coordination and the senior leadership of the IPU.

Moreover, the UN General Assembly has decided that the agenda of its 2010 session will include an item entitled *Cooperation between the United Nations, national parliaments and the IPU*. This will offer Member States a new opportunity to discuss this triangular relationship with a view to further strengthening interaction between the United Nations and the world of parliaments.

### Looking ahead

Considerable progress has been made since 2000 to modernize and strengthen the IPU and to build up the organization as a parliamentary counterpart to the United Nations at the global level. It is increasingly able to raise awareness in parliaments on matters being addressed at and by the United Nations and assist them in providing a parliamentary dimension to the work of the United Nations.

These efforts need to be vigorously pursued in the coming years.

A parliamentary dimension is provided by parliaments themselves. How they do it will always depend on the parliamentary system prevailing in any given country and the powers conferred upon the parliamentary chambers under the constitution or basic law. Every parliament is sovereign in its approach. Common to all, however, is an effort to apprehend the business of the United Nations and make it more integral to their legislative and oversight work.

The IPU is a critical component of this equation. The Millennium Declaration calls for closer cooperation between the United Nations and parliaments, through their world organization, the IPU. The IPU acts as a catalyst. It is a facilitator; not a substitute. It belongs to parliaments, understands them and defends their interests. It is an inter-parliamentary organization and its relationship with the United Nations matters.

There has to be greater understanding by the United Nations and its Member States for the role of the IPU in helping provide a parliamentary dimension to the work of the United Nations. The IPU is not seeking to do the work of the UN; it is equally important that the UN should not do the work of the IPU. The cooperation between the United Nations and parliaments should respect the balance and separation of powers between government and parliament. The relationship which the United Nations develops with the IPU must reflect this principle.

It is on this basis that the IPU and the United Nations need to build a strategic partnership. This, in turn, presupposes that the IPU itself should be more clearly recognized as a fully-fledged international organization. The IPU must be able to count upon greater political and diplomatic support and strengthen its ability to promote democracy. It needs to stand on a more equal footing with other major international organizations so as to facilitate its cooperation with these organizations. It must be able to operate with the necessary guarantees in all countries.

There is today growing international recognition of the importance of having democratic parliaments in all countries that can assume fully their constitutional role at the national level and provide a parliamentary dimension to international cooperation. To achieve progress the IPU needs to be clear and focussed about its future direction and has to be able to count upon support from States. It is against this background that the IPU is now engaged in developing a comprehensive strategy for its further development in the next five years.

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## REPORT OF THE COMMITTEE ON MIDDLE EAST QUESTIONS

*Noted by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

### Introduction

The Committee on Middle East Questions met on 3 October 2010 under the chairmanship of its President, Ms. A. Clwyd (United Kingdom). Two titular members, Mr. F.-X. de Donnea (Belgium) and Mr. S. Janquin (France), and one substitute member, Mr. H. Alir (Turkey), were present. The meeting was also attended by Ms. N. Ali Assegaf (Indonesia), who replaced Mr. L.H. Ishaq, a titular member, and by Mr. N. Movassat (Germany), who replaced Mr. J. Winkler, substitute member.

The Committee received Ms. Elena Mancusi, from the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA). Ms. Mancusi gave an informative briefing about UNRWA's work to provide relief to Palestinian refugees, in particular women, and highlighted how the current situation affected Palestinian women and how, for example, the incidence of domestic violence against women had escalated in recent years.

The members of the Committee expressed support for the work of UNRWA and urged all countries to provide financial support to the agency so that it could carry out its mandate and in particular extend assistance and support to women and children.

The remainder of the meeting was dedicated to discussing the Committee's mandate, composition and programme of work.

### The Committee's mandate

The Committee was established in October 1987 as a Parliamentary Support Committee. It reports to the Governing Council. Its original mandate was "*to campaign for the holding of an international conference on peace in the Middle East*". Following the start of the peace process and the beginning of the international conference in 1991, the Governing Council had broadened the Committee's mandate "*to follow the peace process in the Middle East and to promote dialogue between the Arab and Israeli delegations at IPU Conferences*".

The members suggested that the mandate could usefully be enlarged today. For example, the Committee could facilitate dialogue with members of parliament from all parties involved in the conflict. That would include parliamentarians from all the political factions represented in the Israeli and Palestinian parliaments, from neighbouring countries and from members of the Quartet. Such dialogue should not be limited to IPU Assemblies but should also take place during visits that the Committee could make to the region.

The Committee also suggested that it could be mandated to express a political position on the situation in the Middle East which would be submitted to the Council for endorsement.

#### The Committee's composition

The Committee is currently composed of five members and five substitutes who are all elected in their personal capacity and may not be replaced by other members of their delegations, although this rule has not always been strictly adhered to. The Committee members agreed that there was a need to ensure continuity in the Committee's work and that this could only be achieved if those who had been duly elected to sit on the Committee as titular or substitute members actually took part in the Committee's work. It made no sense to have them replaced on occasion by members who were not familiar with the Committee's work. For this reason, it had been agreed in 2008 that members who failed to attend more than two consecutive sessions would be replaced through an election.

The Committee strongly recommends that its membership be increased to seven members and seven substitutes. It urges the Council to elect members to the Committee on the basis of their interest and expertise in the subject matter and of their availability to attend all of the sessions. All candidates should be invited to submit a curriculum vitae indicating their familiarity with the Middle East, and their parliaments should be asked to commit to including them in delegations to future Assemblies.

The Committee also recommends that no more than four of the seven members be of the same sex and that as many as possible of the geopolitical groups be represented on the Committee.

#### The Committee's programme of work

The Committee is unanimous in its view that it must receive the administrative and financial support necessary to carry out its mandate. It therefore strongly urges the Governing Council to ensure that appropriations are made in the IPU budget to allow the Committee to carry out a focused work programme and to be serviced by dedicated IPU staff.

The Committee wishes to undertake a mission to the region to meet with members from all the political factions represented in the Israeli and Palestinian parliaments, with a view to setting up a more regular parliamentary dialogue. It has asked the Secretary General to plan for such a mission in early 2011. The Committee members are conscious of the fact that the IPU currently has limited financial means. Some Member Parliaments may agree to provide assistance for such a mission, but not necessary all.

The Committee members also wish to keep in contact with each other between Assemblies. They would like to be kept updated on progress in relation to the peace process and to receive regular reports from the Secretariat on preparations for political dialogue.

The Committee would like to exchange views with Israeli and Palestinian women about the impact of the conflict on their lives. It has asked the Secretariat to arrange for such encounters at future Assemblies and during the proposed mission to the region.

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## **DRAFT STRATEGIC PLAN FOR THE IPU 2010 - 2015**

### **RECAPITULATION OF 33 TASKS TO DEVELOP A COMPREHENSIVE STRATEGY FOR THE FUTURE DEVELOPMENT OF THE IPU**

1. Develop a strategy to make it possible for all parliaments to join the IPU
2. Secure agreement within the organization on how parliaments can and should participate in its work

3. Formulate guidelines on how the diversity in parliament should be reflected in the composition of delegations to the IPU
4. Build a strategy for the IPU to take the lead in ensuring greater coherence in parliamentary cooperation and, as part of such an initiative, convene a meeting of regional parliamentary assemblies and organizations
5. Promote greater awareness within the IPU and among parliaments of IPU's strategy for developing a parliamentary dimension to the United Nations and secure agreement on how best to move forward
6. Reach agreement on how the Standing (and similar) Committees dealing with peace and security issues should function, provide them with guidelines, allocate resources so that they can function during and between sessions, and put in place a mechanism to encourage and monitor follow-up and implementation
7. Develop an IPU programme to promote parliamentary action in support of non-proliferation and disarmament and provide it with resources.
8. Consolidate IPU's work in support of parliaments in countries emerging from conflict and allocate resources so that the IPU can meet the demand that it receives from parliaments and from the United Nations
9. Consolidate IPU's work in support of national reconciliation through parliaments and allocate resources so that the IPU can meet the demand that it receives from parliaments and from the United Nations
10. Develop a programme to promote democratic control of the armed forces and the security sector through parliaments in all regions in cooperation with DCAF and provide corresponding resources
11. Develop a strategy to address all eight MDGs in parliaments, including environmental and climate change issues, with targeted activities based on clearly set objectives and integrated throughout IPU's political agenda, provide resources and create a way for parliaments to contribute to the post-2015 agenda
12. Consolidate IPU's programme in the area of HIV/AIDS to help parliaments in all countries develop legislation that is based on evidence and human rights principles.
13. Consolidate IPU's work in support of the aid effectiveness agenda; develop capacity building projects and increase cooperation (and burden sharing) between regional parliamentary organizations
14. Evaluate achievements in assisting parliaments to address trade issues, draw lessons and, if necessary, change strategy. Evaluate potential for extending activity to the capacity building field and for working with Breton Woods's institutions
15. Determine what, if anything, the IPU should do to improve governance in Least Developed Countries after the 2011 LDC Conference
16. Create mechanism for voluntary review within the IPU of the performance of parliaments, reinforce work on standards and evaluations of parliamentary performance and provide requisite resources
17. Formulate a multiyear program of activities to develop standards for democratic parliaments and promote their use, deepen analysis of the five core values of parliament – representative, transparent, accessible, accountable and effective - and produce tools to assist in building parliamentary capacity
18. Strengthen programme to improve parliamentary oversight and accountability, extend cooperation to INTOSAI and EITI, and provide activities with required resources
19. Seek agreement with States on IPU's role in providing support to parliaments and helping to build democracy
20. Evaluate PARLINE and establish a multiyear programme of activities to raise awareness and understanding around democracy issues on IPU's agenda

21. Reinforce the Committee on the Human Rights of Parliamentarians and provide it with additional resources
22. Evaluate experience gained so far in building institutional capacity in parliaments on human rights with a view to developing a focussed and effective programme of activities
23. Evaluate parliamentary handbooks and develop an IPU agenda and program of work for producing these and similar tools in the field of human rights (and others)
24. Establish a regular programme of activities on child protection issues to promote action in parliaments to protect the most vulnerable children in society
25. Organize consultation between parliaments and national human rights institutions
26. Strengthen IPU's research capacity, maintain its production of information on women in politics and ensure effective dissemination of knowledge, including by ensuring a leading role for the IPU in iKNOW Politics
27. Establish a regular programme to help women gain access to politics in the Gulf and the Pacific regions, as well as in countries emerging from conflict
28. Follow up on the survey on gender sensitive parliaments through the establishment of standards, guidelines and a capacity building programme
29. Evaluate activities to build capacity in parliaments to address key gender concerns and develop a programme to enhance parliamentary support of CEDAW and combat violence against women
30. Secure agreement on how parliaments should work in the IPU, adjust the structures and working methods accordingly and provide them with necessary resources
31. Provide resources to modernize IPU operations, notably by making more extensive and better use of new information and communication technology
32. Provide resources to implement gradually a communication strategy for the organization with emphasis on development of IPU website
33. Secure agreement among parliaments and States regarding IPU's role in international cooperation and, to this end, examine the possibility of concluding an international convention on the IPU and a new cooperation agreement with the United Nations

## Future meetings and other activities

*Approved by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

Seminar on United Nations Human Rights Treaty Bodies	GENEVA 7 October 2010
Joint Conference with the Association of Secretaries General of Parliament	GENEVA 7 October 2010
Parliamentary Seminar on CEDAW	GENEVA 7 October 2010
Regional Parliamentary Conference for Africa on children's rights and HIV/AIDS	WINDHOEK (Namibia) 20-22 October 2010
World e-parliament Conference 2010	JOHANNESBURG (South Africa) 21-22 October 2010
International Conference on Parliaments, <i>minorities and indigenous peoples: effective participation in politics</i>	CHIAPAS (Mexico) 31 October - 3 November 2010
Annual Parliamentary Hearing at the United Nations	NEW YORK 2-3 December 2010
Parliamentary Meeting on the occasion of the United Nations Climate Change Conference (COP16/CMP6)	CANCUN (Mexico) 6 December 2010
Regional seminar for Twelve Plus Parliaments on youth participation in democracy	LONDON (United Kingdom) 8-9 December 2010
Regional seminar for Latin America on security challenges and parliamentary oversight	Venue to be decided Second half of 2010
Regional Conference on gender-sensitive parliaments	Tunisia January 2011
Extraordinary session of the Executive Committee	GENEVA 17-19 February 2011
Parliamentary meeting on the occasion of the 55 <sup>th</sup> session of the UN Commission on the Status of Women	NEW YORK March 2011
Annual Session of the Parliamentary Conference on the WTO	GENEVA (WTO Headquarters) March 2011
124 <sup>th</sup> Assembly and related meetings	PANAMA CITY (Panama) 15-20 April 2011
Parliamentary forum in the Framework of the Fourth UN Conference on Least Developed Countries (LDC IV)	ISTANBUL (Turkey) May 2011
Fourth parliamentary Forum on Shaping the Information Society	Venue to be decided Late May - early June 2011
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA June 2011
Regional seminar on child rights	Venue to be decided First half of 2011

Regional seminar on parliamentary oversight of the security sector	Venue to be decided First half of 2011
Regional seminar on combating violence against women	West and Central Africa First half of 2011
125 <sup>th</sup> Assembly and related meetings	BERN (Switzerland) 16-19 October 2011
Information seminar on the contribution of parliaments to the implementation of the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights	BERN (Switzerland) 20 October 2011
Information seminar on the Convention on the Elimination of All Forms of Discrimination against Women	BERN (Switzerland) 20 October 2011
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2011
Seventh Meeting of Women Speakers of Parliament	Venue to be decided Second half of 2011
Regional seminar on parliamentary oversight of the security sector	Venue to be decided Second half of 2011
Meeting for members of parliamentary human rights bodies	GENEVA Date to be determined
Regional seminar on reconciliation processes, transitional justice mechanisms and inclusive political processes in Africa	Africa Date to be determined
Regional seminar on the Convention on the Rights of Persons with Disabilities in the Middle East	Middle East Date to be determined
Regional seminar on CEDAW and women's rights	Venue and date to be determined
126 <sup>th</sup> Assembly and related meetings	KAMPALA (Uganda) 31 March - 5 April 2012
127 <sup>th</sup> Assembly and related meetings	QUEBEC CITY (Canada) 21-26 October 2012



## AGENDA OF THE 124<sup>th</sup> ASSEMBLY

(Panama City, Panama, 15-20 April 2011)

*Approved by the 123<sup>rd</sup> IPU Assembly  
(Geneva, 6 October 2010)*

1. Election of the President and Vice-Presidents of the 124<sup>th</sup> Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of *Parliamentary accountability: Living up to people's expectations*
4. Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power  
(*Standing Committee on Peace and International Security*)
5. The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change  
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. Transparency and accountability in the funding of political parties and election campaigns  
(*Standing Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 126<sup>th</sup> Assembly and appointment of the Rapporteurs

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 124<sup>th</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)*

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 (WB)  
International Monetary Fund (IMF)  
International Fund for Agricultural Development (IFAD)  
Organisation for the Prohibition of Chemical Weapons (OPCW)  
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)  
World Trade Organization (WTO)

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

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

Parliamentary Assembly of the Mediterranean (PAM)  
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)  
Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE)  
Parliamentary Assembly of Turkic-Speaking Countries (Turkpa)  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)  
Southern African Development Community (SADC) Parliamentary Forum

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Centrist Democrat International (CDI)  
International Socialist

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

Organizations invited to follow the work of the 124<sup>th</sup> Assembly in the light of its agenda:

- Kofi Annan Foundation
- OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- Parliamentary Assembly of the Community of Portuguese-speaking Countries

## Resolutions Concerning the Human Rights of Parliamentarians

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

#### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that, at its session held during the 123<sup>rd</sup> IPU Assembly, the Committee held a hearing with the leader of the Afghan delegation,

*Recalling* the following: in May 2007, the House of Representatives suspended Ms. Joya for the rest of her term of office; even though the Deputy Speaker stated during the hearing held in October 2008 that she would be reinstated, Afghan delegations to subsequent IPU Assemblies stated that, for that to happen, Ms. Joya would have to apologize for the statements motivating her de facto expulsion; male colleagues who used offensive language against Ms. Joya and threatened her with rape and death have merely been reprimanded by the Speaker; the Supreme Court has not acted on her complaint regarding the decision to suspend her for the rest of her term; the House of Representatives has even brought a legal case against Ms. Joya, requesting that she be prosecuted for insulting public institutions,

*Noting* with regard to the decision of the House of Representatives to request her prosecution that a member of the Afghan delegation to the 122<sup>nd</sup> IPU Assembly reported that this was not an important matter and that the House “would stop that”; *noting*, however, that the sources are unaware that Ms. Joya has received notification that the case against her has been withdrawn,

*Noting* that a letter from the IPU Secretary General to President Karzai on this case has remained unanswered, as have all the Secretary General’s letters to the Speaker of the House of Representatives,

*Considering* that, according to one of the sources, during the last sitting of the previous House of People’s Representatives, several members took the floor to state that the House should rectify two unlawful decisions it had adopted during its legislative term, namely the adoption of an amnesty law and the suspension of Ms. Malalai Joya; that, however, the Speaker allowed no debate on the issue and simply left the plenary room,

*Noting* that Ms. Joya did not stand in the September 2010 elections,

*Bearing in mind* that, in September 2009, the United Nations Assistance Mission to Afghanistan (UNAMA) published a report on violence against women in Afghanistan entitled “Silence is violence”, which shows that the risk to women in Afghanistan has increased in recent years, that the pattern of violence against women in public life sends a strong message to all women to stay at home, and that the perpetrators enjoy impunity,

1. *Thanks* the leader of the Afghan delegation for his cooperation; *nevertheless deeply regrets* that the Speaker of the House has never seen fit to respond to the letters which the Secretary General has addressed to him on behalf of the IPU, let alone taken into account its concerns and considerations;

2. *Notes with particular regret* that the statement made to it regarding the withdrawal of the legal case of the House of Representatives against Ms. Joya has apparently remained without effect;
3. *Deplores* the failure of the House of Representatives to redress, at least symbolically, the injustice done to Ms. Joya and her electorate by expelling her from parliament without any legal basis and by depriving her electorate for more than three years of representation in parliament, and the fact that it has ignored appeals of its own members to rectify the unlawful decision revoking her mandate;
4. *Deplores* the parliamentary authorities' discriminatory treatment of Ms. Joya, as reflected in the fact that they merely reprimanded her male colleagues who had used highly offensive language against her and never asked them to apologize, while expelling her from parliament for critical statements regarding some of her colleagues;
5. *Also deplores* the failure of the Supreme Court to act on the complaint that Ms. Joya filed regarding the decision of the House of Representatives to suspend her mandate, thus de facto denying her the right to seek legal redress before a court;
6. *Is led to believe* that Ms. Joya's decision not to stand in the elections is largely due to how parliament has treated her; *deeply regrets* this state of affairs as it can only deter women from participating in Afghan political life and hence prolong a state of affairs that has seriously undermined respect for women's rights in Afghanistan and thus has also been detrimental to respect for human rights in general;
7. *Concludes* that, in the light of the information on file, it is led to condemn the Afghan authorities for having violated Ms. Joya's right to exercise her parliamentary mandate and the right of her electorate to be represented in parliament on the one hand and, on the other, for having denied Ms. Joya the right to seek legal redress and the right to equality before the law;
8. *Sincerely hopes* that the new parliament will ensure respect for the parliamentary and human rights of all its members, men and women alike;
9. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the sources and to interested parties;
10. *Decides* to close this case since no further possibility remains of redressing the injustice done to Ms. Joya.

