



# INTER-PARLIAMENTARY UNION

5, CHEMIN DU POMMIER  
CASE POSTALE 330  
1218 LE GRAND-SACONNEX / GENÈVE (SUISSE)

TELEPHONE (41.22) 919 41 50 - FAX (41.22) 919 41 60 - E-MAIL [postbox@mail.ipu.org](mailto:postbox@mail.ipu.org)  
TELEGRAPHIC ADDRESS : INTERPARLEMENT GENEVE

CL/184/SR.1  
29 June 2009

**SUMMARY RECORDS**

**OF THE**

**GOVERNING COUNCIL**

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

**6 and 10 April 2009**

**ADDIS ABABA (*United Nations Convention Centre (UNCC)*)**

## Participation

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

**Members and substitutes:** S.I. Gailani, Ms. R. Jami and A.Q. Sahjadi (Afghanistan); B. Boutouiga (Algeria); Mrs. B. Henriques Da Silva, J.M. Lourenço and C. Magalhães (Angola); Mrs. L. Galstyan and S. Nikoyan (Armenia); Ms. A. Ellis, H. Jenkins and Ms. J. Troeth (Australia); G. Huber, Ms. B. Prammer, S. Schennach and Ms. H. Silhavy (Austria); A.A.R. Al Moawda, J. Fairouz and J. Fakhroo (Bahrain); S. Ali, M. Haque, H.H. Inu and Ms. R. Mahmood (Bangladesh); V. Andreichenko, V. Baikov and Ms. A. Naumchik (Belarus); F.-X. de Donnea, P. Moriau, Mrs. M. Temmerman and G. Versnick (Belgium); I. Gnonlonfoun, E. Quenum and G. Tchocodo (Benin); Ms. M. Mijačević and H. Neimarlija (Bosnia and Herzegovina); P.K. Balopi, N. Modubule and Ms. S. Tlou (Botswana); H. Fortes, Ms. M. Helena, A. Lins and Mrs. S. Rosado (Brazil); I. Atanassov, A. Imamov and Mrs. M. Kaneva (Bulgaria); A.D. Dicko, Mrs. M.G. Dicko Agaleoue Adoua and S.T. Ouedraogo (Burkina Faso); Mrs. A. Niyuhire, E. Nsabyumva and G. Rufyikiri (Burundi); Mrs. H. Naun, H.S. Samdech and C. Vun (Cambodia); M. Ahidjo, D. Ambassa Zang and Mrs. J. Fotso (Cameroon); Mrs. F. Bonsant, Mrs. S. Carstairs, D. Dawson, D.H. Oliver and Ms. D. Savoie (Canada); J.A. Coloma, Mrs. M.A. Saa and A. Vargas (Chile); Mrs. Feng Shuping, Mrs. Liu Baoquan and Wang Chaoqun (China); R. Córdoba, C. Ferro and J.M. Galán (Colombia); Mrs. P. Fouty-Soungou, S.V. Ignoumba and D. Ngapoula (Congo); Mrs. E. Arguedas and J.L. Valenciano (Costa Rica); S. Hrelja and Ms. M. Lugarić (Croatia); R. Pez Ferro and Ms. Y. Regueiferos (Cuba); N. Anastasiades, N. Cleanthous, C. Hadjinicolas, Mrs. A. Kyriakidou and G. Varnava (Cyprus); I. Bárek, J. Kochan and Ms. H. Šedivá (Czech Republic); K.C. Jo and C.S. Kim (Democratic People's Republic of Korea); Ms. E. Bazaiba Masudi, B. Lombeya and E. Mokolo (Democratic Republic of the Congo); Ms. K. Lorentzen, K.P. Lorentzen and J.C. Lund (Denmark); M. El-Feky, M. El-Said and A.A. Gamaledin (Egypt); Ms. I. Bendix, J.R. Machuca and Ms. Z. Quijada Solis (El Salvador); Mrs. I. Eenmaa, E. Nool and Mrs. M. Tuus (Estonia); Mrs. G. Abasiya, B. Anemut, D. Bula, Mrs. S. Minale and T. Toga (Ethiopia); B. Kallis, Ms. K. Komi and Ms. P. Sihto (Finland); R. del Picchia, M. Dolez, S. Janquin and P. Martin-Lalande (France); M. Assoume Mba, F. Mba Sima and Mrs. S. Moulengui-Mouele (Gabon); H.-J. Fuchtel, Mrs. M. Griefahn and J.F. Winkler (Germany); E.D. Adjaho, A.K.S. Bagbin and O. Kyei-Mensah-Bonsu (Ghana); A. Leventis, Mrs. E. Papademetriou and A. Skyllakos (Greece); M. Balla, M. Csapody, G. Hárs and A. Nagy (Hungary); A. Agustsson and Ms. A. Bang (Iceland); K. Malaisamy and T. Singh (India); Mrs. A.H. Baidlowi, Mrs. W. Chandrawila and A. Toha (Indonesia); M. Agha Tehrani, Ms. Z. Elahian, H. Fallahatpisheh and K. Jalali (Iran, Islamic Republic of); J. Al-Hameedawi, S.P. Al-Jumaily, Ms. T.T. Gilly and S.H. Hamoudi (Iraq); Mrs. B. Contini, Mrs. A. Napoli and L. Volonté (Italy); T. Mizuochi, C. Suzuki and Y. Yokomine (Japan); K. Ajlouni, A. Majali, Mrs. N. Rousan and S. Srouf (Jordan); Ms. J. Laboso, F.M. Maalim and A.N. Nuh (Kenya); O. Denisovs and Mrs. I. Druvieta (Latvia); N. EL Sahili and N. Sukkar (Lebanon); Ms. M. Makara, K. Mathaba and Ms. N. Motsamai (Lesotho); M. Elforjani, M.O. Madi and Ms. F.Y. Wafa (Libyan Arab Jamahiriya); Ms. L. Sumskiene and Ms. D. Teiserskyte (Lithuania); J. Scheuer (Luxembourg); A.H. Ab Rahman, Ms. Teo Nie Ching and W.J. Tuanku Jaafar (Malaysia); M. Aslam, A. Ibrahim and M. Shihab (Maldives); H. Konaté, Ms. S.F. Manthini Diarra and S. Togola (Mali); M. Gonzi and J. Mizzi (Malta); A. Alonso Díaz-Caneja, Ms. R. Green, Mrs. L. Menchaca Castellanos and Mrs. M.T. Ortuño (Mexico); Ms. M. Dittlot, F. Notari and Mrs. A. Poyard-Vatrican (Monaco); R. Krivokapic (Montenegro); O. Benabdallah, Mrs. Z. Bouayad, A. Cherkaoui and L. Daoudi (Morocco); Mrs. A. Benesse, J.M. Katupha and E.J. Mulémbwè (Mozambique); K. Kaura, Mrs. M. Mensah-Williams and Mrs. N. Schimming-Chase (Namibia); Mrs. M. Meindertsma, K. Putters and E. Schuurman (Netherlands); S. Bridges, Ms. N. Kaye and S. Nash

(New Zealand); Mrs. M.G. Chetima, S. Jackou and O. Mahamane (Niger); U. Abdulazeez and S. Soli (Nigeria); Ms. S. Eng, E. Johnsen, O.T. Lånke and T.A. Nistad (Norway); A. Al-Issai and N. Al-Mawali (Oman); Ms. Z. Huma, F.K. Kundi and B. Tahir (Pakistan); A. Abdullah, A. Bahar, Ms. R. Diab, T. Quba'a and Z. Sanduka (Palestine); Ms. K. Beteta Rubin, Ms. E. Leon Minaya and E. Rodríguez Zavaleta (Peru); Ms. E. Taliño-Mendoza (Philippines); Ms. B. Mazurek, J. Rzymelka and M. Ziolkowski (Poland); Ms. R.M. Albernaz, M. Ginestal and R. Vieira (Portugal); Y.R. Al-Khter, A.M. Al-Majid and R. Al-Meadadi (Qatar); H.-S. Kim, J.-S. Lee and Ms. Y. Park (Republic of Korea); Ms. A. Mukarugema (Rwanda); Mrs. D. Bronzetti, G. Sansovini and G.F. Terenzi (San Marino); J. Amado, Ms. O. Brangança and J. Costa (Sao Tome and Principe); M. Al Ghamdi, M. Al Hulwah and A. Al Sheikh (Saudi Arabia); Mrs. S. N'Diaye, Mrs. N.B. Ndongue, T. Seck and B. Thioube (Senegal); Ms. S. Dukić Dejanović, Ms. N. Kolundžija and Ž. Tomić (Serbia); A.N. Bankole Stronge (Sierra Leone); C.Y.F. Chong, P.M. Lam and Ms. E.G.H. Lee (Singapore); T. Cabaj (Slovakia); B. Barovič, M. Zihlerl and F. Žnidaršič (Slovenia); Mrs. S.Y. Ataye (Somalia); Ms. T. Cunillera Mestres, L. Fraga and Mrs. M. Pigem I Palmes (Spain); M.Y. Abeywardana, Mrs. M.L. Perera, J. Senavirathna and A.P. Yapa (Sri Lanka); A.I. El-Tahir, M.M. El-Tigani, A.D. Manoah and Ms. M. Osman Gaknoun (Sudan); R.W. Panka, R. Randjietsingh and S.P. Somohardjo (Suriname); Ms. B. Eriksson, U. Nilsson and K. Örnfjäder (Sweden); Mrs. B.M. Gadiant, F. Gutzwiller and Mrs. D. Stump (Switzerland); M. Ezzeddin, S. Haddad and H. Hassoun (Syrian Arab Republic); P. Boondech, Ms. T. Boontong and Mrs. P. Rangsit (Thailand); A. Cardoso, F.L.S. De Araujo and Mrs. G. Moniz (Timor-Leste); K. Bamnante, Mrs. N. Djobo and B.P. Lawson (Togo); Mrs. F. Ben Amor Ben Abdallah, F. Hawet and S. Karoui (Tunisia); M. Sahin, Mrs. N. Serter and C. Yilmaz (Turkey); Ms. R. Kadaga, J. Kawanga and Ms. P. Turyahikayo (Uganda); R.M. Al Shariqi, S.S. Al Suwaidi and Y. Ali Bin Fadil (United Arab Emirates); R. Berry, A. Dismore, N. Evans and Baroness S. Miller (United Kingdom); Ms. B. Burian, Ms. S. Lyimo and S.J. Sitta (United Republic of Tanzania); D. Canepa, L.A. Heber and Mrs. M. Percovich (Uruguay); E.E. Amoroso, Mrs. Y. Vallenilla, R.D. Vivas and A. El Zabayar (Venezuela); Mrs. Hoang Thi Hao, Ngo Anh Dzung and Nguyen Van Thuan (Viet Nam); I. Al-Nagib, Ms. O. Sultan Nagi and A.A.-R. Yahya (Yemen); Mrs. L.S. Changwe, G. Lubinda, A.K. Mwanamwambwa and J.J. Mwiimbu (Zambia); W. Madzimure, L. Moyo and Ms. V. Muchenje (Zimbabwe)

**Observer:** M. Yumni (League of Arab States)

**Special guest:** Ms. C. Gill'ard (Member of the Parliament of the Netherlands)

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

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## FIRST SITTING

**Monday, 6 April 2009**

(Morning)

The meeting was called to order at 9.10 a.m., with Dr. T.-B. Gurirab (Namibia), President of the Inter-Parliamentary Union, in the Chair.

### Item 1 of the agenda

#### **ADOPTION OF THE AGENDA**

(CL/184/A.1)

**The revised agenda was adopted by the Governing Council.**

### Item 2 of the agenda

#### **APPROVAL OF THE SUMMARY RECORDS OF THE 183<sup>rd</sup> SESSION OF THE GOVERNING COUNCIL**

(CL/183/SR.1)

**The summary records of the 183<sup>rd</sup> session of the Governing Council were approved.**

### Item 3 of the agenda

#### **PROPOSALS FOR THE ELECTION OF THE PRESIDENT OF THE 120<sup>th</sup> ASSEMBLY**

**Mr. A.I. El-Tahir (Sudan)** proposed that Mr. Teshome Toga Chanaka, Speaker of the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia, be nominated by the Governing Council for the position of President of the Assembly.

**The Governing Council approved the nomination by acclamation.**

### Item 4 of the agenda

#### **QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS**

##### **(a) Requests for affiliation and reaffiliation to the IPU**

(CL/184/4(a)-R.1)

**The President** said that a request for reaffiliation to the Union had been submitted by the Parliament of Bangladesh, in which connection he recalled that the Governing Council had regretfully decided at its 182<sup>nd</sup> session to suspend the membership of Bangladesh; at that time, Bangladesh had had no functioning parliament and elections had also been postponed by the interim caretaker Government. A new parliament had been constituted in early 2009, however, on which basis the Executive Committee recommended that the Governing Council approve its decision, set forth in document CL/184/4(a)-R.1, to readmit the Parliament of

Bangladesh as a Member of the Union. He took it that the Governing Council wished to approve by acclamation the decision of the Executive Committee.

**The Governing Council approved by acclamation the decision to readmit the Parliament of Bangladesh as a Member of the IPU.**

*Mr. S. Ali (Bangladesh)* expressed his gratitude to the Council for its approval of the decision. The problems that had led to the suspension of his country's Parliament from membership had now been overcome, with the result that its ninth Parliament was now fully functioning and looked forward to playing its part in the work of the IPU.

**(b) Situation of certain Members**

*The President* informed the Council that the Executive Committee was currently examining the situation of two Members, namely, Guinea and Madagascar, where there had been an unconstitutional dissolution of parliament. For that reason, the Executive Committee was expected to recommend suspension of their memberships before the end of the current Assembly.

*Mr. T. Quba'a (Palestine)* said that, subsequent to the approval of Palestine's full membership of the IPU at the 183<sup>rd</sup> session of the Council in October 2008, the IPU had made clear its belief in an explanatory letter from the Secretary-General that there were two separate political systems operating in Palestine, which was not the case. Palestine consequently wished to renounce its full membership of the IPU and revert to its former status, in accordance with the previous decisions adopted concerning its participation in the work of the IPU as an observer.

*The President* said that the Council took note of those comments, which would be considered and discussed further in due course.

**The Governing Council took note of the oral report on the situation of certain Members.**

**(c) Requests for observer status**  
(CL/184/4(c)-P.1 and P.2)

*The President* said that the Executive Committee had examined a request for observer status submitted by the Socialist International, annexed to document CL/184/4(c)-P.1, and recommended that the request be approved. He took it that the Governing Council wished to approve the request.

**The Governing Council approved the recommendation to grant observer status to the Socialist International.**

*The President* drew attention to a proposal by the Executive Committee, contained in document CL/184/4(c)-P.2, for the inclusion of a new sub-category of international organizations to which the Council might grant observer status, namely, organizations with which the IPU shared general objectives and had a mutually beneficial working relationship. He took it that the Council wished to approve the recommendation.

**The Governing Council approved the recommendation to include a new sub-category of international organizations to which observer status might be granted.**

*The President* said that a request for observer status had been received from the Geneva Centre for the Democratic Control of Armed Forces (DCAF), a leading institution in the areas of security sector reform and security sector governance with which the IPU had had a fruitful relationship for many years. The Executive Committee had recommended that its request be granted if the Council concurred with its recommendation concerning the new sub-category of international organizations to which it might grant observer status. Given its approval of that recommendation, he took it that the Council also wished to approve the recommendation concerning DCAF, contained in document CL/184/4(c)-P.2, with a view to enabling DCAF to participate as an observer in the current Assembly.

**The Governing Council approved the recommendation to grant observer status to DCAF.**

Item 5 of the agenda

**REPORT OF THE PRESIDENT**

**(a) On his activities since the 183<sup>rd</sup> session of the Governing Council**  
(CL/184/5(a)-R.1 and R.2)

*The President*, after acknowledging the presence of a delegation from the United States Congress, which the IPU looked forward to welcoming back to its membership, drew attention to document CL/184/5(a)-R.1, which contained full details of his activities since his election at the 183<sup>rd</sup> session of the Council. Summarizing those activities, he highlighted in particular his visit in November 2008 to New York, where he had presided over the annual Parliamentary Hearing at the United Nations, an event that was regularly growing in both substance and attendance. He had also had the opportunity to meet individually with the Secretary-General of the United Nations and the Presidents of the General Assembly and the Economic and Social Council, in addition to ambassadors and heads of specialized agencies and other United Nations departments. He had then proceeded to visit various parts of the Middle East, starting in Doha, where he had chaired the Parliamentary Hearing held on the occasion of the International Conference on Financing for Development, which had also provided the opportunity for an exchange of views among parliamentarians on salient issues to be addressed at the Conference.

His more recent mission to the Middle East in March 2009, full details of which were contained in document CL/184/5(a)-R.2, had been conducted with a view to assessing the impact of Israel's military operation in Gaza and gaining further insight into the situation through engagement with the region's political and parliamentary leaders, including at the Sharm el-Sheikh donor conference in support of the Palestinian economy for the reconstruction of Gaza, which he had attended prior to his extensive tour of Gaza itself. During that tour, he had witnessed first-hand the widespread destruction wrought on Gaza and talked to as many people as possible, following which he had travelled to meet leading parliamentarians in Cairo, Amman, Ramallah, Jerusalem and Muscat. The mission had proved to be extremely beneficial, not least in terms of considering the potential role of the IPU in the aftermath.



**Mr. A. Al-Issai (Oman)**, speaking on behalf of the Arab Group, thanked the President for the report on his mission to the Middle East, which faithfully portrayed the tragedy befalling the Palestinian people in general and the Gaza Strip in particular. Bearing in mind the need to respect human rights, human dignity and the principles of international law, he appealed for the adoption of a final declaration that called not only for that respect but also for compliance with relevant United Nations resolutions and with IPU resolutions relating to the Palestinian parliamentarians held in Israeli prisons. He also expressed his hope that the proposal for an emergency item on the situation in Gaza would be considered in a favourable light.

**Mr. A.A. Gamaledin (Egypt)** endorsed the views of the previous speaker and commended the IPU President on his efforts to gain a clear picture of the tragic situation in Gaza and in the occupied Palestinian territories in general, where the inhabitants were daily subjected to flagrant violations by the Israeli authorities that were tantamount to war crimes and crimes against humanity. The IPU must adopt a firm stand towards such unprecedented events as the barbaric attack on Gaza and he therefore called for a fact-finding mission to the area. A resolution should also be drafted on the basis of the conclusions set forth in the President's report on his visit to the Middle East region.

**Mr. L. Daoudi (Morocco)** expressed similar gratitude to the President for his report, which clearly depicted the violations committed in Gaza by the Israeli army. Those violations demanded bold resolutions with a view to ensuring that such tragedies were never repeated in Gaza or anywhere else.

**The President** reminded Members to confine their remarks to the question of his two reports. An opportunity to address the wider issues would be provided during the general debate. As for the choice of an emergency item, consultations were ongoing.

**Mr. T. Quba'a (Palestine)** also expressed gratitude on behalf of the Palestinian people to the IPU President for his visit to the region and for his objective report on the situation. He none the less noted the report's failure to propose any initiatives other than a meeting of Speakers of Parliaments from neighbouring Arab countries with a view to reconciling differences. No such meeting would take place, however, as long as Israel failed to recognize the right of the Palestinian people to life and to a fully independent State. He looked forward to further discussion of the issue in the interest of elaborating a work programme in line with the IPU resolutions already adopted on the subject.

**The Governing Council took note of the report of the President on his activities since its 183<sup>rd</sup> session.**

Item 6 of the agenda

**ANNUAL REPORT BY THE SECRETARY GENERAL ON  
THE ACTIVITIES OF THE IPU FOR 2008**

**The Secretary General**, introducing his report, said that it highlighted a relatively new area of activity for the IPU, namely, the promotion of democracy in countries emerging from conflict through assistance to further the role of parliaments in the reconciliation process. The IPU had also continued its long-standing work to promote development, with special emphasis on the establishment of a coherent and broad-based programme of activities in such areas as maternal and newborn health, HIV/AIDS and development financing. As for cooperation between the IPU and the United Nations, the report included details of significant new

measures provided for in General Assembly resolution 63/24 on the subject, which had been adopted in November 2008 with a view to strengthening parliamentary involvement in the work of the United Nations. Human rights and gender equality were among the other areas of IPU activity covered in the report, which also contained information on funding received from voluntary sources. The IPU benefited a great deal from such extraordinary contributions and he encouraged others to follow the example set in that regard by the Canadian, Finnish, Irish and Swedish Governments. As illustrated in the summary of financial statements contained in the report, IPU activities had increased tenfold over the past decade, on which score he paid tribute to IPU Members for the unstinting work that lay behind such tremendous growth.

**Mr. S. Karoui (Tunisia)** said that the IPU had a major role to play in strengthening democracy and pluralism, an area in which further work was still needed. Education was an important tool in building a culture of democracy, particularly among the younger generations, who should also be taught respect for human rights, including those of the more vulnerable members of society. The IPU could also play a useful role in promoting such principles in the interests of improving social integration and relationships in general.

**Mr. Y. Ali Bin Fadil (United Arab Emirates)** suggested that an expert panel should be established to undertake a comprehensive review of IPU projects and assess their effectiveness in strengthening democracy. The costs involved in strengthening human rights centres and the measures taken to build relations with donors should be specified in the interest of obtaining funds for IPU activities and programmes.

**The Secretary General** said that the IPU was among the very few international organizations that now applied results-based budgeting. Efforts were consequently made to set out the objectives of all IPU activities, whether funded from the budget or from voluntary contributions, and to indicate the success achieved in meeting those objectives. The report contained only a summary of the IPU's financial results for 2008; full details of programme results and objectives, including expected accomplishments, indicators of achievements and results achieved, were annexed to the Financial Report and Audited Financial Statements (CL/184/10-R.1), as were details of expenditure by programme and category of expense. While the IPU could be proud of its results, there was still room for improvement. He looked to Members for input on means of establishing yet more precise indicators.

**The Governing Council took note of the annual report by the Secretary General on the activities of the IPU for 2008.**

Item 12 of the agenda

**ACTIVITIES OF COMMITTEES AND OTHER BODIES**

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

**(i) Election of two facilitators**

(CL/184/12(d)-P.1)

**The President** said that two Facilitators for Cyprus were to be elected but that only one candidature had been received, namely, that of Mr. A. Dismore (United Kingdom), whose curriculum vitae was contained in document CL/184/12(d)-P.1. He took it that the Council wished to elect Mr. A. Dismore as a Facilitator for Cyprus.

