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Report of the Committee on the Human Rights of Parliamentarians

Presented to the IPU Governing Council on 20 March 2014
by its President, Senator Juan Pablo Letelier (Chile)

Mr. President, Dear colleagues,

I have the Honour to present the report of the Committee on the Human Rights of Parliamentarians.

During our Committee's session in Geneva, we held talks with 11 delegations and sources. Such meetings are essential for the Committee's work; they allow us to enhance our understanding of the cases before us and to express our concerns and exchange views. I therefore wish to thank all the delegations we met for having given us a bit of their time.

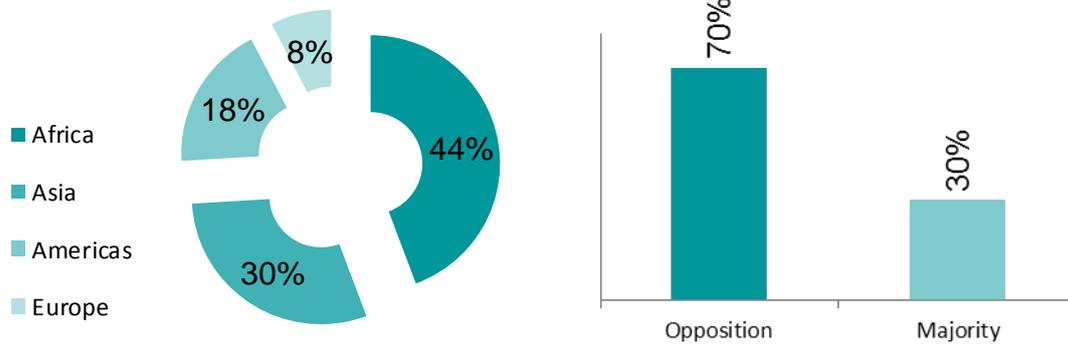
I would also like to apologize to the delegation of Indonesia, who were kind enough to set time aside to meet with the Committee. Due to an extremely hectic schedule, the Committee unintentionally was unable to meet the delegation. The Indonesian House of Representatives has been a valued partner of the Committee, and we would certainly welcome the opportunity to meet with our Indonesian friends at our Assembly in October.



Juan Pablo Letelier © IPU

Following a practice that began last year, the Committee has worked hard to put in place a database to collect and share information about the cases which it examines. The Committee is currently examining a total of 86 cases concerning 270 MPs in 43 countries. Just to give you some figures from this session alone, the Committee has examined here in Geneva the situation of 158 MPs from 21 countries. Almost half of those MPs are from Africa, with another thirty per cent representing Asia. Seventy per cent of the MPs are from the opposition, with women parliamentarians making up eight per cent of the total. Although freedom of expression is a direct or indirect concern in almost each case, in descending order, lack of due process in proceedings against MPs, arbitrary arrest and detention, and undue invalidation, suspension, revocation or other acts obstructing the exercise of the parliamentary mandate rank as the most frequent abuses reported to the Committee.

Statistics of the 144th session of the Committee on the Human Rights of Parliamentarians
Total of 158 MPs in 21 countries worldwide



The cases which I present to you not only deal with these issues, but they also focus on other grave crimes, such as torture and murder. I should add that the Committee deals with many other serious cases which I will not present to you this time. The concerns which we have expressed in those cases remain valid. Let me now turn to the cases that I will present to you, beginning with Burundi.

BURUNDI

In Burundi, the Committee continues to follow a number of long-standing cases of assassinations of parliamentarians that took place in the 1990's during the war. The authorities of Burundi have reiterated their commitment to submit these cases to a Truth and Reconciliation Commission. The process for establishing such a Commission has been marred by repeated delays for over 10 years. Draft legislation was finally sent to Parliament one year ago but has yet to be adopted. The Committee remains convinced that the Truth and Reconciliation Commission is critical to consolidate peace, reconciliation and the democratic process in Burundi and reiterates its hope that an independent, legitimate and credible TRC will be established soon.