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Shah Ams Kibria, a member of the Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that, at the session it held during the 123<sup>rd</sup> Assembly, the Bangladesh delegation handed over to the Committee a report on the investigation into the grenade attack which took Mr. Kibria's life,

*Recalling* the following: the initial inquiry in this case proved to be an attempt by the investigating officers to divert the course of justice; since the investigation was reopened in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been

implicated; according to the Home Ministry's report of March 2010, seven persons have been arrested, including the two persons (Mizanur Rahman Mithu and Md Badrul Alam Mizan) who detonated the grenades; in addition, the former State Minister for Home Affairs, Mr. Lutfozzaman Babar, has been arrested in this case; according to the authorities, substantial evidence continues to be collected and efforts are being made to resolve the case without further delay; *noting* that the report of the further investigation has been deferred many times to enable the investigating officers to "finish the job" and that, according to newspaper reports, the latest extension was until 29 August 2010,

*Recalling* that the Standing Committee on the Ministry of Home Affairs is monitoring the case, that the Ministry has been directed to report on progress to the Standing Committee at each of the latter's meetings, and that the Ministry has indeed been reporting regularly to the Standing Committee; *noting* that the report conveyed by the delegation of Bangladesh provides no new information,

1. *Thanks* the Parliament of Bangladesh for its cooperation and *appreciates* the fact that it is monitoring the investigation;
2. *Is confident* that the repeated deferment of the submission of the report on the investigation is due to the investigation's efforts to establish the whole truth in this case, and *hopes* that by the time of its next session the final report will have been submitted;
3. *Considers* that Mr. Kibria's family should be regularly informed of progress made in the investigation, and *invites* the Parliament of Bangladesh to ensure that the family is indeed regularly provided with such information; *wishes to ascertain* any initiatives that parliament has taken to this end;
4. *Requests* the Secretary General to inform the parliamentary and competent governmental authorities accordingly, inviting them to keep it informed of the proceedings;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, opposition leader of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that, at the session it held during the 123<sup>rd</sup> Assembly, the delegation of Bangladesh handed over to the Committee a report on the investigation into the grenade attack of August 2004 against the then opposition leader Sheikh Hasina and other Awami League members which left scores of people dead and wounded,

*Recalling* that, according to the Home Ministry's report of March 2010, the investigation into the grenade attack, which is still under way, has revealed the following: the grenade attack was decided on at a meeting in the government quarters of then Deputy Minister Abdus Salam Pintu; Mr. Salam Pintu's brother, Mr. Moulana Mohammad Tajuddin, supplied the grenades for the attack; former State Minister for Home Affairs Lutfozzaman Babar and Mr. Salam Pintu provided administrative and financial back-up and support; the government of the time arranged for Mr. Tajuddin to leave Bangladesh; *considering* that, according to newspaper

reports forwarded by the source, the Criminal Investigation Department (CID) arrested in August 2010 Saiful Islam Duke, nephew of BNP Chairperson Khaleda Zia, at the time of the grenade attack Prime Minister; that Duke is accused of having helped Moulana Mohammad Tajuddin to flee the country on the instructions of the then Prime Minister's office,

*Recalling* that the Standing Committee on the Ministry of Home Affairs is monitoring the case, that the Ministry has been directed to report on progress to the Standing Committee at each of the latter's meetings and that the Ministry has indeed been reporting regularly to the Standing Committee; *noting* that the report conveyed by the delegation of Bangladesh provides no new information,

1. *Thanks* the Parliament of Bangladesh for its cooperation and *appreciates* the fact that it is monitoring the investigation;
2. *Is confident* that the arrest of another suspect will result in further progress and possibly the completion of the investigation, so that justice can take its course;
3. *Requests* the Secretary General to invite the parliament to keep the Committee informed of fresh developments;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus who disappeared together with his friend Mr. Anatoly Krasovsky on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

Recalling the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Mr. Anatoly Krasovsky, after they had been forcibly abducted, has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then police chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;
- According to the results of the initial investigation by the Belarusian authorities, Mr. Gonchar and Mr. Krasovsky were forcibly abducted by an organized armed body and taken away by cars to an undisclosed location; the blood traces discovered at the crime scene proved to be the blood of Mr. Gonchar; witnesses of the abduction were found; in November 2000, after mass media reported the alleged implication of senior State officials, the Prosecutor General, the KGB

Chairman and his Deputy as well as officials involved in the investigation were removed and Mr. Sheyman,<sup>1</sup> the main suspect at the time in this case, was appointed Prosecutor General; according to the source, as of that time the investigation slowed down and two volumes disappeared from the investigation file;

- The Belarusian authorities have consistently stressed that, despite extensive investigative work and despite examination of all possible leads, no tangible results have been obtained; however, the case has not been closed and the investigation is being regularly extended,

*Recalling* that, according to the sources, the preliminary investigation is extended automatically without any investigation and that this may continue until the expiry of the statute of limitations, which is 15 years as of the commission of the crime; *considering* in this respect that, according to a letter of 18 June 2010 from the Chairmen of the Standing Committees on National Security and on International Affairs and Relations with Commonwealth of Independent States (CIS), respectively, the hypothesis of no investigation taking place is far-fetched and unsubstantiated as “the authorities of the Republic of Belarus are interested in a full and objective investigation, the establishment of all the circumstances of the disappearance of Mr. Gonchar and Mr. Krasovsky, and the holding to account of the persons involved in it”,

*Considering* that, according to the sources, the families of the victims, apart from receiving formal responses, have not been kept informed of the investigation throughout the 11 years it has been under way, and *noting* in this regard Article 50 (14) of the Criminal Procedure Code, which stipulates that the injured parties are entitled to receive copies of decisions passed which affect their rights; *considering* that while the sources have provided evidence that the current investigator in this case, Mr. Varavko, has rejected Mrs. Gonchar’s application to be provided with copies of the resolutions concerning the extension of the preliminary investigation, the Chairmen of the two Committees in question were informed that no petitions had been received from her,

*Recalling* further that, on several occasions, most recently in their letter of 18 June 2010, the parliamentary authorities have stated that details on current investigative steps and on their results cannot be disclosed before the conclusion of the investigation; *noting* in this respect Article 198 of the Criminal Procedure Code, according to which data of a preliminary investigation may be disclosed if this is not in breach of the rights and lawful interests of those taking part in the proceedings,

*Noting* that, in their letter of 18 June 2010, the two Chairmen state that the House of Representatives of the National Assembly is not entitled to issue any appraisal of the steps taken by the State bodies, including the Prosecutor’s Office and officials or of the methods followed in conducting the criminal investigation, since this does not lie within its purview,

1. *Thanks* the Chairmen of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States for their consistent cooperation;
2. *Notes* with appreciation their statement that the authorities are fully committed to establishing the truth in this case and to doing their utmost to this end; *considers* nevertheless that, unless it is accompanied by deeds, that pledge remains a mere statement;
3. *Can only reiterate* that the secrecy in which the investigation into the abduction and subsequent disappearance of Mr. Gonchar and Mr. Krasovsky has so far been shrouded can only prompt suspicion that indeed no real effort is being made to establish the truth; *affirms once again* that it should be in the interest of the authorities themselves to show to the general public, or at the very least to the families of the victims, that they are doing their utmost to reveal the truth in this high-profile case, and *notes* that the necessary legal basis for this exists;

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<sup>1</sup> Following heavy criticism of his appointment, including in a common statement issued in this respect by the Committee on Legal Affairs of the Parliamentary Assembly of the Council of Europe and the Committee on the Human Rights of Parliamentarians of the IPU, Mr. Sheyman was later removed from this post.



4. *Remains deeply concerned* that the right of the families of Mr. Gonchar and Mr. Krasovsky to be kept informed of the proceedings and procedural decisions is not respected as their petitions to be informed of and receive copies of decisions clearly affecting their interests are being rejected; *calls on* the parliamentary authorities to make every effort to ensure that the authorities comply with this fundamental right of the families;
  5. *Points out once again* that the authorities have so far failed to refute convincingly the evidence produced in the Pourgourides report, which partly relies on the results of the initial investigation at the national level, and that they have produced no documents showing that they indeed investigated the report's findings;
  6. *Notes in this respect with great interest* that, in the framework of the Universal Periodic Review (UPR) before the United Nations Human Rights Council, Belarus committed itself to examining a recommendation to the effect that it would implement the recommendations of the Parliamentary Assembly of the Council of Europe on disappeared persons in Belarus and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
  7. *Acknowledges* that parliament cannot issue an appraisal of the investigative steps or of the methods followed by the investigators but affirms that parliament's oversight function clearly allows it to ask questions about the investigation and to make sure that an investigation is indeed taking place;
  8. *Requests* the Secretary General to convey this resolution to all parties 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 124<sup>th</sup> IPU Assembly (April 2011).
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## BURUNDI

**CASE No. BDI/26 - NEPHTALI NDIKUMANA**

**CASE No. BDI/36 - MATHIAS BASABOSE**

**CASE No. BDI/37 - LÉONARD NYANGOMA**

**CASE No. BDI/40 - FRÉDÉRIQUE GAHIGI**

**CASE No. BDI/42 - PASTEUR MPAWENAYO**

**CASE No. BDI/43 - JEAN MARIE NDUWABIKE**

**CASE No. BDI/45 - ALICE NZOMUKUNDA**

**CASE No. BDI/46 - ZAITUNI RADJABU**

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Nephtali Ndikumana, Mr. Mathias Basabose, Mr. Léonard Nyangoma, Ms. Frédérique Gahigi, Mr. Pasteur Mpawenayo, Mr. Jean Marie Nduwabike, Ms. Alice Nzomukunda and Ms. Zaituni Radjabu, all serving or former members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Taking into account* the letter of the President of the National Assembly dated 14 September 2010, according to which the recently elected Burundian Parliament would participate and be available for a continued exchange of views with the Committee,

*Recalling* that the former and incumbent parliamentarians concerned were the target of apparently coordinated grenade attacks perpetrated on 19 August 2007 and 6 March 2008, and that the only suspect arrested (by the public at the scene of the attack on Ms. Nzomukunda's house) was later released by the authorities,

*Recalling* that, despite initial encouraging reports from the authorities regarding progress in the investigations, the files for which appeared to have been passed on for action by the Public Prosecutor, in November 2008 the Attorney General informed the Director of the IPU's Democracy Division that the initial investigations had been mishandled, having focused on the victims as the instigators of the attacks, that this premise had soon been abandoned but that the case, having started off on the wrong premise, had become complicated, making it very difficult to identify the perpetrators of the attacks, and would, he believed, be dismissed,

*Considering* that on 19 July 2010, the Minister of Defence, for the State of Burundi, requested the Attorney General to initiate criminal proceedings against Mr. Nyangoma in connection with statements made, in particular the press release of 11 July 2010 that Mr. Nyangoma issued as spokesperson of the *Alliance des Démocrates pour le Changement au Burundi*, which brings together the main political opposition parties; the press release denounces the government's military intervention in Ruziba on 10 July 2010, alleging in particular that excessive force was used and referring in this respect to "massacres carried out against the population which constitute a crime against humanity and to some extent resemble an act of genocide"; according to the source, on 21 July 2010 the Attorney General requested the Bureau of the National Assembly to lift Mr. Nyaongoma's parliamentary immunity to charge him on three counts of defamation and insulting the National Defence Force; it appears that the Bureau of the National Assembly met to discuss the case and tried in vain to locate Mr. Nyangoma; the source affirms that Mr. Nyangoma has been in hiding out of fear for his life,

*Considering* that parliamentary elections were held in Burundi on 23 and 28 July 2010 and that presidential elections took place on 28 June 2010; *bearing in mind* that in the speech he held on the occasion of his investiture as elected President of Burundi, Mr. Pierre Nkurunziza stated that "we shall ensure the protection of human rights by promoting a fair and equitable justice and by excluding any trend towards impunity",

1. *Welcomes* the stated commitment of the President of the National Assembly to continued dialogue;
2. *Also welcomes* the stated commitment of President Nkurunziza to promoting justice and preventing impunity; *stresses* that it is precisely such action which is required in this case given the continued lack of results in the investigations;
3. *Earnestly hopes therefore* that the newly elected or re-elected authorities will now ensure that the competent authorities carry out without further delay a diligent and thorough investigation into the attacks and to examine all possible leads so that the crimes will not go unpunished; *reiterates its wish* to be informed of recent steps taken in the investigation and of any results obtained and to ascertain why the suspect in the case of Ms. Nzomukunda was released;
4. *Considers* that an on-site mission in this case would contribute to making progress towards a settlement of this case, and consequently *requests* the Secretary General to take the necessary steps to this end; *is confident* that, given their stated commitment to the promotion and protection of human rights, the Burundi authorities will favourably receive such a mission which would also provide an opportunity to gather detailed factual and legal information on the matter of the Attorney General's demand for the lifting of Mr. Nyangoma's parliamentary immunity;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, seeking their agreement to the mission;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned former members of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Taking into account* the letter of the President of the National Assembly, dated 14 September 2010, according to which the recently elected Burundian Parliament would be available for a continued exchange of views with the Committee,

*Recalling* the following information on file:

- Mr. Radjabu was arrested in April 2007 and is at present serving a final 13-year prison sentence following his conviction on charges of plotting to undermine State security by inciting citizens to rebel against the authority of the State and for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle; Mr. Jean Bigirimana and Mr. Baudoin Ribakare, indicted alongside Mr. Radjabu and both sentenced to 10 years in prison, were arrested only in late 2009 to serve their sentences; a trial observer mandated by the Committee concluded that Mr. Radjabu's trial was marred by serious flaws, notably the use of torture during the investigation of Mr. Evariste Kagabo and Mr. Abdul Rahman Kabura, the lack of independence of the Court's judges and of the prosecution and, more generally, the absence of evidence to substantiate the charges; the parliamentary authorities have rejected his conclusions as biased but have not responded to the observer's rebuttal of their comments; according to the information provided by the President of the Senate in April 2009, the matter of the torture allegations was before an examining magistrate in a separate case;
- Mr. Mpawenayo was arrested on 4 July 2008 and accused of being Mr. Radjabu's accomplice; the hearings on the merits of his case have been adjourned for deliberation since 13 January 2009; the claim by Mr. Mpawenayo's defence that the proceedings have been flawed by procedural irregularities, pertaining essentially to Mr. Mpawenayo's pretrial detention and the merging of his case with that of Mr. Radjabu, was rejected on 19 March 2009, but Mr. Mpawenayo was informed only on 29 October 2009; his defence has filed a cassation application, which is pending;
- Mr. Nkurunziza was arrested on 15 July 2008 on the charge of distributing weapons for the purpose of arming a rebellion against the State authorities; according to the sources, it was in fact Mr. Nkurunziza who, while still a parliamentarian, filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; on 4 November 2009, the Kirundo court declined jurisdiction in the case as the alleged offences were committed while Mr. Nkurunziza was still a member of parliament; the prosecution has not lodged an appeal against that decision; however, Mr. Gérard Nkurunziza is still awaiting transfer to Mpimba prison near Bujumbura, where the case is apparently to be heard by the Supreme Court;
- Mr. Minyurano was arrested on 2 October 2008 and accused of assaulting a magistrate in relation to a rental dispute; the Gitega High Court reportedly declared the charges against him null and void and ordered his temporary release; his case is said to be pending in Gitega, awaiting a ruling by a judge,

*Recalling* that members of the Burundian delegation to the 122<sup>nd</sup> IPU Assembly confirmed that Mr. Minyurano, as he was not in detention, was fully able to exercise his political rights but that, under Burundian law, the other three former members of parliament in detention were not allowed to enter the parliamentary elections of 23 and 28 July 2010,

*Bearing in mind* that in the speech he made on the occasion of his investiture as elected President of Burundi, Mr. Pierre Nkurunziza stated that “we shall ensure the protection of human rights by promoting a fair and equitable justice and by excluding any trend towards impunity”,

1. *Welcomes* the stated commitment of the President of the National Assembly to continued dialogue;
2. *Also welcomes* the stated commitment of President Nkurunziza to promoting justice and preventing impunity; *stresses* that it is precisely such action which is required in this case given the serious allegations of miscarriage of justice, in particular the failure of the authorities to investigate the complaints of torture in the case concerning Mr. Radjabu and consequently Mr. Mpawenayo;
3. *Recalls* that, by virtue of the international human rights treaties ratified by Burundi, evidence obtained under torture must be dismissed and that proceedings are fundamentally flawed if such evidence is used;
4. *Earnestly hopes therefore* that the newly elected or re-elected authorities will now ensure that the competent authorities carry out without further delay a full examination of the torture complaint and the possible implication of officers of the National Intelligence Service, one of whom was named by one of the alleged victims; *would appreciate* receiving information on progress made on this point in the separate case before the examining magistrate;
5. *Emphatically recalls* also the fundamental principle that justice delayed is justice denied; *urges* the authorities, as is their duty, either to try Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano without further delay or to drop the proceedings forthwith; *considers* that the excessive length and the stalemate in the proceedings against Mr. Mpawenayo and Mr. Nkurunziza are reason enough for them to be released provisionally while awaiting further court action;
6. *Considers* that an on-site mission in this case would contribute to making progress towards a settlement of this case, and consequently *requests* the Secretary General to take the necessary steps to this end; *is confident* that, given their stated commitment to promoting and protecting human rights, the authorities of Burundi will favourably receive such a mission;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, seeking their agreement to the mission;
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 124<sup>th</sup> IPU Assembly (April 2011).

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#### **CASE No. CMBD/01 - SAM RAINSY - CAMBODIA**

#### ***Resolution adopted by consensus by the IPU Governing Council at its 187<sup>th</sup> session\**** ***(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Sam Rainsy, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

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\* The delegation of Cambodia expressed its reservation regarding the resolution.

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/187/12(b)-R.1),

*Considering* the following information on file regarding the facts and legal proceedings to which they gave rise:

- On 25 October 2009, during a Buddhist Kathen celebration in Svay Rieng province, opposition leader Mr. Sam Rainsy led local villagers and officials of his party in uprooting six wooden temporary posts (border post #185) marking the country's border with Viet Nam, which has been in a demarcation process for some time; villagers said that the Vietnamese had illegally shifted the posts onto Cambodian soil in their rice fields and that their complaints to the local authorities in this respect had remained unavailing; according to the source, the uprooting of the demarcation posts provoked strong criticism by the Vietnamese authorities, which invited the Cambodian Government to take "due measures" regarding Mr. Sam Rainsy's "acts of sabotage";
- The President of the National Assembly observed that the demarcation posts had been agreed upon by the Cambodia-Viet Nam Border Committee and that Mr. Sam Rainsy had also used inflammatory language to incite the crowd; he stressed, moreover, that the uprooting of border demarcation posts was considered a violation of government affairs and a destruction of State property, the latter being an offence under the United Nations Transitional Authority in Cambodia - UNTAC law;
- On 16 November 2009, the National Assembly, in a closed session boycotted by opposition members of parliament, stripped Mr. Sam Rainsy of his immunity by a show of hands; according to the President of the National Assembly, on 12 November the Assembly's Permanent Committee had recommended that Mr. Sam Rainsy's immunity be lifted and, on 13 November, 64 parliamentarians had sent him a letter requesting a closed-door session; Mr. Sam Rainsy's immunity had therefore been lifted in conformity with existing law;
- On 27 January 2010, Svay Rieng provincial court found Mr. Sam Rainsy guilty of wilfully damaging public property in connection with the uprooting of border posts and of incitement to racial hatred [Articles 52 and 61 of the UNTAC (United Nations Transitional Authority in Cambodia) penal law, respectively] and sentenced him to two years in prison; in addition, it sentenced two local villagers, Ms. Meas Srey and Mr. Prum Chea, to one year in prison for damage to property; all three were further ordered to pay heavy fines and damages ranging from 5 to 50 million riels; an appeal against the sentence was set for hearing on 5 October;
- In a public statement on the trial, the regional office of the United Nations High Commissioner for Human Rights (OHCHR) observed that the media were debarred from the courtroom although space was available, on several occasions the President of the Court did not interrupt the civil party lawyer who verbally attacked the accused and their lawyers aggressively and recalls that due process and international standards provide that trials should be public and respect the principle of equality of arms; other sources reported that the court had refused to consider defence evidence;
- Following that verdict, Mr. Sam Rainsy gathered evidence, including an independent expertise, to prove that the temporary border demarcation posts were indeed on Cambodian territory; as a result, on 12 March 2010, a new charge of falsification of public documents and divulging false information was brought against him; on 23 September 2010, Phnom Penh Municipal Court found him guilty and sentenced him to 10 years' imprisonment and a heavy fine and damages on account of having, according to the court, published a map showing a false border with Viet Nam; if upheld on appeal, that verdict will bar Mr. Sam Rainsy from standing in the 2013 elections by virtue of Article 34(2) of the Law on the Election of Members of the National Assembly, which stipulates that persons who are sentenced to imprisonment for a felony or misdemeanour by the courts and who have not been rehabilitated are not eligible to stand as candidates for election to the National Assembly,

*Considering* that Prime Minister Hun Sen was quoted by Cambodian media as having stated during an inauguration ceremony for a stretch of National Road 1 in Kandal province on 6 January 2010: "This time, I would like to declare ... there is no (pardon); after the court convicts, let it be"; that on

20 September 2010 he reportedly stated that there was no room for negotiation: "If you don't come to jail, the prison will go to take you", he was quoted as saying in newspaper reports,

*Noting* with regard to the disputed border demarcation posts the following:

- Mr. Sam Rainsy has based his conclusion regarding border delineation in the municipality in question on the French SGI 1/100,000 Map that has been deposited at the United Nations since 1964; there is reportedly not as yet a map officially recognized by both Cambodia and Viet Nam since the demarcation process is still under way; according to the source, in a statement broadcast by Radio Free Asia, government representative and Border Committee chief Var Kim Hong admitted that the maps used by Mr. Sam Rainsy were the correct maps;
- According to the Sam Rainsy Party (SRP), the border demarcation posts which remained in the municipality were removed by the Vietnamese authorities in late December 2009/early January 2010 and none of those posts have been put back in place;
- While the authorities claim that Mr. Sam Rainsy's determination of the location of the temporary border posts is false, they have refused to reveal the official data on the grounds that they constitute a State secret;
- According to information supplied by the source in April 2010, the Government had recognized that the temporary border post #185, consisting of six wooden poles which Mr. Sam Rainsy pulled out, was not a real and legal border marker and decided officially to dismantle those border posts; furthermore, officials from the Council of Ministers reportedly specified in official documents submitted to the Court that the disputed temporary border posts were actually located at a distance of approximately 516 metres from the real and legal borderline,

*Considering* that, in commenting on the issues at stake at the Committee's 129<sup>th</sup> session (April 2010), the leader of the Cambodian delegation to the 122<sup>nd</sup> IPU Assembly observed inter alia that, while parliamentarians were entitled to protect the interests of their country, they had a duty to do so by legal means, and that, instead of uprooting border posts, Mr. Sam Rainsy should have raised the issue in parliament; *considering* in this regard that, according to the SRP, opposition members have since tried to raise such issues on various occasions in parliament, but were prevented from doing so and that they were also prevented from meeting with farmers complaining about land grabbing, mentioning in this respect an incident of June 2010 when the President of the National Assembly allegedly forbade the opposition in writing to visit constituents in Takeo province, where local authorities stopped their travel to the area concerned; that a proposal to form an independent parliamentary committee made up of representatives of all political parties in order to report on the border issue and to investigate related tensions or incidents, was also refused,

*Observing* that Mr. Sam Rainsy, who is at present living in exile in France, has been facing problems ever since he created his political party, the SRP, in 1995; that a particularly grave incident occurred on 20 March 1997 when, during a political rally, he was the target of a grenade attack in which Prime Minister Hun Sen's bodyguard unit has been implicated, which killed 16 people and wounded 150; that in December 2005, while he was abroad, he was sentenced to 18 months' imprisonment and was able to return after Hun Sen agreed to a royal pardon in February 2006; that, more recently, Mr. Sam Rainsy's immunity was lifted in February 2009 to permit prosecution against him for allegedly insulting the Cambodian People's Party during the 2008 elections; that, moreover, several defamation lawsuits are still pending against him,

*Bearing in mind* lastly, that several United Nations human rights bodies and mechanisms have expressed concern at the independence of the judiciary in Cambodia and "noted with concern the ... lack of judicial independence and effectiveness" as well as the judiciary's inability to "effectively restrain executive power"<sup>2</sup>; most recently the United Nations Special Rapporteur on the situation of human rights in Cambodia, who has made a series of recommendations to enhance the independence of the judiciary,<sup>3</sup> and that the Cambodian authorities have favourably received his recommendations,

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<sup>2</sup> A/HRC/WG.6/KHM/2.

<sup>3</sup> A/HRC/15/46.

1. *Thanks* the parliamentary authorities for their cooperation with the Committee;
2. *Is alarmed* at the prosecution and sentencing to a 12-year prison term of Mr. Sam Rainsy, the opposition leader, on account of a gesture which it considers to be of a symbolic and clearly political nature, and consequently never should have been brought before a court but resolved at the political level; *considers*, moreover, that the sentence is wholly out of proportion;
3. *Is particularly alarmed* that, if upheld, this verdict would bar Mr. Sam Rainsy from standing in the 2013 parliamentary elections and have consequences far beyond Mr. Sam Rainsy's case as it is bound to affect the opposition as such, all the more so as the recent prosecutions of a number of outspoken opposition members have already narrowed down the political space, and hence be detrimental to the democratic process in Cambodia;
4. *Calls therefore on* the authorities to explore ways and means of resolving the issues at hand through political dialogue and to enable Mr. Sam Rainsy to resume his parliamentary activities as rapidly as possible;
5. *Observes* that the parliamentary authorities stated that Mr. Sam Rainsy should have raised the border issue within the National Assembly, thus implicitly recognizing the political nature of his act; *nevertheless notes* that, according to the Sam Rainsy Party, attempts to do so have since been unavailing and the parliamentary authorities reportedly rejected the opposition's proposal to set up a parliamentary committee to examine such matters;
6. *Notes with concern* the statements made by the Prime Minister about this case and its possible outcome, as they indicate that he expected a guilty verdict and Mr. Sam Rainsy's subsequent removal from politics in Cambodia; *observes* that this tends to corroborate the concerns voiced about the independence of the Cambodian judiciary and its exploitation for political purposes;
7. *Wonders*, particularly in the light of the independent expert analysis on the border issue in question, what kind of evidence the court adduced to prove the falsification of maps or divulgence of false information, all the more so as the Government reportedly itself conceded that the temporary borders markers were not on the legal borderline and officially decided to dismantle them; *wishes* therefore to receive a copy of both judgments given in this case;
8. *Is concerned* at the way in which the National Assembly lifted immunity in this case and *refers* in this context to the resolution it adopted in the case of Ms. Mu Sochua; *wishes to ascertain* why the National Assembly resorts to a procedure which can only cast doubt on its independence of the Government;
9. *Calls on* the Cambodian authorities to heed the recommendations made by the United Nations Special Rapporteur on the situation of human rights in Cambodia; *invites* the parliament of Cambodia to debate his report in parliament and to take the necessary measures to ensure implementation of his recommendations;
10. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources and to other interested parties; *requests* him also to inform donor countries of its concerns in this case;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted by consensus by the IPU Governing Council at its 187<sup>th</sup> session\*  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Mu Sochua, a member of the National Assembly of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that at its session held during the 123<sup>rd</sup> Assembly (October 2010) the Committee held a hearing with the leader of the Cambodian delegation,

*Recalling* the following:

- In a widely publicized speech made by Prime Minister Hun Sen on 4 April 2009 in Kampot province, where Ms. Mu Sochua was elected in 2008 and which she represents in the National Assembly, reference was made to a woman who could only have been Ms. Mu Sochua in a derogatory manner and with sexual innuendoes;
- On 23 April 2009, Ms. Sochua announced at a press conference that she would file a defamation lawsuit under Article 63 of the United Nations Transitional Authority in Cambodia (UNTAC) Criminal Law, stating that she respected the Prime Minister as the head of the Government but wanted him to be held responsible for his insults; on 27 April 2009, Ms. Mu Sochua filed the lawsuit against Mr. Hun Sen, who in turn filed a defamation lawsuit against her, stating that lifting Ms. Mu Sochua's parliamentary immunity would be "as easy as ABC"; he also brought a defamation lawsuit against her lawyer, Mr. Kong Sam Onn, for stating during the press conference that he had defamed Ms. Mu Sochua;
- On 10 June 2009, the Phnom Penh Municipal Court dismissed Ms. Mu Sochua's case against the Prime Minister without any investigation, stating that it was groundless; however, the court moved ahead with the Prime Minister's lawsuit, requesting that Ms. Mu Sochua's parliamentary immunity be lifted;
- On 22 June 2009, the National Assembly, in a closed-door session, lifted her immunity by a show of hands without giving her any opportunity to defend herself and without debate;
- On 4 August 2009, the Phnom Penh Municipal Court found Ms. Mu Sochua guilty under Article 63 of the UNTAC law criminal provisions of defaming Prime Minister Hun Sen by: (i) holding a press conference to announce that she would file a defamation lawsuit against the Prime Minister, (ii) informing the IPU and the Global Fund for Women of the matter, (iii) affirming that the Prime Minister's words against her "affected all Khmer women and women all over the world", all of which showed that she had acted in bad faith with the intention of defaming the Prime Minister worldwide and sully his reputation and dignity; she was fined 8.5 million riel and ordered to pay another 8 million riel in damages to the Prime Minister (a total of approx. US\$ 4,000); on 28 October 2010, the Court of Appeal upheld the judgment; as to her lawyer, disciplinary proceedings have been brought against him by the Cambodian Bar Association, as a result of which he withdrew as defence counsel for Ms. Mu Sochua and joined the Cambodian People's Party (CPP); the Prime Minister withdrew his complaint against him and the disciplinary proceedings were dropped,

*Considering* that, after a first hearing on 7 April 2010 was adjourned owing to the absence of Mr. Hun Sen and Ms. Mu Sochua, the Supreme Court, on 2 June 2010, upheld the Court of Appeal's ruling on the Municipal Court's decision,

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\* The delegation of Cambodia expressed its reservation regarding the resolution.



*Recalling* that the Cambodian parliamentary authorities have rejected allegations of irregularity and insisted that the rule of law was followed by the National Assembly and the courts and argued that Ms. Mu Sochua should have paid the fine, as advised by colleagues, instead of lodging appeals,

*Considering* that Ms. Mu Sochua stated that she would not pay the fine and that, instead of sending her to jail as would have been normal procedure in such a case, the Permanent Committee, in a meeting of 29 July 2010, acting on a court order decided that the fine and compensation to be paid to the Prime Minister would be deducted from her parliamentary salary; *noting* that while the parliamentary authorities stated that Ms. Mu Sochua agreed to or, as stated in the President's letter of September 2010, did not oppose that procedure, the source affirms that the National Assembly's Permanent Committee had stated earlier that deducting the fine from Ms. Mu Sochua's salary would contravene the Standing Orders and that she had never been consulted by the Permanent Committee regarding this matter; she could hardly therefore have agreed to the procedure,

*Considering* further that, according to the source, Ms. Mu Sochua is being followed by plain-clothes police wherever she goes and in one instance, in July 2010, there were more than 20 police around the venue where she spoke; that, moreover, the government-controlled media continue to heap insults on her, labelling her an ignorant lawmaker who defamed the Prime Minister,

*Bearing in mind* lastly that United Nations human rights bodies and mechanisms have expressed concern about the independence of the judiciary in Cambodia and "noted with concern the ... lack of judicial independence and effectiveness" as well as the judiciary's inability to "effectively restrain executive power"<sup>4</sup>; most recently the United Nations Special Rapporteur on the situation of human rights in Cambodia, who in his report to the United Nations Human Rights Council of 16 September 2010<sup>5</sup> identified freedom of expression as a major area of concern along with the numerous challenges faced by the judiciary, expressed concern about the narrowing of political space, and recommended that defamation and disinformation should be decriminalized altogether,

*Bearing in mind* that Article 31 of the Constitution of Cambodia stipulates that the rights and freedoms of citizens include the "human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the human rights covenants and conventions and women's and children's rights; that, moreover, Articles 41, 39, 31 and 45 of the Constitution respectively guarantee freedom of expression, the right of Khmer citizens to denounce public officials for breaches of the law committed during the course of their duties, and equality before the law, and prohibits discrimination against women, and that Article 46 explicitly prohibits obscenity against women,

1. *Thanks* the President of the National Assembly and the leader of the Cambodian delegation to the 123<sup>rd</sup> IPU Assembly for the information and observations provided;
2. *Deeply regrets*, however, that they have taken no account of the serious concerns it has raised in this case regarding respect for freedom of expression and lifting of parliamentary immunity;
3. *Remains particularly distressed and indignant* that a letter from Ms. Mu Sochua to the IPU was used by the court to find her guilty of defamation, resulting in a situation where the IPU's procedure to defend the human rights of members of parliament was used to violate the human rights of a member of parliament, which situation it regards as intolerable;
4. *Deplores* the situation where, owing to fundamentally flawed proceedings, as the judge wholly failed to establish the existence of the elements of the crime of defamation, Ms. Mu Sochua has had to pay a fine and compensation to the Prime Minister when in fact the court never examined how Ms. Mu Sochua's statements could have harmed his reputation; *believes* that it would befit the Prime Minister to waive payment of the compensation awarded to him;

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<sup>4</sup> A/HRC/WG.6/6/KHM/2.

<sup>5</sup> A/HRC/15/46.

5. *Is deeply concerned* that Ms. Mu Sochua's movements may be monitored by police as such monitoring can but affect her ability to exercise her parliamentary mandate free of fear; *calls on* the National Assembly to examine this matter and, more generally, to protect its members from encroachments by the executive authorities by using its oversight function, rather than cautioning or ratifying decisions and actions of the executive branch; *reiterates* in this respect its wish to know why, when lifting Ms. Mu Sochua's immunity, the Assembly closed the session to the public, why Ms. Mu Sochua was not given the right to defend herself, why the Assembly took a vote on the issue without debate, and why the vote was held by a show of hands;
6. *Calls on* the Cambodian authorities to heed the recommendations made by the Special Rapporteur on the situation of human rights in Cambodia; *invites* the parliament of Cambodia to debate his report in parliament and to take the necessary measures to ensure implementation of his recommendations;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to Ms. Mu Sochua, to the sources of information and to interested parties; *requests* him also to inform donor countries of its concerns in this case;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case concerning the murders between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas and the death threats against Mr. Hernán Motta Motta, which forced him into exile in October 1997, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring* also to the attached decision adopted by the Committee at its 130<sup>th</sup> session (July 2010),

1. *Endorses* the views of the Committee as expressed in its decision of July 2010;
2. *Is gratified* that the parliamentary authorities have agreed to the proposed on-site mission that will visit Colombia from 9 to 12 October 2010 with the mandate to promote progress in addressing the specific concerns in this case;
3. *Requests* the Committee to continue examining the case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), in the light of the mission's report and of such observations as the Colombian authorities and the sources may meanwhile have made thereon.

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

***Decision adopted by the Committee at its 130<sup>th</sup> session  
(Geneva, 12 - 15 July 2010)***

The Committee,

*Referring* to the case concerning the murders between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas and the death threats against Mr. Hernán Motta Motta, which forced him into exile in October 1997, and to the resolution adopted by the Governing Council at its 186<sup>th</sup> session (April 2010),

*Recalling* that the persons concerned were Colombian congressmen and members of the Patriotic Union party, and that none of the murderers or the perpetrators of the death threats against Mr. Motta, who still lives in exile, have been held to account,

*Recalling* that on 25 July 2008 the Inter-American Commission on Human Rights held the Colombian State accountable for the murder of Mr. Cepeda, by commission and omission; *considering* that on 26 May 2010, in a binding ruling, the Inter-American Court of Human Rights concluded that the Colombian State bore responsibility for the murder and ordered it, first, to carry out an effective investigation to establish the identity of the masterminds and the full scale of the cooperation between State agents and paramilitary forces in carrying out the crime and, secondly, to make reparation, including through the organization, in consultation with Mr. Cepeda's family, of an official ceremony in the Colombian Congress, or another prominent public place, during which the State of Colombia, in the presence of members of both Chambers of Congress and the highest State authorities, would publicly acknowledge its responsibility and offer an apology,

*Considering* that the Ministry for Foreign Affairs has stated that the State of Colombia will fully comply with the ruling but that the President of Colombia, Mr. Álvaro Uribe, in a public statement made on 26 June 2010, reportedly made an apology but affirmed that he was unable to say that the Colombian State was responsible and added that those who had petitioned the Inter-American Court had presented false information, acted out of hate, and unfairly brought shame on Colombians and the honour of the State; *recalling* that the report of the mission that the Committee sent to Colombia in August 2009 mentions President Uribe as laying part of the blame on the members of the Patriotic Union for what happened to them,

*Recalling* that a general petition regarding the persecution of the Patriotic Union and offences committed, directly and indirectly, against its members, which include, except for Mr. Cepeda's case, the aforementioned parliamentarians, is pending before the Inter-American Commission on Human Rights; *recalling also* that in the last two years the *Procuraduría* has given special attention to the case of Mr. Jaramillo, that the Prosecutor's Office has assembled a special team focusing on violations committed against members of the Patriotic Union and reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo and into the death threats against Mr. Motta, and that in the case of Mr. Posada a suspect has reportedly been detained and is awaiting judgment,

*Considering* that parliamentary elections took place in Colombia on 14 March 2010,

1. *Takes note with satisfaction* of the swift and constructive official response of the Ministry for Foreign Affairs to the ruling of the Inter-American Court of Human Rights in the case of Mr. Cepeda;
2. *Nevertheless expresses deep concern* that subsequent remarks by Colombia's current President appear to contradict that response, disregard the unequivocal conclusions of the Court and

- discredit Mr. Cepeda's family, thereby only prolonging their anguish and further jeopardizing their safety;
3. *Believes* that for the full and faithful implementation of the ruling it is essential that the highest Colombian State authorities set an example in this respect; *sincerely hopes* therefore that the outgoing and incoming Presidents of Colombia will make a significant and genuine contribution to the official ceremony that the Court has suggested; *would appreciate* receiving information from the competent authorities on how and when they intend to organize this event, as set out in the ruling, and on the implementation of the other reparations to which the Court refers;
  4. *Trusts* that the authorities will also do their utmost to shed full light on the matter and establish full accountability for this crime by following the detailed instructions that the Court has given; *would appreciate* being kept informed of steps taken to this end;
  5. *Trusts* likewise that the authorities will pursue their efforts with the necessary resolve in order, to the extent possible, to elucidate the other assassinations and the death threats against Mr. Motta; *wishes* to ascertain what further recent steps the authorities have taken in the investigations and to receive a copy of the forthcoming judgment in the case of Mr. Posada;
  6. *Trusts* that, through its oversight function, the new Colombian Congress will do everything possible to help ensure that ongoing efforts to elucidate the murders of and death threats against parliamentarians of the Patriotic Union are pursued and that the State of Colombia fully implements the ruling of the Inter-American Court of Human Rights in the case of Mr. Cepeda;
  7. *Considers* that, with a new government and parliament shortly to be proclaimed in Colombia, an on-site mission to Colombia would be very timely for progressing in resolving the specific concerns relating to this case; consequently *invites* the Secretary General to establish contact with the authorities of the new Parliament with a view to organizing an on-site mission instructed, for the aforesaid purpose, to meet with the highest-level parliamentary, governmental and judicial authorities, with the families and lawyers of the assassinated Congress members, and with human rights organizations; *is confident* that the new Congress will respond favourably to this request and do its utmost to ensure that the mission can proceed as soon as possible;
  8. *Requests* the Secretary General to inform the competent Colombian authorities and the source of this decision;
  9. *Decides* to continue examining this case at its next session, to be held during the 123<sup>rd</sup> IPU Assembly (October 2010).
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**CASE No. COL/07 - LUIS CARLOS GALÁN SARMIENTO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Senate and the New Liberalism party's candidate in the presidential elections who was murdered at a political rally on 18 August 1989 in the main square of Soacha municipality, department of Cundinamarca, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring* also to the attached decision adopted by the Committee at its 130<sup>th</sup> session (July 2010),

1. *Endorses* the views of the Committee as expressed in its decision of July 2010;
2. *Is gratified* that the parliamentary authorities have agreed to the proposed on-site mission that will visit Colombia from 9 to 12 October 2010 with the mandate to promote progress in addressing the specific concerns in this case;
3. *Requests* the Committee to continue examining the case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), in the light of the mission's report and of such observations as the Colombian authorities and the source may meanwhile have made thereon.