**The Governing Council elected by acclamation Mr. A. Dismore (United Kingdom) as a Facilitator for Cyprus.**

Item 15 of the agenda

**AMENDMENTS TO THE STATUTES AND RULES**

(CL/184/15-P.1)

*The President* drew attention to document CL/184/15-P.1, which proposed amendments to Articles 4 and 5 of the Statutes. Those amendments, which served to clarify the text of the Statutes relating to the conditions under which a Member might be suspended, had already been approved in principle at the Council's previous session. He took it that the Council wished to approve the amendments, in which case they would be submitted for a decision by the Assembly at its closing sitting.

**The Governing Council approved the proposed amendments to Articles 4 and 5 of the Statutes.**

The meeting rose at 10.10 a.m.

**SECOND SITTING**

**Friday, 10 April 2009**

(Morning)

The meeting was called to order at 10.05 a.m., with Dr. T.-B. Gurirab (Namibia), President of the IPU, in the Chair.

Item 4 of the agenda

(continued)

**QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS**

**(b) Situation of certain Members**

(CL/184/4(b)-P.1 and P.2)

*The President* said that the Executive Committee had examined the situation of two Members, Guinea and Madagascar, in each of which there had been an unconstitutional dissolution of parliament. Condemning as it did any process in which a government was overturned by unconstitutional means, the IPU sincerely hoped that stability and constitutional order would be restored in both countries as swiftly as possible. The Executive Committee recommended the adoption of its proposed decisions to suspend both Members, contained in documents CL/184/4(b)-P.1 and P.2. He took it that the Governing Council wished to adopt those two decisions.

**The Governing Council adopted the decisions to suspend the membership of Guinea and Madagascar.**

*The President* said that that Executive Committee had also examined the situation of three parliaments that were defaulting in their payments to the IPU, namely those of Liberia, Papua New Guinea and Somalia, which had accumulated arrears of over three years in their contributions and were therefore liable for suspension under Article 4.2 of the Statutes. Those

parliaments would be informed that if no payment was forthcoming by the time of the 121<sup>st</sup> Assembly in October 2009, the Governing Council would have no option but to suspend their membership.

Concerning the statement made at the first sitting of the Council, on Monday, 6 April 2009, in which the leader of the delegation of Palestine had voiced his disagreement with the terms under which Palestine had been granted full membership by the Governing Council in October 2008, he said that the Executive Committee had discussed the matter and that he had also consulted extensively with the Palestinian delegation and with the individual members of the Executive Committee. While he fully appreciated the concern of the Palestinian delegation, the latter's wish for the IPU to accept decisions taken by the Palestinian leadership in designating its representative institutions was irreconcilable with the IPU's obligation to apply its own Statutes and Rules. The Executive Committee had therefore confirmed that it was unable to recommend a modification to its decision of October 2008 concerning Palestine's membership of the IPU. He expressed the hope that the Palestinian delegation could accept that situation, failing which it was for the Council to reflect on the issue of the Palestinian representation.

**Mr. T. Quba'a (Palestine)** said that his delegation had no objection to the decision of the Council to amend the Statutes so that any parliament of a territorial entity recognized by the United Nations could become an IPU Member. Its reservation concerned the IPU intrusion in the matter of Palestinian representation, which was not within its remit. In that regard, the IPU had opted to name a body that did not represent the Palestinian people; they were represented by one body alone and his delegation simply wished that fact to be accurately reflected. In other words, it sought deletion of the fourth preambular paragraph of the decision adopted in October 2008 concerning Palestine's membership of the IPU. He requested a vote on the matter.

**Mr. A.A. Gamaledin (Egypt)**, supported by **Mr. A. El Zabayar (Venezuela)**, **Mr. B. Boutouiga (Algeria)**, **Mr. J. Fakhroo (Bahrain)**, **Mr. M. Al Hulwah (Saudi Arabia)**, **Mr. S. Jackou (Niger)**, **Mr. K. Jalali (Islamic Republic of Iran)**, **Mr. Y. Ali Bin Fadil (United Arab Emirates)**, **Mr. L. Daoudi (Morocco)**, **Mr. M. Elforjani (Libyan Arab Jamahiriya)**, **Mr. A.A.-R. Yahya (Yemen)**, **Mr. S. Haddad (Syrian Arab Republic)**, **Mr. K. Ajlouni (Jordan)**, **Mr. M.Y. Abeywardana (Sri Lanka)**, **Mr. S. Karoui (Tunisia)** and **Mr. R. Al-Meadadi (Qatar)**, said that the problem surrounding the issue of Palestine's representation within the IPU was astonishing; it had taken years to reach the point of amending the Statutes to enable Palestine's membership of the Union and it was for the competent Palestinian authority, namely the Palestine Liberation Organization, to decide which body should legitimately represent it within the IPU. That decision should be respected and he therefore fully endorsed the comments of the delegate from Palestine.

**Mrs. E. Papademetriou (Greece)**, supported by **Mr. G. Versnick (Belgium)**, said that she was surprised by the tone of the discussion. Together with her colleagues from her geopolitical group, she had fought over many years for Palestine to be granted IPU membership. Those protracted efforts by the IPU to overcome the legal obstacles to Palestinian membership had ultimately resulted in the amendment to the Statutes, full details of which had been communicated to all delegations, including Palestine, prior to its final consideration and adoption. Notwithstanding the internal difficulties in Palestine, that it should now be called into question after the fact was unfair and unacceptable. Integrity must be maintained and in that light she urged the Palestinian delegation to accept the situation as it

stood until the next meeting of the Executive Committee in May 2010, which was the appropriate forum for further discussion of the matter.

**The President** said that it was not possible to proceed to a vote without following the prescribed procedure. In other words, any proposed amendment must be submitted in writing for consideration by the Executive Committee in the light of the views expressed. Only then could the Committee make a recommendation accordingly for decision by the Governing Council.

**Mr. A. Abdullah (Palestine)** said that his delegation was highly appreciative of the decision to amend the IPU Statutes, with which it agreed fully, and of the decision to admit the Parliament of Palestine as a full Member of the IPU, which it did not seek to change. Its reservation related solely to the letter of clarification subsequently received concerning the latter decision insofar as the fourth preambular paragraph was inconsistent with the amendment to the Statutes. That being so, his delegation's only intention was to seek further clarification concerning the IPU's interpretation of the situation, which was potentially detrimental to the Palestinian cause that it had always championed. As already repeatedly emphasized, moreover, it was the recognized prerogative of a sovereign entity to designate its representative body. His delegation wished nothing more than to pursue its constructive and positive involvement in the IPU, which had already continued for 32 years, and any attempt to misrepresent its current intention was misplaced. He looked forward to a response to his delegation's concern at the next appropriate opportunity in 2010.

**The Secretary General**, speaking by way of explanation, outlined the process that had culminated in the adoption of an amendment to the IPU Statutes designed to pave the way for an application by the Parliament of Palestine for membership of the Union. In accordance with its usual practice, the Executive Committee had considered the subsequent application by Palestine in the light of Article 3 of the Statutes, as a result of which it had formed the opinion that the application fulfilled the necessary criteria, an opinion that was predicated on the three elements set forth in the third preambular paragraph of the decision to admit the Parliament of Palestine to IPU membership. As stated in the fourth preambular paragraph of that decision, however, the Executive Committee also considered that the functioning of the Palestinian Legislative Council was impeded by the current situation in the occupied Palestinian territories and that its participation in the work of the IPU was therefore likely to be best facilitated by the Palestine National Council until such time as that situation became clearer. Such was the basis for its decision.

**The President** concluded the discussion by reiterating that the Council would take a decision concerning the proposed Palestinian amendment only after it had been made available in writing and in all official languages for consideration by the Executive Committee. Until that time, the Council would remain seized of the matter.

**Mr. T. Quba'a (Palestine)** said that his delegation concurred with that approach.

Item 5 of the agenda  
(continued)

**REPORT OF THE PRESIDENT**

**(b) On the activities of the Executive Committee**  
(CL/184/5(b)-P.1)

*The President* said that the Executive Committee had had a very full agenda, with substantial discussions devoted to questions relating to membership and financial questions. It had also resumed its discussion of an IPU environmental policy, the resulting draft of which was annexed to his report on the activities of the Committee (CL/184/5(b)-P.1). Recalling the decision whereby the annual allocation for offsetting the IPU carbon footprint was to be used for environmental projects, he said that the Executive Committee recommended that the allocation for 2008 and 2009 should be used to fund the cost of the IPU contribution to the United Nations Conference on Climate Change, to be held in Copenhagen in December 2009. He took it that the Governing Council wished to approve the draft IPU environmental policy set forth in his report, as recommended by the Executive Committee, as well as the supplementary appropriation in the amount of CHF 80,400 for the purpose mentioned.

**The Governing Council approved the draft IPU environmental policy and the supplementary appropriation for offsetting.**

*The President* said that he had briefed the Executive Committee on his plans to prepare for a Third Conference of Speakers of Parliament, to be held in 2010. In that connection, he had decided to establish a Preparatory Committee of Speakers of Parliament that would hold three meetings before the main event. Invitations to the first such meeting, to be held in Geneva in July 2009, had been sent to some twenty Speakers worldwide. The Committee had also discussed the campaign for the establishment of a Parliamentary Assembly of the United Nations (UNPA), in which regard earlier misgivings had been repeated that such a body would be incompatible with the principle of the separation of powers. The Committee therefore encouraged all Members to continue lobbying against the establishment of a UNPA and agreed that the matter should figure on the agenda of the Third World Conference of Speakers of Parliaments. Lastly, having discussed the procedure for the appointment of a Secretary General on expiration of Mr. A.B. Johnsson's mandate in 2010, the Executive Committee had decided unanimously to endorse a new mandate for Mr. A.B. Johnsson. Its proposal was that the Governing Council should take a final decision through a secret ballot at its next session in Geneva in October 2009. In the event that the proposal was rejected, a competitive process for electing a new Secretary General would be launched immediately after that session.

*Mr. N. Evans (United Kingdom)* suggested that an open selection procedure would be preferable for no other reason than its democratic merit. He therefore proposed a vote on the matter.

*Mrs. M. Mensah-Williams (Namibia)*, supported by *Ms. R. Green (Mexico)*, said that, while respecting that view, it was important to appoint a Secretary General who was sufficiently experienced to steer the ongoing growth of the IPU and provide the IPU President with the necessary support and guidance. The current Secretary General was suitably qualified to continue in that role, as demonstrated by the loyalty and professionalism with which he had diligently served the IPU.

**The President** replied that the Governing Council would take a final decision on the matter at its next session in October. The United Kingdom delegate's reservation would be taken into consideration on that occasion.

**The Governing Council so agreed.**

Item 7 of the agenda

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

**(a) Conference on "Informing democracy: Building capacity to meet parliamentarians' information and knowledge needs"**

(CL/184/7(a)-R.1)

**Mr. D. Dawson (Canada)**, introducing the report on the Conference, said that the one-day meeting in October 2008 had been the third such event co-organized by the IPU and the Association of Secretaries General of Parliaments (ASGP), with the participation of the International Federation of Library Associations and Institutions (IFLA). Attended by some 200 participants, it had identified challenges facing parliaments in the area of access to knowledge and information, which were important means of empowerment. Those challenges included the lack of impartiality and objectivity of information acquired from, *inter alia*, political parties, lobbyists and interest groups; the need for financial resources to recruit suitably trained and impartial parliamentary library and research staff; and the need for such staff to adapt to their increasing role as facilitators of the information process. He looked forward to ongoing collaboration between the IPU, ASGP and parliamentary library and research services.

**The Governing Council took note of the report on the Conference.**

**(b) Annual Parliamentary Hearing at the United Nations on "Towards effective peacekeeping and the prevention of conflict: Delivering on our commitments"**

(CL/184/7(b)-R.1)

**The President**, introducing the report on the Annual Parliamentary Hearing at the United Nations, said that he had opened the Hearing in the company of the Secretary-General of the United Nations and the President of the General Assembly of the United Nations. During the ensuing two days, excellent discussions had been held on matters relating to peacebuilding, conflict prevention and the responsibility to protect. He was particularly pleased that the debate had integrated gender issues and that a panel discussion on sexual violence against women and children in conflict had taken place.

**The Governing Council took note of the report on the Annual Parliamentary Hearing at the United Nations.**

**(c) Seminar on Maternal Health and Child Survival**

(CL/184/7(c)-R.1)

**Ms. C. Gillard (Netherlands)**, introducing the report on the Seminar, said that the IPU, the World Health Organization Department of Making Pregnancy Safer (WHO/MPS) and the Netherlands Parliament had co-organized the Seminar, which concerned Millennium Development Goals (MDGs) 4 and 5. Representing 36 countries worldwide, participants had

shared experiences and concerns to create a parliamentary road map for MDG 5, which was based on the premise that most deaths were preventable through effective joint action. In that context, the pillars to be built included political commitment, an efficient legal framework, financial resourcing and partnerships, the aim being to provide a structure allowing individual progress towards the same objective. Participants had pledged to report back on initiatives taken in their own countries, whether at the next parliamentary meeting on MDGs 4 and 5 to be held in Uganda at the end of 2009 or through an online forum. She concluded by urging all parliamentarians to consider the importance of MDGs 4 and 5 in their own lives and share their conclusions with their counterparts.

**The Governing Council took note of the report on the Seminar on maternal health and child survival.**

- (d) **Parliamentary Hearing at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus**  
(CL/184/7(d)-R.1)

*The President*, introducing the report on the Parliamentary Hearing, said that he had travelled to Doha to chair the Hearing, which had taken place on 28 November 2008. The aim of the Hearing had been to provide parliamentarians with an opportunity to exchange views on some of the salient issues before the Follow-Up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus. On 29 November 2008, he had delivered to the opening session of the Conference the parliamentary Message approved by the Governing Council in October 2008. The IPU was extremely pleased that the Doha Declaration issued at the end of the Conference contained a strong acknowledgement of the role of parliaments.

**The Governing Council took note of the report on the Parliamentary Hearing at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus.**

- (e) **Third Conference for members of parliamentary committees on the status of women and other committees dealing with gender equality**  
(CL/184/7(e)-R.1)

**The Governing Council took note of the report on the Conference.**

- (f) **Regional seminar on "Developing a protective framework for children: The role of parliamentarians to prevent and respond to sexual Exploitation of children and adolescents"**  
(CL/184/7(f)-R.1)

**The Governing Council took note of the report on the Regional Seminar.**

- (g) **Third Regional Conference of women parliamentarians and women in decision-making Positions of the Gulf Cooperation Council (GCC) States**  
(CL/184/7(g)-R.1)

**The Governing Council took note of the report on the Regional Conference.**

- (h) **Regional training seminar on HIV/AIDS for the parliaments of the Southern**



**African Development Community and the East African Community**  
(CL/184/7(h)-R.1)

**The Governing Council took note of the report on the regional training seminar.**

- (i) **Regional seminar on "Promoting women's right more effectively: The role of parliaments and parliamentarians in the West African subregion"**  
(CL/184/7(i)-R.1)

**The Governing Council took note of the report on the Regional Seminar.**

- (j) **One-day parliamentary meeting on the occasion of the 53<sup>rd</sup> session of the United Nations Commission on the Status of Women**  
(CL/184/7(j)-R.1)

**The Governing Council took note of the report on the one-day parliamentary meeting.**

- (k) **Regional seminar for parliamentarians and parliamentary staff from French-speaking African countries on "Towards enhanced regional Parliamentary cooperation with human rights treaty bodies"**  
(CL/184/7(k)-R.1)

**The Governing Council took note of the report on the Regional Seminar.**

- (l) **Regional seminar on "The role of parliaments in promoting peaceful and sustainable societies in South-East Asia"**  
(CL/184/7(l)-R.1)

*Mr. Ngo Anh Dzung (Viet Nam)*, introducing the report on the Regional Seminar, said that the IPU and the Parliament of Cambodia had organized the Seminar, held in Phnom Penh from 9 to 11 March 2009. Attended by some 150 parliamentarians from South-East Asia, the Seminar had constituted part of the IPU efforts to enhance the capacity of parliaments to assume their responsibilities in the context of violent conflict and provided an opportunity for better understanding of conflict resolution. He drew attention to the summary and recommendations of the Seminar, which were annexed to the report.

**The Governing Council took note of the report on the Regional Seminar.**

Item 8 of the agenda

**COOPERATION WITH THE UNITED NATIONS SYSTEM**  
(CL/184/8-R.1 and UNC/3/R.1)

*The Secretary General*, introducing the item, drew attention to document CL/184/8-R.1, which contained a checklist of activities undertaken in cooperation with the United Nations system since the Geneva session of the Governing Council in October 2008. The breadth and depth of that cooperation were apparent from the checklist, which began by outlining the content of General Assembly resolution 63/24 on cooperation between the United Nations and the IPU, adopted on 18 November 2008. The significance of the resolution lay in the fact that it invited closer cooperation between the two, notably in the context of the Peacebuilding

Commission, the Development Cooperation Forum and the Human Rights Council; it called for an annual exchange between the senior leadership for the IPU and the United Nations Chief Executives Board for Coordination (CEB); and it included in the provisional agenda of the sixty-fifth session of the General Assembly an item on cooperation between the United Nations, national parliaments and the IPU. In short, the IPU would have a unique opportunity to demonstrate its strategy for providing a parliamentary dimension to the United Nations. Furthermore, Members' requests for the IPU to focus more on development were now reflected in its work with the United Nations in preparation for the Development Cooperation Forum in 2010, as well as in its MDG-related activities with the United Nations agencies named in the checklist. In that regard, he highlighted IPU's model cooperation with the United Nations Children's Fund (UNICEF) in a wide range of activities.

Turning to the report of the Advisory Group to the IPU Committee on United Nations Affairs on its field mission to Viet Nam (UNC/3/R.1), he first of all expressed his gratitude for all of the tremendous support provided by the Vietnamese National Assembly in that context. The purpose of the mission had been to gather information on the One United Nations reform process in particular and United Nations work at country level in general. The discussions and meetings conducted by the Advisory Group to that end were fully detailed in the report, which also contained valuable conclusions and recommendations worthy of attention by all stakeholders. In short, the mission had brought out the importance of close interaction at country level between the United Nations and national parliaments, which should be formally involved in the relevant decision-making mechanisms in the interest of national ownership.

**The Governing Council took note of the report on cooperation with the United Nations system and of the report of the Advisory Group to the IPU Committee on United Nations Affairs.**

Item 9 of the agenda

**CONSOLIDATION OF THE REFORM OF THE INTER-PARLIAMENTARY UNION**  
(CL/184/9-P.1)

*The President* said that the Executive Committee had considered a number of issues connected with organisation of the second Assembly of the year, held in Geneva, and had referred to the geopolitical groups the questions set out in the paper on consolidation of the reform of the Inter-Parliamentary Union (CL/184/9-P.1). He proposed that the consultation process should continue and that firm proposals should be submitted to the Governing Council in six months' time with a view to their adoption. The Committee had also considered the question of parliamentary organizations and networks and relations between the IPU and the different types of bodies, following which it had agreed that the IPU could do more to strengthen collaboration with those organizations. The suggestion was that they should be invited to a debate at the next meeting of the IPU Committee on United Nations Affairs in order to discuss their relationship and cooperation with the United Nations.

A further issue of discussion had been the role of the Vice-Presidents, which had led to agreement that one of the six Vice-Presidents should also act as Vice-President of the Committee, in accordance with Rule 5.2 of the Rules of the Executive Committee. The Committee had noted that the function of the six Vice-Presidents was to assist the President, who would assign tasks to them as he saw fit. Primarily, the President would ask the Vice-Presidents to represent him in their own region or at events organized by the IPU or to which the IPU had been invited. The President could also assign tasks to the Vice-Presidents in specific subject areas.

**The Governing Council took note of the paper on consolidation of the reform of the Inter-Parliamentary Union.**

Item 10 of the agenda

**FINANCIAL RESULTS FOR 2008**

(CL/184/10-R.1, R.2 and R.3)

*The Secretary General*, introducing the item, said that it was clear from the Financial Report and Audited Financial Statements (CL/184/10-R.1) that the IPU had not been immune to the economic and financial crisis sweeping the world. There had, for instance, been unforeseen savings on expenditures in United States dollars but losses on holdings in euros and on investments. Operating revenues over the year had exceeded expenditures, however, while the working capital fund had been reduced by some CHF 700,000 owing to actuarial losses from the legacy pension fund. He drew attention to the analysis of expenditures by object of expenditure and in particular to the gender analysis of expenditures, which showed that gender-specific allocations had increased in nominal, real and relative terms in comparison with 2007 and earlier. Also to be noted were the funds set aside in the context of the IPU's efforts to be environmentally responsible. The relatively new practice of extensive results-based budgeting was to the IPU's credit, with programme results that showed expected accomplishments and indicators of achievement. The evidence was that the IPU performed very well as an institution. It had made steady progress towards becoming a truly universal organization by continuing to increase its membership, which currently comprised 154 parliaments. A further objective to which he drew attention was that of accomplishing a more balanced participation of men and women and mainstreaming of gender in all IPU activities. As shown by the results, steady progress had been achieved in 2008, although more remained to be done. Overall, the report laid a wealth of information at the disposal of Members.

Presenting the report on the financial situation of the Union at 28 February 2009 (CL/184/10-R.3), he said that IPU assets and financial resources continued to be affected by the erratic swings in currency values. Other negative factors were low or non-existent yields on investments, collapsing equity values and national fiscal restraints. Fortunately, the IPU had a healthy cash balance of CHF 10.8 million, which guaranteed its functioning for the remainder of 2009. As for revenues, assessed contributions had been higher than budgeted owing to the affiliation of new Members. It would not be surprising, however, if cash receipts decreased and arrears increased during 2009, in which case it would be necessary to find ways of compensating for the losses entailed. Expenditures in January and February 2009 had been below budget in all departments, with one exception only, as a result of vacant staff positions and under-expenditures. Funding for forthcoming activities unforeseen in the budget, including parliamentary input at the United Nations Conference on Climate Change and a world opinion survey for the International Day of Democracy, was currently being identified within the overall appropriations already approved. The impact of currency-exchange rates on spending for the rest of 2009 was less certain, given the tremendous cost implications that a stronger United States dollar had for IPU operations outside of Europe. Adequate management systems were in place, however, to keep operating expenditures within the approved limits. The operating income and expenses to date were annexed to the report, together with details of unpaid contributions. He expressed gratitude to those Members having recently paid their contributions and urged those with contributions still outstanding to follow the example of Congo, which had paid its contribution only the day before.

**Mr. H.-J. Fuchtel (Germany)**, introducing the report of the Internal Auditors (CL/184/10-R.2), said that he and his colleague, Mr. P.C. Appiah-Ofori of Ghana, had identified shortcomings during their task of auditing the IPU's financial results for 2008. Given that IPU's total operating income of CHF 14.6 million allowed only small margins for change, savings opportunities must be sought. Currently, three cost risks to the IPU were of particular concern: the loss of reserves as a result of the pension fund liability; the contingent liability of reimbursement of income tax paid by IPU staff members to the French authorities; and potential arrears in contributions. The principle of examining the regularity of financial expenditure was deemed no longer sufficient, meaning that the soundness of financial management had also been examined to reveal that some areas of expenditure demanded a critical review in the interests of economy.