In the cases of the former MPs of Burundi who have been subjected to criminal proceedings, the Committee is pleased to report that Mr. Gérard Nkurunziza has finally been tried, acquitted and released after being held in pretrial detention for over five years. In the case of Mr. Radjabu, now the only former parliamentarian who remains in detention, the Committee expresses once again the hope that a solution can be found soon in spite of the recent rejection of his request for a retrial.

I have the privilege of sharing with you a message from Mr. Gérard Nkurunziza who has expressed the wish to thank all members of the IPU for their support. The video testimony of Mr. Nkurunziza will be shown on the screen. The transcript is as follows: "I am honoured to sincerely thank the Inter-Parliamentary Union for the support it has shown me since my arbitrary arrest and detention until my case wrongly brought against me by the authorities in Bujumbura was closed. I would therefore like to take this opportunity to kindly request this prestigious institution to redouble its efforts to bring pressure to bear on the President of Burundi, Mr. Pierre Nkurunziza, so as to stir his conscience and release the Hon. El Hadj Hussein Radjabu, who has served more than half of the sentence imposed on him. I thank you."

CAMEROON

In Cameroon, the Committee has been following the case of Mr. Ambassa Zang since 2010. Mr. Ambassa Zang, a former member of the National Assembly, has been accused of misappropriating public funds while he was Minister of Public Works. From the outset, the Committee was concerned about the fairness of the criminal proceedings. Last October, we were pleased to learn that the matter was pending before the Budgetary and Financial Discipline Council, a process which allowed Mr. Ambassa Zang to appoint a lawyer to represent him in his absence, given that he has obtained political asylum abroad. However, the Committee is concerned about allegations that due process is not being followed in the Council's handling of the case.

The Committee will continue to monitor this case closely, in the hopes that Mr. Ambassa Zang can be reunited with his family and his home country after living abroad for nearly five years.

CHAD

I now move on to the case of Chad where I am also gratified to share good news with you. As you may recall, in early May 2013, four members of the National Assembly of Chad were arrested and charged in violation of their parliamentary immunity. All parliamentary groups of the National Assembly of Chad, under the chairmanship of their Speaker, rallied together in an unprecedented move to defend the fundamental rights of their members. I am very pleased to inform you that, as a result, the case has now been resolved and the members of Parliament have all been exonerated. The Committee has therefore decided to close this case.

On behalf of the Committee, I want to express my sincere gratitude to the National Assembly of Chad for their exemplary action and give the floor to their delegation to share their experience of how effective a role parliamentary oversight can play in protecting and promoting human rights.

"Mr. President, Excellencies, ladies and gentlemen. In February 2008, Chad was shaken by events you have all heard of. A famous opposition parliamentarian called Yorongar was caught up in this upheaval and had to leave the country. The IPU assured his return to Chad and has since 2008 worked to secure reparation for him for the injustice he has suffered. On 1 May 2013, six members of parliament were in one way or another charged for their connection with to a conspiracy to overthrow the institutions of the Republic. Two members were apprehended in violation of their parliamentary immunity, invested in them under the Constitution. Four others, for whom the judge had asked to be heard, were heard and detained. The National Assembly of Chad, which comprises 188 MPs from 30 political parties, and composed of six large parliamentary groups, mobilized themselves. In a show of outcry, all the groups rallied together to challenge this procedure, which flouts the provisions of the Constitution. Once again, the IPU had to come to our rescue and the President of the Committee on the Human Rights of Parliamentarians, Mr. Kassoum Tapo, travelled to Chad. As indicated in the document before us, and since the judge has ordered that the case be dismissed, today we would like to take this opportunity to thank the IPU for being by our side until this case was closed. Today, by virtue of this dismissal, our colleagues are free. I would like to emphasize that two of them were not prosecuted. This is a clear example of international solidarity to which the Parliament of Chad has signed up since 2011, which it did well to do. I just wanted to share with this assembly this act of international solidarity. I would like to conclude, as we unfortunately mentioned the Central African Republic, by citing a former CAR politician who cried out "Vae soli, Woe be unto him who is alone". That is why, dear friends, we really think the IPU is an instrument for us; it is an organization that is at our side because the protection of human rights is the best shared thing in the world. We absolutely want to bear witness to that. Thank you."