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### **CASE No. COL/07 - LUIS CARLOS GALÁN SARMIENTO - COLOMBIA**

#### ***Decision adopted by the Committee at its 130<sup>th</sup> session (Geneva, 12 - 15 July 2010)***

The Committee,

*Referring* to the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Senate and the New Liberalism party's candidate in the presidential elections who was murdered at a political rally on 18 August 1989 in the main square of Soacha municipality, department of Cundinamarca, and to the resolution adopted by the Governing Council at its 186<sup>th</sup> session (April 2010),

*Taking into account* the communications from the Deputy Minister of the Interior and from the Prosecutor's Office dated 22 June and 15 April 2010, respectively,

*Recalling* the following information on file:

- The source affirms that Mr. Alberto Santofimio Botero, a politician from Tolima and member of the political wing of the Medellín cartel, was one of the masterminds of the murder; his first-instance guilty verdict was quashed in October 2008 by the High Court of Cundinamarca, which acquitted him; the Procuraduría and Mr. Galán's family, as the complainant in the proceedings, have filed a cassation petition with the Supreme Court; in August 2009, the Supreme Court entrusted one of its magistrates with preparing the case for deliberation;
- On 18 August 2009 General Miguel Maza Márquez, a former Director of the Administrative Department of Security (DAS), was arrested on accusations of involvement in Senator Galán's murder;
- On 25 November 2009 the *Procurador*, who had formed a special team to conduct the investigations into the murder, requested the Prosecutor's Office to extend the investigation to retired General Oscar Peláez Carmona, who was the Chief of the Criminal Investigation Department at the time and had allegedly acted in complicity with General Maza in misleading and obstructing the original investigation;
- The source and the prosecuting authorities argue that the murder was part of a pattern of persecution of members of Senator Galán's party, and hence a crime against humanity, which would mean that the statute of limitations of 20 years to which the crime of murder is subject in Colombia would not apply;
- The National Police of Colombia, in its report of 23 November 2006, concluded that Senator Juan Manuel Galán, who was spearheading efforts to obtain justice in the case of his father's murder, was at exceptional risk; the National Police and the Prosecutor's Office are investigating an anonymous threat according to which an attempt will be made on Senator Galán's life; the source affirms that numerous earlier requests for protection had gone unheeded,

Considering the following new information:

- On 6 April 2010, the Chief Prosecutor of Colombia, after taking direct control of the case, ordered General Maza's release and on 22 June 2010 transferred the case back to the Prosecutor's National Human Rights Unit;
  - In her letter of 22 June 2010, the Deputy Minister of the Interior provided a detailed description of the security detail which her Ministry and the National Congress of Colombia, together with the National Police, had assigned to Senator Juan Manuel Galán and his family;
  - In April 2010, the Prosecutor's Office reported that three persons presumed to be responsible for the anonymous threat had been identified and accused,
1. *Thanks* the Deputy Minister of the Interior and the Prosecutor's Office for their communications and cooperation;
  2. *Takes note with satisfaction* of the extensive protection measures put in place for Senator Juan Manuel Galán and his family; *trusts* that regular consultations are taking place to review the effectiveness of these measures and that swift action is taken to remedy any deficiencies that may be reported;
  3. *Is pleased* at the progress made in identifying those presumed to be responsible for the threat to assassinate Senator Juan Manuel Galán; *trusts* that the Prosecutor's Office will soon be able to bring the matter to trial; *wishes to ascertain* whether the accused are at the disposal of the judicial authorities, whether they are considered to be the presumed instigators or perpetrators, whether they have been formally charged and, if so, when trial proceedings are expected to begin;
  4. *Is deeply concerned* that the initially robust investigation into the possible implication of General Maza in Senator Luis Carlos Galán's murder appears to have lost impetus; *fails to understand* why the Chief Prosecutor of Colombia decided to take personal charge of this investigation only to order General Maza's provisional release and then hand the file back to the Prosecutor's Unit originally responsible for the investigation;
  5. *Reaffirms its belief* that the serious suspicion that a retired general and former director of one of Colombia's prominent State law and order institutions is implicated in this high-profile crime should prompt the authorities to do their utmost to shed full light on the matter and establish accountability; *therefore calls* on the Prosecutor's Office to proceed swiftly with the investigation and to decide with the utmost urgency, giving due consideration to the extensive information on file, whether or not to bring formal charges against General Maza; *reiterates* its wish to know whether the Prosecutor's Office is also focusing on the possible involvement of General Peláez and when the courts are due to rule on the question of Senator Galán's murder being qualified as a crime against humanity; *also wishes* to know what recent steps the *Procuraduría* has taken to give priority to this case;
  6. *Sincerely hopes* that the Supreme Court magistrate entrusted with the cassation petition regarding Mr. Santofimio will soon bring the matter before the full Court; *would appreciate* receiving a copy of the ruling when it becomes available;
  7. *Considers* that, with a new government and parliament shortly to be proclaimed in Colombia, an on-site mission to Colombia would be very timely for progressing in the matters pending in this case; consequently *invites* the Secretary General to establish contact with the authorities of the new Parliament with a view to organizing an on-site mission instructed, for the aforesaid purpose, to meet with the highest-level parliamentary, governmental and judicial authorities and with the source; *is confident* that the new Congress will respond favourably to this request and do its utmost to ensure that the mission can proceed as soon as possible;

8. *Requests* the Secretary General to inform the competent Colombian authorities and the source of this decision;
9. *Decides* to continue examining this case at its next session, to be held during the 123<sup>rd</sup> IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

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/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring* also to the attached decision adopted by the Committee at its 130<sup>th</sup> session (July 2010),

1. *Endorses* the views of the Committee as expressed in its decision of July 2010;
2. *Is gratified* that the parliamentary authorities have agreed to the proposed on-site mission that will visit Colombia from 9 to 12 October 2010 with the mandate to promote progress in addressing the specific concerns in this case;
3. *Requests* the Committee to continue examining the case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), in the light of the mission's report and of such observations as the Colombian authorities and the source may meanwhile have made thereon.

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

***Decision adopted by the Committee at its 130<sup>th</sup> session  
(Geneva, 12 - 15 July 2010)***

The Committee,

*Referring* to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, and to the resolution adopted by the Governing Council at its 186<sup>th</sup> session (April 2010),

*Recalling* that Mr. Lozano was convicted and given a lengthy prison sentence following fundamentally flawed proceedings he was unable to challenge since, under Colombian law, members of Congress are tried at single instance, that in 2001 he submitted a petition to the Inter-American Commission on Human Rights regarding the flawed judicial proceedings, and that, despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming to date despite the efforts made to engage with the Inter-American Commission, in particular its President and Executive Secretary, and despite the contacts made to this end by the Committee Vice-President, Senator Rosario Green,

*Recalling* that the Inter-American Commission concluded in its report No. 50/00, adopted on 13 April 2002 with respect to a petition from a former Venezuelan member of parliament, Mr. Figueredo Planchart, that Mr. Planchart's right under Article 8(2) of the American Convention on Human Rights to appeal to a

higher court had been breached as he had been tried in single-instance proceedings by the Venezuelan Supreme Court, which under Venezuelan constitutional law is the highest bench and the decisions of which cannot be appealed; *recalling* that in his letter of 12 August 2002 to the IPU Secretary General, the Executive Secretary of the Inter-American Commission on Human Rights drew particular attention to this case as it presented certain analogies with Mr. Lozano's case,

*Recalling* that, in addition to a prison term, Mr. Lozano's sentence included the withdrawal of his civil and political rights for 10 years starting in February 1998; *considering* that Mr. Lozano's rights have still not been restored although this period has expired,

*Recalling* that parliamentary elections were held in Colombia on 14 March 2010,

1. *Stresses* that the American Convention on Human Rights and related jurisprudence provide extensive protection of the right to fair trial and offer direct entry points for examining the serious concerns that have arisen in Mr. Lozano's case; *regrets*, therefore, that the Inter-American Commission has not yet re-examined the admissibility of Mr. Lozano's petition, almost eight years after it stated that such re-examination would take place; *sincerely hopes* that, as has been indicated on a number of occasions, the Inter-American Commission will take a decision on the case as a matter of urgency, convinced as the Committee is that this will be crucial towards helping redress the apparent injustice Mr. Lozano has suffered;
2. *Requests* the President of the Committee and the Secretary General to pursue their contacts with the Inter-American Commission to this end;
3. *Considers* that several of the fair trial concerns in Mr. Lozano's case are inherent in the current procedure applicable to members of Congress in Colombia in criminal cases and, therefore, have ramifications that go far beyond Mr. Lozano's case and that can only be fully addressed through new legislation;
4. *Calls on* the Colombian authorities, in particular the new Colombian Congress, to take action with a view to overhauling the procedure applicable to criminal cases against its members so as to ensure its full compatibility with fundamental fair-trial standards, including the right to appeal and non-discrimination towards members of parliament; *affirms* the continued readiness of the IPU to help advance the public debate in Colombia on this complex and sensitive matter;
5. *Remains disturbed* that Mr. Lozano has still not recovered his civil and political rights; *urges* the Colombian authorities to remedy this unlawful situation without further delay;
6. *Considers* that, with a new government and parliament shortly to be proclaimed in Colombia, an on-site mission to Colombia would be very timely for progressing in the matters pending in this case; consequently *invites* the Secretary General to establish contact with the authorities of the new Parliament with a view to organizing an on-site mission instructed, for the aforesaid purpose, to meet with the highest-level parliamentary, governmental and judicial authorities and with the source; *is confident* that the new Congress will respond favourably to this request and do its utmost to ensure that the mission can proceed as soon as possible;
7. *Requests* the Secretary General to inform the competent Colombian authorities and the source accordingly;
8. *Decides* to continue examining this case at its next session, to be held during the 123<sup>rd</sup> IPU Assembly (October 2010).



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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Wilson Borja, a former member of the Colombian Congress and vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring* also to the attached decision adopted by the Committee at its 130<sup>th</sup> session (July 2010),

1. *Endorses* the views of the Committee as expressed in its decision of July 2010;
2. *Is gratified* that the parliamentary authorities have agreed to the proposed on-site mission that will visit Colombia from 9 to 12 October 2010 with the mandate to promote progress in addressing the specific concerns in this case;
3. *Requests* the Committee to continue examining the case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), in the light of the mission's report and of such observations as the Colombian authorities and the source may meanwhile have made thereon.

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

***Decision adopted by the Committee at its 130<sup>th</sup> session  
(Geneva, 12 - 15 July 2010)***

The Committee,

*Referring* to the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress and vocal critic of the Colombian Government, and to the resolution adopted by the Governing Council at its 186<sup>th</sup> session (April 2010),

*Recalling* that an attempt was made on Mr. Borja's life on 15 December 2000 after he had received repeated death threats and that the former head of the United Self-Defence Forces of Colombia (AUC), Mr. Salvatore Mancuso, detained in the United States of America, admitted in 2007 to having participated in the attack and pointed to a possible decisive role of former Assistant Director of the Administrative Department of Security (DAS), Mr. José Miguel Narváez, at present detained,

*Recalling* that, according to information provided by the source in January 2010, Mr. Borja's security detail was short of four bodyguards and that his own efforts to have their places filled were thwarted by the Ministry of the Interior,

*Recalling further* that on 4 July 2008 the Supreme Court opened a preliminary investigation into Mr. Borja and others for their alleged links to the Revolutionary Armed Forces of Colombia (FARC), an allegation which, according to the source, is unfounded, and that, according to the latest information from the source, the preliminary investigation continues, even though not a shred of evidence has been presented and despite a legal provision setting the maximum length for an investigation at one year,

*Recalling finally* that parliamentary elections took place in Colombia on 14 March 2010 and that Mr. Borja was not re-elected,

1. *Is concerned* at the absence of any updated information regarding Mr. Borja's security detail; *considers* that, in the light of the failed attempt on his life and the risks he incurs as a long-standing critical voice in Colombia, his protection has to be taken extremely seriously; *calls on* the Ministry of the Interior to ensure that an effective security detail is in place for him and *would like to know* in this respect whether the fact that Mr. Borja is no longer a member of Congress has affected his security situation and entitlements;
2. *Trusts* that the Prosecutor's Office is now also fully investigating the alleged implication of Mr. Mancuso and Mr. Narváez in the attack on Mr. Borja; *would appreciate* receiving confirmation thereof along with information on any developments in the investigation;
3. *Remains deeply concerned* that, reportedly in the absence of any proof and beyond the expiry of statutory deadlines, Mr. Borja continues to be subjected to a criminal investigation; *recalls* that, as a party to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights, the State of Colombia must guarantee the right to a fair trial, which comprises the right to be tried without undue delay; *calls on* the authorities therefore to handle the case with the utmost urgency, either dismissing it or bringing it to trial forthwith; *wishes* to ascertain what steps the authorities intend to take in this respect;
4. *Considers* that, with a new government and parliament shortly to be proclaimed in Colombia, an on-site mission to Colombia would be very timely for progressing in the matters pending in this case; consequently *invites* the Secretary General to establish contact with the authorities of the new Parliament with a view to organizing an on-site mission instructed, for the aforesaid purpose, to meet with the highest-level parliamentary, governmental and judicial authorities and with the source; *is confident* that the new Congress will respond favourably to this request and do its utmost to ensure that the mission can proceed as soon as possible;
5. *Requests* the Secretary General to bring this decision to the attention of the competent authorities and of the source;
6. *Decides* to continue examining this case at its next session, to be held during the 123<sup>rd</sup> IPU Assembly (October 2010).

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#### **CASE No. CO/142 - ALVARO ARAÚJO CASTRO - COLOMBIA**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Alvaro Araújo Castro, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring* also to the attached decision adopted by the Committee at its 130<sup>th</sup> session (July 2010),

*Considering* the following new information that the source has made available on Mr. Araújo's health since the Committee took that decision: on 22 July 2010, the director of the penitentiary system, considering that Bogotá's altitude of 2,600 metres above sea level was not conducive to Mr. Araújo's health, ordered that he be detained instead in Valledupar, the capital of César department; Mr. Araújo affirms that his current detention conditions continue to be bad for his health; in addition to the heat, he points to his poor medical examination facilities, medical attention and diet and to the incapacity of the prison where he is

now detained to act swiftly and effectively in the event of an emergency; he emphasizes that his own medical personnel are not allowed to enter the prison and that during the night, in the absence of any guards and telephones in his ward, which at that time is firmly locked, no emergency medical intervention would be possible; between 20 September and 1 October 2010, Mr. Araújo was again hospitalized owing to heart problems; a new medical report on his state of health from the medical authorities is pending,

*Considering* also that, on 3 August 2010, the *Procuraduría* cleared Mr. Araújo of the charge that he was associated with paramilitary groups, which decision contradicts the Supreme Court's verdict of 18 March 2010,

1. *Endorses* the views of the Committee as expressed in its decision of July 2010;
2. *Is gratified* that the parliamentary authorities have agreed to the proposed on-site mission that will visit Colombia from 9 to 12 October 2010 with the mandate to promote progress in addressing the specific concerns in this case;
3. *Requests* the Committee to continue examining the case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), in the light of the mission's report and of such observations as the Colombian authorities and the source may meanwhile have made thereon.

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#### **CASE No. CO/142 - ALVARO ARAÚJO CASTRO - COLOMBIA**

##### ***Decision adopted by the Committee at its 130<sup>th</sup> session (Geneva, 12 - 15 July 2010)***

The Committee,

*Referring* to the case of Mr. Alvaro Araújo Castro, a former member of the Colombian Congress, and to the resolution adopted by the Governing Council at its 186<sup>th</sup> session (April 2010),

*Recalling* that, on 18 March 2010, the Supreme Court concluded that Mr. Araújo had cooperated with paramilitary groups for electoral gain in his department of César and found him guilty, without offering him an opportunity to be heard, of the charges of aggravated criminal conspiracy and electoral coercion, and sentenced him to a prison term of nine years and four months and a fine of 7,222.15 Colombian monthly wages; the Court also considered Mr. Araújo to belong to the hierarchy of the paramilitary group in his department and instructed the Prosecutor's Office to investigate him in this respect; the Court also decided to investigate the Prosecutor who had previously dismissed a charge of aggravated abduction against Mr. Araújo, considering that she failed to take due account of all the evidence; the source fears that by seeking action against the Prosecutor the Supreme Court will have the possibility, if and when that Prosecutor is held criminally liable, to revive this charge,

*Recalling* that a legal expert, Mr. Alejandro Salinas, mandated by the Committee to examine the question of respect for the right to fair trial in the case of Mr. Araújo, concluded that the proceedings which led to his conviction were seriously flawed,

*Recalling also* that Mr. Araújo has always affirmed that there was no evidence to support the charges against him and that scrutiny of his election results confirmed that he neither needed nor had the support of the paramilitary and that on several occasions he took a public stance against the paramilitary,

*Recalling finally* that on 12 September 2007 Mr. Araújo suffered a stroke and was immediately taken from La Picota prison, where he was being held, to a clinic in Bogotá for treatment; on 22 November 2007, the Prosecutor's Office changed his detention to house arrest on medical grounds; Mr. Araújo was immediately transferred back to La Picota after his conviction on 18 March 2010,

*Considering* the following information provided by the source regarding new investigations against Mr. Araújo:

- In March 2010, the Prosecutor's Office initiated an investigation against Mr. Araújo for his alleged responsibility in the murder in 1996, by paramilitaries, of his employee, Mr. Eusebio de Jesús Castro Visbal, following accusations by demobilized paramilitary member Mr. Hernando de Jesús Fontalvo Sánchez, and by Mr. Jesús Castro's wife and son; Mr. Araújo affirms that the former paramilitary member's testimony that Mr. Araújo gave the order for the murder is hearsay and not credible and that the Prosecutor's Office pressured Mr. Jesús Castro's family members, who first, in the presence of the former paramilitary member, denied the veracity of his testimony, into making false accusations against Mr. Araújo; he affirms that he was quick to publicly denounce the murder, went under heavy protection to Mr. Jesús Castro's funeral the following day, and even recently, in 2009, took action to obtain reparation for his family as no such reparation was forthcoming after more than 13 years; Mr. Araújo has written a letter to the Prosecutor of Colombia asking him to examine these matters;
- In April 2010, an investigation was initiated against Mr. Araújo for the alleged commission of crimes against humanity, as a result of the Supreme Court's decision that he should be investigated in that respect;
- On 21 May 2010, Mr. Araújo was heard in connection with an investigation into illicit enrichment that also stems from his conviction by the Supreme Court;
- In April 2010, an investigation was opened against the Prosecutor who had dismissed the original charge of aggravated abduction against Mr. Araújo,

*Considering* that, on 27 May 2010, Mr. Araújo was taken to a clinic in Bogotá after losing consciousness as a result of a cardiac arrest; Dr. Máximo Alberto Duque Piedrahita, a medical doctor hired by Mr. Araújo, concluded, primarily on the basis of the opinions and diagnoses of the medical specialists who treated Mr. Araújo in the clinic, that the latter was suffering from serious cardiovascular and neurological disorders requiring further medical examination, and that in the past three years his health had steadily declined as a result of those disorders, which situation was bound to continue in the absence of further examination and effective long-term treatment; he concluded that the need for special treatment under strict medical control and specialized emergency equipment for Mr. Araújo was incompatible with life in detention,

*Considering* that the judge in charge of the execution of sentences reportedly informed Mr. Araújo recently that the two-and-a-half years spent under house arrest would not be deducted from the sentence that the Supreme Court handed down on Mr. Araújo,

*Considering* furthermore that Mr. Araújo intends to submit his case to the United Nations Human Rights Committee, which monitors the International Covenant on Civil and Political Rights, to which Colombia is a party,

*Considering* finally that the newly elected Colombian Congress will start its work and elect its presiding officers on 20 July 2010 and that, on 7 August 2010, a new President of Colombia will be sworn in,

1. *Is deeply concerned* about Mr. Araújo's precarious and gradually worsening health; *can but consider*, as pointed out in Dr. Duque Piedrahita's medical opinion, that his serious health condition requires constant and long-term specialized medical care; *considers* that it falls to the authorities to ensure that he receives this care, failing which they bear responsibility by omission for the lack of improvement in his situation and, worse, for any further, irreparable and possibly fatal damage that may occur; *therefore calls on* the authorities to do everything possible to provide Mr. Araújo with the necessary medical assistance in an environment conducive to his recovery; *wishes to ascertain* in detail what steps the authorities are taking for this purpose;
2. *Reaffirms its belief* that Mr. Araújo was found guilty following a trial which ran counter to basic principles of due process; *remains particularly concerned* that Mr. Araújo cannot challenge the judgment on appeal, all the more so since his conviction appears to rely mainly on testimonies of

demobilized paramilitary leaders and hypotheses regarding his election results and paramilitary activity and movements in the department of César; *is puzzled* at the affirmation that Mr. Araújo's time spent in pretrial detention, which the authorities turned into house arrest, would not be taken into account in calculating the duration of his prison sentence; *recalls* that it is a generally accepted principle in criminal procedure that pretrial detention is deducted from any subsequent final prison sentence; *would therefore* like to receive clarification from the competent authorities on this point;