The first such area entailed travel costs. In particular, those incurred by the Secretary General during six months of travel amounted to CHF 100,000, in addition to which he received a daily subsistence allowance (DSA) that was 40 per cent higher than the standard rate. As detailed in the report, for example, his Manhattan hotel charges in September 2008 stood at US\$ 525 a night, whereas cheaper hotels were available in the same area. It was a question of public money and the Internal Auditors recommended that staff on official IPU business should in future choose hotels priced within the already generous DSA limit applied by the United Nations. The second area involved the current practice of using for private purposes air miles accrued during official IPU travel. The Internal Auditors recommended that such air miles should in future be used by the IPU, which in so doing could save tens of thousands of Swiss francs. In that regard, he added that parliamentarians might also wish to promote such initiatives within United Nations organizations.

The third area in need of review was that of project implementation. First, the balance should be redressed between the official business travel of the Secretary General and that of the President, who was the IPU's key political representative. The many more frequent absences of the Secretary General could impede the full and efficient discharge of his functions. The Internal Auditors therefore urgently recommended that he should focus more attention on management, although they expressly acknowledged the improvements made in that direction since the issue was first raised in 2007. They also agreed with the External Auditor that more must be done to ensure that competitive bidding was a mandatory part of the procurement process. The Secretary General should also be more closely involved in ensuring that projects were not so overly ambitious that they could not be satisfactorily implemented. The budget for voluntary contributions, for instance, was set unrealistically high. Budget estimates should be matched with the available resources, failing which projects could expire and funding may have to be returned, which would reflect badly on the IPU. A case in point was the Canadian contribution for reconciliation efforts, of which barely one-fifth had thus far been used.

The Internal Auditors were convinced that the IPU could improve its efficiency if it acted on the conclusions articulated in their report, which they hoped would be followed up by their successors, particularly in the area of sound financial management. Their assessments had perhaps been unusually direct but had been made with the best possible intention, namely, the successful management of the IPU and its assets.

**The President** remarked that parliamentarians, who were expected to be scrupulous, should take steps to ensure that the same strict standards of accountability were applied when discussing their own national budgets at home.

**The Secretary General** expressed his full agreement with the principle of critical examination and openness. Responding to the comments made, he said that his travel on behalf of the IPU was conducted in accordance with the relevant United Nations rules and

regulations, which were moreover reflected in the contract he had signed with the IPU. Concerning the pension fund liability, he recalled that the IPU's enormous actuarial deficit had been very substantially reduced when the IPU had joined the United Nations Joint Staff Pension Fund in 2005. Another consequence of that action was that the IPU had also been required to join the United Nations system of salaries, allowances and benefits. Any references to highly paid managers should therefore be read in that context. He saluted IPU staff, in particular the Director of the Division of Support Services, for their tremendous efforts to improve the IPU's system of financial management.

As for air miles accumulated during the course of official travel, they currently remained available for personal use, as in the case of air miles accumulated by United Nations staff. He confessed that he often used such air miles for upgrade purposes, which enabled him to sleep when travelling overnight on IPU business from one continent to another. Concerning accommodation, Manhattan hotel costs had more than doubled in recent years following the introduction of a new practice whereby room charges were dramatically increased to coincide with the General Assembly of the United Nations. His chosen hotel in Manhattan remained one of the cheapest available during that period. Nevertheless, he would endeavour to find a more economically priced hotel for his next visit to New York. He begged to disagree with the comments concerning the need to redress the imbalance between the amount of travel done by himself and the President, as well as the need for him, as a highly paid manager, to devote more attention to project management. He was responsible for the overall functioning of the IPU but he was not paid to oversee the implementation of projects, which was the job of trained project managers.

With regard to the comments on budgets, he recalled the long-term strategy introduced three years earlier for the funding of projects from extrabudgetary sources. The progress thus far achieved in that regard had been impressive, but time was needed to build up funding from the donor community. Budget discrepancies therefore remained between Member-funded and donor-funded activities. Time was also needed to train the requisite staff. As for the issue of realistic budgeting, it would be addressed when discussing the budget for 2010. He welcomed the internal audit as a healthy exercise in transparency. Mindful of his responsibility to IPU Members and unlike many others in his position, it was his practice to circulate the internal management letter. Members therefore had all the facts before them, which was as it should be.

**The Governing Council took note of the three reports pertaining to the financial results for 2008.**

Item 11 of the agenda

**ACTION BY THE IPU TO STRENGTHEN DEMOCRACY  
AND PARLIAMENTARY INSTITUTIONS**

(CL/184/11-R.1 and P.1)

**Mr. M. Chungong, Director of the IPU Democracy Division**, introducing the report on IPU activities to strengthen parliaments and democracy (CL/184/11-R.1), said that the democracy work carried out in 2008 and 2009 had focused on strengthening parliaments, defending human rights, promoting gender partnership in politics and setting standards on parliaments and democracy. Numerous activities to that end had been carried out to assist parliaments, including in post-conflict environments, in such areas as national reconciliation, standards for integrity and management of development assistance. Various projects relating to human rights had been completed or were under way and data on the participation of women in politics continued to be recorded. Capacity-building activities for such women were also

continuing, with a particular emphasis on the Arab and Asia-Pacific regions. A very useful self-assessment toolkit for parliaments had been published and the IPU was fully willing to assist any parliament wishing to implement it. It also appealed for assistance in obtaining data required in the context of a new project on the representation of minorities and indigenous peoples. An updated version of the guidelines for parliamentary websites had just been issued, taking into account the latest developments in information technology. In conclusion, he expressed gratitude for the indispensable support received from parliaments for the implementation of IPU's activities in the field of strengthening parliaments and democracy.

**The Governing Council took note of the report on IPU activities to strengthen parliaments and democracy.**

*The Secretary General*, introducing a document containing proposals for activities to mark the International Day of Democracy 2009 (CL/184/11-P.1), recalled the important role played by the IPU in the establishment of that occasion as an annual event. Indeed, the date of the annual celebration was symbolic of that role, coinciding as it did with the anniversary of the adoption of the IPU Universal Declaration on Democracy on 15 September 1997. It also provided an opportunity for parliaments to reaffirm their essential role and strengthen dialogue with citizens, especially young people, with whom such dialogue was fundamentally important but difficult to sustain.

By way of inspiration, he presented a slideshow depicting various youth activities organized in 2008 by Parliaments in Afghanistan, Greece, the Maldives, South Africa and Uruguay. Also depicted were some of the IPU activities that had marked the Day in 2008, including a panel discussion on challenges to democracy, which in a new departure had been webcast live, and an exhibition of political caricatures on the theme of democracy. The IPU had also produced posters and brochures for parliaments and created an information section on its website covering parliamentary events, which was regularly updated. He looked forward to ever bolder and broader parliamentary initiatives to mark the Second International Day of Democracy, to which end the IPU had identified the theme of political tolerance, a central tenet of democracy that was essential to the functioning of parliaments. Its own activities on that theme would include a 22-country survey of public attitudes to democracy, a study on the imperative mandate and political party control of its Members and the production of posters and an information kit on political tolerance. Over 50 parliaments had celebrated the First International Day of Democracy and he expressed the hope that more would do so in 2009.

*The President* added that the Namibian Parliament had been among the parliaments to have organized an event to commemorate the First International Day of Democracy.

**The Governing Council took note of the proposals for activities to mark the International Day of Democracy 2009.**

Item 12 of the agenda  
(continued)

**ACTIVITIES OF COMMITTEES AND OTHER BODIES**

**(a) Meeting of Women Parliamentarians**  
(CL/184/12(a)-R.1 and R.2)

*Mrs. S. Minale* (Ethiopia), introducing the report on the Meeting of Women Parliamentarians (CL/184/12(a)-R.1), said that some 100 women parliamentarians from

78 countries had participated in the Meeting, held on 5 April 2009. Among the many issues discussed was that of *climate change, sustainable development models and renewable energies*, with a focus on its gender-related aspects. Given the differentiated consequences of climate change for women, emphasis was placed on the need for more gender-sensitive policy-making in that area. To that end, several amendments to the draft resolution of the Second Standing Committee on the subject had been proposed and mostly accepted for incorporation in the final version. A dialogue session for men and women had also been convened to debate the gender dimensions of the economic and financial crisis, which had entrenched and reinforced gender gaps, with potentially dramatic consequences for women. The Meeting therefore welcomed the inclusion of that subject on the agenda of the IPU Parliamentary Conference on the global economic crisis, to be held in May 2009. It was regrettable, however, that so few men had attended the session and she urged male colleagues to participate in future in the interest of more interactive and inclusive discussions. Speakers at the Meeting had included Ms. Azeba Mesfin, First Lady of Ethiopia, who had delivered a keynote address. The Meeting had subsequently heard the findings of the IPU annual report on the results for women of parliamentary renewals during 2008, which showed upward trends in women's access to parliament. Progress was nevertheless slow; women accounted for fewer than one in five parliamentarians.

**The Governing Council took note of the report on the Meeting of Women Parliamentarians and of the report on a panel discussion on "Adolescent girls: The girls left behind? Addressing discrimination and promoting their well-being".**

*The meeting rose at 1 p.m.*

### **THIRD SITTING**

**Friday, 10 April 2009**  
(Afternoon)

The meeting was called to order at 2.40 p.m., with Dr. T.-B. Gurirab (Namibia), President of the IPU, in the Chair.

Item 12 of the agenda  
(continued)

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

**(b) Committee on the Human Rights of Parliamentarians**  
(CL/184/12(b)-R.1 and R.2)

**Mrs. S. Carstairs (Canada)**, after expressing gratitude to those delegations that had taken the time to exchange views with the Committee or provide information in writing, said that during the current session the Committee had examined 67 cases in 32 countries affecting 289 parliamentarians. It had held nine meetings with official delegations and also met with the victims or their representatives in six of those cases. The resolutions submitted for approval by the Governing Council concerned the cases of 238 parliamentarians in 19 countries around the world. Four of them were presented for the first time.

Cases to which particular attention was drawn

**PALESTINE / ISRAEL**

In recent weeks, there had been much talk about a prisoner exchange in Israel. The Committee understood that it would concern the members of the Palestinian Legislative Council (PLC) whose cases it was currently examining. For the time being, however, they were still in detention.

The first case was that relating to over 30 PLC members who had been elected in the January 2006 elections on the Hamas Change and Reform list. They had been arrested shortly after the capture of Israeli soldier Gilad Shalit in a cross-border attack on Israeli military installations and accused of membership of a terrorist organization, namely Hamas, and of exercising an activity on its behalf and providing services to it. Most had since been found guilty and sentenced to an average of 40 months' imprisonment, including Speaker Dweik, who had been sentenced to only 36 months' imprisonment owing to his poor state of health. They were people who, like Council members, had stood in the elections because they wanted to bring change, in their case to the lives of Palestinians. They were not criminals. The judgments handed down on them confirmed that they had in fact been found guilty of having been elected on the Change and Reform list, which for Israel was the same as Hamas, and of having exercised their mandate on its behalf. The Committee pointed out that Israel was undoubtedly aware of and accepted the participation of Hamas in the election. It therefore considered that the arrest, detention and prosecution of the PCL members were politically motivated and hence arbitrary. Consequently, it called on the Israeli authorities to release them forthwith.

The Committee was particularly dismayed by the practice of administrative detention in Israel, which authorized the Israeli authorities to arrest individuals at any time without charge and to keep them in jail indefinitely. In the Committee's view, that practice made judicial proceedings farcical, since people could be arrested upon their acquittal or after having served their sentence, which had happened in the case of many of the parliamentarians concerned. For example, Mr. Abduljaber Al-Fuqahaa had been found not guilty because the prosecution had been unable to prove that he had been elected on the Change and Reform list. He had, however, been placed in administrative detention on 1 January 2009.

The Committee was also disturbed by the extremely limited visiting rights of family members and the arbitrary way in which permits for family visits were granted or denied. It happened that family members obtained permits but were refused the visit when they arrived at the prison gates. Many of the parliamentarians concerned had not seen their wives for a long time and their children not at all. Mr. Barghouti's mother had died two years earlier without having seen her son again. The Committee called on Israel to abide by the rules laid down in the Standard Minimum Rules for the Treatment of Prisoners, which provided for regular family visits.

When the negotiations regarding the release of Gilad Shalit failed, the Israeli authorities had arrested four additional Change and Reform parliamentarians and many others. The rights of political prisoners were restricted, which in the Committee's view was further evidence that their treatment was politically motivated and arbitrary in the extreme.

As the Council was aware, the case of the Change and Reform PLC members was not the only one under examination by the Committee. It continued to press its plea for the transfer of Mr. Barghouti to the Palestinian authorities. It had learned with dismay of the sentencing, on 25 December 2008, of Mr. Ahmed Sa'adat to 30 years' imprisonment for being the leader of the Palestinian Front for the Liberation of Palestine (PFLP), and of his placement in solitary confinement. The Committee again deplored not only the verdict but also the conditions of his detention.



The Palestinians had certainly not voted for a parliament of which one third was in detention and which could consequently not work properly. Nor was that a situation conducive to the peace process. The Committee therefore urged a change in that situation.

**The Governing Council unanimously adopted the four draft resolutions relating to the case of Mr. Marwan Barghouti, to the case of Mr. Ahmad Sa'adat, to the cases of the 33 parliamentarians from Palestine and to the case of Dr. Abdel Aziz Dweik which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>1</sup>**

## AFGHANISTAN

The Committee had hoped to report good news about Ms. Malalai Joya, a member of the Lower House of the Parliament of Afghanistan. Ms. Joya, a well-known human rights defender, had seen her parliamentary mandate suspended on 21 May 2007 for what the House considered insulting remarks she had made on television about several fellow parliamentarians. The Committee believed that Ms. Joya's continuing suspension, which had now lasted almost two years, was both unlawful and out of place. In October 2008, the Deputy Speaker had told the Committee that her mandate should be fully restored and that he would do his best to make that happen. However, Ms. Joya was still not back in Parliament. The Committee therefore called on the Parliament to allow her as quickly as possible to take her place again. At the same time, it hoped that the parliamentary authorities and Ms. Joya could soon sit down to discuss her return, and it considered that the responsibility for organizing this meeting rested with both parties.

The Committee also remained deeply concerned by the death threats against Ms. Joya, who had already been the target of several attempts on her life. While it recognized the volatile security environment in Afghanistan, it stressed that the authorities had the obligation to do everything in their power to identify and bring to justice those behind the threats against Ms. Joya and against other parliamentarians.

**The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Malalai Joya which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>2</sup>**

## COLOMBIA

A new case was that of Senator Galan Sarmiento, although the situation concerned was not new. Almost twenty years earlier the Senator, a presidential candidate likely, according to some, to win the elections, had been murdered. It was the denunciation of the widespread infiltration of the drug-trafficking mafia into politics that had cost him his life. Some of the perpetrators had been sentenced, but the big fish, the masterminds, had not. Recent revelations pointed to a former Director of the same Colombian state security agency previously mentioned, along with high-profile politicians, as the alleged instigators. Only four months remained before the statute of limitation would make it impossible to act on those new pieces of information. The Committee therefore urged the Colombian judicial authorities to make the case an absolute priority and see to it that full justice was done.

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<sup>1</sup> See Annexes III to VI for the texts of the resolutions.

<sup>2</sup> See Annex VII for the text of the resolution.

**The Governing Council unanimously adopted the draft resolution relating to the case of Senator Luis Carlos Galan Sarmiento which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>3</sup>**

#### **EGYPT**

One year earlier, the Committee had submitted to the Governing Council the case of Mr. Ayman Nour. Mr. Nour, founder of the opposition Al-Ghad party, was serving a five-year prison term after being found guilty in December 2005 of forgery and counterfeiting for the purpose of registering his party. She was pleased to inform the Council that on 18 February 2009 he had been released on health grounds. The Committee had been grateful for the continuous cooperation in the case from the Speaker of the People's Assembly of Egypt. It was confident that Mr. Nour would be able to resume his place in the political life of his country and proposed to close the case, while none the less regretting the proceedings brought against him.

**The Governing Council adopted the draft resolution relating to the case of Mr. Ayman Nour which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>4</sup>**

#### **ERITREA**

The case of 11 parliamentarians in neighbouring Eritrea defied imagination. They had been held for almost eight years without any contact with the outside world and without having ever been formally charged. Their only "mistake" had been to call for democratic reforms in Eritrea. The Committee was appalled that the Eritrean authorities continued to remain completely deaf to the pleas by the IPU and by the African Commission on Human and Peoples' Rights for their immediate release. The Committee also believed that the international community could and should do much more to bring the necessary pressure to bear on the Eritrean authorities. The Committee therefore put out an urgent appeal, especially to its African colleagues, the African Union, the African Parliamentary Union and the Pan-African Parliament, to do their utmost in that regard.

**The Governing Council unanimously adopted the draft resolution relating to the cases of 11 members of the Parliament of Eritrea which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>5</sup>**

#### Other cases pending before the Committee

#### **BANGLADESH**

Some positive developments had occurred in the investigations into the grenade attacks in January 2005 on Mr. Shah Ams Kibria, a former Finance Minister of Bangladesh, which had claimed his life, and in August 2004 on Ms. Sheikh Hasina, the opposition leader at the time, who had been more fortunate. New authorities had recently been sworn in and were committed to the pursuit of justice in those cases. That was all the more essential as initially the course of justice had been intentionally and seriously thwarted, including by allegedly forcing confessions out of suspects through torture. The authorities were now taking action to

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

<sup>4</sup> See Annex IX for the text of the resolution.

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

punish the State officials responsible. The Committee was confident that the new Parliament would keep a close watch on the proceedings and looked forward to receiving more details on the investigations under way.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Shah Ams Kibria and to the case of Ms. Sheikh Hasina which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>6</sup>**

### **BELARUS**

There was no news to report on Mr. Gonchar, a prominent opposition politician in Belarus who had disappeared, together with his friend Mr. Krasovsky, more than nine years ago and had still not been found. In 2004, the Parliamentary Assembly of the Council of Europe, on the basis of a thorough inquiry, had concluded that steps had been taken at the highest State level to cover up the real circumstances of the disappearances. The investigation by the authorities had remained at a standstill even though a number of essential points, if fully investigated, could help shed more light on the circumstances and motives of their disappearances. The Committee had a long history of dialogue with the Parliament of Belarus and continued to impress upon the parliamentary authorities the need for that to be done and for the investigation to be given new impetus.

In addition to the Council of Europe and the IPU, the case of the disappearances would now also be examined by the United Nations, through its Human Rights Committee which had recently declared admissible a petition by Mrs. Krasovsky, the wife of Mr. Gonchar's friend who had disappeared with him. The Committee would of course inform its United Nations counterpart of its work.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Victor Gonchar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>7</sup>**

### **BURUNDI**

The Committee had been dealing with two long-running cases in Burundi relating to the murders of six parliamentarians and attempts on the life of another, all of which had taken place in the 1990s. It was convinced that in the pursuit of long-term reconciliation, the envisaged Truth and Reconciliation Commission and the Special Criminal Chamber could make a crucial contribution to shedding full light on those cases and punishing the culprits. The Committee hoped that those institutions would be promptly established and start their work. Until then, the Committee proposed to suspend the examination of those cases.

Another case was that of the 22 expelled parliamentarians, four of whom had been subjected to criminal proceedings. The Committee continued to believe that their expulsion took place for practical political reasons and was not firmly grounded in law. The Committee acknowledged the commitment of the Parliament of Burundi to democracy-building and was confident that the Parliament's continued cooperation with the IPU in support of political dialogue would serve to solve the concerns that had arisen in that case to avoid any repeat of them. It recommended that the protection of the parliamentary mandate and the right to freedom of expression be raised in the context of the cooperation between the Parliament and the IPU and the review of the Constitution currently under way.

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<sup>6</sup> See Annexes XI and XII for the texts of the resolutions.

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

The Committee remained concerned by the situation of the four parliamentarians who had been subjected to criminal proceedings, such as in the case of Mr. Nkurunziza, who had been detained since November 2008 without being officially charged. There were concerns about the proceedings in the case of Mr. Mpawenayo, including allegations that confessions had been obtained under torture. In the case of Mr. Radjabu, who was serving a 13-year prison sentence for having been found guilty of an attempted coup d'état, the Committee was concerned about the proceedings against him for the first time. A major concern was that the testimonies of his main co-accused, along with that of key witnesses, had been obtained under torture. The Committee was pleased that those abuses were now being investigated but was extremely concerned that the testimonies obtained under torture had not been discarded at first instance. Mr. Radjabu's appeal was now under deliberation by the Court and the Committee hoped to have precise information from the authorities on each of those concerns.

A second situation presented for the first time concerned a series of grenade attacks in 2007 and 2008 targeting eight opposition parliamentarians, including four of the dismissed parliamentarians. Only in one case had the alleged culprit been apprehended. At the beginning of the investigation, the authorities had focused on the parliamentarians themselves as the possible masterminds of the attacks, which had lessened the chances of obtaining justice since precious time was lost. Later on, the authorities had reported progress in the investigation when in fact there had been none. The Committee therefore called on the authorities to do everything in their power, as was their duty, not to let the attacks go unpunished.

**The Governing Council unanimously adopted the four draft resolutions relating to the case of Mr. S. Mfayokurera, Mr. I. Ndikumana, Mr. G. Gahungu, Ms. L. Ntamutumba, Mr. P. Sirahenda and Mr. G. Gisabwamana, to the case of Mr. Norbert Ndiwokubwayo, to the case of eight members of the Burundi Senate and to the case of the further 22 members of the Burundi Senate which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>8</sup>**

## COLOMBIA

The Committee had once dealt with the situation of six former Congress members, all held by Colombia's main guerrilla group, the Revolutionary Armed Forces of Columbia (FARC). Following the release of five of those members in the first half of 2008, the case of Mr. Lizcano remained. The good news was that he had been able to escape from a FARC camp in October 2008 and regain his freedom. The case could therefore finally be closed.

In the case of the parliamentarians belonging to the Patriotic Union party who had been assassinated or forced into exile, the Inter-American Commission had already, with respect to one parliamentarian, adopted an unambiguous report which echoed the Committee's own consistent concerns about the lack of any determined effort by the State of Colombia to solve that murder. The Committee had asked it to take all necessary action to ensure that the report was implemented and it would continue to follow the proceedings before the Inter-American Commission and Court.