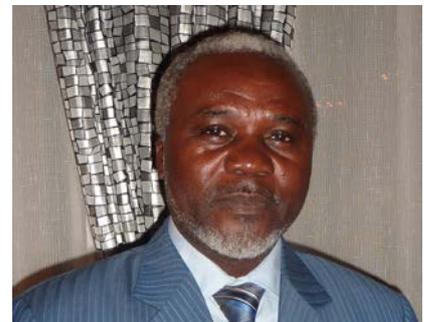
DEMOCRATIC REPUBLIC OF THE CONGO



Pierre Jacques Chalupa © IPU



Eugène Diomi Ndongala © IPU



Dieudonné Bakungu Mythondeke © IPU

In the Democratic Republic of the Congo, the Committee continued examining 5 cases concerning a total of 33 members, and former members of the National Assembly. The Committee is particularly concerned about the lack of progress in the case of Mr. Diomi Ndongala where no steps have been taken by the authorities to resolve the case despite recommendations to that effect adopted after national political consultations were held in September 2013. On a more positive note, the Committee has been informed that Mr. Muhindo Nzangi, who like Mr. Ndongala remains in detention, is eligible for political amnesty under a recent amnesty law and that the Speaker of the National Assembly has pledged to do all in his power to ensure that he is granted amnesty. Outstanding concerns remain in

other cases: The Committee is deeply concerned about the security situation of Mr. Mythondeke and calls upon the competent authorities to ensure his safety and that of his family. In the case of Mr. Chalupa, the Committee is gratified to report that he received a presidential pardon and was released. It remains concerned about the deprivation of Mr. Chalupa's Congolese nationality and urges the Congolese authorities to take appropriate measures to resolve this last pending issue in the case.

ZAMBIA

The Governing Council is facing, for the first time, a case of alleged violations of human rights against several Zambian parliamentarians. This complex case revolves primarily around respect for freedom of association of MPs. The Committee thanks the Zambian parliamentary authorities for their helpful cooperation, as well as the Speaker's actions aimed at avoiding a repeat of past incidents.

In order to better understand this new and complicated case, the Zambian parliamentary authorities have accepted the Committee's offer for a future mission. We hope that this initiative will shed light on the many existing questions, and will allow for the Committee to consider the perspectives of all concerned parties.

ZIMBABWE



Nelson Chamisa © AFP

In Zimbabwe, the cases of Mr. Sikhala, Mr. Madzore and Mr. Chamisa have been before you for years. Mr. Sikhala and Mr. Madzore were both tortured by police officers. Mr. Chamisa was beaten up by State security agents in full view of police officers, who did not react. All perpetrators were clearly identified. However, not only have the authorities of Zimbabwe failed to take any effective action to hold the state officials responsible to account, they have promoted some of them and have disregarded all attempts by the victims to obtain justice and reparation. The Committee has concluded that the Parliament of Zimbabwe has equally failed to exercise its oversight function effectively and to fulfil its duty to ensure the protection of its members.

However, the Committee is not able to continue its examination of the cases of Mr. Madzore and Mr. Chamisa and has therefore decided to close them in the absence of response from the sources in these cases to the communications addressed to them for an extended period of time. It nevertheless underscores that this decision does not make it in any way less imperative for the authorities to hold the perpetrators to account in all the three cases and that it will continue to pursue the case of Mr. Sikhala.

COLOMBIA



Manuel Cepeda Vargas © IPU



Luis Carlos Galán Sarmiento © IPU



Iván Cepeda Castro © IPU

The Committee is presenting to you three cases in Colombia. In the case of Mr. Galán, the Committee welcomed developments made in the pursuit of justice in bringing his murderers to account, but is nevertheless concerned about judicial delays with regard to some alleged suspects involved in the crime.