3. *Is deeply concerned* that Mr. Araújo may yet again be submitted to the same flawed procedure as a result of new investigations conducted by the Supreme Court; *is furthermore concerned* that the Prosecutor who dismissed the kidnapping charge is herself under investigation; *reiterates* its wish to receive information on the legal basis for this step; *also wishes to ascertain* the precise facts supporting the investigations against Mr. Araújo with respect to his alleged responsibility for crimes against humanity; *also wishes to know* what steps the Prosecutor's Office has taken to look into Mr. Araújo's complaint regarding the investigation into his alleged involvement in the homicide of a former employee;
4. *Considers* that the seriousness of this case, the fact that several of the concerns about lack of fair-trial standards are inherent in the procedure applicable to Colombian members of Congress in criminal matters and, therefore, have ramifications far beyond the situation of Mr. Araújo, along with the fact that a new Colombian government and parliament will soon take office, make an on-site mission to Colombia both necessary and timely; *reaffirms* in this regard that the IPU remains ready to pursue its previous efforts to help advance the public debate in Colombia on the complex and sensitive matter of ensuring appropriate legal protection for members of Congress;
5. *Requests* the Secretary General therefore to contact the new parliamentary authorities with a view to organizing an on-site mission entrusted with discussing with the highest parliamentary, governmental and judicial authorities, as well as with Mr. Araújo, competent lawyers and human rights organizations, how to make progress in addressing the specific and underlying concerns in this case; *is confident* that the new Congress will respond favourably to this request and make every effort to ensure that the mission can proceed as early as possible;
6. *Requests* the Secretary General to make available to the United Nations Human Rights Committee the information it has on file in this case should Mr. Araújo refer his situation to that Committee; *also requests* him to raise Mr. Araújo's case with the United Nations Special Rapporteur on the Independence of the Judiciary;
7. *Requests* the Secretary General to convey this decision to the competent Colombian authorities and to the source;
8. *Decides* to continue examining this case at its next session, to be held during the 123<sup>rd</sup> IPU Assembly (October 2010).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member respectively of the National Congress of Ecuador who were murdered in broad daylight in the centre of Quito on 17 February 1999 along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Taking into account* the communication from the Ministry for Foreign Affairs of Colombia of 27 May 2010,

*Recalling* the following:

- The Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation and the prosecution authorities, including their scant consideration of the serious leads it has presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures;
- Two culprits, Mr. Contreras and Mr. Ponce, have each been sentenced at final instance to 16-year prison sentences which they are serving;
- The prime suspect, Mr. Washington Aguirre, was arrested in the United States of America in January 2009; another suspect, Mr. Henry Willberth Gil Ayerve, was arrested in Colombia in early 2010; the Ecuadorian authorities have submitted extradition requests to the competent authorities of those countries,

*Considering* that by letter of 27 May 2010 the Colombian Ministry for Foreign Affairs, the first port of call for any extradition request to the State of Colombia, stated that it had passed the request on to the competent national authorities and had stressed the need for fast and decisive follow-up,

*Considering* that in the course of September 2010 the Director of the Office of the Permanent Observer of the IPU in New York met with officials of the United States State Department, who promised to send the file of Mr. Aguirre's extradition to its attorneys for examination, and with officials at the United States Congress,

*Bearing in mind* the extradition treaties between Ecuador and the United States of America, and between Ecuador and Colombia,

1. *Sincerely hopes* that, with swift action by the Colombian authorities, Mr. Gil can soon stand trial in Ecuador; *trusts* that the United States authorities are likewise acting promptly on the request for Mr. Aguirre's transfer to Ecuador; *would appreciate* being informed of the status of both extradition processes;
2. *Reaffirms its belief* that trial proceedings against Mr. Aguirre and Mr. Gil are essential to the pursuit of truth and justice in this case since they would provide a critical opportunity to give due consideration to the work of the CEI; *stresses* in this respect that not only have the CEI's findings revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but they also offer substantive leads for an alternative line of inquiry that would enable the authorities to identify the instigators of the crime and the motive of the murder;
3. *Requests* the Secretary General to pursue his contacts with the competent authorities of the United States of America and Colombia in order to obtain information about the current status of the extradition processes; *also requests* the Secretary General to inform the Ecuadorian authorities and the source 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 124<sup>th</sup> IPU Assembly (April 2011).

**ERITREA**

**CASE No. ERI/01 - OGBE ABRAHA**

**CASE No. ERI/02 - ASTER FISSEHATSION**

**CASE No. ERI/03 - BERHANE GEBREGZIABEHER**

**CASE No. ERI/04 - BERAKI GEBRESELISSIE**

**CASE No. ERI/05 - HAMAD HAMID HAMAD**

**CASE No. ERI/06 - SALEH KEKIYA**

**CASE No. ERI/07 - GERMANO NATI**

**CASE No. ERI/08 - ESTIFANOS SEYOUM**

**CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO**

**CASE No. ERI/10 - PETROS SOLOMON**

**CASE No. ERI/11 - HAILE WOLDETENSAE**

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the parliamentarians listed above, former members of Eritrea's National Assembly who have been held incommunicado since 18 September 2001 (often referred to as the "G11"), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following: the former parliamentarians concerned - the so-called G11 - have been held in incommunicado detention since September 2001 in violation of the Constitution of Eritrea, which, in its Articles 16 and 17 guarantees the right to human dignity and the right to habeas corpus; the Government still attributes to them the commission of crimes against the sovereignty and security of the State of Eritrea, but has not laid criminal charges against them and still less brought them before a court; the sources affirm that their detention has to do with their written criticism of the Government and their call for democratic reform; the African Commission on Human and Peoples' Rights as well as the United Nations Working Group on Arbitrary Detention have concluded that their detention constitutes a violation of their right to freedom of expression and their right to liberty and have called for their immediate release; although Eritrea is a party to the African Convention on Human and Peoples' Rights and thus bound to implement the decisions of the Commission, it has failed to release the persons concerned,

*Considering* that the European Parliament has taken many initiatives to raise the issue of the "G11" prisoners and will continue to do so; *noting* in this respect that, in her letter of 22 July 2010, the European Union's High Representative for International Affairs and Vice-president of the European Commission has affirmed the European Union's commitment to working for the release of the persons concerned, stating that, however, the Eritrean authorities have, to date, not given any information and have denied access to the detainees; *noting* in this respect that, it appears from her letter, that according to unconfirmed information, nine of the eleven G11 members are still in detention with poor health conditions,

1. *Thanks* the High Representative for her letter and *expresses its great appreciation* of the initiatives taken and efforts made by the European Union to obtain the release of the G11 prisoners;
2. *Can only express* its indignation at the continuing incommunicado detention of the persons concerned, and at the Eritrean Government's attitude of ignoring not only the Constitution of the country but also its international obligations in the field of human rights, which command their immediate release and compensation for their arbitrary detention;
3. *Reiterates its pressing call* for the immediate release of the former parliamentarians concerned, whose lives may be in grave danger; *appeals once again* to all member parliaments to do their utmost to put an end to the plight of their Eritrean colleagues and to inform the Secretary General of such initiatives as they may have taken to this end;

4. *Requests* the Secretary General to continue to do everything in his power with a view to obtaining their release, including through contacts with the competent bodies of the European Union and the ACP-EU Joint Parliamentary Assembly; *also requests* the Committee's titular and substitute members to take or continue taking action to this end;
  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 124<sup>th</sup> IPU Assembly (April 2011).
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#### **CASE No. IQ/59 - MOHAMMED AL-DAINY - IRAQ**

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq at the time of the submission of the communication, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 185<sup>th</sup> session (October 2009),

Considering the following information on file,

- Mr. Al-Dainy, a member of the National Dialogue Front, was elected in March 2006 to the Council of Representatives of Iraq (legislative period 2006-2010); as an MP, he concentrated on human rights issues, investigating in particular conditions of detention in Iraq and the existence of secret detention facilities; in October 2008, he shared the information he had gathered with competent United Nations human rights bodies in Geneva;
- On 22 February 2009, the spokesperson for Baghdad's military security command accused Mr. Al-Dainy of masterminding the 12 April 2007 suicide bombing in parliament, which killed a member of parliament; on 25 February 2009, parliament lifted his immunity; earlier the same day (25 February), a plane bound for Jordan with Mr. Al-Dainy and other members of parliament on board had been returned and an attempt made to arrest Mr. Al-Dainy; however, failing an arrest warrant and the lifting of immunity, no arrest took place; Mr. Al-Dainy subsequently left the airport in the company of another member of parliament and disappeared; fears that he might have been the victim of an enforced disappearance proved to be unsubstantiated when Mr. Al-Dainy himself declared in an interview with a private TV channel that he had gone abroad for fear of his life;
- Ten members of Mr. Al-Dainy's family and another nine members of his staff (mainly escorts) were arrested in different stages during February 2009, and detailed information has been provided by the source about the circumstances of their arrest without warrants, their ill-treatment and the ransacking of their homes;
- Mr. Al-Dainy was accused of the following crimes: (a) bombing of the Parliament; (b) launching mortar shells into the international zone during the visit of the Iranian President and murdering one of the inhabitants of the neighbourhood from where the shells were launched; (c) detonating car bombs; (d) using his convoy of vehicles to carry the weapons that were used for crimes; (e) murdering two jewellery store owners in the Al-Mansour area; (f) killing 115 people from Al-Tahweela village who were buried alive; (g) fabricating arrest warrants; (h) murdering seven persons in the Al Yarmuk area; (i) murdering Captain Ismail Haqi Al-Shamary; on 24 January 2010, Mr. Al-Dainy was sentenced to death in absentia; the verdict, a copy of which was provided to the Committee, consists of a little more than one page (French translation), contains two paragraphs dealing with the suicide bombing in parliament and one with the bombing of the Green Zone, six lines on storing of weapons, the founding of a terrorist organization linked to the Baath party, and to prove that Mr. Al-Dainy committed these crimes,



it relies heavily on the testimonies of Riadh Ibrahim, Alaa Kherallah, Haydar Abdallah and a secret informant; it does not refer to any of the other accusations,

*Considering* in this respect the following:

- On 22 February 2009, Mr. Al-Dainy's nephew and secretary, Ryad Ibrahim Jasem, and the head of his security detail, Mr. Alaa Kherallah Al Maliki, appeared on the public TV channel Al Iraqia and confessed to belonging to a terrorist organization set up by Mr. Al-Dainy; they appeared to be tired and drugged and visibly under duress; on 14 September 2009, they were reportedly given a life sentence at the closure of a hearing which reportedly lasted just a few minutes; an appeal is reportedly still pending;
- On 22 June 2009, Mr. Mahmoud Karim Farhan, a relative of Mr. Al-Dainy arrested on 22 February 2009, was released; he had been held in incommunicado detention in Baghdad Brigade Prison in the city's Green Zone; in July 2009 he publicly testified to the circumstances of his arrest and that of other bodyguards and the torture inflicted on them to testify against Mr. Al-Dainy;
- On 10 May 2010, Baghdad Juvenile Court released Mr. Omar Ibrahim Jasem on grounds of insufficient evidence; on his release, he testified that he and others had been tortured while in detention to make them testify against Mr. Al-Dainy; he attributes responsibility for his arrest, detention and torture to Prime Minister Al-Maliki; a medical certificate attesting his torture has been provided;
- On 4 August 2009, the Mayor and notables of Kanaan district certified that Army Captain Haqi Ismael Al-Shamary, whom Mr. Al-Dainy is accused of having killed, was in fact alive and working normally,

*Considering* that reports published in April 2010 by the Iraqi Human Rights Ministry reveal the existence of secret detention centres, some at the time under the direct control of Prime Minister Al-Maliki, and the routine practice of torture in those secret prisons,

*Considering* that the joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, and the Working Group on Arbitrary or Involuntary Disappearances (A/HRC/13/42), presented to the United Nations Human Rights Council at its 13<sup>th</sup> session, has a chapter on secret detention centres in Iraq and mentions explicitly the group of people arrested in connection with accusations against Mr. Al-Dainy and held in secret detention in a prison in the Green Zone run by the Baghdad Brigade; it describes the torture inflicted on them (beating with cables, suspension from the ceiling by either the feet or the hands for up to two days at a time, electroshocks, black bags being put over the head to suffocate them, plastic sticks introduced into the rectum, threat of rape of family members) and their being forced to sign and fingerprint pre-prepared confessions,

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

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

1. *Considers* that, in the light of the above, there can be no doubt that Mr. Al-Dainy was sentenced to death at the closure of a procedure which can only be termed a travesty of justice; *calls on* the authorities to quash this iniquitous judgment forthwith and to fully rehabilitate Mr. Al-Dainy;

2. *Recalls* that the Iraqi authorities have a duty to abolish the secret detention centres, to investigate the serious allegations of torture and to bring the culprits to justice;
3. *Calls on* the newly elected authorities, in particular the parliament, to ensure the rehabilitation of their former colleague who was punished for having revealed the existence of those secret detention centres and to make every effort to eradicate the practice of torture in Iraq;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the competent governmental authorities;
5. *Requests* the Committee to continue to examine this case and to report to it at its next session, to be held during the 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, all members of the National Assembly of Lebanon who were assassinated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following:

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

*Recalling* that the International Independent Investigation Commission set up under United Nations Security Council resolution 1644 (2005) to investigate former Lebanese Prime Minister Hariri's murder was subsequently also entrusted with devoting part of its capacity to the task of giving technical assistance to the Lebanese authorities with regard to several cases of attempted assassination, assassination and bombing carried out in Lebanon since 1 October 2004, including the murders of the four members of the National Assembly,

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

*Considering* that the Speaker of the National Assembly, in a meeting with the Secretary General on the occasion of the 3<sup>rd</sup> World Conference of Speakers of Parliament (Geneva, 19-21 July 2010), affirmed that the role of the National Assembly was limited in the case of the murdered parliamentarians as the matters were *sub judice*,

*Considering* finally that it appears that, in late September 2010, the National Assembly was unable to reach agreement to approve its contribution to the budget for 2010 and 2011 for the Special Tribunal for Lebanon, which is set at 49 per cent of the Tribunal's budget,

*Bearing in mind* that Lebanon is a party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life, and hence to identify those responsible for the murder of the parliamentarians concerned and bring them to justice,

1. *Regrets* the absence of any information on file regarding steps taken by the Lebanese authorities, in the one year and a half that they have again been solely responsible for the investigations and proceedings, to identify and prosecute those who murdered the parliamentarians concerned; *wishes once again* to receive publicly available information about the stage reached in the investigations and progress made towards identifying the presumed culprits;
2. *Reaffirms* that the National Assembly has a special responsibility for and interest in ensuring that justice is done in this case; *reiterates its wish* to receive details as to whether the National Assembly has associated itself, as it did in the case of Mr. Tueni, with the court action by the public prosecutor in the other three cases, and if so with what result;
3. *Stresses* that the Special Tribunal may well in time also examine the case of the four murdered parliamentarians; *trusts* therefore that the National Assembly will make every effort to provide the necessary political and financial support to the Tribunal so that it can carry out its mandate effectively and, finally, contribute to the pursuit of justice in this case; *wishes to receive* further information on any decision taken by the National Assembly in this respect;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and the competent judicial authorities of Lebanon and to the source;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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CASE No. MAG/05 - LANTONIAINA RABENATOANDRO	) MADAGASCAR
CASE No. MAG/06 - HENRI RANDRIANJATOVO	)
CASE No. MAG/07 - MAMISOA RAKOTOMANDIMBINDRAIBE	)
CASE No. MAG/08 - RAYMOND RAKOTOZANDRY	)
CASE No. MAG/09 - RANDRIANATOANDRO RAHARINAIVO	)
CASE No. MAG/10 - ELIANE NAÏKA	)
CASE No. MAG/11 - MAMY RAKOTOARIVELO	)
CASE No. MAG/12 - JACQUES ARINOSY RAZAFIMBELO	)
CASE No. MAG/13 - YVES AIMÉ RAKOTOARISON	)
CASE No. MAG/14 - FIDISON MANANJARA	)

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimbindraibe, Mr. Raymond Rakotozandry, Mr. Randrianatoandro Raharinaivo, Ms. Eliane Naika, Mr. Mamy Rakotoarivelo, Mr. Jacques Arinosy Razafimbelo, Mr. Yves Aimé Rakotoarison and Mr. Fidison Mananjara, all members of the Parliament of Madagascar when it was suspended in March 2009, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* that this case has to be seen in the context of the coup d'état perpetrated by Mr. Andry Rajoelina with the backing of the army in March 2009, the creation of a High Transitional Authority (HAT) presided over by himself, and the subsequent dissolution of parliament; the conclusion on 9 August 2009 of an agreement on the establishment of an inclusive, consensual, neutral and peaceful transition (Maputo Accord), which, however, the parties have failed to implement; *considering* that a new agreement, namely the Political Accord concerning the emergence from crisis, was signed on 13 August 2010 by the transitional government and 87 political parties, but not by the three main parties; that the Accord provides for the holding of a National Conference mandated to draft a new constitution and the holding of a constitutional referendum on 17 November 2010, followed by parliamentary elections on 16 March 2011 and presidential elections on 4 May 2011,

*Recalling* that the persons concerned are among the followers of ousted President Ravalomanana and that they are all accused of public order crimes, reportedly on account of the exercise of their freedom of speech and freedom of assembly; that several of them were humiliated upon arrest and Ms. Naika was beaten up by the officers who arrested her; *considering* that all of them have meanwhile been released and no arrest warrants for them are pending; that, however, proceedings are still pending against them and that with the exception of Ms. Naika, who is abroad, they are all subject to a travel ban,

*Recalling* that, in its previous resolution it held that an on-site mission would help the Committee to gather first-hand information necessary to understand all aspects of this case; *considering* that the mission could not go ahead as initially planned and that the Government decided to postpone it in view of the political situation in the country,

*Considering* that, in a letter of August 2010, the Minister of Justice provided detailed information on each of the charges pending against the persons concerned without, however, stating the facts adduced to sustain those charges, some of which are extremely grave such as laying of bombs and rebellion,

1. *Thanks* the Malagasy authorities, in particular the Minister of Justice for the information she provided;
2. *Notes*, however, that this information does not address its concerns, which rather relate to the facts invoked to support the charges and measure taken to hold to account those who ill-treated Ms. Naika and humiliated several other of the parliamentarians concerned;
3. *Believes* that the current political process under way in the country does not constitute an obstacle to the proposed mission, whose mandate would be limited to fact-finding, and consequently *requests* the Secretary General to seek anew the agreement of the authorities to the requested mission;
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 124<sup>th</sup> IPU Assembly (April 2011).

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#### **CASE NO. MAL/15 - ANWAR IBRAHIM - MALAYSIA**

#### ***Resolution adopted by consensus by the IPU Governing Council at its 187<sup>th</sup> session\**** ***(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Anwar Ibrahim, an incumbent member of the Parliament of Malaysia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

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\* The delegation of Malaysia expressed its reservation regarding the resolution.