The case of Mr. Wilson Borja raised many serious concerns. An attack on his life had taken place in 2000. It now appeared that the former Head of the Colombia's State security agency may have played an indirect role in that attack. Recent revelations about that agency not only showed that it was wilfully and repeatedly undermining the rule of law; they also lent weight to the allegation that the opposition in Colombia was being intentionally targeted, including through illegal means. That was also why the prosecution of Mr. Borja – a

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<sup>8</sup> See Annexes XIV to XVII for the texts of the resolutions.

long-standing facilitator of peace – for alleged links with FARC took on particular significance. It was absolutely essential that his rights were fully respected in the proceedings and that no one labelled him guilty before justice had taken its course. Lastly, the Committee again urged the authorities to remedy his failing security detail.

Another case was that of former congressman Jorge Tadeo Lozano. Although the first concern of the Committee had centred on the fundamentally flawed proceedings to which he had been subjected at the time, the Committee had become increasingly concerned about his security and that of his family. In July 2008, his son had been shot dead on the streets of Medellín. Some days earlier, the suspected main culprit had been arrested. The Committee trusted that a trial would soon be held and that Mr. Lozano and his family would be afforded adequate protection.

**The Governing Council unanimously adopted the four draft resolutions relating to the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa, Mr. Manuel Cepeda Vargas and Mr. Hernán Motta Motta, to the case of Mr. Oscar Lizcano,, to the case of Mr. Jorge Tadeo Lozano Osario and to the case of Mr. Wilson Borja, all of which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>9</sup>**

#### DEMOCRATIC REPUBLIC OF THE CONGO

The Committee recalled the case of 13 persons who had all been declared elected in the first multiparty elections of July 2006 in the Democratic Republic of the Congo. However, almost a year later the Supreme Court, in a judgment marred by serious irregularities, had invalidated their mandates.

The National Assembly had from the outset denounced the arbitrary invalidation but, for the sake of not disrupting the constitutional order any further, it preferred not to go against the Supreme Court's rulings. Instead it had stated its readiness to repair the injustice. In consultation with the President of the Republic, the Parliament had now put a concrete offer on the table and the Committee was confident that both sides would soon be able to reach an acceptable compromise. The Committee hoped to be able to report further on the matter in October 2009.

**The Governing Council unanimously adopted the draft resolution relating to the case of 13 members of the Parliament of the Democratic Republic of the Congo which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>10</sup>**

#### ECUADOR

Fifty-six members of Parliament, more than half of its membership, had been dismissed in March 2007, in breach of the Constitution of Ecuador and on account of votes they had cast in the exercise of their parliamentary mandate. Shortly after the dismissal, some of them had been replaced by their substitutes. However, for some time the 56 dismissed members had continued to meet in hotels in Quito, claiming to be the legitimate Congress. Criminal proceedings to punish some of them for that had been subsequently formulated. Those proceedings, though not actively pursued, were still on the table. The Committee sincerely hoped that they would be dropped once and for all. It also trusted that, should they so wish, each of the 56 dismissed parliamentarians could stand in the parliamentary elections in Ecuador at the end of April 2009.

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<sup>9</sup> See Annexes XVIII to XXI for the texts of the resolutions.

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

Turning to the other, long-standing case in Ecuador concerning Mr. Hurtado and Mr. Tapia, who had been shot dead in February 1999, two culprits had been sentenced to 16 years' imprisonment. A major new development was that the alleged main perpetrator had been arrested three months earlier in the United States of America and had hopefully in the meantime been extradited to Ecuador to stand trial. That would certainly be a breakthrough in this case, in which the masterminds had still not been identified. Trial proceedings against Mr. Aguirre would offer a fresh and final opportunity for the conclusions by the Special Commission of Inquiry set up to shed full light on the murder, including the motive, to be duly taken into account in court. The Committee hoped to be able to tell the Council more about that in October 2009.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Jaime Ricuarte Hurtado González and Mr. Pablo Vicente Tapia Farinango, and to the case of the 56 members of the National Congress of Ecuador, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>11</sup>**

### IRAQ

It was with great concern that the Committee presented for the first time the case of a member of the Iraqi Parliament, Mr. Al-Dainy, who had disappeared close to Baghdad airport on 25 February 2009. On that day, Mr. Al-Dainy had been on a plane bound for Amman which was turned back in mid-air to Baghdad. According to the authorities, Mr. Al-Dainy had agreed not to leave the country as he was accused, among other things, of responsibility in the suicide bombing of the cafeteria of Parliament in 2007. After Mr. Al-Dainy had been ordered to disembark from the plane, the State officials had been unable to show that his parliamentary immunity had been lifted and therefore could not actually arrest him. Mr. Al-Dainy had left the airport together with two fellow parliamentarians. The authorities believed that he had subsequently escaped, possibly to Jordan, to evade the charges. The source believed that Mr. Al-Dainy must have been apprehended by government forces and that the chances of his being free were virtually nil. According to the source, Mr. Al-Dainy had been very critical of the treatment of prisoners and detainees in Iraq, which was not much appreciated by some in power, and affirmed that the accusations against him had been based on confessions obtained under torture.

In any event, the fact of the matter was that Mr. Al-Dainy had disappeared on 25 February 2009 and had not been seen since. The Committee called on the authorities, including Parliament, to make every effort to establish his whereabouts and would like to know what was being done in that respect. At the same time, the Committee expressed concerns about the way in which his parliamentary immunity had been lifted later that day, on 25 February 2009, and would like to know more about the precise accusations and evidence against Mr. Al-Dainy.

**Mr. J. Al-Hameedawi (Iraq)** said that the circumstances surrounding Mr. Al-Dainy's case had been fully reported in the Iraqi media and were public knowledge. Mr. Al-Dainy had been accused of various crimes, such as carrying out bombings and murders, fuelling sectarian tension and counterfeiting arrest warrants. With a view to his prosecution for those crimes, the Iraqi Parliament had voted by an absolute majority, including members of his own political bloc, to lift his parliamentary immunity. His plane had been turned back when it transpired that the vote was to proceed, but he had disembarked before the outcome was known,

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<sup>11</sup> See Annexes XXIII and XXIV for the texts of the resolutions.

meaning that he could not be arrested. Accompanied by two fellow parliamentarians, he had been driven by private car to an area outside Baghdad, where he had got into another waiting car after having made some telephone calls. In other words, he had not disappeared at the hands of any Iraqi authority but had fled the country to escape justice, which was clear from the evidence. First, his two colleagues had stated in a press conference held that same evening that they had dropped him off in the area mentioned. Secondly, as a result of his wide contacts with the United States Congress, Mr. Al-Dainy was well known to the United States authorities, who were in charge of Iraqi prisons. It was therefore highly improbable that he could be imprisoned in Iraq without their knowledge. Thirdly, if he had been imprisoned, the Iraqi authorities would not have requested that he be tried *in absentia*, which they had done only four days prior to the current meeting. Furthermore, claims that members of Mr. Al-Dainy's family had been detained and their homes searched were untrue, as were the various other rumours surrounding his disappearance.

It was therefore extremely surprising that the IPU should fight the cause of Mr. Al-Dainy rather than concerning itself with his victims. The Iraqi authorities conducted their business in full transparency, as did the Iraqi Parliament, and the Iraqi judiciary was fully independent. None of their actions should therefore be called into question. Iraq was a modern and transparent democracy and proud of it.

**The Governing Council adopted the draft resolution relating to the case of Mr. Mohammed Al-Dainy which had been submitted to it by the Committee on the Human Rights of Parliamentarians.**<sup>12</sup>

#### LEBANON

In March 2008, the Special Tribunal for Lebanon, based in the Netherlands, had started its work to dispense justice in the case of the murder of former Prime Minister Hariri. It was possible that in future one or more of the four cases of murdered parliamentarians before the Committee might also come under the jurisdiction of the Tribunal. Until then, it was the responsibility of the Lebanese judicial authorities actively to pursue justice in those files. The Committee trusted that the Parliament of Lebanon would take an active role in monitoring those efforts and would keep it regularly informed.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Gibran Tuani, Mr. Walid Eido, Mr. Antoine Ghanen and Mr. Pierre Gamayel which had been submitted to it by the Committee on the Human Rights of Parliamentarians.**<sup>13</sup>

#### MONGOLIA

Mr. Zorig had been murdered more than ten years earlier. The Committee's efforts had for some time centred on arranging the kind of technical assistance that would help the Mongolian authorities in their investigation. In response to an official request from Mongolia, the German authorities, thanks in large part to the intervention of the German Parliament, had provided such assistance in 2008 and conducted an analysis of certain pieces of evidence. Hopefully, the Japanese would likewise soon provide their expertise, which, together with the recent decision of the Mongolian Parliament to re-establish a parliamentary working group, could only increase the likelihood that Mr. Zorig's murder would finally be elucidated.

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

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

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Zorig Sanjasuuren which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>14</sup>**

#### **MYANMAR**

The case in Myanmar was very frustrating. There was no clear sign that the repression of political activity was lessening. In fact, two parliamentarians-elect had recently received harsh prison sentences for writing to the Secretary-General of the United Nations declaring their opposition to the scheduled 2010 elections and expressing concern about the United Nations stance on Myanmar.

The Committee believed that Myanmar was at a crossroads. In 2008, the authorities had ensured that a new Constitution was adopted by referendum, through a process that was completely controlled by the military and allowed for no free exchange of views. Not surprisingly, the Constitution provided sweeping and overriding powers for the military.

The Committee insisted that the only viable way forward was for the military regime to engage in a genuine dialogue with Aung San Suu Kyi, and with all concerned parties and ethnic nationality groups, and to accept their proposal to set up an inclusive commission to review the Constitution. The Committee appealed to the international community and the Member parliaments of the IPU, in particular China and India as neighbouring countries, and the Association of Southeast Asian Nations (ASEAN), to lend their full support in that regard.

**The Governing Council unanimously adopted the draft resolution relating to the case of the 38 parliamentarians from Myanmar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>15</sup>**

#### **PHILIPPINES**

In July 2007, the Supreme Court had cleared the parliamentarians concerned of the rebellion charges that had been brought against them and found that they had been politically motivated. However, that was not the end of the story. A multiple murder case against Mr. Ocampo was still pending, as was an obstruction of justice case against Mr. Casiño which had not moved since May 2007. A murder charge brought against Representatives Ocampo, Maza, Casiño and Mariano had recently been dismissed for lack of evidence, but two others had been filed. Given the political motivation behind the previous rebellion charges against the parliamentarians, the Committee feared that all those proceedings were part of an ongoing effort by the Government to remove them and their political parties from the democratic political process.

The Committee submitted to the Council a new case in the Philippines. It concerned Senator Trillanes, a Navy Lieutenant who had been elected in May 2007 while in detention. He was accused of participation in the so-called "Oakwood Siege" of July 2003, when more than 300 soldiers had been to the Oakwood Hotel to make known their grievances over graft and corruption within the Philippine Armed Forces. The Committee was concerned that he had now been in detention for almost six years without the case against him proceeding, which was extremely worrying as he had been unable to exercise his parliamentary mandate, and the 11 million people who voted for him had no representation in parliament. The Committee believed that there were ample grounds, especially in the light of judicial precedent, for Senator Trillanes to be released pending trial and, even more so, ample grounds for taking measures which would enable him to exercise his mandate in a meaningful way. The

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<sup>14</sup> See Annex XXVII for the text of the resolution.

<sup>15</sup> See Annex XXVIII for the text of the resolution.



Committee therefore hoped for the early adoption of an amendment to the Senate Rules that was under debate and would allow him to participate in Senate meetings through video-conferencing.

**The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Saturnino Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano and to the case of Mr. Antonio F. Trillanes which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>16</sup>**

#### **RWANDA**

Mr. Léonard Hitimana had disappeared in April 2003 and had still not been found. The authorities had always affirmed that he had in fact left the country and that they would soon be able to locate him abroad, as in the case of others who had also disappeared. The Committee had no indication that a serious investigation had been carried out, let alone one that had taken a serious look at the possibility that Mr. Hitimana was indeed the victim of an enforced disappearance, a concern which with the passage of time could only grow in force. The Committee therefore called on the authorities, including Parliament, to make sure that they did their utmost to determine what happened to him.

**The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Léonard Hitimana which had been submitted to it by the Committee on the Human Rights of Parliamentarians.<sup>17</sup>**

#### **SRI LANKA**

Unfortunately, the current situation in Sri Lanka was hardly conducive to a settlement of the cases before the Council. Apart from one case, there was next to no positive development to report in any of them - on the contrary.

Turning first to the positive development, the Committee recalled that in 2004, Mr. Dissanayake had been convicted of contempt of court and sentenced to two years of rigorous imprisonment because he had criticised an advisory opinion of the Supreme Court. He had lost his parliamentary mandate and been disqualified from voting and standing in elections for a period of seven years. He had been pardoned and was thus able to stand in the recent elections to the provincial parliament of Central Province. The Committee therefore proposed that the case be closed.

There was no good news to report in the other cases. Since the previous session, no further progress had been made in the investigation into the murder of the five parliamentarians whose cases were before the Council. The Committee regretted particularly that the authorities had not questioned a possible suspect in the murder of Mr. Pararajasingham whose name had been given to President Rajapakse. Mr. Pararajasingham had been shot dead in the presence of 300 persons, who together with him had attended the midnight Christmas Eve mass on 24 December 2005. As far as the case of the Tamil National Alliance parliamentarians was concerned, the death threats, attacks on them and the kidnapping of family members and staff of three of them in December 2007 had remained unpunished. Just two weeks earlier, the younger brother of one of them, Mr. Kajendren, had been abducted and his whereabouts were unknown.

The Committee therefore reaffirmed the conclusion of the report on its on-site mission of February 2008, that there could be no better deterrent for violence targeting members of

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<sup>16</sup> See Annexes XXIX and XXX for the texts of the resolutions.

<sup>17</sup> See Annex XXXI for the text of the resolution.

parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes were identified, apprehended and brought to justice. It urged the authorities to take firm action to this end.

**The Governing Council unanimously adopted the seven draft resolutions relating to the case of the 10 parliamentarians from Sri Lanka, to the case of Mr. D.M.S.B. Dissanayake, to the case of Mr. Joseph Pararajasingham, to the case of Mr. Nadarajah Raviraj, to the case of Mr. Thiyagarajah Maheswaran, to the case of Mr. D.M. Dassananyake and to the case of Mr. Kiddinan Sivanesan which had been submitted to it by the Committee on the Human Rights of Parliamentarians.**<sup>18</sup>

## TURKEY

Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak had initially been sentenced in December 1994 to a 15-year prison term for membership of an armed organization. After an incredible legal rollercoaster, in 2004 that sentence had been replaced by one entailing a seven-and-a-half-year prison term. By then, however, they had already served more than ten years.

As the seven-and-a-half-year prison sentence had been upheld by the Court of Cassation and had thus become final, the Committee considered that it was time to propose the closure of their case with respect to three of them. It had done so while regretting that they had been arbitrarily deprived of their liberty for more than two years and subjected to excessively long trial proceedings as a result of two retrials, a situation which in itself had always been of great concern.

Recently Ms. Leyla Zana had been sentenced to a 10-year prison term because of speeches she had made in support of the Kurdish Workers Party, an accusation similar to the one that had led the Committee to examine her case in the first place more than 15 years earlier. The Committee proposed to follow the appeal proceedings in the framework of its confidential procedure.

As to Mr. Sinçar, he had been killed in September 1993 in circumstances suggesting that he was the victim of an extrajudicial execution. The parliament reported some time ago that a trial was under way and that an indictment had been issued. The Committee was pleased to know that the courts had finally contacted the family members of Mr. Sinçar. Questions remained, however, about the identity of the suspect and the result, if any, of the criminal proceedings. The Committee trusted that the authorities would keep it informed in this respect.

**The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.**<sup>19</sup>

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<sup>18</sup> See Annexes XXXII to XXXVIII for the texts of the resolutions.

<sup>19</sup> See Annex XXXIX for the text of the resolution.

## ZIMBABWE

As the Council was aware, a National Union Government had taken office in Zimbabwe in February 2008. Shortly afterwards, the treason charge pending against Tendai Biti, now Minister of Finance, had been dropped. That was not so in the case of Mr. Bennett, who had been obliged to flee Zimbabwe in 2006 for fear of his life. He was appointed Deputy Minister for Agriculture, but had been arrested on his return to Zimbabwe, and was now being prosecuted on a fabricated charge of possessing weaponry for the purposes of banditry, insurgency and sabotage. He had been released on bail. No action had been taken to hold to account those responsible for torturing Mr. Sikhala in January 2003, and Mr. Madzore in March 2007, and for beating up Mr. Biti and Mr. Chamisa, likewise in March 2007.

The Committee had had the pleasure of meeting with the new Speaker of the House of Assembly in Addis Ababa. It was very pleased with his commitment to ensuring that human rights were respected and that justice prevailed in all these cases.

**The Governing Council unanimously adopted the draft resolution relating to the case of eight members of the Parliament of Zimbabwe which had been submitted to it by the Committee on the Human Rights of Parliamentarians.**<sup>20</sup>

### (c) Committee on Middle East Questions

#### (i) Election of one titular and two substitute members

(CL/184/12(c)-P.1)

*The President* said that one titular member was to be elected to the Committee on Middle East Questions to replace Mr. J. Carter, of New Zealand, who had assumed ministerial office. There was one candidate for that post, namely Mr. L.H. Ishaq, of Indonesia. Two substitute members for the Committee should also be elected. However, no candidatures had been received for these vacancies. He took it that the Council wished to elect Mr. Ishaq as a member of the Committee.

**The Governing Council elected by acclamation Mr. L.H. Ishaq (Indonesia) as a titular member of the Committee on Middle East Questions.**

#### (ii) Report of the Committee

(CL/184/12(c)-R.1)

*Mr. S. Janquin (France)*, introducing the report of the Committee on Middle East Questions (CL/184/12(c)-R.1), said that the Committee had met on 7 and 9 April 2009. The IPU President had briefed it on his visit to the Middle East and it had discussed its mandate and future plans. The Committee had noted with regret the unwillingness of the delegations of Israel and Palestine to engage in a dialogue within the Committee. It had agreed that a visit to the region would serve no purpose in the immediate future and that it should seek out the voices of moderation in the respective parliaments with a view to convening meetings in Geneva, which had in the past tended to produce a better dynamic for dialogue. It therefore planned to pursue contacts to that end during July 2009 and had requested the Secretary-General to do likewise. Lastly, it had agreed to be represented at the forthcoming meeting of

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

the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, to be held in Nicosia on 7 May 2009.

**Mr. S. Haddad (Syrian Arab Republic)** said that the working methods of the Committee should be reviewed, as it had achieved nothing worthwhile for a very long time; it provided no information of note, offered no suggestions and was essentially non-functional for a variety of reasons. He therefore appealed to the IPU to address the important issue of its evident shortcomings.

**The Governing Council took note of the report of the Committee on Middle East Questions.**

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

**(ii) Report of the Group**  
(CL/184/12(d)-R.1)

**Mr. A. Dismore (United Kingdom)**, introducing the report of the Group of Facilitators for Cyprus (CL/184/12(d)-R.1), said that the Group had held one very cordial and constructive meeting on 7 April 2009 that had been attended by members of the House of Representatives of the Republic of Cyprus and a representative of the Turkish Cypriot Political Parties. The positive progress in the negotiations to find a solution to the long-standing Cyprus problem had been discussed, as had the importance of maintaining public confidence in the process, which was continuing under United Nations auspices. He looked forward to a constructive outcome of those negotiations, which had begun on 1 September 2008.

**The Governing Council took note of the report of the Group of Facilitators for Cyprus.**

**(e) Committee to Promote Respect for International Humanitarian Law**

**(i) Election of one substitute member from the Eurasia Group**  
(CL/184/12(e)-P.1)

**The President** said that one substitute member from the Eurasia Group was to be elected to the Committee, for which there was one candidature, namely that of Ms. L. Ponomareva of the Russian Federation. He took it that the Governing Council wished to elect Ms. L. Ponomareva as the substitute member.

**The Governing Council elected by acclamation Ms. L. Ponomareva (Russian Federation) as a substitute member of the Committee to Promote Respect for International Humanitarian Law.**

**(ii) Report of the Committee**  
(CL/184/12(e)-R.1)

**Mrs. B. Gadiant (Switzerland)**, introducing the report of the Committee to Promote Respect for International Humanitarian Law (CL/184/12(e)-R.1), said that the Committee had met on 8 April 2009 and had first discussed the results of its survey to assess follow-up to the resolution on missing persons adopted by the 115<sup>th</sup> IPU Assembly. It was clear from the 47 responses received that the issue of missing persons was not a priority for parliaments, but the Committee nevertheless recommended that preventive measures be taken. Parliaments were also urged to pursue ratification of the International Convention for the Protection of All Persons from Enforced Disappearances, which had been ratified by only 10 States, whereas

twice that number was needed for its entry into force. Another subject of discussion had been the draft version of a handbook for parliamentarians on missing persons, which was scheduled for release by the time of the 121<sup>st</sup> IPU Assembly in October 2009. Representatives of the International Committee of the Red Cross and the Brookings Institute had briefed the Committee on developments relating to internally placed persons and it had been agreed to further discuss the subject at future meetings. Lastly, the Committee had organized a special briefing session on the newly adopted Convention on Cluster Munitions and urged parliamentarians to seek its ratification by their countries. It also called on the IPU to organize an event at its 121<sup>st</sup> Assembly to mark the sixtieth anniversary of the 1949 Geneva Conventions.

**The Governing Council took note of the report of the Committee to Promote Respect for International Humanitarian Law.**

**(f) Gender Partnership Group**  
(CL/184/12(f)-R.1)

*Mr. R. del Picchia (France)*, introducing the report on the Gender Partnership Group (CL/184/12(f)-R.1), said that, at its meeting on 4 April 2009, the Group had determined that 27.6 per cent of participants in the Assembly were women, a relatively positive figure that had been nevertheless been bettered. Efforts to achieve the target of 30 per cent must therefore continue. Furthermore, there were 15 all-male delegations, four of which were consequently subject to sanctions, namely Malta, the People's Democratic Republic of Korea, Qatar and Saudi Arabia. As for the gender sensitivity of the IPU budget, the Group welcomed the improvement in the amount of gender-related information and indicators set out in the financial statements for 2008. It had discussed strategies for improving the situation in countries of the Pacific Islands and the GCC States, where six parliaments had no women members and two had no women members in their lower chambers. In a dialogue session with the delegation from Qatar, the Committee had been provided with detailed information and statistics on women's political participation in Qatar. The positive news was that various ministerial and decision-making positions were now held by Qatari women, whom it was hoped would also soon enter parliament following the enactment of a new electoral law allowing their participation in elections.