The Committee also addressed the very serious assassination of members of the Unión Patriótica. Although it welcomes progress made in the case of Mr. Manuel Cepeda, it nevertheless remains deeply concerned at the lack of progress in some of the other murder cases. Impunity must not prevail in Colombia, a timely lesson considering the Committee's third case in the country, where very serious threats have been made against current members of parliament, in particular, Mr. Iván Cepeda. The Committee is alarmed at the assassination threats and has underlined the need for the authorities to take all necessary measures to ensure that Mr. Cepeda - as well as all parliamentarians under threat - are provided with adequate security. The historical precedents of assassination in Colombia are too shocking for threats not to be investigated with the utmost urgency.

The Committee is committed to closely monitoring progress in all these cases and has, to this end proposed conducting a follow-up mission to Colombia.

ECUADOR



Jaime Hurtado González © IPU

Fifteen years have passed since the high profile murders of Mr. Jaimie Ricuarte Hurtado Gonzalez and Mr. Pablo Vicente Tapia Farinango and the Committee remains deeply concerned that the masterminds of this crime have still not been identified, nor have all the alleged perpetrators been brought to account. The Committee was pleased that one of the assailants was arrested upon arrival in Italy. However, noting that he has yet to be extradited back to Ecuador, the Committee expressed its hope that he would be back on Ecuadorian soil without delay. In order to ensure that justice is served despite the protracted time since the murders occurred, the Committee reaffirms its hope that the Ecuadorian authorities broadly interpret their criminal jurisprudence to allow for continued pursuit of the alleged perpetrators.

VENEZUELA



Richard Mardo © IPU



Julio Borges © IPU

I also present you for the first time the case of 14 members of the opposition in Venezuela. Two of them are suspended from parliament and had their parliamentary immunity lifted. Two others may soon follow in order to face criminal proceedings, thereby bringing the number of opposition MPs who are in the dock to five. The parliamentary authorities and the source disagree on the factual and legal basis for this action, including on the procedure to lift parliamentary immunity. That may be perfectly normal. What is worrying however is that it seems that the National Assembly, rather than the judicial authorities, is taking an active part in bringing criminal accusations against members of the opposition, thereby lending support to those who believe that the criminal cases are motivated by political rather than legal considerations. The Committee believes that a visit to Venezuela could be very helpful to promote a better understanding of the complex issues at hand. We therefore hope that the Venezuelan authorities will soon agree to the visit.

IRAQ



Hareth Al-Obaidi © IPU



Ahmed Jamil Salman Al-Alwani © IPU

The Committee has been informed that in the case of the assassination of Mr. Al-Obaidi, former Vice-Chairman of the parliamentary human rights committee, an Al-Qaida affiliate had been prosecuted and held to account.

The Committee has also been seized with a new case which is of extremely serious concern. It is the case of Mr. Al-Alwani, a member of the Al-Iraqiya block of the Council of Representatives who was arrested on 28 December 2013 in Ramadi during a raid on his home conducted in the middle of the night by Iraqi forces. To date, the Council of Representatives has been unable to obtain any information on the fate of its member who is deprived of any visiting rights in detention and may have been exposed to torture. The Speaker of the Council of Representatives has further confirmed that his parliamentary immunity has been violated. The Committee is deeply concerned about Mr. Al-Alwani's health and physical integrity and urges the Iraqi authorities to urgently provide the Council of Representatives with all appropriate information about his fate and to fully respect and protect his fundamental rights.

MALAYSIA



Anwar Ibrahim © Reuters



Karpal Singh © Reuters

As you are no doubt aware, the Committee's examination of the cases of two prominent opposition leaders, Mr. Anwar Ibrahim and Mr. Karpal Singh, is especially timely considering their recent conviction before the Malaysian Courts. The IPU monitored both cases very closely, sending a trial observer to both proceedings.