*Referring* also to the trial observer report by Mr. Mark Trowell, QC (document CL/187/12(b)-R.2),

*Noting* that, at the session it held during the 123<sup>rd</sup> Assembly, the Committee met with two members of the Malaysian delegation,

*Recalling* that Dato Seri Anwar Ibrahim is being prosecuted, for the second time, on a charge of sodomy under Section 377B of the Malaysian Penal Code, which punishes "carnal intercourse against the order of nature" with "imprisonment for a term which may extend to 20 years and shall also be liable to whipping"; the charge was brought on 6 August 2008, while Anwar Ibrahim was campaigning for the August 2008 elections, following a complaint lodged on 28 June 2008 by Mohammed Saiful Bukhari Azlan, a former male aide in Mr. Ibrahim's office, first alleging that he had been forcibly sodomized by Mr. Ibrahim in a private condominium, but later revised to indicate homosexual conduct by persuasion; Mr. Ibrahim has pleaded not guilty to the charge; if convicted, Mr. Ibrahim would be forced to relinquish his parliamentary seat; if sentenced to even one year of imprisonment or fined even RM 2000 (US\$ 600), he would be barred from standing in elections for five years; *recalling* also that, in the ruling it gave on 2 September 2004 at final instance in the first sodomy case brought against Anwar Ibrahim, the Federal Court of Malaysia acquitted him of the charge, finding the complainant on whose testimony the prosecution was based to be an unreliable witness,

*Recalling* the many procedural irregularities in the present proceedings to which it referred in its resolution of April 2010, in particular the rejection of all defence applications for the release of prosecution evidence; *recalling* the following incidents in particular: (a) the complainant had visited the office and home of the then Deputy Prime Minister Najib Tun Razak a few days before he made the allegations; (b) the complainant had a private meeting with Senior Assistant Commissioner Rodwan Yusof at a hotel the day before he lodged the sodomy complaint; (c) the main members of the prosecution team were involved in the earlier sodomy case. Attorney General Abdul Ganil Patail, was then the main prosecutor and has been investigated by Malaysia's anti-corruption agency over allegations that he had fabricated evidence in that case,

*Considering* that, according to the Malaysia delegation, contrary to the trial observer report, prosecution evidence, in particular the CCTV recordings at the condominium where sodomy allegedly took place, and forensic evidence were provided to the defence; *noting*, however, in this regard the following: while the prosecution has disclosed the medical and DNA reports of the doctors who examined the complainant and the chemist's report who analysed the samples taken from him for DNA analysis, it has not disclosed the materials on which the reports are based or samples of the actual DNA for testing (such as original DNA samples, original swabs, slides made during testing, notes of the chemist who did the testing, notes from doctors) and also did not provide the complainant's medical history; the defence's applications for this evidence being provided have been rejected, even though their forensic expert swore an affidavit that he needed this material; likewise, as regards the CCTV recordings, the defence requested disclosure of the original CCTV recordings allegedly taken from the guardhouse and lifts to the block of the condominium where sodomy allegedly took place and other locations within the building fitted with CCTVs, but has only been provided with fragments of the CCTV recording for 26 June 2006 leaving many gaps,

*Considering* that, on 3 August 2010, Anwar Ibrahim's defence filed an application that the sodomy charge be struck out on the basis that the integrity and impartiality of the trial had been compromised because of the revelation of an affair between a member of the prosecution team and the complainant; that the Judge accepted this as true since the prosecution neither confirmed nor denied the existence of an affair between the two; that, however, the application was rejected and the trial will proceed; *noting* that, in his report, Mr. Mark Trowell provides a detailed analysis of this question and arrives at the conclusion that "since the prosecution case has been completely compromised, the public interest would justify discontinuing the proceedings"; *considering* that the Malaysian delegation expressed the view that this did not take into account the interest of the victim in receiving justice,

1. *Thanks* the Malaysian delegation for its observations; *also thanks* Mr. Mark Trowell, QC, for his comprehensive report;

2. *Believes* that the prosecution case is compromised and raises serious concerns at the nature of this trial, which may well spring from political considerations; *points out* in this respect that (a) the complaint was brought at a time when Anwar Ibrahim was returning to the political scene; (b) the complainant's visit to the then Deputy Prime Minister and to the Senior Assistant Commissioner before filing of the complaint; (c) the fact that the Attorney General, the main prosecutor during the first sodomy proceedings, has been involved in the present case; (d) the almost systematic rejection of all defence application for disclosure of prosecution evidence which it would need in order to mount the defence, and lastly (e) the relationship of a member of the prosecution team with the complainant;
3. *Only can but endorse* in these circumstances the conclusion of the Committee's trial observer, namely that the prosecution is compromised to the point that the case should be discontinued; *recognizes* that a balance has to be struck between the interest of the complainant and that of the accused; *nevertheless considers* that in this instance it cannot serve the interest of justice to pursue a process which is heavily compromised and gravely impairs the rights of the defence and the accused;
4. *Notes* that, despite this, the judge rejected the defence's application to strike out the charge and that the trial proceedings will therefore continue; *requests* the Committee to ensure the presence of a trial observer at least at crucial hearings;
5. *Firmly recalls* that equality of arms between the prosecution and the defence is an essential element of a fair trial and that, failing action to ensure that the defence can exercise its rights, any judgments issued by the court will be fundamentally flawed; *stresses* in this respect that Malaysia is a member of the United Nations Human Rights Council and as such should uphold the highest standards in promoting and protecting human rights; *stresses* that the Parliament of Malaysia, in the exercise of its oversight function, could do much to ensure the due administration of justice;
6. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to Anwar Ibrahim and his defence team and to any other interested parties;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

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/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that, according to a letter from the Vice-Chairman of the State Great Hural of 2 October 2010, as of that day two separate working groups set up by the intelligence agency and the police, respectively, are conducting investigations into the murder of Mr. Zorig Sanjasuuren and have enjoyed the assistance of the German and Japanese authorities in the analysis of certain pieces of evidence,

1. *Thanks* the Vice-Chairman of the State Great Hural for the information provided and *highly commends* the parliament for its efforts to monitor the investigation in this case;

2. *Recalls* that Mr. Zorig was murdered on 2 October 1998, that is 12 years ago; *is confident* that, despite the time that has since elapsed, the continuing efforts of the investigative authorities will enable them to identify the culprits and bring them to justice;
  3. *Requests* the Committee and the Secretary General to continue assisting the Mongolian authorities in every possible way;
  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 124<sup>th</sup> IPU Assembly (April 2011).
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## MYANMAR

### Parliamentarians reportedly serving sentences:

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

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

CASE No. MYN/53 - HLA THAN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/132 - AUN MIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/245 - MYINT THEIN <sup>6</sup>
CASE No. MYN/83 - KYAW MIN	

### Parliamentarians assassinated:

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

### *Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)*

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/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following concerns in this case:

- The complete disregard for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, and the continued removal from politics of parliamentarians-elect, notably through arbitrary arrests, prolonged imprisonment, forced resignation from political parties, and severe limitations on any kind of political activity;
- The National Convention, an assembly of members selected by the authorities, drafted a new constitution giving the military sweeping powers, without allowing a free exchange of opinions and ideas and penalizing any criticism of its work, which was adopted by referendum in May 2008 in a climate of intimidation; on the basis of that instrument, the military authorities announced that elections would take place in 2010 without, however, specifying when;

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<sup>6</sup> On 2 April 2008, MPU-Burma affirmed that Myint Thein had died following his release, as his health had seriously deteriorated during his detention.

- 12 parliamentarians continue to languish in prison for merely having exercised their freedom of expression and were sentenced on the basis of legal proceedings which blatantly disregarded their right to a fair trial,

*Considering* that on 13 August 2010 the authorities set 7 November 2010 as the date for the elections,

*Recalling* that, in the presentation of his report to the United Nations Human Rights Council in March 2010, the United Nations Special Rapporteur on the human rights situation in Myanmar saw no indication that the authorities of Myanmar were willing to release all prisoners of conscience and to respect fundamental freedoms; he added that without full participation, including by the 2,100 prisoners of conscience, and an environment allowing people and parties to engage in the range of electoral activities, the elections could not be credible,

*Recalling* that, in the resolution it adopted on 26 March 2010, the United Nations Human Rights Council expressed concern that the newly adopted electoral laws failed to meet the expectations of the international community regarding what was needed for an inclusive political process and called upon the Government of Myanmar to ensure a free, transparent and fair electoral process which permitted the participation therein of all voters, all political parties, and all other relevant stakeholders in a manner of their choosing; it strongly urged the Government of Myanmar to desist from further politically motivated arrests, to release without delay and unconditionally all prisoners of conscience and to allow their full participation in the political process; the Council strongly called upon the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, by ensuring the openly available and accessible use of Internet and mobile telephone services, and ending the use of censorship, including the use of the Electronic Transactions Law, to prevent the reporting of views critical of the Government,

*Considering* that on 27 September 2010, in reporting on the meeting that day of the High-Level Meeting of the Group of Friends of Myanmar, bringing together 15 countries, including Myanmar's neighbours, interested Asian and European nations, and the five permanent United Nations Security Council members, the United Nations Secretary-General stated that the members had clearly reiterated the need for the election process to be more inclusive, participatory and transparent and for steps to be taken for the release of political detainees, including Daw Aung San Suu Kyi,

1. *Profoundly deplores* the continued disregard by the Myanmar authorities not only of its persistent concerns and pleas in this case, but also of the pleas of the international community to release all political prisoners and, more generally, to provide for elections that are truly inclusive, free and fair;
2. *Reaffirms its belief* that the exclusion of 12 parliamentarians-elect and many other political prisoners from the political process, along with the persistent restrictions on human rights and political activity, casts serious doubt on the authorities' willingness to ensure that the outcome of this historic opportunity, the first elections in 20 years, can genuinely reflect the will of the people;
3. *Urges* the authorities to remedy this situation, where still possible and as a matter of urgency, and, as an essential step, to put an unconditional and immediate end to the prolonged incarceration of the 12 parliamentarians-elect; *again draws attention*, in a last appeal to the authorities, to the *Declaration on Criteria for Free and Fair Elections* adopted by the Inter-Parliamentary Union on 26 March 1994;
4. *Calls on* IPU Member Parliaments, in particular those of China and India as neighbouring countries, and the Association of South-East Asian Nations (ASEAN), to lend their full support to the appeals made in this resolution, in particular since, with the elections drawing close, time is running short;



5. *Decides to continue to follow the electoral process and outcome closely, to revert to this matter during the 124<sup>th</sup> IPU Assembly (April 2011), and to request the Committee to continue examining this case and report to it at its next session.*

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

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/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),*

*Referring also to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2), and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories) and entitled "Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons",*

*Recalling the following: Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel; he was sentenced in June 2004 to five life sentences and two 20-year prison terms; in his report on Mr. Barghouti's trial, Mr. Foreman concluded that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches include, inter alia, the use of torture; according to information supplied in March 2009 by Palestinian sources, not only was Mr. Barghouti kept in solitary confinement from 2002 to 2004 but he has since been in an isolated department in Hadarim prison; visiting rights are irregular and only granted occasionally; Mr. Barghouti's children, three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and died in 2007 without seeing her son again,*

*Noting that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),<sup>7</sup> the Human Rights Committee recommended that Israel should incorporate into its legislation the crime of torture, that it should ensure that all alleged cases of torture, cruel, inhuman or degrading treatment by law enforcement officials are thoroughly and promptly investigated by an independent authority and that those found guilty are punished with sentences commensurate with the gravity of the offence, and that compensation is provided to the victims or their families; that, moreover, it recommended that all persons under its jurisdiction and effective control be afforded the full enjoyment of the rights enshrined in the Covenant,*

1. *Reaffirms its position that Mr. Barghouti's arrest and transfer to Israeli territory was in violation of international law; reaffirms further, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial failed to meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and that his guilt has therefore not been established;*
2. *Consequently calls on the Israeli authorities to release Mr. Barghouti forthwith and points out that calls for his release have also come from within Israel, including from Knesset members;*
3. *Remains deeply concerned at the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly, the arbitrariness of the decisions authorizing or denying visits; recalls that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits";*

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<sup>7</sup> CCPR/C/ISR/CO/3.

4. *Regrets* the absence of any official reply; *believes* that the Israeli Knesset's oversight function extends also to the Israeli Prison Service and its treatment of Palestinian prisoners and that the Knesset should therefore be concerned by reports indicating that such prisoners are not being treated in line with Israel's obligations under international law, as the United Nations Human Rights Committee spelt them out in its concluding observations referred to above; *reiterates its wish* to receive the Knesset's comments on this point;
5. *Wishes to ascertain* Mr. Barghouti's current conditions of detention, with respect in particular to the frequency of visits and his access to medical care;
6. *Reiterates* its long-standing wish to be granted permission to visit Mr. Barghouti;
7. *Requests* the Secretary General to convey this resolution to the competent Israeli and Palestinian authorities;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring also* to the study produced by the Israeli non-governmental organization Yesh Din (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank and entitled "Backyard Proceedings", which reveals the absence of due process rights in those courts, and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in the Occupied Territories) and entitled "Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons",

*Recalling* the following: on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim prison in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence; on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment; Mr. Sa'adat suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician and does not receive the necessary medical treatment; at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children, with Palestinian identity cards, have not been allowed to visit their father since his arrest, for reasons unknown; in March and June 2009, solitary confinement was imposed on him, which was why he went on a nine-day hunger strike in June 2009,

*Noting* that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),<sup>8</sup> the Human Rights Committee recommended that all persons under Israel's jurisdiction and effective control be afforded the full enjoyment of the rights enshrined in the Covenant,

1. *Reaffirms* that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were therefore based on extra-legal considerations; *considers* that the extremely harsh sentence he was given is further evidence of the political motives underlying his arrest and prosecution as the leader of a political party; *calls on* Israel to release him forthwith;
2. *Points out* that Mr. Sa'adat was tried by a military court and *recalls* in this respect the persistent concerns expressed by United Nations human rights treaty bodies and special procedures regarding the compliance of military courts with fair-trial guarantees, most recently in the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his visit to the Occupied Palestinian Territories (A/HRC/6/17/Add. 4, 16 November 2007);
3. *Observes* that Mr. Sa'adat has repeatedly been held in solitary confinement; *recalls* that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that Article 7 of the Basic Principles for the Treatment of Prisoners recommends the abolition of solitary confinement; *recalls also* that solitary confinement can seriously affect the health of prisoners and that international human rights bodies have in various instances concluded that prolonged periods of solitary confinement may amount to torture; *urges* the authorities to refrain from holding Mr. Sa'adat in solitary confinement again;
4. *Remains deeply concerned* at Mr. Sa'adat's extremely limited visiting rights and, more particularly, the arbitrariness of the decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits";
5. *Regrets* the absence of any official reply; *believes* that the Israeli Knesset's oversight function extends also to the Israeli Prison Service and its treatment of Palestinian prisoners, and that the Knesset should therefore be concerned by reports indicating treatment which may not be in line with Israel's obligations under international law, as the United Nations Human Rights Committee spelt them out in its concluding observations on Israel's third periodic report; *reiterates its wish* to receive the Knesset's comments on this point;
6. *Reiterates its wish* to receive information on Mr. Sa'adat's current conditions of detention, with respect in particular to the frequency of visits and what access he is afforded to medical care;
7. *Further reiterates* its wish to be granted permission to visit Mr. Sa'adat;
8. *Requests* the Secretary General to convey this resolution to the competent Israeli and Palestinian authorities;
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 124<sup>th</sup> IPU Assembly (April 2011).

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<sup>8</sup> CCPR/C/ISR/CO/3.

**PALESTINE / ISRAEL**

**CASE No. PAL/17 - NAYEF AL-ROJOUN**

**CASE No. PAL/22 - ANWAR ZBOUN**

**CASE No. PAL/24 - ABDULJABER AL-FUQAHA**

**CASE No. PAL/28 - MUHAMMAD ABU-TEIR**

**CASE No. PAL/29 - AHMAD ATTOUN**

**CASE No. PAL/30 - MUHAMMAD TOTAH**

**CASE No. PAL/32 - BASEM AHMED ZAARER**

**CASE No. PAL/37 - ALI SALEEM ROMANIEN**

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

**CASE No. PAL/51 - AYMAN DARAGHME**

**CASE No. PAL/52 - NIZAR RAMADAN**

**CASE No. PAL/53 - AZZAM SALHAB**

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Referring also* to the study produced by the Israeli non-governmental organization Yesh Din (Volunteers for Human Rights) on the implementation of due process rights in Israeli military courts in the West Bank, entitled “Backyard Proceedings”, which reveals the absence of due process rights in those courts, and to the study published in September 2006 by B’Tselem (the Israeli Information Center for Human Rights in the Occupied Territories) and entitled “Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons”,

*Recalling* the following: the parliamentarians concerned are part of a group of initially more than 30 PLC members who had been elected in January 2006 on the Change and Reform Party list (Hamas) and were arrested following the kidnapping of an Israeli soldier, Gilad Shalit, on 25 June 2006, prosecuted and found guilty of membership of a terrorist organization (Hamas), of holding a seat in parliament on behalf of that organization, of providing services to it by sitting on parliamentary committees, and of supporting an illegal organization; most of them were released after serving their sentences; four of them, Ayman Daraghme (PAL/51), Nizar Ramadan (PAL/52), Azzam Salhab (PAL/53) and Khaled Tafish (PAL/54), were rearrested in March 2009 and taken into administrative detention after negotiations for the release of the Israeli soldier failed; Khaled Tafish has since been released,

*Considering* that Anwar Zboun (PAL/22) was released on 25 April 2010, Mohammed Abu Teir (PAL/28) on 20 May 2010, Mohammed Totah (PAL/30) on 1 June 2010, and Nayef Al-Rojoub (PAL/17) on 20 June 2010,

*Considering further* the following: Mr. Motlak Abu-Jheasheh was among the parliamentarians arrested on 29 June 2006 in the context of Gilad Shalit’s kidnapping; his case was closed upon his release on 2 September 2009; Mr. Abu-Jheasheh was held in administrative detention and was not prosecuted; on 20 August 2010, the Secretariat was informed by a qualified source that the Israeli authorities had refused his request for a permit allowing him to travel to Mecca to perform the hajj/pilgrimage in November 2010; that decision was forwarded to him in Hebrew and no reason was provided for the refusal; the source stresses that no criminal proceedings are pending against Mr. Abu-Jheasheh,

*Recalling* the following: Mr. Abu Teir, Mr. Totah and Mr. Attoun were elected in the electoral district of East-Jerusalem where they live and were born; on 28 May 2006 the then Israeli Minister of the Interior revoked their Jerusalem residency permit arguing that they had shown disloyalty to Israel by holding seats in the PLC; an appeal against that decision was lodged with the Supreme Court and the deportation order was not implemented owing to their arrest on 26 June 2006, so that the deportation was de facto suspended until their release in 2010,

*Considering* the following: upon their release they were immediately notified that they had to leave East Jerusalem; Abu-Teir was ordered to leave by 19 June 2010 and, refusing to do so, he was arrested; the other two parliamentarians were ordered to leave by 3 July 2010 and, likewise refusing to comply with the order, they took refuge in the ICRC building in Jerusalem; a motion for injunction to the Supreme Court seeking to halt the deportation was rejected, the Chief Justice ruling that there was no point in issuing the requested injunction because “this is not an irreversible measure”; on 6 September 2010, the Supreme Court heard their petition against the revocation of their residency permit and deportation order; the Court decided to give the petitioners a 30-day period in which to reiterate their request to the Interior Minister for a re-examination of their residency status, a 30-day period for the Minister to respond, and a further 10 days for the petitioners to react to the Minister’s reply; it adjourned the case without setting a new date for hearing,

*Noting* the following arguments put forward by the defence lawyers:

- The deportation violates not only the Fourth 1949 Geneva Convention, which prohibits the deportation of protected persons from occupied territory, but also the constitutional rights of the members of parliament concerned to continue to live in their place of residence and homeland without threat of expulsion, to be granted dignity and personal liberty, to own property and to enjoy family life; moreover, under Article 45 of the Hague Convention (IV) of October 1907, considered to embody rules of customary international law, the inhabitants of occupied territory such as East Jerusalem should not be compelled to swear allegiance to the occupying power;
  - Palestinians with resident status in Jerusalem are residents by birth, not by immigration, as Palestinian residents of Jerusalem never entered Israel as immigrants and their status was never made conditional on any terms;
  - Since the Oslo Accords, the State of Israel has recognized that the Palestinian residents of East Jerusalem are part of the Palestinian people in the West Bank and the Gaza Strip, which is why it allowed them to vote and stand in the January 2006 elections,
1. *Is alarmed* at the deportation order issued for Mohammed Totah, Mohammed Abu Teir and Ahmed Attoun;
  2. *Considers* that, over and above the compelling legal grounds that prohibit their deportation and the fact that Israel cannot claim disloyalty given that it accepted the participation of Palestinian residents of East Jerusalem in the elections, the deportation would constitute an inhuman and cruel act against the persons concerned, their families and their community;
  3. *Is deeply concerned* that the deportation would set a precedent and serve to justify the deportation of other Palestinian residents of East Jerusalem;
  4. *Takes note* of the decision of the Supreme Court to refer the matter back to the Minister of the Interior, thus prolonging an extremely difficult situation for the persons concerned and their families; *calls therefore* on the Knesset, in the exercise of its oversight function, to ensure that the Minister of the Interior revokes the unlawful deportation order forthwith and issues the persons concerned with the residency permits to which they are entitled;
  5. *Reaffirms furthermore* its position that the arrest, detention and prosecution of the parliamentarians concerned were politically motivated and hence arbitrary, since Israel was undoubtedly aware of and accepted the participation of Hamas in the election, which was recognized by the international community as free and fair;
  6. *Takes note* of the release of three more parliamentarians having served their sentences, and *observes* that seven others continue to be held in jail, including three who had been freed earlier but were subsequently taken into administrative detention and can therefore be held indefinitely;
  7. *Calls on* the Israeli authorities to release the seven remaining parliamentarians forthwith;