**The Governing Council took note of the report of the Gender Partnership Group.**

**(g) Advisory Group on HIV/AIDS**  
(CL/184/12(g)-R.1 and P.1)

*The Secretary General*, introducing the report of the fifth meeting of the Advisory Group on HIV/AIDS (CL/184/12(g)-R.1), held in January 2009 in Cape Town, said that the Advisory Group had undertaken a field visit to South Africa in order to gather information on how HIV/AIDS issues were being tackled there. Annexed to the report were full details of the visit and its findings, including conclusions and recommendations that were undoubtedly pertinent to other countries in addition. The Group had also planned activities for the next two years, with a focus on regional activity, which had been extended to include Europe and South-East Asia. The Group would also examine such other issues as the criminalization of HIV/AIDS, in which regard parliamentary input and support would be welcome.

*The President* drew attention to a recommendation on HIV-related travel restrictions, contained in document CL/184/12(g)-P.1. In January 2008, the Joint United Nations

Programme in HIV/AIDS (UNAIDS) had set up the International Task Team on HIV-related Travel Restrictions. The Task Team had developed recommendations towards the elimination of HIV-related restrictions on entry, stay and residence for the attention of governments, international and intergovernmental organizations, private sector and civil society. The five general recommendations of the Task Team were annexed to the document. He took it that the Governing Council wished to approve the proposal of the Executive Committee that it endorse those five recommendations.

**The Governing Council endorsed the five recommendations of the International Task Team on HIV-related Travel Restrictions.**

Item 13 of the agenda

**121<sup>st</sup> IPU ASSEMBLY (GENEVA, 19-21 OCTOBER 2009)**

(CL/184/13-P.1)

*The President* announced that the 121<sup>st</sup> Assembly of the IPU would take place in Geneva from 19 to 21 October 2009. He took it that the Council wished to approve the list of international organizations and other bodies invited to follow the work of that Assembly as observers, contained in document CL/184/13-P.1.

**The Governing Council approved the list of international organizations and other bodies invited to follow the work of the 121<sup>st</sup> Assembly as observers.<sup>21</sup>**

Item 14 of the agenda

**FUTURE PARLIAMENTARY MEETINGS**

(CL/184/14-P.1)

*The Secretary General* drew attention to the list of future inter-parliamentary meetings, contained in document CL/184/14-P.1. With reference to the 122<sup>nd</sup> Assembly to be held in Bangkok from 27 March to 1 April 2010, he pointed out that it would start and end one day earlier in order to leave Easter Friday free. Five specialized and other meetings required approval by the Council: the Parliamentary Conference on the Global Economic Crisis to be held on 7 and 8 May 2009 in Geneva, with funding from the regular budget; a conference on MDG 5 (maternal health), organized jointly by the IPU and WHO, to be held in November 2009 at a venue to be determined, with external funding; the World e-Parliament Conference, also to be held in November 2009 at a venue to be determined, with external funding; the Parliamentary Meeting on the occasion of the Fifteenth Conference of the Parties to the UNFCCC, to be held on 16 December 2009, in Copenhagen, with funding from the regular budget; and a regional seminar on HIV/AIDS, to be held in November or December 2009 in Viet Nam, with external funding.

**The Governing Council approved the five newly listed specialized meetings and other events.<sup>22</sup>**

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

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

**(a) Statutory meetings**

(CL/184/14(a)-P.1 and P.2)

*The Secretary General* drew attention to document CL/184/14(a)-P.1, which related to the invitation of the National Assembly of Panama to host the 124<sup>th</sup> IPU Assembly in Panama City from 17 to 22 April 2011. At its request, a visit had been conducted, the outcome of which was reported in the document. The National Assembly was ready to sign a host country agreement, with all the necessary guarantees. The Executive Committee therefore proposed that the Governing Council accept the invitation extended by the National Assembly.

**The Governing Council decided to accept the invitation of the National Assembly of Panama to host the 124<sup>th</sup> IPU Assembly in Panama City.**

*The Secretary General* drew attention to document CL/184/14(a)-P.2, which addressed the thorny issue of visa policy and the need to ensure that all delegates received the necessary visas from countries hosting IPU meetings. In the context of the clauses on that subject contained in the IPU agreement with host parliaments, the Executive Committee had sought legal advice and other relevant information concerning the grant of visas to United Nations delegates. The resulting conclusion was that the IPU should continue to apply its current policy whereby agreements with host parliaments should restate the basic provision guaranteeing the attendance of all delegates at IPU meetings taking place in their country. The IPU shared the same ideals and objectives as the United Nations, however, and the Executive Committee therefore recommended that it should be inspired by United Nations practice. In other words, it should respect travel bans imposed by the United Nations, particularly in the event of security concerns, in which case it should be guided by the formulation contained in the 1985 Juridical Yearbook of the United Nations, quoted in paragraph 15 of the document (CL/184/14(a)-P.2).

**The Governing Council approved the recommendation of the Executive Committee to endorse the conclusion set forth in the note contained in document CL/184/14(a)-P.2.**

**(b) Specialized meetings and other events**

(CL/184/14(b)-P.1)

*The Secretary General* drew attention to the proposed arrangements for the Parliamentary Meeting on the occasion of the Fifteenth Conference of the Parties to the UNFCCC, contained in document CL/184/14(b)-P.1.

*Mr. K.P. Lorentzen (Denmark)* said that he was honoured to inform the Council that the Danish Parliament would be pleased to host the parliamentary meeting scheduled to coincide with the Conference. It was important to ensure maximum parliamentary input to the negotiations due to take place at that Conference with a view to finding intelligent solutions to climate change, taking into account the impact on developing countries and also in the light of the current financial crisis. He looked forward to welcoming Members to the parliamentary meeting and to their contribution to the discussions on coordinated action to tackle climate change and reduce greenhouse gas emissions.

*The meeting rose at 4.10 p.m.*

## FUTURE MEETINGS AND OTHER ACTIVITIES

*Approved by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)*

Regional meeting for Twelve Plus parliaments on the rights of persons with disabilities	LONDON (United Kingdom) 27-28 April 2009
Parliamentary Conference on the Global Economic Crisis	GENEVA 7-8 May 2009
Regional seminar for Latin American Parliaments on Violence against Women	BUENOS AIRES (Argentina) Late May 2009
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA 8-12 June 2009
Committee on the Human Rights of Parliamentarians	GENEVA 29 June-2 July 2009
Fifth Meeting of Women Speakers of Parliament	VIENNA (Austria) 13-14 July 2009
First Preparatory Meeting of the Third Conference of Speakers of Parliament	GENEVA 16-17 July 2009
Parliamentary conference on democracy in Africa	GABORONE (Botswana) 14-16 September 2009
Regional meeting for Twelve Plus parliaments on HIV/AIDS	ATHENS (Greece) 25-27 September 2009
Seminar for members of parliamentary gender committees	GENEVA 28-30 September 2009
Parliamentary Panel within the framework of the Annual WTO Public Forum	GENEVA 30 September 2009
Seminar for the Latin American region on child protection	Venue to be decided September 2009
Seminar for the Great Lakes region on parliamentary involvement in security sector reform	Venue to be decided September 2009
Conference of iKNOW Politics Partners on the contribution of media and information technology to the number and effectiveness of women in politics	Venue to be decided September 2009
19 <sup>th</sup> session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 1 <sup>st</sup> October 2009
121 <sup>st</sup> Assembly and Related Meetings	GENEVA (CICG) 19-21 October 2009
IPU-ASGP joint event	GENEVA 22 October 2009
Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 22 October 2009



Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	Venue to be decided October/November 2009
UN-IPU Parliamentary Hearing in New York	NEW YORK November 2009
Second Preparatory Meeting of the Third Conference of Speakers of Parliament	NEW YORK November 2009
Conference on MDG5 (Maternal Health), organized jointly by the IPU and WHO	Venue to be decided November 2009
Meeting of parliamentary human rights committees	GENEVA November 2009
Parliamentary meeting on the occasion of COP15 (15 <sup>th</sup> session of the Conference of the Parties to the United Nations Framework Convention on Climate Change)	COPENHAGEN (Denmark) 16 December 2009
Regional Seminar on HIV/AIDS	Viet Nam November/December 2009
122 <sup>nd</sup> Assembly and Related Meetings	BANGKOK (Thailand) 27 March - 1 <sup>st</sup> April 2010
124 <sup>th</sup> Assembly and Related Meetings	PANAMA CITY (Panama) 16-21 April 2011

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED  
TO FOLLOW THE WORK OF THE 121<sup>st</sup> ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)*

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

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

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

Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)  
Parliamentary Assembly of the Mediterranean (PAM)  
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)  
Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)  
Parliamentary Assembly of the Union of Belarus and the Russian Federation  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)  
Southern African Development Community (SADC) Parliamentary Forum  
Transitional Arab Parliament (TAP)

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Centrist Democrat International (CDI)  
International Socialist

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring* to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2), and *taking into account* the information gathered by the Committee's secretary during a fact-finding mission to Ramallah in March 2009,

*Referring also* to the study of B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact" on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

*Noting* that the Permanent Representative of Israel to the United Nations Office in Geneva, in a letter dated 22 December 2008, stated that "all Palestinian lawmakers detained in Israel for their connection with terrorist activities, including Mr. Marwan Barghouti, continue to enjoy rights as stipulated under Israeli law, with due respect for humanitarian concerns" and recalls that Mr. Barghouti was convicted on five counts of murder,

*Recalling* that, in his detailed report on Mr. Barghouti's trial, barrister Simon Foreman concluded that "the numerous breaches of international law ... make it impossible to conclude that Mr. Barghouti was given a fair trial" and that it consequently considered that Mr. Barghouti's guilt had not been established;

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

*Noting* further that statements by the Speaker of the Knesset and the Minister for Foreign Affairs, to the effect that a visit by a Committee member to Mr. Barghouti could be arranged, have so far not been acted upon,

1. *Reaffirms*, in the light of Mr. Foreman's report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention of 1949 and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti immediately to the Palestinian authorities;
2. *Reaffirms further*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State party to the International Covenant on Civil and Political Rights, is bound to respect and that his guilt has therefore not been established;

3. *Deplores* the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to those rules;
4. *Infers* from the lack of any decision regarding its request for a visit to Mr. Barghouti that it has not been considered, and *deeply regrets* this all the more since television crews have obtained authorization to visit him;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

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

*Taking into account* the information gathered by the Committee's secretary during a fact-finding mission to Ramallah,

*Recalling* that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim in Israel together with four other prisoners suspected of involvement in the murder; that 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; that 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), ranked as a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence, although seven (covering the period from 1995 to the day of his arrest) allege preparatory or secondary involvement in such acts,

*Considering* that Mr. Sa'adat refused to recognize the jurisdiction of the court, and consequently he and his lawyer remained silent throughout the proceedings; only in the hearing held after his conviction, but before the handing down of the sentence, did he offer a political rather than legal defence, in which he denounced, inter alia, the occupation as a war crime; during the proceedings, the court heard 37 prosecution witnesses, all fellow prisoners, but, according to Mr. Sa'adat's lawyer, was unable to produce any proof of his direct or indirect involvement in or personally sharing responsibility for any violence, *noting* that on 25 December 2008, Mr. Sa'adat was sentenced to 30 years' imprisonment,

*Noting* that Mr. Sa'adat was held in Hadarim prison and transferred in mid-March to Ashkelon prison; that solitary confinement has been imposed on him until June 2009; before the isolation, his youngest son and his wife were able to visit him; Mr. Sa'adat suffers from cervical problems, high blood pressure and asthma and has reportedly not been examined by a medical doctor; he sometimes has breathing difficulties and the family is therefore very concerned, since he is now in isolation and no help can be had in any emergency; *noting further* that at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children with Palestinian ID cards have not been allowed to visit their father since his arrest for unknown reasons; Mrs. Sa'adat has now been authorized to visit her husband twice a month; the first time in March, she was unable to visit him because she was in hospital and, when she last tried to visit him, she was unable to do so because he had been transferred to Ashkelon jail, where he is in solitary confinement; the prison authorities removed his television set and imposed other restrictions, in line with a decision they have reportedly taken to punish prisoners for the failure of the negotiations regarding the release of Gilad Shalit, the Israeli soldier captured in June 2006 during a cross-border attack on Israeli military installations,

1. *Reaffirms its conviction* 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;
2. *Fears* that the imposition of the extremely harsh sentence on him is further evidence of the political motives for his arrest and prosecution as the leader of a political party; therefore *calls on* Israel to release him;
3. *Wishes* to receive a copy of the judgment handed down on Mr. Sa'adat;
4. *Is alarmed* at the imposition of solitary confinement on Mr. Sa'adat and *wishes to ascertain* on what grounds that decision was taken;
5. Recalls that, in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners, no prisoner shall be punished except in accordance with the terms of a law or regulation and that, in its Article 7, the Basic Principles for the Treatment of Prisoners recommends the abolition of solitary confinement;
6. *Calls on* Israel to respect these principles and rules;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR

(aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUR

CASE No. PAL/18 - YASER MANSOOR

CASE No. PAL/19 - HUSNY AL-BURIENY

CASE No. PAL/20 - FAT'HY QARA'WI

CASE No. PAL/21 - IMAD NAWFAL

CASE No. PAL/22 - ANWAR ZBOUN

CASE No. PAL/23 - MAHMOUD AL-KHATEEB

CASE No. PAL/24 - ABDULJABER AL-FUQAHA

CASE No. PAL/25 - KHALED YAHYA

CASE No. PAL/26 - KHALED SULAIMAN

CASE No. PAL/27 - NASER ABDULJAWAD

CASE No. PAL/28 - MUHAMMAD ABU-TEIR

CASE No. PAL/29 - AHMAD 'ATTOUN

CASE No. PAL/30 - MUHAMMAD TOTAH

CASE No. PAL/31 - IBRAHIM SAED ABU SALEM

CASE No. PAL/32 - BASEM AHMED ZAARER

CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR

CASE No. PAL/34 - MOHAMED MAHER BADER

CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL

CASE No. PAL/36 - FADEL SALEH HAMDAN

CASE No. PAL/37 - ALI SALEEM ROMANIEN

CASE No. PAL/38 - SAMEER SAFEH AL-KADI

CASE No. PAL/39 - REYAD ALI EMLEB

CASE No. PAL/41 - REYAD MAHMOUD RADAD

CASE No. PAL/42 - KALI MUSA RBAE

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

CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN

CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH

CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK

CASE No. PAL/47 - HATEM QFEISHEH

CASE No. PAL/48 - MAHMOUD AL-AMAHI

CASE No. PAL/49 - ABDERRAHMAN ZAIDAN

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

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

*Taking into account* the information gathered by the Committee's secretary during a fact-finding mission to Ramallah,

*Recalling* that the parliamentarians concerned, elected on the Change and Reform list in the January 2006 PLC elections, were arrested on or after 29 June 2006 in the occupied West Bank and subsequently charged with standing in the election on the Change and Reform list, which in the view of the Israeli prosecution authorities is Hamas, and hence being a member of a terrorist organization, holding a position on behalf of Hamas by assuming membership in parliament on behalf of Hamas and providing services to a terrorist organization by assuming membership in parliamentary committees and supporting an illegal organization; that not a single charge relates to any violent activity and no accusation whatsoever was advanced in that respect; *recalling also* that the arrests came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations which the Israeli Government blames on Hamas and the Palestinian Authority,

*Considering* that the cases of the parliamentarians concerned were heard separately by the Ofer and Salem Israeli military courts and that most of them have been sentenced to around 40 months' imprisonment, two parliamentarians were found not guilty, but taken into administrative detention; *noting* more particularly the following:



- The court did not accept the preliminary argument regarding its competence to hear these cases;
- The most important substantive defence argument was that the Israeli authorities knew and had accepted that Hamas was standing in the election; they had negotiated arrangements, especially in regard to the electoral process in East Jerusalem; Change and Reform candidates were summoned to the Russian compound, the main Israeli interrogation centre, and told that they were forbidden to campaign in East Jerusalem; never had there been any decision to arrest them; in one of the cases, the defence attempted to call as a witness the Head of Shabac and the adviser to the Prime Minister, Dov Weissglass, who had been responsible for negotiations with the Palestinian Authority regarding the elections, precisely for the purpose of showing Israel's knowledge and approval of Hamas's participation in the elections; while the prosecution had objected to this request by the defence, the military court judge had approved it; however, on the day before they were due to give evidence, a military order from the Head of the Army stated that any information about relations between Israel, the European Union, the United States of America and the Palestinian Authority was classified, including discussions concerning the elections and that such evidence would be damaging to the security of the State of Israel, for which reason the witnesses in question would have been unable to respond to any question;
- In determining their judgment, the courts finally relied on what they termed "expert report" by a Shin Beit member (called Ivory during the proceedings) who testified that Change and Reform was Hamas; virtually none of the appeals succeeded; on the contrary, sentences were increased and often doubled; according to one of the lawyers, the courts sometimes give 24- to 30-month prison sentences for military action, but the sentence was double for the PLC members despite the lesser charge; clearly, the intention was to keep them in prison for the rest of their parliamentary term,

*Noting* the following information provided on individual cases:

- **Mr. Wael Mohamed Abdel Ruman** (PAL/44): the first instance court accepted the defence argument that not every candidate of the Change and Reform list was a member of Hamas and therefore acquitted him of the charge of membership of a terrorist organization, but found him guilty of having accepted a senior position in and carried out activities on behalf of an organization which he knew to be a terrorist organization, sentencing him to 23 months in prison, 12 months' suspended imprisonment and a fine; however, the appeal court accepted the prosecution's arguments and found Mr. Wael guilty of membership of Hamas and increased the sentence to five years' imprisonment, of which one and a half years are suspended;
- **Sameer Safeh Al-Kadi** (PAL/38) was sentenced to 28 months at first instance and 42 months on appeal. He is a medical doctor and director of the biggest hospital in Hebron. He entered the Change and Reform list because as a medical doctor he wanted to help. One of the lawyers said that being a well-known and popular person made matters even worse, as the Israeli courts considered that their "guilt" was even greater because they placed their repute in the service of a terrorist organization;
- **Abduljaber Al-Fuqahaa** (PAL/24) was found not guilty because the prosecution was unable to prove that he had been elected on the Change and Reform list. However, he was placed in administrative detention on 1 January 2009;
- **Basem Ahmed Zaarer** (PAL/ 32) was found not guilty and released, but was rearrested on 1 January 2009;
- **Abderrahman Zaidan** (PAL/49) was arrested in November 2006 and released on bail after a month without having been accused of anything. He was rearrested in May 2007, a few days after returning from the IPU Assembly in Bali, and placed in administrative detention until December 2007, when an indictment was filed accusing him of being a member of the Change and Reform list and he was declared arrested in this case. After several months and following pleadings of the defence counsel, the court released Mr. Zaidan on bail, but he was immediately taken into administrative detention. Finally, a plea bargain was

reached whereby he would plead guilty and be imprisoned for 22 months, account being taken of the period he had already spent in administrative detention, and the prosecution promised that, upon his release, he would not again be taken into administrative detention. He was released on 2 March 2009. Mr. Zaidan, a former Minister for Public Works and Housing, decided to stand in elections because he wanted to fight corruption in all aspects of public administration and to change the "one colour playground". According to him, there was a need for another point of view and this is why Change and Reform was created;

- **Omar Matar** (Omar Abdel Razeq; PAL/16), former Finance Minister, was arrested in December 2005 and released in March 2006. During his detention, he was interrogated and confessed that he was participating in the Change and Reform list and would stand in the elections on that list. Although he confessed, he was accused not on that but on other grounds and was released on bail by the court. On 29 June 2006, he was rearrested and, on the basis of his earlier confession, accused of having stood in the election on that list. In August 2008, after almost 25 months, he was found guilty and sentenced to 26 months' imprisonment. According to that verdict, he was to be released the same day and was indeed released. The next day, however, the prosecutor filed an appeal against his release, stating that because of a mistake (the court should have been asked to delay the release to allow them time to appeal) they had not asked for Mr. Matar to be kept in detention. At the hearing of the appeal, three weeks later, the court decided not to rearrest him and instead to post bail. The defence also appealed against the guilty verdict, arguing in particular that the court had not discussed the question of double jeopardy, and that accusing him now of standing on the Change and Reform list when the prosecution had not done so earlier when he had confessed to that, constituted misuse of authority. While the prosecution intended to ask that he be returned to prison for three and a half years, he finally negotiated with the defence and it was agreed that the defence would withdraw its appeal and plead that Mr. Matar not be sent back to prison while the prosecution would ask for 10 months' imprisonment. Finally, the court returned him to prison for five months. Mr. Matar should be released by the end of April 2009;
- **Reyad Mahmoud Radad** (PAL/41) was elected on the majority list in Tulkarem while in prison; he was released after the election, rearrested and sentenced to 24 months' imprisonment. He was unable to participate in any PLC session;
- **Fat'hy Qara'wi** (PAL/20) was elected while in prison. He was released, then rearrested and sentenced to 40 months' imprisonment (including five months of administrative detention);
- **Yaser Mansoor** (PAL/18), **Imad Nawfal** (PAL/21) and **Husny Al-Burieny** (PAL/19) were sentenced to 40 months' imprisonment;
- **Naser Abduljawad** (PAL/27) was sentenced to 42 months' imprisonment,

*Considering* that in the West Bank administrative detention is authorized under Military Order 1226, which empowers the military commanders in the area to detain an individual for up to six months if they have "reasonable grounds to presume that the security of the area or public security require detention"; the Order neither defines the terms "security of the area" and "public security" nor stipulates a maximum cumulative period of administrative detention. It thus allows indefinite arbitrary detention; charges against prisoners, including the parliamentarians in question, are usually those of being a "security threat", but the area and nature of the threat are not specified and evidence is not disclosed; although administrative detainees have the right to appeal, this is somewhat farcical as the detainee and his lawyers lack access to the information on which the orders are based; they are therefore unable to present a meaningful defence,

*Noting* the following with regard to visiting rights: family members need permits, which can be restricted and cancelled for various reasons, especially security-related ones; in many cases, wives of prisoners are not authorized to meet their husbands; this was for example the case of Mr. Mahmoud Al-Ramahi, former PLC Secretary General (released on 31 March 2009); under the normal visiting procedure, if a permit is given by the Israeli authorities, the permit holder can visit the prisoner once

every two weeks for a period of 45 minutes; prisoners are separated from their visitors by a glass partition and conversations are by means of a telephone; permits are usually issued for a period of three months and need to be renewed; food is very bad and prisoners have to buy it in prison shops, and medical care is often delayed,

*Considering* that, in late March 2009, after the failure of the negotiations regarding the release of Gilad Shalit, Israel arrested or rearrested Palestinians, including four Change and Reform parliamentarians, namely Azzam Salhab, Ayman Daraghme, Nizar Ramadan and Khaled Tafish, who had all been released; moreover, the Israeli Prison Service decided to impose additional restrictions on Palestinian political prisoners held in Israeli prisons, such as denying them family visits and not letting them watch television or read newspapers, reducing the time allowed in the open and restricting access to prison shops,