Only days ago, Mr. Anwar Ibrahim was sentenced to a five year prison term on a sodomy charge. The Committee was extremely concerned about the outcome of his trial, particularly the use of a rarely used law as the basis of his conviction, the rushed manner in which the final hearings were conducted and organized, and in accordance, the curious timing of this rushed decision, which occurred in the lead-up to an important election that Mr. Ibrahim was campaigning for. The Committee will continue to closely monitor Mr. Ibrahim's appeal at the Federal Court, and hopes that justice is guided by the rule of law and not extra-legal concerns.

In the case of Mr. Singh, the Committee was appalled that the sedition act, an antiquated colonial law that the Malaysian Prime Minister already committed to repeal, served as the basis of a conviction against statements made that fall clearly within the parameters of free speech. Furthermore, the Committee is deeply concerned that Mr. Singh will lose his seat should the conviction be upheld on appeal.

The conviction of both these opposition leaders not only violates their own respective individual human rights, but also leads to the unjust dispossession of the political voices of millions of Malaysians. By condemning opposition leaders, the Malaysian authorities have also condemned the people they represent.

PAKISTAN

In Pakistan, the Committee is pleased to report that progress has been accomplished. However, the Committee remains concerned that, almost two years after the events, the persons who attacked Mr. Fatyana's residence in June 2012 remain at large although their identities are known to the competent authorities. The Committee appreciates that the Parliament of Pakistan continues to monitor the case and wishes to be kept informed of any developments.

PALESTINE / ISRAEL



Marwan Barghouti © Reuters



Ahmad Sa'adat © Reuters



Hassan Yousef © Reuters

The Committee examined all the cases concerning Palestinian parliamentarians detained or imprisoned by Israeli authorities.

In the cases of Mr. Marwan Barghouti and Mr. Ahmad Sa'adat, the Committee regrets that it has nothing new to report. In addition to calling for their release and reaffirming the view that their trials did not meet fair-trial standards, the Committee also expressed its concern that the Israeli authorities have continued to deny visitation rights, notably with fellow Palestinian parliamentarians.

The Committee also examined the cases of up to 6 parliamentarians in administrative detention and two MPs facing criminal proceedings. It was pleased to note that two parliamentarians have been released. This news is bittersweet however, considering that even when Palestinian MPs are released, they remain subject to renewed arrest. This practice lends weight to claims that the use of such detention is arbitrary. In light of the Committee's concerns with the practice of administrative detention, we reiterate our hope that invitations to attend judicial reviews of members in administrative detention will materialize soon.

TURKEY



Mehmet Haberal and Mustafa Balbay © IPU



Selma Irmak and Kemal Aktas © IPU

I am very pleased to inform you that a delegation of the Committee was able to conduct an on-site mission to Turkey from 24 to 27 February 2014. The full mission report will be shared with you, together with the comments of all parties during your next session in October. You have before you preliminary observations on the mission which the Committee has fully endorsed.

The Committee is particularly satisfied that all the parliamentarians, except one, were released and sworn in to parliament following recent decisions of the Constitutional Court, and it awaits the decision of the Court on the situation of the member of parliament who remains in detention to date. The Committee has noted with interest that there are ongoing efforts from the Turkish authorities to resolve some of the outstanding issues in the cases. It trusts that appropriate measures will be taken in the coming months to ensure full respect for the fundamental rights of the parliamentarians concerned to a fair trial and to freedom of expression and association.

Before concluding this presentation, I would like to pay tribute to the German Bundestag and the European Parliament for exemplifying the principle of parliamentary solidarity in their communications with the Committee. The importance of parliamentary solidarity as a key pillar of the work of our Committee cannot be understated. When members of parliament are under threat, the activation of solidarity from colleagues not only has an extremely positive concrete impact on any individual case, but also enhances our mutual engagement and strengthens the role of the parliamentarian as a whole. It is indispensable for our work and can make all the difference in advancing the serious cases we face.

Thank you.

Full text of the resolutions adopted by the IPU Governing Council at its 194th session is available online: http://www.ipu.org/pdf/hrres194_en.pdf