8. *Remains appalled* at the practice of administrative detention in Israel since it opens the way to arbitrariness, and *urges* once again the Israeli authorities to heed the recommendations made by the international human rights procedures and bodies, most recently by the United Nations Human Rights Committee in its concluding observations on Israel's 3<sup>rd</sup> periodic report under the ICCPR, to refrain from such practices and to bring their practices into conformity with the State's international human rights obligations;
9. *Decides* to close the case of the four parliamentarians who were released while *deploring* their arrest and detention and the proceedings brought against them;
10. *Wishes to ascertain* whether Abu-Jheasheh was given the permit to which he is entitled to travel to Mecca to fulfil his religious obligations;
11. *Requests* the Secretary General to inform the Israeli and Palestinian authorities of this resolution accordingly;
12. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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CASE No. PHI/02 - SATURNIÑO OCAMPO ) PHILIPPINES  
CASE No. PHI/04 - TEODORO CASIÑO )  
CASE No. PHI/05 - LIZA MAZA )  
CASE No. PHI/06 - RAFAEL MARIANO )

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines at the time the complaint was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Noting* that parliamentary and presidential elections took place in the Philippines in May 2010 and that Mr. Ocampo and Ms. Maza, who stood as candidates for the Senate, were not elected while Mr. Casiño and Mr. Mariano remain members of the House of Representatives; *noting* also that the newly elected Congress convened on 26 July 2010 and that the new government under President Benigno Aquino III has taken office,

*Recalling* that in July 2007 the Supreme Court dismissed the rebellion charges which had been brought by the Inter-Agency Legal Action Group (IALAG) against the parliamentarians concerned, holding that they were based on political considerations; that since then new criminal cases have been brought against the parliamentarians concerned (also called the "Batasan Four") and *considering* more particularly the following:

- In the so-called "Nueva Ecija" murder cases, being dealt with by two different courts, the courts had before them extrajudicially obtained testimonies; the competent court in one of the cases dismissed it, while the court in the other case ordered a new investigation; a motion seeking the dismissal of the case for lack of probable cause was denied and the petition before the Supreme Court against that decision is still awaiting resolution; according to the information and documentation supplied by the National Commission on Human Rights, extrajudicially obtained confessions or testimonies cannot be used in court unless supported by other evidence or given under circumstances which ensure that they were made voluntarily;
- In May 2007, four days before the parliamentary elections, Representative Casiño was charged with obstructing justice by allegedly preventing the arrest of a person; the case has not since

been proceeding although, according to the Court Rules, the investigating officer shall determine within 10 days after the preliminary investigation whether or not there is sufficient ground to hold the respondent for trial;

- On 6 December 2009, a reportedly “self-confessed rebel returnee” filed a petition with the Commission for Elections (COMELEC) alleging that Rep. Ocampo and Liza Maza committed “acts of terrorism to enhance their candidacy”, which is a ground for disqualifying a candidate from standing in elections; upon dismissal of the petition, the petitioner filed a motion for reconsideration, which COMELEC dismissed on 19 July 2010, clearly stating that the allegations made were unsubstantiated;
- On 19 May 2009, the prosecutor had suspended the preliminary investigation into a twin murder charge against former Rep. Ocampo pending the Supreme Court’s decision on Mr. Ocampo’s petition for certiorari and prohibition in a multiple murder case brought against him in February 2007; on 5 July 2010, the prosecutor nevertheless, without informing Mr. Ocampo, resolved these cases deciding to dismiss one and to file an indictment in the second concerning the murder of Guillermo Daguino; on 4 August 2010, Mr. Ocampo filed a motion seeking outright dismissal for complete lack of evidence against him,

*Recalling* that, in his report of 29 April 2009 (A/HRC/11/2/Add.8), the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions reiterated his earlier recommendation that the Inter-Agency Legal Action Group (IALAG) be abolished; that, according to the information provided by the House of Representatives on 17 March 2010, House Resolution No. 881, “Directing the Committee on Justice to Conduct an Inquiry in Aid of Legislation on the Impact of IALAG on the Administration of Justice in the Country”, was adopted by the plenary and the inquiry is pending,

1. *Notes with satisfaction* the dismissal of the electoral disqualification cases brought against the then Representatives Ocampo and Maza, and *considers* that the gratuitous nature of the complaints indicates an intention to harass them;
2. *Is scandalized* that the obstruction of justice case against Representative Casiño, brought against him before the May 2007 elections, is still not resolved; *reaffirms* that this is a gross violation of his right to prompt consideration of his case and *urges* the authorities either to proceed without delay or to dismiss the charge forthwith;
3. *Notes with concern* that the murder cases still pending against the persons concerned are not proceeding, the pending petitions not being resolved and an important procedural resolution not being conveyed to the accused;
4. *Is confident* that the new authorities will make every effort to ensure due administration of justice so as to ensure that the justice system is not used for political ends;
5. *Reiterates its wish* to receive information on the work done by the Justice Committee following the adoption of House Resolution 881;
6. *Requests* the Secretary General to convey this resolution to the parliament and competent governmental authorities and to the persons concerned;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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#### **CASE No. PHI/07 - ANTONIO F. TRILLANES - PHILIPPINES**

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Senator Antonio Trillanes of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following: Navy Lieutenant Antonio Trillanes was arrested in July 2003 and charged with an attempted coup d'état; while in detention, he was allowed to stand in the May 2007 Senate elections and was elected, having obtained the 11<sup>th</sup> highest number of votes; his detention conditions prevent him from participating meaningfully in the work of the Senate and exercising his mandate; the Senate has consequently sought to amend its Rules to allow Senator Trillanes to participate in its work; in November 2008, a majority of Senators proposed Resolution No. 765 "Amending the rules of the Senate by incorporating a rule to allow Senators to participate in Senate sessions, hearings and/or meetings through remote or electronic means ..."; in its report on the Resolution, the Senate Committee on Rules recommended a modification of the Resolution and the amended Resolution was being circulated for signature before being submitted to the Senate plenary for full and final deliberation, which has not as yet taken place,

*Considering* that, on 23 August 2010, the Senate adopted Resolution 7 to express anew the feeling of the Senate that Senator Trillanes should "be transferred to the custody of the Senate Sergeant-at-Arms in order to allow him to attend and participate in the session and other official functions of the Senate, in accordance with the mandate clearly bestowed upon him by the more than 12 million Filipinos who voted for him in the May 2007 elections"; noting, moreover, that efforts are under way with a view to having Senator Trillanes amnestied; that the Senate is in the process of adopting an amnesty law to this effect which will have to be submitted to the Head of State for ratification,

*Recalling* its concerns regarding the conformity of Senator Trillanes's preventive detention - having now lasted more than 7 years - with the international human rights norms governing detention, and *noting* in this respect that, according to various sources, almost all the co-accused of Senator Trillanes have meanwhile been released on bail,

*Bearing in mind* lastly that legislative and presidential elections took place in the Philippines in May 2010, that the newly elected Congress convened on 26 July 2010 and that the new Government under President Benigno Aquino III has taken office,

1. *Commends* the Senate for the initiatives it has taken to defend the rights of one of its members;
2. *Is gratified* by the prospect of Senator Trillanes being granted an amnesty as this would finally put an end to a situation which not only prevented him from exercising his parliamentary mandate effectively but also deprived his electors of representation in parliament, which situation can but prejudice the representative function of parliament;
3. *Requests* the Secretary General to inform the authorities of its support of the granting of an amnesty to Senator Trillanes;
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 124<sup>th</sup> IPU Assembly (April 2011), when it hopes to be able to close this case in view of its satisfactory settlement.

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## **CASE No. RUS/01 - GALINA STAROVOITOVA - RUSSIAN FEDERATION**

### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Galina Starovoitova, a member of the State Duma of the Russian Federation who was assassinated on 20 November 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),



*Recalling* the following information on file, as provided over the years mostly by the State Duma, regarding the investigation and judicial proceedings:

- In June 2005, two persons, Mr. Kolchin and Mr. Akishin, were found guilty of Ms. Starovoitova's murder and sentenced to 20 years in prison by the St. Petersburg City Court, which in its judgment concluded that the murder had been politically motivated; in September 2007, Mr. V.B. Lelyavin was found guilty of complicity in the murder and sentenced to 11 years in prison while Mr. Stekhnovsky was sentenced to two years in prison and has since been released; four other suspects were acquitted and released;
- National and international arrest warrants are pending against Mr. Mussin, Mr. Bogdanov and Mr. Fedesov, who have been charged with committing a terrorist act and attempting to commit a crime for the purpose of concealment;
- On 25 August 2009, the Federal Security Service reopened the investigation of the case after new evidence emerged and an appeal was made by Mr. Linkov, Ms. Starovoitova's assistant, and her sister to the President of the Russian Federation; the appeal was made following the arrest in June 2009 of a former member of the State Duma, Mr. Mikhael Glushchenko, in St. Petersburg on suspicion of organizing the killing of three Russian citizens in Cyprus; according to media reports, during the course of the investigation, the assassins mentioned on record that they had visited Mr. Glushchenko's parliamentary office on a number of occasions and that the office had been used as a headquarters for a surveillance operation of Ms. Starovoitova; according to the Prosecutor General's report of 2 October 2009, Mr. Glushchenko was questioned about the case of Ms. Starovoitova and a further investigation was carried out, but it did not produce sufficient evidence of his involvement in the murder;
- According to the Prosecutor General's report of 2 October 2009, "the investigation of the case was suspended on 4 September 2009" and "there are at present no grounds for changing the decision taken and reopening the investigation"; yet the same report continues by stating that, in accordance with legislation on criminal proceedings and the Federal Law on "operational investigative activity", the preliminary investigation body determined a set of measures intended to identify the instigators of the crime and locate the accused who were evading justice, and that the investigation of the case and the operational investigative steps were monitored by the Public Prosecution Department in St. Petersburg and by the Prosecutor General's Office,

*Recalling* that Ms. Starovoitova was a prominent Russian human rights advocate and had denounced instances of high-profile corruption shortly before her assassination; *recalling* in this respect that in its concluding observations of 24 November 2009 regarding the implementation by the Russian Federation of its obligations as a party to the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee expressed "its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the State Party, which has created a climate of fear and a chilling effect on the media ..." and urged the State Party "to take immediate action to provide effective protection and ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts"; *recalling* also that many States made similar recommendations during the Universal Periodic Review of the Russian Federation's compliance with its human rights obligations before the United Nations Human Rights Council (February 2009),

1. *Is deeply concerned* that, almost 12 years after Ms. Starovoitova was murdered for political reasons, the authorities, despite their substantial achievements in bringing to justice several of the perpetrators, have made no tangible progress in identifying and holding to account the masterminds;
2. *Regrets* that, in the light of this state of affairs, the Russian delegations to the current and recent past IPU Assemblies have not seen fit to meet with the Committee to discuss the status and course of the current investigation and the latest monitoring steps taken by the Parliament; *stresses* that it is precisely through such direct dialogue that the Committee would acquire a better understanding of the challenges as well as the opportunities that may exist to shed full light on this heinous crime; *sincerely hopes* therefore that such an exchange of views will take place on the occasion of the next Assemblies;

3. *Reaffirms* that, so long as those who killed Ms. Starovoitova remain at large, her murder continues to serve as a deterrent for others wishing to speak out on critical issues and can only embolden those bent on silencing such voices, and thus undermine freedom of expression;
4. *Calls therefore again on* the authorities to do their utmost, as is their duty, by lending fresh impetus to the investigation with a view to finally elucidating this crime and identifying the instigators; *renews its call on* the Parliament of the Russian Federation, which has a special interest in the case since the victim was a member and was killed on account of having exercised her freedom of speech, a parliamentarian's basic tool, to carry out the stringent oversight that the lack of results on this point warrants;
5. *Reiterates its wish* to receive official information that is publicly available on the current investigation and the latest monitoring steps taken by the Parliament, together with copies of the judgments handed down on Mr. Kolchin and Mr. Akishin, at least of the Court's conclusions, together with, if possible, copies of the judgments handed down on the other culprits and confirmation that the first three persons convicted in this case are indeed serving their sentences;
6. *Requests* the Secretary General to bring this resolution to the attention of the authorities and of the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Léonard Hitimana, who disappeared in April 2003 while he was a member of the Transitional National Assembly of Rwanda, which was dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following information on file:

- Mr. Hitimana disappeared in the evening of 7 April 2003, the day before he was to have refuted in parliament accusations that his party, the Republican Democratic Movement (MDR), was fomenting ethnic strife and division, and that the authorities have long stated that Mr. Hitimana fled to a neighbouring country and were very optimistic that he would soon be located, which has not happened even seven years after his disappearance;
- In March 2010, one of the sources provided the following information about the alleged circumstances of Mr. Hitimana's disappearance: witnesses saw that, late in the afternoon of 7 April 2003, Rwandan intelligence service (DMI) officers intercepted Mr. Hitimana's car in the street, closing it to the public, and took him to Kami military camp, where he was allegedly tortured and killed in May 2003 by a DMI officer named John Karangwa; his remains were then removed to an unknown destination; persons making their rounds at the Kaniga border post reportedly saw Mr. Hitimana's car and that of the military; his car was moved by the police to Byumba station, where it was kept for a month; Mr. Hitimana's representatives subsequently retrieved the car and were told by the police that it was in the state in which they had found it close to the border with Uganda; according to the representatives, the car's electric cables had been cut, the key was no longer in the ignition and there were bloodstains on the front seat; they subsequently sold the car to a human rights organization called Coforwa;

- The United Nations Human Rights Committee, in its concluding observations (CCPR/C/RWA/CO/3) of 31 March 2009, expressed “concern about reported cases of enforced disappearances and summary or arbitrary executions in Rwanda and about the impunity apparently enjoyed by the police forces responsible for such violations” and about “the lack of information from the State party regarding the disappearance of Mr. Léonard Hitimana”;
- The sources reported harassment of Mr. Hitimana's family, including his elderly father, who was arrested, detained and finally declared innocent by a Gacaca court, but only released after the Chairperson of the National Human Rights Commission intervened; he was rearrested, reportedly on the strength of “new information” and, according to the Speaker of the Chamber of Deputies, convicted and sentenced to a 15-year prison term, which he is serving in the central prison of Muhanga, for his involvement in the 1994 genocide,

*Bearing in mind* that John Karangwa has been accused by non-governmental sources not only of having killed Mr. Hitimana but also of having kidnapped and executed, in April 2003, Mr. Augustin Cyiza, Vice-President of Rwanda's Supreme Court, President of Rwanda's Cassation Court and founding member of two Rwandan human rights organizations; that the United Nations Special Rapporteur on Torture sent out urgent appeals in 2003 to the Rwandan Government regarding the arbitrary detention and alleged torture of detainees at Kami military camp, among other camps,

1. *Is dismayed* at the absence of any response by the parliamentary authorities to the detailed allegations provided about the circumstances of Mr. Hitimana's disappearance;
2. *Would believe* that, aware of its fundamental role as a guardian of human rights and aware of the necessity to fight impunity in all its forms, the Rwandan parliament would wish to ensure that the investigative authorities shed full light on these serious allegations and fulfil their duty to dispense justice and to ensure the right of the family of Mr. Hitimana to know the truth;
3. *Urges therefore* the parliament, in exercising its oversight function, to raise this matter as a matter of urgency with the competent authorities;
4. *Observes with concern* that, instead of retaining Mr. Hitimana's car for examination as would have been their duty, the police authorities handed it over to Mr. Hitimana's family, thus abandoning an important piece of evidence, and *considers* that such omission, together with the wealth of information provided by the sources and the absence of any support for the official theory that he is alive and living abroad, tends to show that Mr. Hitimana was indeed taken by force and killed;
5. *Considers* therefore that Mr. Hitimana can no longer be believed to be somewhere abroad, but that it has to be concluded that he was the victim of a forced disappearance;
6. *Recalls* that forced disappearances are a serious violation of human rights and that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament as such, to all its members and, in the final analysis, to the people parliament represents, as it can only encourage repetition of such acts;
7. *Urges* the competent authorities to investigate Mr. Hitimana's forced disappearance fully and forthwith by examining the serious leads that exist, including by questioning Mr. Karangwa; *wishes to ascertain* what initiatives Parliament will take to ensure that the competent authorities indeed fulfil their duty to prevent impunity and dispense justice;
8. *Reiterates* its keen interest, in the light of the 2007 acquittal by a Gacaca court of Mr. Hitimana's father, his arbitrary detention thereafter, and his allegedly arbitrary second arrest, in ascertaining the legal basis of and facts adduced to substantiate his recent conviction; *would appreciate* therefore receiving a copy of the judgment handed down on him;

9. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission, and to the source;
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 124<sup>th</sup> IPU Assembly (April 2011).

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CASE No. SRI/12 - JAYALATH JAYAWARDENA	) SRI LANKA
CASE No. SRI/51 - SELVARAJAH KAJENDREN	)
CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY	)
CASE No. SRI/55 - T. KANAGASABAI	)
CASE No. SRI/57 - THANGESWARI KATHIRAMAN	)
CASE No. SRI/58 - P. ARIYANETHRAN	)
CASE No. SRI/59 - C. CHANDRANEHRU	)

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned persons, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking also into account* the information provided by Dr. Jayawardena,

*Considering* the following information on file:

- In December 2007, relatives of Mr. Ariyanethran and Mr. Jayanandamoorthy and a member of Ms. Kathiraman's staff were abducted, reportedly by the paramilitary group Pillayan, and the parliamentarians were warned that the abducted persons would be killed should they vote against the budget; the abducted persons were all released on 15 December 2007, after the vote on the budget; on 18 November 2007, Mr. Kanagasabai lodged a complaint with the police regarding the abduction of his son-in-law, who was released the next day;
- Mr. Kajendren's brother was abducted on 24 March 2009 by armed persons inside the high-security area in Madiwela/Colombo while he was returning to Mr. Kajendren's home; eyewitnesses reported that he was stopped by a police sentry for a routine check; a little later, a van and more police officers arrived at the scene and he was bundled into the vehicle before it sped off; this reportedly occurred barely 48 hours before the Tamil National Alliance (TNA) was to decide whether or not to accept an invitation for direct talks with President Rajapakse; Mr. Kajendren's brother reappeared in April 2009 but was warned by his abductors to divulge no information;
- Mr. Chandranehru was attacked during a visit to his constituency in June 2007; the Attorney General has filed an indictment against the presumed culprit, who surrendered, and proceedings appear to be under way;
- According to Dr. Jayawardena, his current security detail continued to run counter to the directions given by the Court of Appeal according to which it should include several police officers, house guards, a back-up vehicle and radio equipment; according to the Sri Lankan delegation, as a result of the end of the violent conflict in Sri Lanka, Dr. Jayawardena was no longer subjected to any threat, he was free to provide any information to the contrary and, like any member of parliament, was assigned and entitled to two police protection officers;

- All the persons concerned have at some time received death threats, in one case from a person who identified himself,

*Considering* that parliamentary elections were held in Sri Lanka in April 2010 and that, of the persons concerned, only Dr. Jayawardena is currently a member of parliament; that several others went into exile and that the sources have provided no further information on any of them,

1. *Thanks* the Sri Lankan delegation and in particular Minister Samarasinghe for their cooperation and for the information provided;
2. *Remains deeply concerned* that, except for the identification of the alleged attacker of Mr. Chandranehru, none of the culprits of the crimes committed against the persons concerned have ever been identified and held to account, despite important leads that should have allowed the authorities to make at least some progress in this respect; *recalls* that impunity is among the most serious human rights violations as it deprives the victims and their families of their right to justice;
3. *Is nevertheless led* to close the cases of the former TNA members of parliament concerned in the absence of any further communication from the sources; *reserves the right*, however, to reopen these cases should any information be forthcoming to warrant such a course of action;
4. *Acknowledges* that the security situation in Sri Lanka has improved and that this is likely to lessen the need for extensive protection for Dr. Jayawardena; *calls on* the authorities to carry out a new threat analysis of his situation, taking into account Dr. Jayawardena's continued outspokenness on sensitive political issues and his role as his political party's person responsible for human rights matters, and to determine whether he would require any additional security;
5. *Considers* that Dr. Jayawardena's case consequently no longer warrants its public examination, and *instructs* the Committee to continue examining it under its confidential procedure;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources.