*Recalling* that on 30 June 2006 the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, on account of "breach of trust" owing to membership in a foreign parliament; they appealed against that decision in the Israeli Supreme Court; on 17 September 2008, the Supreme Court, ruling on the petition of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah against the revocation of their East Jerusalem permanent residence status, decided to give them the opportunity to submit applications to the Israeli Minister of the Interior to reinstate their residence status and asked both parties to inform it of developments that would occur in the case within 60 days, after which it would decide how to proceed with the case,

1. *Notes* that the judgments handed down on the parliamentarians concerned confirm that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part but linked to their election on the Change and Reform list in a free and fair election recognized as such by the international community;
2. *Affirms* that there can be no doubt that Israel was aware of and accepted the participation of Hamas in the election, and *considers* therefore the arrest, detention and prosecution of the parliamentarians concerned to be politically motivated and hence arbitrary, and *calls on* the Israeli authorities to release them forthwith;
3. *Considers* that the rearrest of four Change and Reform parliamentarians following the failure of the negotiations regarding the release of Gilad Shalit and the simultaneous restriction of the rights of political prisoners suggests that Israel is in fact holding the PLC members concerned as hostages;
4. *Is appalled* at the fact that PLC members, like any other Palestinian, can be taken into administrative detention at any time, and be held for indefinite periods without a charge, being unable to defend themselves since the charge and evidence is not disclosed; *considers* that it renders judicial proceedings farcical since people can be arrested upon their acquittal or after having served their prison sentences, as has indeed happened in some of the cases in question; *recalls* that administrative detention is strictly forbidden under the international human rights norms to which Israel has subscribed, and *calls on* Israel to abrogate administrative detention forthwith;
5. *Deplores* the extremely limited family visiting rights enjoyed by Palestinian prisoners, including the PLC members concerned and, more particularly, the arbitrariness of decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *calls on* Israel to conform to these Rules;
6. *Wishes to ascertain*, lastly, in the light of the Supreme Court decision regarding Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, whether in the meantime their East Jerusalem residence permits have been restored to them;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*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", and to the study of B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories - entitled "Barred from Contact", on violations of the right to visit Palestinians held in Israeli prisons, published in September 2006,

*Taking into account* the information provided by one of the sources in January 2009,

*Considering* the following information on file:

- Dr. Dweik, the PLC Speaker elected in January 2006, was arrested during the night of 5 to 6 August 2006 by the Israeli Defence Forces and has remained in detention; since he was charged with membership of Change and Reform, an unauthorized organization namely Hamas, with assuming leadership of that organization, namely by being a member of the PLC Speaker on behalf of Hamas and assuming the role of PLC Speaker on behalf of Hamas;
- Along with the other detained Change and Reform PLC members, he chose not to recognize the competence of the court and therefore did not enter a plea to the charges; after the court, had entered a non-guilty plea on his behalf, the prosecution presented witnesses, mostly other imprisoned PLC members and other detainees, and an "expert witness", a member of the Shabac Secret Service who testified to the link between Change and Reform and Hamas; the prosecution also presented quotations from the media and confessions from PLC members that Change and Reform was Hamas;
- At the close of the trial on 16 December 2008, the judge handed down her verdict, finding him guilty of membership of an unauthorized organization and leadership by way of membership of the PLC on behalf of that organization and, on account of his poor health, sentenced him to 36 months' imprisonment; the prosecution appealed against the sentence on the ground that the sentence was too light and that Dr. Dweik had not been convicted for leadership in an unauthorized organization on the ground that he assumed the role of PLC Speaker,

*Noting* that Dr. Dweik, who was transferred a few months ago from Meggido to Hadarim prison, is in poor health; he was operated on 25 December 2008 to remove kidney stones but, as the operation was unsuccessful, he had to be operated again; Dr. Dweik is suffering from high blood pressure, diabetes and vitamin B12 deficiency for which he had to spend two weeks in the prison hospital wing; Dr. Dweik, who is 75 years old, finds it particularly arduous being taken to trial hearings, which sometimes means a five-day journey because prisoners from several prisons are collected; as in the case of all Palestinian prisoners, family members need a permit to enter Israel, which complicates visiting; he is usually allowed a visit by his family members once every two weeks for 45 minutes; they have to leave home at around 5 a.m. to take the Red Cross buses to the prisons and return late as they have to wait for all families to finish their visits, which take place at different times; a number of visits have been missed as Dr. Dweik has been moved several times and court dates clashed with visiting times,

1. *Notes* that the judgment handed down on Dr. Dweik confirms that his arrest, detention and prosecution are totally unrelated to any criminal activity on his part but are linked to his election on the Change and Reform list in a free and fair election recognized as such by the international community;
2. *Affirms* that Israel was undoubtedly aware of and had accepted the participation of Hamas in the elections, and therefore *considers* Dr. Dweik's prosecution and conviction to have been politically motivated and hence arbitrary; *calls on* the Israeli authorities to release him forthwith;
3. *Remains deeply concerned* at Dr. Dweik's poor health, which the judge found to be reason enough for imposing a lesser sentence, and *considers* this alone to be sufficient reason for his immediate release;
4. *Requests* the Secretary General to take steps with a view to ensuring international observation of the appeal hearings in this case;
5. *Reiterates* its wish to visit Dr. Dweik;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Ms. Malalai Joya, a member of the House of Representatives of Afghanistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the letter of the Chairperson of the Committee on Immunity and Privileges of the House of Representatives dated 5 February 2009 and of the information provided by the Afghan delegation at the hearing held with the Committee on the occasion of the 120<sup>th</sup> IPU Assembly; *also taking into account* the information provided at the meeting held between the Secretary General and the Permanent Representative of Afghanistan to the United Nations Office in Geneva, together with the information regularly provided by the sources,

*Recalling* that on 21 May 2007 the House of the People of Afghanistan (Wolesi Jirga) decided to suspend the parliamentary mandate of Ms. Joya, elected as a member of parliament for Farah province in the September 2005 elections for a 5-year period, until the end of her term for violating Article 70 of the Standing Orders in a television interview in which she spoke disparagingly of members of parliament, apparently in the context of her staunch criticism of the former warlords,

*Recalling* that, according to Article 70 of the Standing Orders (Rules of Procedure), the Speaker of the House of the People can apply as a disciplinary measure advice, warning, publishing the name of the offender in the Official Gazette of the Jirga and debarring the offending member from attending the session of that day, but that a member can be suspended for a longer period only at the request of the Administrative Board and with the subsequent approval of parliament; however, that procedure was not followed in Ms. Joya's case as the Administrative Board was not seized and did not issue any recommendation,

*Recalling* that, during the meeting held on the occasion of the 119<sup>th</sup> IPU Assembly (October 2008), the Deputy Speaker stated unequivocally that the suspension of Ms. Joya's mandate until the end of her term was unlawful and that she should be reinstated as quickly as possible, and he gave assurances that parliament would make every effort to reinstate Ms. Joya before the closure of the parliamentary session (early December 2008); *noting* that, in his meeting with the IPU Secretary General, the Permanent Representative of Afghanistan to the United Nations Office in Geneva also expressed the view that parliament should reinstate Ms. Joya as quickly as possible; *noting* that this has nevertheless not happened although several members of parliament had reportedly raised the issue in parliament; *considering* that the Chairperson of the Committee on Immunity and Privileges, in his letter of 5 February 2009, and the Afghan delegation to the 120<sup>th</sup> IPU Assembly stated that Ms. Joya could be reinstated if she offered an apology; when confronted with the Deputy Speaker's previous affirmation that the suspension had been unlawful and that efforts would be made to reinstate her, the delegation confirmed those statements but added that it had been impossible to reach Ms. Joya as she was often abroad and that the Standing Orders contained no procedure for reinstating her,

*Recalling* that, in February 2008, having found a lawyer willing to take up her case, Ms. Joya submitted a complaint regarding the suspension of her mandate to the Supreme Court; that, apart from asking parliament to assign a representative to respond to the case, the Court has reportedly taken no other legal action; *noting* in this respect that, according to the sources, the attorney assigned by the Court to follow the case, Mr. Attaullah Wais, has failed to take any action to speed up the proceedings; *noting further* that, according to the sources, the parliament has so far failed to assign a representative and that the Deputy Speaker and other parliamentary authorities contacted several times by Ms. Joya's lawyer were unwilling to speak to him; according to the Afghan delegation to the 120<sup>th</sup> IPU Assembly, however, Ms. Joya never contacted Parliament and her lawyer did so only once, but merely to collect documents,

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

*Bearing in mind* that Afghanistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life and to security and freedom of expression; that Afghanistan is also a party to the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which enshrines the right of women to equality with men,

1. *Thanks* the parliamentary authorities for the information provided; *also thanks* the Afghan delegation for its cooperation;
2. *Remains deeply concerned* that after almost two years, a period exceeding the actual time that Ms. Joya served in parliament, her suspension is still in place; *reaffirms* in this respect that freedom of expression is a fundamental tenet of democracy which must be construed as broadly as possible in the case of parliamentarians, the elected representatives of the people who draw attention to the people's concerns and defend their interests, and which necessarily entails the right to be highly critical of the performance of parliament and the government, and should therefore be particularly cherished by parliament; *reaffirms also* that suspension is a disciplinary measure necessarily limited in time, and that a suspension for the entire term amounts to a revocation of the parliamentary mandate, which is wholly unlawful in this case;
3. *Firmly believes* that, in failing to reinstate Ms. Joya, the parliament is not only violating its own Standing Orders but also denying Ms. Joya her right to exercise the mandate entrusted to her by the people and depriving her electorate of representation in parliament, a situation which can only undermine parliament's legitimacy as the body representing the people, and is therefore highly detrimental to democracy;
4. *Deplores* the fact that the authorities, despite pledges by the Deputy Speaker, have failed to take any action to end Ms. Joya's suspension and are in fact perpetuating a situation which on several occasions they themselves have qualified as unlawful;
5. *Understands* that the parliamentary authorities and Ms. Joya have so far been unable to reach each other to discuss her return to parliament; *sincerely hopes* that it will be possible as quickly as possible to establish a direct dialogue for this purpose, responsibility for which rests with both parties; *nevertheless stresses* that there is no requirement for parliament to hear Ms. Joya in order to end her suspension; *therefore calls on* the parliament to take this step as soon as possible and thus prevent the remainder of her parliamentary mandate from being further reduced and becoming meaningless;
6. *Expresses concern* at the failure of the Supreme Court to act with the necessary diligence on Ms. Joya's complaint; *strongly believes* that a complaint concerning the unlawful suspension of a member of parliament should be dealt with as a matter of priority because of its implication for democracy; *therefore calls on* the Supreme Court to act on Ms. Joya's complaint without further delay;
7. *Recognizes* that the death threats against Ms. Joya are made in the context of generalized violence and insecurity in Afghanistan; *stresses nevertheless* that the authorities have the obligation to make a determined effort to prevent impunity since impunity only encourages the repetition of crime; *calls on* the authorities to make every effort to identify and bring to justice those making the death threats against her and other parliamentarians; *would appreciate* information on any steps taken by the parliamentary authorities to ensure that all competent authorities do their duty in this respect;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
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 121<sup>st</sup> IPU.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Congress murdered in August 1989, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

*Considering* the following information on file:

- Mr. Luis Carlos Galán, a member of the Colombian Senate, was a pre-candidate for the Liberal Party in the presidential elections when he was murdered on 18 August 1989 at a political rally in the main square of Soacha municipality, Department of Cundinamarca; according to the source, the primary motive for the murder was to put an end to Senator Galán's fight, as leader of the New Liberalism political movement, against the infiltration of drug trafficking into politics;
- The source affirms that the perpetrators of the murder, paramilitary members Jorge Eduardo Rueda Rocha and José Everth Rueda Silva, both now deceased, operated thanks to information provided by former Lieutenant Flores from Military Intelligence B2; according to the source, the investigations were for many years at a complete standstill; on 19 August 1999, José Edgar Téllez Cifuentes and Johan Aslec Lozano Rodríguez were found guilty at first instance, which sentence was quashed on appeal by the High Court of Cundinamarca; Lieutenant Flores was acquitted at first instance, but Senator Galán's family, as complainant in the proceedings, filed an appeal against the decision, which is pending before the High Court of Cundinamarca;
- The source affirms that the crime was masterminded by Mr. Pablo Escobar, Mr. Gonzalo Rodríguez Gacha and Mr. Alberto Santofimio Botero, a politician from Tolima and member of the political wing of the Medellín cartel; in October 2007, the latter was found guilty and sentenced by a lower court as the co-perpetrator of the murder to a 24-year prison term, owing to the compilation of new evidence by the Attorney General's Office, such as the testimonies of John Jairo Velásquez Vásquez (alias "Popeye"), who is serving a prison term for his direct involvement in Senator Galán's murder, and Mr. Carlos Alberto Oviedo Alfaro; on 22 October 2008, the High Court of Cundinamarca quashed the sentence against Mr. Santofimio, according to the source without giving due consideration to the overwhelming evidence on file and to jurisprudence of the Supreme Court; the Attorney General and Mr. Galán's family, as complainant in the proceedings, filed a cassation petition before the Supreme Court, which is pending;
- According to the source, recent testimonies collected by the Attorney General's Office, including one by a former judge who worked for the Medellín cartel and by a bodyguard of a person known as "El negro Vladimir", implicate other politicians, all linked to drug trafficking, along with Mr. Miguel Maza Márquez, Police Commissioner and former Director of the Administrative Department of Security (DAS), to Senator Galán's murder; according to this information, Mr. Maza had ties with Mr. Gonzalo Rodríguez Gacha and the paramilitary groups that were operating under his orders to persecute members of the political party *Unión Patriótica*; the source affirms that Senator Galán's assassins were hired from those groups, which also infiltrated his security detail; Mr. Maza is also allegedly responsible for having wilfully and falsely steered the investigation towards an innocent person who, as a result, spent three years in detention;



- The crime of murder is subject in Colombia to a statute of limitation of 20 years, which is why the source insists that everything needs to be done to ensure that the new evidence can be acted on before this term expires,
- 1. *Is deeply concerned* that, almost 20 years after Senator Luis Carlos Galán was murdered, the instigators of this crime have not been held to account; *can but consider* this failure to be due to the initial unwillingness of the authorities fully to dispense justice in this case, in which the wilful diversion of the course of justice at the beginning of the investigation stands out as particularly grave;
- 2. *Is alarmed* at recent revelations about the alleged responsibility of several politicians and of a former high-profile State agent, which is all the more worrying since the latter was at the time in charge of the department entrusted with Senator Galán's security;
- 3. *Considers* that the fact that the victim was a public figure and that these revelations, if they prove true, shake the very foundations of the rule of law in Colombia should prompt the authorities all the more to do their utmost to ensure that full justice is done in this case; *stresses* in this respect that they are faced with a final opportunity to do so in this case, which can only succeed if they act with the greatest resolve and urgency;
- 4. *Makes a forceful plea* therefore to the authorities to do everything in their power to make this case an absolute priority in order to prevent ultimate and far-reaching impunity from prevailing; *requests* the Secretary General to convey its plea to the competent authorities, in particular the Attorney General and the Prosecutor General;
- 5. *Trusts* that the Supreme Court will pronounce on the cassation petition promptly and take due account of all the arguments presented; *would appreciate* being kept informed in this regard;
- 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 121<sup>st</sup> Assembly of the IPU (October 2009), in the hope that decisive judicial action will by then have been taken.

**CASE No. EGY/02 - AYMAN NOUR - EGYPT**

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Ayman Nour, a member of the People's Assembly of Egypt at the time the communication regarding him was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* that on 29 January 2005, shortly after his parliamentary immunity was lifted, Mr. Ayman Nour, then President of the opposition Al-Ghad Party, was arrested on reportedly fabricated charges of forgery and counterfeiting for the purpose of establishing his own party were brought against him; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at final instance; apart from questions it has raised about the circumstances of the lifting of Mr. Nour's parliamentary immunity and the judicial proceedings, it has always expressed concern over Mr. Nour's state of health, which was said to be worsening in detention, and it has consequently called for Mr. Nour's release on health grounds,

*Considering* that, on 18 February 2009, Mr. Nour was indeed released on such grounds,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation in this case;
2. *Notes with satisfaction* the release of Mr. Nour and is confident that he will be able to resume his place in the political life of his country;
3. *Decides* to close this case while nevertheless regretting the proceedings brought against him.

**ERITREA**

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the cases of the parliamentarians listed above, former members of the Parliament of Eritrea who have been held incommunicado since 18 September 2001, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* the following:

- The parliamentarians concerned were arrested on 18 September 2001 after publishing an open letter criticizing President Issayas Afwerki's policies and have been held incommunicado ever since, accused of conspiracy and attempting to overthrow the legal government without ever being formally charged, brought before a judge or tried;
- In November 2003, upon examining a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which enshrine the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and urged the State of Eritrea to order the immediate release of the former parliamentarians and to compensate them,

*Recalling* that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxembourg, Portugal and Spain reported that he did not know whether "anyone from the outside or a member of their family had recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians; *noting* also that the Ambassador and his office in Brussels have not responded to the requests of a member of the Committee on the Human Rights of Parliamentarians to meet with the Ambassador,

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

1. *Is appalled* that 11 former parliamentarians continue to languish in incommunicado detention without any prospect for release, which situation, given the widely reported harsh prison conditions in Eritrea and the violations of their human rights identified by the African Commission on Human and Peoples' Rights, amounts to severe physical and mental torture and causes their families unbearable anguish;

2. *Urges* the authorities once again to release them forthwith and thus put an end to a situation which flouts all respect for human dignity and cannot be justified on any grounds;
3. *Considers* that the international community, and more particularly parliaments and their members, can and must do much more to secure their release by putting pressure on the Eritrean authorities to comply with the decision of the African Commission on Human and Peoples' Rights in this case;
4. *Appeals* particularly in this respect to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power for this purpose and so prevent the African Commission's authority from being undermined by the attitude of a State party to the African Charter on Human and Peoples' Rights; *also calls on* the competent United Nations mechanisms to make every effort to ascertain the whereabouts of the persons concerned and to obtain their immediate release;
5. *Regrets* that its longstanding request to carry out an on-site mission to Eritrea has never been answered; *earnestly hopes* that the Eritrean authorities will finally respond and agree to the request, in the belief that such a mission can be essential to addressing the concerns in this case;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Noting* that on 2 February 2009 a meeting was held between the IPU Secretary General and the Minister for Foreign Affairs and the Attorney General of Bangladesh at which they stated their commitment to ensuring that justice was done and provided further information on the case proceedings; *taking into account* the progress report provided by the Permanent Representative of Bangladesh to the United Nations Office in Geneva on 10 December 2008, and of the information which has been regularly provided by the sources,

*Recalling* that the persons initially suspected of committing the grenade attack of 27 January 2005 which killed Mr. Kibria retracted their statements and were finally released on bail in late 2008; that the main accused, Mr. Quayum, made public statements about how the Criminal Investigation Department (CID) had tortured him to extract a false confession and that the other suspects affirmed that the government of the time had paid individuals to testify against them; *considering* in this respect that, according to the sources, cases have been brought against investigating officers, one of whom, Mr. Munshi Atiquer Rahman, was for a time in charge of the investigation into Mr. Kibria's killing, for having deliberately shielded the true perpetrators and committed torture; that they were instructed to appear before the court but have not yet done so and are absconding,

*Recalling further* that, following several applications by Mr. Kibria's family for further investigation, the investigation was reopened in March 2007 and a new investigating officer took over in May 2007; that three Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including their leader Mufti Abdul Hannan, were shown arrested in this case, as they had confessed to collecting several grenades to eliminate Awami League leaders, including Mr. Shah Ams Kibria; that however, Mufti Abdul Hannan and two of his co-accused have reportedly retracted their statements, affirming that they were obtained under duress, and denied any involvement in Mr. Kibria's murder; *noting* that, according to the source, they continue under investigation in this case, but without Mr. Kibria's family being informed or notified of the proceedings and hearings that have taken place in the past months before the Sylhet Speedy Trial Tribunal, which is examining this case,

*Bearing in mind* that in the legislative elections held in Bangladesh in December 2008 the Awami League obtained a large majority, and that former opposition leader Sheikh Hasina has taken office as the new Prime Minister,

1. *Welcomes* the commitment of the new authorities to the pursuit of justice in this case, which is all the more essential as the course of justice has been wilfully and seriously thwarted;
2. *Notes therefore with satisfaction* that action has been taken to hold to account the State officials who diverted the cause of justice and to establish responsibility for the alleged torture of suspects in custody; *is confident* that the authorities will make every effort to apprehend the officers in question in order that responsibility may be established and the appropriate sanctions handed down; *wishes to be kept informed* in this respect;

3. *Is confident* that these steps address not only the initial investigation but also the statement of the current main suspect that his confession was obtained under duress; *wishes therefore to ascertain* whether or not the court has accepted his retraction and the grounds for its decision;
4. *Remains unclear* about the number and identity of the persons now suspected of the grenade attack, whether they have all been arrested in this case, the current stage of the proceedings before the Sylhet Speedy Trial Tribunal, and the reasons for the failure of the authorities to notify Mr. Kibria's family of the hearings in this case; *reiterates* therefore its wish to receive information on these points;
5. *Is confident* that the newly elected parliament will exercise its oversight function to ensure due administration of justice in this case;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to supply the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Sheikh Hasina, a member of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Noting* that on 2 February 2009 a meeting was held between the IPU Secretary General and the Minister for Foreign Affairs and the Attorney General of Bangladesh at which they stated their commitment to ensuring that justice was done in this case and provided further information on the case proceedings; *taking into account* the progress report provided by the Permanent Representative of Bangladesh to the United Nations Office in Geneva on 10 December 2008, in addition to the information which has been regularly provided by the sources,

*Recalling* that the initial line of investigation into the grenade attack of August 2004 against Sheikh Hasina and other Awami League leaders, proved to be based on the "confession", reportedly obtained under duress, of a petty criminal, Joj Miah, who admitted to carrying out the attack with a criminal gang and that Joj Miah's family had been provided with a long-term government subsidy; *considering* in this respect that, according to the sources, cases have now been filed against three investigation officers for attempting to divert the course of justice and committing torture; that they have been instructed to appear before the court, but have not yet done so and are absconding,

*Recalling further* that, on taking office in January 2007, the Caretaker Government ordered a new investigation, which revealed that Horkatul Jihad al Islami (Huji) militants, including its leader Mufti Abdul Hannan, had carried out the attack, and enabled the police to arrest more suspects and to recover grenades, rifles and explosives; that, according to media reports, the investigation also revealed that one of the suspects, who was nevertheless at large, Moulana Tajudin, brother of the former deputy minister and Bangladesh National Party (BNP) leader Abdus Salam Pintu, had supplied the grenades used in the attack and that Mr. Salam Pintu himself had been arrested; that, according to media reports of August 2008, Mufti Abdul Hannan and two of his co-accused retracted their statements, affirming that they had been obtained under torture and that the court reportedly accepted their retraction petitions,

*Considering* that, according to the progress report provided by the Permanent Representative, 22 persons at present stand accused in this case, which is pending before the Speedy Trial Tribunal No. 1/Dhaka; that a hearing was scheduled for 11 November 2008, but adjourned to 17 November 2008,

*Noting* that, in the December 2008 legislative elections, the Awami League won by a large majority and that Sheikh Hasina was sworn in as the new Prime Minister,

1. *Welcomes* the stated commitment of the new authorities to the pursuit of justice in this case, which is all the more essential as the course of justice has been wilfully and seriously thwarted;
2. *Notes therefore with satisfaction* that action has been taken to hold to account the State officials who diverted the course of justice, including by torturing a person, and to establish responsibility for that crime; *trusts* that these steps address not only the initial investigation but also the statement of the current main suspect that his confession was obtained under duress; *wishes therefore to ascertain* whether or not the court has accepted Mufti Hannan's retraction and the grounds for its decision;

3. *Trusts* that the authorities are making every effort to apprehend the investigating officers who have been summoned to court in order that responsibility for their action to divert the investigation may be established and the appropriate sanctions applied; *would appreciate* detailed information in this respect;
4. *Is confident* that the newly elected parliament will exercise its oversight function to ensure due administration of justice in this case;
5. *Requests* the Secretary General to convey this resolution to the parliamentary and judicial authorities, inviting them to provide the requested information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).