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Joseph Pararajasingham of Sri Lanka, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking into account* the communication, dated 9 June 2010, from the Acting Secretary General of Parliament of Sri Lanka, according to which "the Hon. Speaker and members of the Sri Lanka branch of the IPU would be happy to engage further with the Committee to resolve issues that are outstanding" and that "we will endeavour to expedite police enquiries with regard to the deaths of members of parliament",

*Recalling* that Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; St. Mary's Church was located in a high-security zone between two military checkpoints; at the time of the murder, additional security forces were on duty, which suggests that the culprits could have escaped only with the complicity of the security forces,

*Recalling* that, according to the information provided by Minister Samarasinghe in October 2009, one of the main problems was the question of witnesses as the priest playing the organ had been unable to identify any suspects and that witnesses were afraid of coming forward; he said that a witness protection bill, providing inter alia for video-conferencing of witnesses living abroad, was pending at the time before parliament; that the police had been unable to establish the bona fide of the information suggesting that a certain "Ravi" was the killer as TNA parliamentarians who had provided the name were unable to give an address; according to the sources, Ravi was a member of the Karuna group and well known in the region,

*Noting* that, according to the Sri Lankan delegation, there is no new information regarding the investigation, which is continuing; the Sri Lankan delegation also stated that the authorities remained committed to fully elucidating this crime,

*Bearing in mind finally* that, since the defeat of the Liberation Tigers of Tamil Eelam (LTTE), presidential elections were held in January 2010 and President Rajapakse was re-elected; that he dissolved parliament on 28 March 2010 and that a new parliament was elected on 8 April 2010,

1. *Thanks* Minister Samarasinghe and the other members of the Sri Lankan delegation for their cooperation and for the information provided;
2. *Is deeply disappointed* that, five years after this high-profile murder, the authorities' publicly stated commitment to advancing the course of justice stands in stark contrast with the fact that the investigation remains at a standstill despite the existence of serious leads and facilitating circumstances that should have allowed them to make decisive progress; *points out* that the conflict in Batticaloa has long ended and that the authorities could have taken effective action to locate and interrogate "Ravi";
3. *Urges* once more the Sri Lankan authorities, as is their duty, to make every effort to elucidate Mr. Pararajasingham's murder and, in so doing, to follow every lead, in particular with regard to the possible implication of "Ravi"; *wishes to ascertain* what steps are taken in this respect, including by the Parliament through its oversight function;
4. *Wishes to know* whether the Parliament has taken up the debate on the witness protection bill, which, if it respects fundamental principles of witness protection, may indeed encourage witnesses to come forward, including in this case; *wishes to receive*, if and when available, a copy of the bill;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the competent governmental authorities, inviting them to provide the requested information and to keep it informed of the investigation; *also requests* the Secretary General to inform the source of the resolution;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Recalling* that Mr. Raviraj, a member of the Tamil National Alliance (TNA), was shot dead in Colombo in the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a main road in Colombo; the gunman escaped on a motorcycle,

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking into account* the communication, dated 9 June 2010, from the Acting Secretary General of Parliament of Sri Lanka, according to which "the Hon. Speaker and members of the Sri Lanka branch of the IPU would be happy to engage further with the Committee to resolve issues that are outstanding" and that "we will endeavour to expedite police enquiries with regard to the deaths of members of parliament",

*Recalling* the following information provided in the past by the authorities about the investigation into the murder:

- Investigations revealed that the motorcycle was sold by two brokers named Nalaka Matagaweere and Ravindra to one Arul, who at the time was living at S.K.T. Jayasuriya's house; the latter was taken into custody together with Nalaka; Jayasuriya revealed that Arul was a former Liberation Tigers of Tamil Eelam (LTTE) member; Nalaka and Jayasuriya were later released on bail as inquiries revealed that they were not in Colombo when Mr. Raviraj was shot dead; arrest warrants were issued for Arul and Ravindra, who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE;
- A team from Scotland Yard arrived in Sri Lanka on 4 January 2007; it conducted investigations and recommended that further tests be carried out; according to the police report of March 2010, no real breakthrough was possible and investigations are continuing; the case was due to be called on 26 May 2010 before the Colombo Chief Magistrate Court,

*Noting* that, according to the Sri Lankan delegation, there was no new information regarding the investigation, which was continuing and was periodically being reported on to the court, the next time on 24 November 2010; the Sri Lankan delegation also stated that the authorities remained committed to fully elucidating this crime,

*Bearing in mind* that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and that a new parliament was elected on 8 April 2010,

1. *Thanks* the Sri Lankan delegation and in particular Minister Samarasinghe for their cooperation and for the information provided;
2. *Is nevertheless deeply disappointed* that, four years after this murder in broad daylight, the authorities' stated commitment to advancing the course of justice stands in stark contrast with the fact that the investigation remains at a standstill even though the Government of Sri Lanka established control over the entire country more than a year ago, which should have enabled it to make at least some progress;

3. *Urges* the authorities once again to take firm action, including Parliament through its oversight function, to ensure that those responsible for Mr. Raviraj's assassination are apprehended and brought to justice; *calls on* the authorities to conduct, if they have not already done so, the tests recommended by Scotland Yard and to explore whether Scotland Yard can be of assistance elsewhere to the investigative authorities in this case; *also reiterates its wish* to know whether the investigative authorities have ever taken account of the information and evidence gathered by non-governmental organizations, in particular University Teachers for Human Rights, regarding the murder of Mr. Raviraj;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the competent governmental authorities, inviting them to provide the requested information and to keep it informed of developments in the investigation; *also requests* the Secretary General to inform the source of the resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2010).

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

#### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the mission to Sri Lanka that the Committee carried out in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking into account* the communication, dated 9 June 2010, from the Acting Secretary General of Parliament of Sri Lanka, according to which "the Hon. Speaker and members of the Sri Lanka branch of the IPU would be happy to engage further with the Committee to resolve issues that are outstanding" and that "we will endeavour to expedite police enquiries with regard to the deaths of members of parliament",

*Recalling* that Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of security guards assigned to him was cut from 18 to two; he had openly made several statements to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and later died in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed,

*Recalling* that the authorities arrested Johnson Colin Valentirio alias "Wasantha", from Jaffna, who had been identified as the gunman on the strength of a DNA analysis; the investigators concluded that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) activist who had been specifically sent to Colombo to kill Mr. Maheswaran; according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; according to the police report of October 2009, the case was to be called on 16 October 2009 for serving of the indictment and listing of the case for hearing,



*Noting* that, according to the Sri Lankan delegation, trial proceedings continued before the High Court and included the hearing of a large number of witnesses; the next hearing was scheduled to take place on 6 October 2010,

*Bearing in mind* that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and that a new parliament was elected on 8 April 2010,

1. *Thanks* the Sri Lankan delegation and in particular Minister Samarasinghe for their cooperation and for the information provided;
2. *Is gratified* that trial proceedings are well under way; *earnestly hopes* that they will fully elucidate the murder of Mr. Maheswaran, in particular the identity of the instigators and the motives of the crime;
3. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, and to the competent governmental authorities, inviting them to keep it informed of the proceedings, and to convey it to the source;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking into account* the communication, dated 9 June 2010, from the Acting Secretary General of Parliament of Sri Lanka, according to which "the Hon. Speaker and members of the Sri Lanka branch of the IPU would be happy to engage further with the Committee to resolve issues that are outstanding" and that "we will endeavour to expedite police enquiries with regard to the deaths of members of parliament",

*Recalling* that, according to the information provided in October 2009 by Minister Samarasinghe, the arrest of a key Liberation Tigers of Tamil Eelam (LTTE) suspect operating in Colombo had led to the arrest of other suspects, whose revelations resulted in the recovery of the remote control device used to detonate the explosive device triggering the explosion which killed Mr. Dassanayake; the investigation has since been completed and the relevant file was to be forwarded to the Attorney General for filing of an indictment and the case was to be called in court on 14 October 2009; the police report of March 2010 reiterated this information, adding the name of the three suspects (Malcom Tyrone, Sundara Sathies, W.D. Hyacinth) and stating that the case was to be called on 17 March 2010,

*Noting* that, according to the Sri Lankan delegation, recommendations regarding the indictment of the suspects before the High Court had been submitted to the Attorney General, significant material and witness accounts were being processed and the case was due to be called before the supervising Magistrate of Kanuawana (Ja-Ela) on 13 October 2010,

*Bearing in mind* that, since the defeat of the LTTE, President Rajapakse was re-elected in January 2010; that he dissolved parliament on 28 March 2010 and that a new parliament was elected on 8 April 2010,

1. *Thanks* the delegation and in particular Minister Samarasinghe for their cooperation and for the information provided;
2. *Notes* that the Attorney General has yet to take a decision on the filing of an indictment; *trusts* that he will do so shortly in the light of all available evidence; *wishes* to be kept informed of the proceedings and to receive a copy of any indictment that may be made;
3. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, inviting them to continue monitoring the proceedings in this case; *requests* him further to convey the resolution to the competent governmental authorities and to the source;
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 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010); *referring also* to the report on the mission carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

*Noting* that the Committee met during the 123<sup>rd</sup> IPU Assembly with the Sri Lankan delegation, including Mr. Mahinda Samarasinghe, Minister of Plantation Industries and former Minister for Disaster Management and Human Rights, who has been mandated to continue following the cases the Committee is examining in Sri Lanka; *taking into account* the communication, dated 9 June 2010, from the Acting Secretary General of Parliament of Sri Lanka, according to which "the Hon. Speaker and members of the Sri Lanka branch of the IPU would be happy to engage further with the Committee to resolve issues that are outstanding" and that "we will endeavour to expedite police enquiries with regard to the deaths of members of parliament",

*Recalling* the following: at the parliamentary session of 21 February 2008, which the Committee's delegation to Colombo attended, Mr. Sivanesan raised a privilege issue regarding the fact that he had been intimidated by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week; he was killed some two weeks later, on 6 March 2008, in a Claymore mine attack shortly after he had crossed into the Vanni region; his vehicle was targeted when he was returning to his residence in Mallawi after attending parliamentary sessions in Colombo; the attackers reportedly detonated four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan died of his injuries while being rushed to hospital; the Liberation Tigers of Tamil Eelam (LTTE) claimed that the killing was the work of deep penetration units of the Sri Lankan military, an

allegation denied by the military, who have blamed it on the LTTE; the police report of March 2010 reiterates the position of the police authorities, namely that the area where the attack occurred was controlled by the LTTE at the time, that the police had no access to conduct investigations and that no complaint has been lodged with the police, possibly out of fear of reprisal by the LTTE,

*Noting* that, according to the Sri Lankan delegation, the authorities were unable to pursue an investigation in this case because no material or complaint had been submitted to the police; the delegation also stated that the authorities remained committed to fully elucidating this crime,

*Bearing in mind finally* that, since the defeat of the Liberation Tigers of Tamil Eelam (LTTE), presidential elections were held in January 2010 and President Rajapakse was re-elected; that he dissolved parliament on 28 March 2010 and that a new parliament was elected on 8 April 2010,

1. *Thanks* the Sri Lankan delegation and in particular Minister Samarasinghe for their cooperation and for the information provided;
2. *Is shocked* that the authorities continue to invoke the absence of a complaint as an excuse for the lack of any serious investigation, even though they themselves have acknowledged that such absence may be justified; *strongly believes* that the fact that the area where Mr. Sivanesan was killed has now been under government control for over a year should have allowed the authorities to make at least some progress in elucidating his killing;
3. *Urges* the Sri Lankan authorities, as is their duty, to make every effort to ensure that this crime does not go unpunished; *recalls* that impunity is among the most serious human rights violations as it deprives the victims and their families of their right to justice, and *considers* therefore that fighting impunity and restoring the rule of law in countries which, like Sri Lanka, have come out of a civil war should be among the priorities of the authorities;
4. *Wishes to ascertain* what steps are taken in the pursuit of justice in this case, including by the Parliament through its oversight function;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, and competent governmental authorities, insisting on the necessity of opening an investigation into the killing of Mr. Sivanesan in order to prevent impunity in this case; *requests* him further to convey this resolution to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011).

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

##### ***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session (Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Mehmet Sinçar, a former member of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* that Mr. Sinçar, a member of Kurdish origin of the Grand National Assembly elected in 1991, was shot dead at close range in September 1993 in Batman, where he had gone to attend the funeral of a member of the Democracy Party Bureau assassinated in August 1993, and that in October 2006 the Turkish authorities reported that the persons initially suspected of the murder - members of a terrorist group - had all been acquitted for want of evidence, except two persons who were at large,

*Recalling* that in 2008 the Turkish IPU Group reported that a criminal case regarding Mr. Sinçar's murder was pending before the 6<sup>th</sup> Assize Court of Diyarbakir, that this Court had ordered the Court of Kiziltepe, where Mr. Sinçar's family resides, to hear the family's members as they had been unaware that a case was under way and that Mrs. Sinçar has meanwhile joined the proceedings as a claimant,

*Considering* that according to the information provided by the President of the Turkish IPU Group on 1 October 2010, two persons, Rifat Demir and Cihan Yildiz were found guilty of the murder of Mr. Sinçar and sentenced to life imprisonment; *noting* that Mr. Sinçar's family has appealed against this sentence as it is not satisfied with the verdict for the following reasons: the two convicts and a third suspect who died in detention, are being held responsible for the many murders that occurred in the south-eastern part of Turkey in the 1990s and have to date not been elucidated; in their view, it is not credible that two or three persons committed all those murders; they refer in this regard to statements made in August 2010 by retired Turkish Admiral Atilla Kiyat, in interviews with the TV channel Habertürk, that the assassinations during the period 1993-1997 were "State policy" to combat terrorism, calling on the President, the Prime Ministers and the Chief of the General Staff at the time to tell the truth; the family states that, while the convicts may well be the perpetrators of Mr. Sinçar's assassination, they want the instigators of this crime to be punished,

1. *Thanks* the President of the Turkish IPU Group for the information provided;
2. *Notes* that two persons were convicted, inter alia for the murder of Mr. Sinçar and that the family has lodged an appeal against the sentence;
3. *Considers* it indeed essential that full light be shed on the murder of Mr. Sinçar and consequently *requests* the Committee to continue following this case and to report to it at its next session, to be held on the occasion of the 124<sup>th</sup> IPU Assembly (April 2011), on developments in the appeal proceedings.

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<b>CASE No. ZBW/19 - ROY BENNETT</b>	) <b>ZIMBABWE</b>
<b>CASE No. ZBW/20 - JOB SIKHALA</b>	)
<b>CASE No. ZBW/27 - PAUL MADZORE</b>	)
<b>CASE No. ZBW/44 - NELSON CHAMISA</b>	)

***Resolution adopted unanimously by the IPU Governing Council at its 187<sup>th</sup> session  
(Geneva, 6 October 2010)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Paul Madzore and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time the complaint was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/187/12(b)-R.1), and to the resolution adopted at its 186<sup>th</sup> session (April 2010),

*Recalling* the following:

- Mr. Sikhala and Mr. Madzore were tortured by police officers in January 2003 and March 2007 respectively; Mr. Siikahla, in his complaint regarding his torture provided medical certificates and names of suspects who were even divulged in media reports at the time; in the case of Mr. Madzore, who told the court about his torture when he appeared for initial remand on 20 March 2007, it would be possible to establish their identity, since (a) Mr. Madzore stated that, while in remand custody, he was regularly visited by the Central Intelligence Organisation (CIO) and military intelligence agents and taken to torture sessions; he had to be taken to a private hospital and to be put on a life support system because of the torture he had suffered; however, despite the existence of complaints and evidence, their torturers have to date not been brought to justice; Mr. Madzore filed a lawsuit for damages on which no action has been taken so far, and the application filed by Mr. Sikhala to compel the police to investigate his complaint properly has yet to be ruled on by the High Court;

- Mr. Chamisa was badly injured in an attack on 18 March at Harare International Airport, reportedly by State security agents; the police took no action, arguing that Mr. Chamisa had not lodged a complaint; Mr. Chamisa does not wish to lodge a complaint since the attack occurred in the presence of police officers who did nothing to stop and arrest the attackers;
- Mr. Bennett and his family were the target of persistent harassment between 2002 and 2006; Parliament sentenced him in October 2004 to one year in prison for having, in May 2004, jostled a Minister during a parliamentary debate; he served the sentence until his release in June 2005; Mr. Bennett was forced to leave the country in 2006 for fear of his life and was therefore unable to participate in the 2008 elections; upon his return to Zimbabwe, instead of being sworn in to the post given to him, namely that of Deputy Agriculture Minister, he was arrested on 13 February 2009 and first charged under the Immigration Act and, when the charge was dropped, charged with treason, which charge was also dismissed; he was ultimately charged under the Public Order and Security Act for allegedly possessing weaponry with the intention of using it for acts of banditry, sabotage or terrorism to overthrow the Government; the Court acquitted Mr. Bennett on 10 May 2010, declaring inadmissible the testimony by the key prosecution witness, who had previously stated that his evidence had been extracted under torture,

*Considering* that, in his letter of 30 August 2010, the Attorney General of Zimbabwe had the following to say: (a) Mr. Chamisa, Mr. Sikhala and Mr. Madzore have not brought any admissible evidence proving any identifiable suspect and, that being so, there is no basis for alleging that they have not been accorded the protection of the law; (b) there is a host of lies in issues to do with Mr. Roy Bennett in that the latter has not substantiated the allegations of political victimization; his issues are purely legal matters, which were brought through the Zimbabwe courts and tribunals; (c) the Attorney General's Office has nothing to do with civil claims and the "inordinate delay" in the hearing of Mr. Madzore's and Mr. Sikhala's civil claims and his prosecutorial mandate; (d) he expressed surprise that the IPU could "embroil itself in matters that are largely internal to Zimbabwe to an extent of interfering with an independent office such as the office of the Attorney General"; he advised the IPU to "desist from asking for matters which Zimbabwe citizens could raise with appropriate institutions and reminded it of its lack of locus standi to direct his office who to prosecute or otherwise",

*Recalling* that the Speaker of the House of Assembly of Zimbabwe has repeatedly stated that Parliament is firmly committed to protecting the human rights of its members and to taking action to this end within the limits imposed by the doctrine of the separation of powers,

1. *Thanks* the Attorney General for his letter and for the information and observations he provided;
2. *Recalls* that the Inter-Parliamentary Union, of which the Parliament of Zimbabwe is a long-standing member, established the Committee on the Human Rights of Parliamentarians and entrusted it with the mandate to examine allegations of human rights violations affecting members of parliament, and that, in entrusting it with this mandate, the IPU seeks to strengthen the institution of parliament as such, since a parliament can only function with the necessary independence if its members enjoy their human rights and fundamental freedoms;
3. *Stresses* that, in carrying out its mandate, the Committee and the IPU recall the human rights obligations incumbent upon States by virtue of their own national law or international obligations but in no way interfere with the independence of any State institution and certainly do not direct any State office what or what not to do;
4. *Stresses* that Zimbabwe is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life and prohibits torture, obliging States to institute ex officio investigation into known crimes against life and torture allegations and complaints so as to identify the culprits and bring them to justice;
5. *Remains therefore deeply concerned* at the continuing impunity of the State officials responsible for the torture of Mr. Sikhala and Mr. Madzore and of the State agents who allegedly carried out the attack on Mr. Chamisa;

6. *Considers* that the existing evidence regarding the torture of Mr. Madzore and Mr. Sikhala would enable a serious investigation to identify those responsible and to bring them to justice; *stresses* that, while the Attorney General's Office is not responsible for examining civil claims, complaints about the torture of both members of parliament exist but have not been seriously investigated; *considers* that, regarding the attack on Mr. Chamisa, the absence of a formal complaint should not be invoked to justify inaction, since the authorities are aware of the attack and are under an ex officio duty to investigate it and hold the perpetrators to account;
7. *Reaffirms* that impunity is highly detrimental to the rule of law and respect for human rights in the country and is bound to encourage the repetition of crime, which is all the more serious when the perpetrators are State officials;
8. *Earnestly hopes* therefore that the Attorney General's Office will take action to investigate the attack against Mr. Chamisa and the torture complaint of Mr. Sikhala and Mr. Madzore;
9. *Notes* that, as the Attorney General stated, the delays in the civil proceedings are "inordinate" and *requests* the Secretary General to contact the competent authorities with a view to ascertaining the reasons for such undue delays;
10. *Remains confident* that the House of Assembly is translating its commitment to human rights into action by making full use of its oversight role to ensure that the competent authorities are indeed fulfilling their duties under the law;
11. *Takes note* of Mr. Bennett's acquittal on the latest charges brought against him; *can but consider*, however, that the sequence of events in these proceedings, in particular the use of torture to support the accusations against Mr. Bennett, emphasizes that they were without any legal and factual basis, for a start, and were intended to eliminate him from politics; *trusts* that Mr. Bennett will now finally be able to pursue his political activities and take up the responsibilities assigned to him;
12. *Requests* the Secretary General to convey this resolution to the parliamentary and competent authorities and to the parliamentarians concerned;
13. *Requests* the Committee to continue examining the cases of Mr. Sikhala, Mr. Madzore and Mr. Chamisa and to report to it at its next session, to be held during the 124<sup>th</sup> PU Assembly (April 2011).