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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the letter from the delegation of Belarus handed over to the Committee during the 120<sup>th</sup> Assembly, and of the information provided by one of the sources on 19 December 2008 and 15 January 2009,

*Recalling* that the investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Anatoly Krasovsky has as yet yielded no result and that 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 high officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; *recalling* in this respect that Mr. Pourgourides gathered evidence, 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 Pavlichenko with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlichenko with the official execution pistol temporarily removed from SIZO-1 prison, and that the same method was used in the execution of Mr. Gonchar and Mr. Krasovsky,

*Considering* that in their letter the Belarusian delegation reiterated that despite the extensive work of the prosecution which has followed all possible lines of inquiry, such as mercenary motives, personal ill will and political and business activities, and even examined the information contained in the Pourgourides report, Mr. Gonchar's whereabouts have still not been determined; that, however, the case has not been closed and that the investigation has been extended to 24 June 2009; *noting* also that, according to one of the sources, a new investigator, Mr. Y.V. Varavko, has been appointed and that he reportedly refused to meet with Mr. Gonchar's wife as there "was no reason to meet",

*Considering* that the delegation reported that, in 2008 alone, the House of Representatives had sent five requests for information to the Prosecutor General's office regarding this case, that it shared the IPU's concerns in this case and would therefore, on its own initiative, report any new development that might come to the knowledge of parliament,

*Noting* that Mrs. Krasovsky and her daughter submitted a communication under the Optional Protocol to the International Covenant on Civil and Political Rights to the Human Rights Committee, which on 16 October 2008 declared it admissible and invited the Belarusian authorities to provide observations regarding the admissibility and the merits of the communication; *noting also* that, according to the Belarusian delegation, the corresponding Belarusian law-enforcement agencies are responsible for considering this issue,

1. *Thanks* the delegation for the information and observations provided and *appreciates* the constant cooperation of the parliament with the IPU in this matter;

2. *Deeply regrets* that the investigation has remained at a standstill and *hopes* that the new investigator will lend it fresh impetus; *believes* in this respect that it would be normal practice for a new investigator to meet with interested parties, in particular the families of the victims, if only to show compassion and interest in the fate of the victims;
3. *Notes* that the petition lodged by Mrs. Krasovsky and her daughter is now pending before the United Nations Human Rights Committee, and *requests* the Secretary General to inform that Committee of the IPU's work on this case and its concerns;
4. *Points out* that the authorities have so far failed to provide convincing evidence to refute certain findings of the Pourgourides report, and *requests* the Secretary General to inform that new parliamentary authorities of the specific questions which it has raised in the past in this connection, especially in its October 2007 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 121<sup>st</sup> Assembly of the IPU (October 2009).

**BURUNDI**

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120<sup>th</sup> IPU Assembly,

*Recalling* that the parliamentarians concerned were killed between 1994 and 1999 and that only in the case of Mr. Gisabwamana has the perpetrator - a military officer - been identified and brought to justice, although the victim's family has received no reparation; in 2004, Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera, was arrested in connection with another murder, that of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi, in November 2001, and subsequently sentenced in June 2008 to life imprisonment; he escaped from prison, allegedly with the assistance of the former Attorney General; in 2004 one of the sources reported the return from Rwanda, where they had fled, of two suspects in Mr. Ndikumana's case, Mr. Ivan Bigendanko and Mr. Désiré Banuma, who were in hiding in Burundi; in the case of Mr. Sirahenda, a member of the military at Mabanda camp who subsequently deserted stated that he would be willing one day to testify to the horrendous manner in which Mr. Sirahenda was killed at the camp,

*Recalling* that the National Assembly set up a parliamentary working group to examine this and other cases, which, since its first meeting in October 2006 at which it worked out a strategy to obtain information on the cases in question, was long prevented from doing its work and has yet to be convened,

*Considering* the following information provided by the President of the Senate at the hearing with the Committee: the cases of the murdered parliamentarians cannot be separated from the many other cases of murder and killings committed at the time and can be addressed only by the Truth and Reconciliation Commission and the Special Criminal Chamber which were first envisaged in the 2000 Arusha Peace Accords; a Tripartite Commission composed of representatives of the United Nations, Government and Civil Society was set up in November 2006 but obtained financing only in June 2008; its mandate is to conduct popular consultations on questions where a consensus has not been reached between the United Nations and the Government; the Commission recently issued a memorandum laying down the basic principles of the consultations; it started its work in August 2008 and is expected to complete its mandate within 12 months,

1. *Thanks* the President of the Senate for the extensive information and for his cooperation;
2. *Recognizes* that the parliamentarians were murdered in a general context of violent conflict which claimed many lives and that a comprehensive approach, to which the authorities have repeatedly stated their commitment, is needed to address the legacy of abuse marking that period;

3. *Firmly believes* that establishing an effective National Truth and Reconciliation Commission and a Special Criminal Chamber is crucial to the pursuit of truth and justice in Burundi, notably in the cases of the murdered parliamentarians; *is convinced* that the important leads and evidence available in several of these cases should significantly increase the likelihood that these institutions will succeed in elucidating these crimes and punishing those responsible; *trusts* that consultations and negotiations on their establishment will soon be successfully completed so that they can be set up and start their work;
4. *Reaffirms* that the Parliament of Burundi has a special responsibility to ensure that the murders of former members are elucidated and do not go unpunished; *trusts* that it will closely monitor progress regarding the prompt establishment of the Truth and Reconciliation Commission and the Special Criminal Chamber and pave the way for their work on the cases at hand, notably by meanwhile providing the parliamentary working group with the necessary assistance and support since it was set up to gather evidence which, with the passage of time, may well disappear;
5. *Decides* to suspend its examination of the case until the Truth and Reconciliation Commission and the Special Criminal Chamber are indeed in place; and *requests* the Committee to keep itself informed of progress in this respect.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Norbert Ndihekubwayo, a member of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120<sup>th</sup> IPU Assembly,

*Recalling* that two attempts were made on Mr. Ndihekubwayo's life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported the arrest of Mr. Parfait Mugenzi, one of the alleged attackers, but in connection with the murder, in November 2001, of Dr. Kassy Manlan, the representative of the World Health Organization in Burundi; that Mr. Mugenzi was subsequently sentenced in June 2008 to life imprisonment in connection with the murder, but subsequently escaped from prison, allegedly with the assistance of the former Attorney General,

*Recalling* that the National Assembly set up a working group to examine this and other cases affecting parliamentarians, which, since its first meeting in October 2006 at which it worked out a strategy to obtain information on the cases in question, was long prevented from doing its work and has yet to be convened,

*Considering* the following information provided by the President of the Senate at the hearing with the Committee: the case of Mr. Ndihekubwayo cannot be separated from the many other cases of attacks, murders and killings committed at the time and can only be dealt with by the Truth and Reconciliation Commission and the Special Criminal Chamber which were first envisaged in the 2000 Arusha Peace Accords; a Tripartite Commission composed of representatives of the United Nations, Government and Civil Society was set up in November 2006, but obtained financing only in June 2008; its mandate is to conduct popular consultations on the questions where no consensus has been reached between the United Nations and the Government; the Commission recently issued a memorandum laying down the basic principles of the consultations; it started its work in August 2008 and is expected to complete its mandate within 12 months,

1. *Thanks* the President of the Senate for the extensive information and for his cooperation;
2. *Recognizes* that the attacks on Mr. Ndihekubwayo took place in a general context of violent conflict which claimed many lives and that a comprehensive approach, to which the authorities have repeatedly stated their commitment, is needed to address the legacy of abuse marking that period;
3. *Firmly believes* that the establishment of an effective National Truth and Reconciliation Commission and a Special Criminal Chamber is crucial to the pursuit of truth and justice in Burundi, including in the case of Mr. Ndihekubwayo; *is convinced* that the important leads and evidence available should significantly increase the likelihood that these institutions will succeed in elucidating the attacks and punishing those responsible; *trusts* that consultations and negotiations on their establishment will soon be successfully completed so that they can be set up and start their work;

4. *Reaffirms* that the Parliament of Burundi has a special responsibility to ensure that attacks on its members are fully elucidated and do not go unpunished; *trusts* that it will closely monitor progress regarding the prompt establishment of the Truth and Reconciliation Commission and the Special Criminal Chamber and pave the way for their work on the case at hand, notably by meanwhile providing the parliamentary working group with the necessary assistance and support since it was set up to gather evidence which, with the passage of time, may well disappear;
5. *Decides* to suspend its examination of the case until the Truth and Reconciliation Commission and the Special Criminal Chamber are indeed in place; and *requests* the Committee to keep itself informed of progress in this respect.

**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 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Having before it* the case of Mr. Ndikumana, Mr. Basabose, Mr. Nyangoma, Ms. Gahigi, Mr. Mpawenayo, Mr. Nduwabike, Ms. Nzomukunda and Mr. Radjabu of Burundi, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1),

*Taking into account* the information provided by the President of the Senate and other members of the Burundian delegation at the hearing held with the Committee on the occasion of the 120<sup>th</sup> IPU Assembly; *taking into account* also the information gathered by the Director of the IPU's Democracy Division on the occasion of his official mission to Burundi from 10 to 14 November 2008, as part of the IPU's efforts to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country, during which he also met with the Attorney General of Burundi to raise the case at hand,

*Considering* the following information on file:

- The homes of Mr. Ndikumana, Mr. Mpawenayo, Mr. Nduwabike and Ms. Gahigi were attacked with grenades in the evening of 19 August 2007, after they had been singled out for attack in a ruling party newspaper owing to their criticism of the government's policies; on 6 March 2008, Mr. Mpawenayo, Mr. Basabose, Mr. Nyangoma, Mr. Radjabu and Ms. Nzomukunda were the targets of apparently coordinated grenade attacks;
- The persons concerned, members of the National Assembly at the time of the attacks had signed an open letter on 22 February 2008 to the United Nations Secretary-General denouncing their persecution and demanding international protection; the attacks took place shortly after Ms. Nzomukunda's bodyguards were withdrawn;
- The Speaker of the National Assembly vigorously condemned the August 2007 attacks in a press release and recommended the immediate launch of a judicial investigation in order to bring the perpetrators of the attacks to justice; he also wrote to the National Police Commissioner asking him to enhance the parliamentarians' security; on 7 March 2008, the National Assembly condemned the attacks of the previous day and demanded that they be diligently investigated and the perpetrators identified and prosecuted; in late March 2008, the police issued a communiqué stating that the investigation was progressing and that its conclusions would be made public in the coming days;

- In his letter of 8 October 2008, the Speaker of the National Assembly stated that, with regard to the file on the grenade attack on Ms. Nzomukunda's home, the police investigation found that the grenade had been thrown by an element of the Palipehutu Youth, who had hired a motorcycle; the main perpetrator was on the run but the driver of the motorcycle and other persons had been arrested and the case was in the hands of the investigating magistrate; regarding the case of the other grenade attacks, the files had passed the stage of the police investigation and were with the public prosecutor, who was preparing the submission of the case to court,

*Considering also* that the Burundian delegation to the 120<sup>th</sup> IPU Assembly confirmed that the police had passed the files in question on to the public prosecutor; however, he stated that the case was not ready to be presented in court as the investigation had yet to be completed,

*Considering finally* that, according to the Attorney General, met in November 2008 by the Director of the IPU's Democracy Division, the initial investigations had been mishandled, having focused on the victims themselves as instigators of these attacks; this lead was soon abandoned, but having started off badly the case became complicated, making it very difficult to identify the perpetrators of these attacks, for which reason he believed that the case would be dismissed,

1. *Thanks* the Burundian authorities, and in particular the parliamentary authorities, for their spirit of cooperation and for the extensive information they provided;
2. *Is deeply concerned* that eight members of parliament were the target of coordinated grenade attacks, which is all the more disconcerting since shortly before the incidents they denounced their precarious security situation and that, in the case of Ms. Nzomukunda, the attack took place after her protection had been withdrawn, which can only have facilitated the crime;
3. *Expresses deep concern* that, except for the attack on Ms. Nzomukunda's home, the authorities have apparently so far failed to identify any of the alleged culprits; *considers* that, owing to their violent and serious nature and to the fact that they targeted public figures, more particularly members of parliament critical of the ruling authorities, the attacks should have been investigated with the utmost resolve and urgency from the start;
4. *Is therefore deeply disturbed* at the initial focus of the investigation as it not only made a mockery of the serious prejudice suffered by the victims in this case but also made them less likely to obtain quick and effective justice;
5. *Can but consider* that this information, along with the fact that the authorities repeatedly stated that the investigations had made substantial progress while in fact no such progress can be reported, puts in doubt their seriousness about making a determined effort to ensure that these attacks do not go unpunished; *points out* in particular in this respect that while in October 2008 the Committee was informed that the prosecutor was about to submit the case to the court, which supposes that the culprits had been identified, only one month later the prosecutor stated that the investigation had yielded no result and that the case might even be dismissed;
6. *Recalls* that impunity can only encourage the repetition of crime and thereby undermines the rule of law and human rights, and that Burundi, as a party to the International Covenant on Civil and Political Rights, is bound to uphold the fundamental rights set forth therein, including the right to life and security, and is therefore obliged to dispense justice by identifying and punishing those guilty of any attack on a person's life and security, and to take reasonable measures to ensure the safety of threatened persons;
7. *Calls on* the authorities, as is their duty, to conduct a diligent and thorough investigation into the attacks and to examine all possible leads, including those suggested by the victims themselves; *wishes* to be kept informed of any action taken in this respect and of the results achieved;



8. *Trusts* that steps to bring the suspects of the attack on Ms. Nzomukunda's house to trial are well under way and that, with the help of the information they may provide, the authorities will soon be able to identify and apprehend the main perpetrator of this crime; *would appreciate* further information on these points;
9. *Requests* the Secretary General to convey this resolution to the competent authorities and to the sources;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

**BURUNDI**

CASE No. BDI/36 - MATHIAS BASABOSE	CASE No. BDI/53 - THÉOPHILE MINYURANO
CASE No. BDI/42 - PASTEUR MPAWENAYO	CASE No. BDI/54 - OMAR MOUSSA
CASE No. BDI/44 - HUSSEIN RADJABU	CASE No. BDI/55 - JOSÉPHINE MUKERABIRORI
CASE No. BDI/45 - ALICE NZOMUKUNDA	CASE No. BDI/56 - DÉO NYABENDA
CASE No. BDI/46 - ZAITUNI RADJABU	CASE No. BDI/57 - GÉRARD NKURUNZIZA
CASE No. BDI/47 - PASCALINE KAMPAYANO	CASE No. BDI/58 - JEAN FIDELE KANA
CASE No. BDI/48 - MARGUERITE NSHIMIRIMANA	CASE No. BDI/59 - MARIE SINDARUSIBA
CASE No. BDI/49 - NADINE NZOMUKUNDA	CASE No. BDI/60 - DEO NSHIMIRIMANA
CASE No. BDI/50 - BÉATRICE NIBIMPA	CASE No. BDI/61 - F. XAVIER NSABABANDI
CASE No. BDI/51 - MARIE GORETH NIYONZIMA	CASE No. BDI/62 - JEAN MARIE NGENDAHAYO
CASE No. BDI/52 - MOUSSA SAIDI	CASE No. BDI/63 - ALINE NITANGA

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008); *referring also* to the outline of cases BDI/26 concerning Mr. Ndikumana et al. and case BDI/44 concerning Mr. Radjabu,

*Taking into account* the official mission to Burundi carried out by the Director of the IPU's Democracy Division from 10 to 14 November 2008 within the framework of the IPU's activities, in particular its technical assistance programme, to assist the Parliament of Burundi in its role as an important facilitator of reconciliation in the country, during which he met with Mr. Radjabu, Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano and the competent authorities, including the Attorney General of Burundi; *taking into account also* the information and observations provided to the Committee by the President of the Senate and another member of the Burundian delegation during the hearing held at the 120<sup>th</sup> Assembly,

I. *Recalling* the following information:

- The parliamentarians concerned were elected in July 2005 on the CNDD-FDD list, which won a majority in the National Assembly; over time, internal differences emerged within the party; they deepened after the party convention of 7 February 2007, at which Mr. Radjabu was ousted from the CNDD-FDD leadership; the party was split in two, one wing supporting the new party president, Mr. Jérémie Ngendakumana, the other backing Mr. Radjabu; the parliamentarians concerned are part of the latter wing and continued to sit in the National Assembly as independents; other political parties, in particular FRODEBU, have also been riven by dissent; a group of FRODEBU members reached an understanding with the dissident members of the CNDD-FDD that they would refrain from participating (regularly) in the work of the National Assembly, which was thus blocked as there was no longer a quorum;
- In order to end the resulting institutional deadlock, the President of the National Assembly asked the Constitutional Court to rule that the parliamentarians concerned were holding their seats unconstitutionally; the mandates of the parliamentarians concerned were revoked by decision of the Constitutional Court on 5 June 2008, the Court ruling that they held their seats unconstitutionally since they were no longer members of the party on whose list they had been elected and that they could not sit as independents either; the Court based its ruling on Article 98 of the Constitution, which stipulates the conditions required to run for legislative office, and did not take account of either Article 149, which prohibits imperative mandates, and Article 156 of the Constitution, or of Article 132 of the

Electoral Code and Article 15 of the Standing Orders of the National Assembly, which clearly stipulate the situations in which a parliamentarian's term of office ends; the Court also took no account of the preparatory work on the Constitution, which rejected a proposal to disqualify members of parliament should they change political parties and replaced it with the present constitutional provisions on the termination of the parliamentary mandate, which provide for no such termination in the case of expulsion or resignation from the political party on whose list the parliamentarian was elected;

- In his report to the 9<sup>th</sup> session of the United Nations Human Rights Council, the independent expert on the human rights situation in Burundi expressed deep concern at this decision: "the Court appears to have been enlisted by the executive to serve a specific political objective, thereby bringing into question its independence and credibility. By acting in this compliant manner, the Court has lent credence to the widely-held belief that the whole machinery of justice in Burundi is beholden to the executive";<sup>23</sup>
- There has been no follow-up to the request from the FRODEBU President that a dissident group of FRODEBU members that had set up a new party be excluded for the reasons evoked by the Court; a leader of that new party had asked the President of the National Assembly to remove 15 FRODEBU members from office on the grounds that they had failed to attend over one quarter of the current session's sittings and could therefore be removed under the provisions of Article 156 of the Constitution and Article 15 of the Standing Orders; however, the application of those provisions would have had consequences not only for the 15 FRODEBU members in question, but also for a number of CNDD-FDD and UPRONA parliamentarians, who had also boycotted a large number of sittings of parliament, and the request was therefore taken no further,

*Considering* that, in the view of the parliamentary authorities, as confirmed by the President of the Senate during his interview with the Committee, the Constitutional Court ruling is in keeping with the Constitution and the removal from office of the parliamentarians concerned is a salutary measure that enabled the Assembly to return to work and therefore to reinforce the progress made towards democracy so far, and that the Constitution is to be amended so as to allow the removal from office of parliamentarians who cease to be members of the party on whose list they were elected,

II. *Considering* the information on the situation of Mr. Radjabu, Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, as follows:

**(a) Mr. Radjabu's situation:**

- When his parliamentary immunity was lifted on 27 April 2007, proceedings were started against Mr. Radjabu and seven other people accused of having plotted to undermine State security by inciting citizens to rebel against the authority of the State (acts defined and punished in Article 143 of the Penal Code), and against Mr. Radjabu alone for having, in the course of a meeting he organized with a view to disturbing the peace, insulted the Head of State by comparing him to an empty bottle (acts defined and punished in Article 278 of the Penal Code); the prosecutor accused Mr. Radjabu of having organized a movement of demobilized officers in order to paralyse the State's institutions after he had been ousted as president of the CNDD-FDD; Mr. Radjabu is reported to have entrusted Mr. Evariste Kagabo, his right-hand man, with the task of identifying the demobilized officers, a report allegedly confirmed by the accounts of demobilized persons thus recruited and by the seizure of several weapons;
- The Supreme Court opened public proceedings on the case on 22 December 2007 and handed down its decision on 3 April 2008, sentencing Mr. Radjabu to 13 years in prison (case RPS 66); the appeal to the decision was heard by the Supreme Court Appeal Chamber starting in late January 2009 and was adjourned on 1 March 2009, before the defence lawyers had finished pleading their case; the Court nevertheless reopened the

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

proceedings and, at a hearing held on 26 March 2009, apparently returned the case to the lower court for further information;

- Mr. Evariste Kagabo, the main person accused with Mr. Radjabu, and another person initially suspected, Mr. Abdul Rahman Kabura, were allegedly tortured by the National Intelligence Service with the complicity of the police station in charge of the investigation; Mr. Kagabo informed the Court of the acts of torture allegedly inflicted on him by Mr. Ngendanganya, a National Intelligence Service agent, and said he was even frightened to testify before the Attorney General because National Intelligence Service agents were present; another of the accused, Mr. Jean-Marie Haragakiza, also stated to the Court that he had been threatened with torture if he did not testify against Mr. Radjabu; according to the information provided by the President of the Senate, the matter is currently before an examining magistrate in a separate case;
- According to the report by the Committee's observer, whose conclusions were rejected by the parliamentary authorities, the trial of Mr. Radjabu is marred by serious flaws, notably the recourse to torture during the investigation, the lack of independence of the Court's judges and of the prosecution, who are all members of the ruling party, and the absence of evidence to back up the accusation;

**(b) Mr. Mpawenayo's situation:**

- Mr. Mpawenayo was arrested on 4 July 2008 in Bujumbura and accused of having been Mr. Radjabu's accomplice (BDI/44) and thus of having co-chaired the meeting where the acts with which he is charged are said to have been committed; he was taken to Mpimba prison (Bujumbura), where he spent three months and ten days before being transferred, according to him unlawfully, to Rutana prison and from there, in late November 2008, back to Mpimba prison (Bujumbura); his conditions of detention at Rutana prison, which is far from his family's home, did not meet minimum hygiene, nutritional and security standards; Mr. Mpawenayo was brought before the Supreme Court on 1 October 2008; on that date, the Court adjourned the proceedings to consider the points of order raised by the defence, namely the question of detention; it observed that the prosecution had acted in accordance with the law and therefore rejected Mr. Mpawenayo's arguments; Mr. Mpawenayo appealed; a court appearance originally scheduled for 19 November was postponed to 26 November 2008, because the decision on pre-trial detention had not been notified; the case was to be heard on 13 January 2009 in a public hearing before the Appeal Section of the Supreme Court Judicial Chamber; the trial on the merits against Mr. Mpawenayo was adjourned; adjournments can last a maximum of 60 days and, at the time of the mission by the Director of the IPU Democracy Division, the adjournment in Mr. Mpawenayo's case had 17 more days to run, until the end of November 2008; Mr. Mpawenayo asserts that the judicial authorities wanted him to testify against Mr. Radjabu and that he was imprisoned when he refused; his trial is said to be linked to the position of Executive Secretary he held until the CNDD-FDD Ngozi convention (February 2007) at which Mr. Radjabu was ousted;

**(c) Mr. Nkurunziza's case:**

- Mr. Nkurunziza was arrested on 15 July 2008 on the orders of the Kirundo Provincial Police Commissioner on charges of distributing weapons for the purpose of arming a rebellion against the State authorities; the Attorney General has put in place a team of magistrates to investigate the accusations against Mr. Nkurunziza and affirms that witnesses unanimously claimed that he had distributed weapons to the people to incite them to rise up; according to the source, Mr. Nkurunziza had yet to be officially informed of the accusations made against him, is being detained in the absence of any case or trial and without having been brought before a judge for a ruling on his pre-trial detention; similarly, many applications filed by the defence counsel have not been handled; regarding Mr. Nkurunziza's conditions of detention in Mpimba prison, he reportedly had no access to a hospital for some time, supposedly because there were not enough prison guards to

escort him there; the authorities furthermore refused to allow him to attend his grandmother's funeral; lastly, according to the sources, it is in fact Mr. Nkurunziza who, while he was still a parliamentarian, had filed a complaint of defamation against the authorities of Kirundo Province, which had accused him in the media of distributing weapons for a rebellion; instead of investigating the complaint, the authorities had had him arrested;

**(d) Mr. Minyurano's case:**

- Mr. Minyurano was arrested on 2 October 2008 and accused of assaulting a magistrate; the accusation apparently arose because Mr. Minyurano's tenant tried to move without paying; Mr. Minyurano apparently demanded that the tenant hand over the keys to the house until he had paid the rent, but the tenant only did so after the neighbours stepped in; Mr. Minyurano was reportedly brought before Gitega High Court, which declared the charges against him null and void and ordered his temporary release; his case is said to be pending in Gitega, awaiting ruling by a judge;

*Considering* that the IPU, in the context of its technical assistance to the parliament of Burundi, has spared no effort among the parliamentary authorities to promote dialogue and reconciliation in Burundi, as noted with satisfaction by the President of the Senate during his interview with the Committee, during which he asked the IPU to pursue its efforts,

*Recalling* that Burundi is a party to the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR) and the Convention against torture and other cruel, inhuman and degrading treatment, which guarantee the right to liberty and a fair trial and which prohibit torture,

1. *Thanks* the Burundian authorities, notably the parliamentary authorities, for their spirit of cooperation and the information and observations they have provided;
2. *Acknowledges* the enormous progress Burundi has made in leaving behind the civil war and violence and building a democracy guaranteeing peace and respect for the human rights of all citizens;
3. *Considers* that effective progress towards reconciliation in Burundi at the national and political level can only be made if all political parties and factions participate in the political dialogue and can express themselves without fear or hindrance; *is pleased* therefore that the IPU continues to work with the National Assembly in support of political dialogue and *has no doubt* that these efforts will bear fruit and thus help provide a lasting solution to the problems that have arisen and contribute to the stabilization and democracy-building called for by the Burundi parliamentary authorities; *is confident* that those efforts will also serve to resolve the case of the parliamentarians removed from office and at the very least enable them to stand for election;
4. *Believes* nonetheless that the 22 parliamentarians were removed from office for practical political reasons lacking any genuine legal basis, and in this respect *observes* that the application of a double standard to dissident parliamentarians from the majority party and FRODEBU parliamentarians is hardly likely to strengthen the rule of law;
5. *Emphasizes*, with regard to the ongoing amendment to the Constitution, that the IPU has always warned against the adoption of provisions allowing parliamentarians to be removed from office because they have lost their affiliation to a political party, since such a measure is detrimental to freedom of expression, and *recommends* that the matter be raised within the scope of the IPU's assistance to the Parliament of Burundi;

6. Notes that four of the persons concerned were arrested after their parliamentary mandate had been revoked, and in conditions apparently contrary to Burundian criminal procedure, and which could thus strip the proceedings brought against the former members of parliament of any legal basis; *notes with concern* on this point:
  - (i) Mr. Mpawenayo's appearance before a judge three months after he was arrested and the adjournment of his case, despite the fact that the acts of which he is accused are based on the same elements and evidence as in Mr. Radjabu's case, including confessions allegedly obtained under torture and his repeated transfers from prison to prison, especially to Rutana prison, apparently without any legal justification;
  - (ii) Mr. Nkurunziza's detention since 12 November 2008 without appearing before a judge to confirm such detention, and the absence of any formal charges brought against him, at least any that were brought to his attention;
  - (iii) The maintenance of a criminal file on Mr. Minyurano even though Gitega High Court reportedly declared the accusation of insulting a magistrate null and void and ordered his release;
7. Notes, in particular as concerns Mr. Radjabu, that the testimony of his principal co-accused was obtained under torture and *recalls* that, by virtue of the international human rights treaties ratified by Burundi, evidence obtained under torture must be dismissed by the Court; therefore *wishes to know* whether this was the case here; *affirms* that the fact that key witnesses were tortured suffices on its own to disqualify the trial;
8. *Notes with satisfaction* that, according to the authorities, an investigation has been opened into the complaints of torture in this case, and *wishes to receive* more detailed information in that regard;
9. *Recalls* that:
  - (i) The right to liberty as enshrined in Article 9 of the ICCP and Article 6 of the ACHPR includes the right of all individuals arrested on a criminal charge to be informed, upon arrest, of the reasons for such arrest, to be notified as soon as possible of any charges brought against them, to be brought as soon as possible before a judge and to be sentenced within a reasonable time or released; moreover, the detention of persons who are awaiting judgement should not be a matter of course;
  - (ii) The right to a fair trial, enshrined in Article 14 of the ICCP and Article 7 of the ACHPR, includes the right to be presumed innocent, the right of all persons accused of a criminal offence to be informed, as soon as possible, of the nature and reasons behind the charges brought against them, to have the necessary time and facilities to prepare their defence and to be tried without excessive delay;
  - (iii) The prohibition of torture is enshrined not only in the Convention against torture, but also in Article 7 of the ICCP and Article 5 of the ACHPR;
10. *Wishes to receive* a copy of the formal charges brought against Mr. Mpawenayo, Mr. Nkurunziza and Mr. Minyurano, the decisions confirming their pre-trial detention and detailed information on how the proceedings before the relevant courts are proceeding;
11. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly, the President of the Senate and the Attorney General, inviting them to provide the information requested;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

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. Motta, which forced him into exile in October 1997, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the information provided by the sources on 30 March 2009,

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

*Recalling* that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including - directly and indirectly - the parliamentarians concerned, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *considering* that the Inter-American Commission on Human Rights is due to issue its views before the end of 2009 on the overall *Unión Patriótica* case,

*Recalling* that two non-commissioned officers were sentenced each to 43 years' imprisonment for Mr. Cepeda's assassination in 1994; however, paramilitary group leader Carlos Castaño was cleared of all responsibility, notwithstanding the overwhelming evidence against him which clearly showed his responsibility as the instigator of the crime; *recalling also* that Carlos Castaño was killed in 2004 by rival paramilitary groups,

*Considering* that on 25 July 2008, the Commission adopted its report on the case of Mr. Cepeda's assassination, in which it concluded that the Colombian State held responsibility, by commission and omission, for Senator Cepeda's murder and recommended that the Colombian State carry out an impartial and full investigation to punish the perpetrators and the instigators, keep the memory of Mr. Cepeda and his work alive, provide reparation to the victim's family and take measures to avoid the repetition of such crimes; that after giving the Colombian State two months in which to accept its conclusions and apply its recommendations, on 14 November 2008 the Commission forwarded the case to the Inter-American Court of Human Rights, requesting it to uphold its views; that the Court is reportedly scheduled to consider the matter any time between the middle of 2009 and early 2010; *recalling* that the Committee has been requested to act as *amicus curiae* before the Court,

*Considering* that the rulings of the Inter-American Court of Human Rights are binding on the State of Colombia and that the latter, by Colombian legislation, conferred similar legal status on the recommendations of the Inter-American Commission of Human Rights with respect to petitions alleging violations of the human rights of Colombian citizens,

*Recalling* that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity"; *considering* that in her latest report on Colombia (A/HRC/10/032 of 2009) the High Commissioner reiterates that "impunity ... continues to limit full enjoyment of human rights",

1. *Takes note* of the views issued by the Inter-American Commission of Human Rights, which reflect the concerns it has consistently voiced in this case, in particular the lack of any resolute effort by the State of Colombia, in the 15 years since Mr. Cepeda's murder, to bring the quest for truth and justice in his case to a successful conclusion;
2. *Remains particularly concerned* that the authorities have failed to act on the numerous leads which should have enabled them to bring to trial the instigator(s) of Mr. Cepeda's murder; *remains perplexed* and *regrets* that Carlos Castaño was never held to account despite his own unequivocal public admission of guilt and the many other items on file pointing to his responsibility;
3. *Calls* on the Colombian authorities, including the Colombian Congress, through its oversight role, promptly to take the necessary action to address the violations of the Inter-American Convention on Human Rights which the Inter-American Commission has identified in the case of Senator Cepeda; *points* in this respect to the Commission's concrete recommendations for action in the areas of truth, justice and reparation and the Colombian State's obligation to apply them;
4. *Expresses its hope* that the Inter-American Court of Human Rights will soon consider the case of Senator Cepeda's murder and thus provide its authoritative and binding views on these issues; *would appreciate* being kept informed of the Court's work schedule and any timeline that it may adopt for the proceedings in this case, including submission of the IPU's *amicus curiae* brief;
5. *Awaits with interest* the adoption of the report by the Inter-American Commission on the overall *Unión Patriótica* case; *would appreciate* being kept informed in this respect;
6. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
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 121<sup>st</sup> Assembly of the IPU (October 2009).



**CASE No. CO/122 - OSCAR LIZCANO - COLOMBIA**

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Oscar Lizcano, former member of the Congress of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* that Mr. Lizcano was kidnapped by the Revolutionary Armed Forces of Colombia (FARC) on 5 August 2000, and that there have been increasing concerns about his appalling conditions of captivity and precarious health,

*Considering* that, on 25 October 2008, Mr. Lizcano, along with a FARC member, escaped from the FARC camp where he was held,

*Recalling* that FARC continues to hold some 700 hostages,

1. *Is gratified* that Mr. Lizcano has finally recovered his freedom after years of captivity by FARC and agonizing uncertainty for him and his family;
2. *Cannot nevertheless disregard* the fact that the revelations about his appalling conditions of captivity and precarious health point to the urgent need to conclude a humanitarian agreement with a view to securing the release of the many remaining hostages held by FARC; and *calls once again* for decisive action to reach such an agreement as soon as possible;
3. *Recalls* that the abduction of persons taking no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
4. *Requests* the Secretary General to inform the competent authorities and the source accordingly, and *decides* to close this case since Mr. Lizcano has recovered his freedom.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

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/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* that Mr. Lozano was convicted and given a heavy prison sentence following fundamentally flawed proceedings without being afforded the possibility of challenging them as, under Colombian law, members of Congress are tried in single instance; in 2001 he submitted a petition to the Inter-American Commission on Human Rights regarding the flawed judicial proceedings; 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,

*Recalling* that by Decision C-545/08 of 28 May 2008, the Colombian Constitutional Court ruled that the constitutional procedure applicable to criminal proceedings against members of the Colombian Congress, such as Mr. Lozano at the time, in which the Criminal Chamber of the Supreme Court acts both as prosecutor and judge, was not in keeping with respect for the right to a fair trial and had to be modified accordingly by the legislature; *considering* that the bill which was brought to the Colombian Congress to change the procedure accordingly, along with introducing the possibility of appeal, was withdrawn in 2008 from the legislative agenda by the Government and Congress,

*Recalling* that, on 23 July 2008, one of Mr. Lozano's sons was murdered in Medellín and that the police reportedly took no action on the threats brought to its attention in the weeks before the murder; *recalling also* that, according to the source, several attempts have been made in the past to silence Mr. Lozano and that his security and that of his family have been at risk for some time as a result of his critical attitude towards those who acted against him and who hold political, military or paramilitary power in Colombia; *considering* that the suspected main culprit was arrested in early April 2009,

1. *Is disappointed* at the failure of the Inter-American Commission on Human Rights to act on Mr. Lozano's long-standing petition; *reiterates* that the Commission's intervention is crucial towards helping redress the apparent injustice Mr. Lozano has suffered; and therefore *sincerely hopes* that the Commission will soon pronounce on this case on the basis of precedent and the most recent Colombian jurisprudence;
2. *Is deeply concerned* that the executive and parliamentary authorities have not seen fit to address, comprehensively and swiftly, the long-standing fundamental fair trial concerns regarding the procedure applicable to criminal cases brought against members of Congress; *is particularly concerned* that the Constitutional Court's clear instruction for legislative action to be taken in this respect has been disregarded; therefore *calls again* on the authorities, in particular Congress, promptly to put in place a new procedure consonant with the Constitutional Court's ruling and fair trial principles, including the right to appeal;
3. *Notes with satisfaction* the progress made in the investigation into the murder of Mr. Lozano's son; *trusts* that the authorities will pursue their investigation with the necessary vigour and dispatch to ensure that the suspects soon stand trial; *also trusts* that the authorities are providing Mr. Lozano and his family with the necessary protection, particularly since the fact that the alleged main culprit is now in custody may well put them at risk of retaliation; *would appreciate* information on what steps have been taken to this end;
4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission on Human Rights and the source of this 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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress and a vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the information provided by the source on 2 April 2009,

*Recalling* that an attempt was made on Mr. Borja's life on 15 December 2000, after he had received repeated death threats; following the sentencing of four persons to prison terms ranging from 28 to 60 years, an indictment was brought on 26 August 2005 against five accused who have not yet been apprehended; one of those convicted, Army Major César Alonso Maldonado Vidales, escaped from prison in November 2004, even though he was being guarded by some 30 prison officers, but was recaptured on 15 July 2008; two army officers were punished - one for a disciplinary offence leading to his suspension for 80 days and the other with a two-year suspended prison sentence - for their responsibility in the escape,

*Recalling* that there have reportedly been deficiencies on several occasions (starting in May 2006) in Mr. Borja's security arrangements without any action being taken; *considering* the latest information provided by the source in this respect: the armoured vehicle provided to Mr. Borja by the Ministry of Interior and Justice and the Administrative Department of Security is reportedly often out of order and sent for repairs and therefore unavailable and that the substitute vehicles are often equally defective or only provided very temporarily; that the armoured vehicle provided by the House of Representatives also had to be repaired frequently without Mr. Borja being provided with a replacement and that only when he took legal action was his vehicle handed over to him, though still in a defective state; he was told that action was being taken to provide him with a new vehicle, but so far with no result,

*Recalling* 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), which, according to the source, has no basis and merely refers to contacts he and others have had in their capacity as advocates and facilitators of a peaceful solution to the conflict in Colombia; the source claims that the authorities passed the information collected during the investigation to selected media, although the investigation was still ongoing; when Mr. Borja was publicly linked to FARC in a radio interview on 20 February 2007, he lodged a complaint with the Committee on Accusations of the House of Representatives, whose investigation is under way, *considering* that, according to the source, the criminal proceedings against Mr. Borja and others, after more than 10 months, have reportedly not produced any proof of his involvement with FARC,

*Considering* the allegations and revelations regarding the Administrative Department of Security (DAS) regarding (i) statements under oath by Mr. Salvatore Mancuso, former paramilitary leader who was extradited to the United States of America, according to which former Sub-Director of DAS, Mr. José Miguel Narváez, formed "an active part of an instruction team for paramilitary groups on the coast of Colombia" and in the course of several visits told them that "Mr. Borja was an alleged collaborator of the guerrilla" and lectured on "why it was legal to kill communists in Colombia"; according to Mr. Mancuso, these insinuations could have well been a determining factor in the attack on Mr. Borja in 2000; (ii) the publication of two memoranda by Mr. Jaime Fernando Ovalle Díaz, a mid-level DAS employee, dated 29 August 2008, in which he requested information about opposition parties, their links with illegal groups, the parties' regular activities, their efforts to destabilize the Government and their relationship with social organizations; the revelation of these documents led to

the resignation of DAS Chief, Ms. María del Pilar Hurtado; (iii) the publication of a letter of 14 June 2007 from Mr. Edwin Armando Sierra Amoroch, Head of the Judicial Police Area of DAS, in which he stated that, in conformity with the decision of the Direction of the Department and in line with the policy of Democratic Security, he was making available the information intercepted between 1 May and 13 June 2007 with respect to Mr. Borja and that this was done to neutralize his possible activities which could affect national security; following the publication of that letter, Colombian President Uribe decided to entrust the National Police, instead of DAS, with telephone interceptions; according to the source, however, the National Police was also guilty in 2007 of illegal eavesdropping; on 12 March 2009, Mr. Borja requested the President of the Supreme Court of Colombia to inform him whether the interceptions had taken place in the context of any legal action against him,

1. *Is shocked* at the extremely serious revelations regarding the Administrative Department of Security, showing wilful and repeated efforts by a major State body to undermine the rule of law and respect for basic human rights;
2. *Is particularly alarmed* that the leadership of the very organization responsible for protecting Colombian citizens at risk may be actively engaged in jeopardizing their lives;
3. *Urges* the authorities, including parliament through its oversight function, to do everything possible to put an immediate end to these practices, hold those responsible to account and overhaul extensively, if not dismantle, DAS with a view to ensuring that security concerns are effectively addressed by the State of Colombia in full observance of the law; *wishes to ascertain* what steps are being taken to this end, including with respect to the National Police;
4. *Can but consider* that the revelations regarding DAS lend credence to the allegation that a state policy is indeed in place to discredit and target, including by unlawful means, those who vocally oppose the government and that this may well explain the reasons for the investigation and proceedings against Mr. Borja; *urges* the authorities to refrain from publicly discrediting and, contrary the principle of presumption of innocence, labelling Mr. Borja a FARC associate before any court of law has ruled on such, possibly unfounded, accusations;
5. *Reiterates its wish* to be informed of the precise accusations against Mr. Borja, the facts underpinning them, and of the stage reached in the proceedings before the Supreme Court; *recalls* that, as a party to the International Covenant on Civil and Political Rights and to the Inter-American Convention on Human Rights, the State of Colombia must guarantee the right to fair trial, which comprises the right to be tried without undue delay; *stresses* that this right is particularly important in the case of parliamentarians as pending trial proceedings may impair their ability to exercise their mandate freely and effectively;
6. *Remains deeply concerned* at the continuing failure to afford Mr. Borja a fully functioning security detail; *can but consider* in this respect that the failed attempt on his life and the risks he runs show that his protection has to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities are putting him at great and unnecessary risk; *urges* the authorities, and in particular the Colombian Congress, to take immediate steps to ensure that an effective security detail for him and his family is in place at all times;
7. *Regrets* that the Congress of Colombia, given its special responsibility to ensure that its members exercise their parliamentary mandate free of any threat or intimidation, has provided no information on the steps it is taking to ensure due administration of justice in all proceedings relating to Mr. Borja, and on the provision of an appropriate security arrangement for him; *would appreciate* receiving particulars in this respect, including by the Committee on Accusations of the House of Representatives, on the action it has taken on Mr. Borja's complaint;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

**DEMOCRATIC REPUBLIC OF THE CONGO**

CASE No. DRC/30 - PIERRE DIBENGA TSHIBUNDI  
CASE No. DRC/31 - FRANCK DIONGO SHAMBA  
CASE No. DRC/32 - PIERRE JACQUES CHALUPA  
CASE No. DRC/33 - KAMBA MANDUNDU  
CASE No. DRC/34 - LIÉVIN LUMANDE MADA  
CASE No. DRC/38 - BLAISE DITU MONIZI  
CASE No. DRC/39 - JOSEPH MBENZA THUBI  
CASE No. DRC/40 - CHARLES MAKENGO  
CASE No. DRC/41 - EDMOND LOFONDE BOSENGA  
CASE No. DRC/42 - JOSEPH UCCI MOMBELE  
CASE No. DRC/43 - JUSTIN KARHIBAHAZA MUKUBA  
CASE No. DRC/44 - MULENDA MBO  
CASE No. DRC/45 - MILOLO TSHANDA

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians, all elected members of the National Assembly of the Democratic Republic of the Congo whose mandates were invalidated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* the following information on file:

- In the resolution it adopted on 17 July 2007, the National Assembly condemned ruling R.E. 007 of 5 May 2007 of the Supreme Court of Justice, whereby it had invalidated the election, in July 2006, of the persons concerned as being "marred by serious irregularities and abuse of rights" and requested the President of the Republic: (i) urgently to convene an inter-institutional meeting of various authorities in order "to draw all relevant conclusions from the dysfunction of our justice and to lay down the major policy lines for a reform of our judicial system", and (ii) "to contemplate any possible political solution in favour of the victims of the injustice of the Supreme Court of Justice, in a context of reconciliation and national solidarity and in order to preserve civil peace in the country", the parliamentarians concerned set up the "G 18" group to defend their rights;
- At the inter-institutional meeting, held on 23 July 2007 under the auspices of the President of the Republic, the First President of the Supreme Court of Justice agreed to correct two instances of material error in Judgment R.E. 007 and, by judgment delivered on 14 December 2007 upon an application for correction of material error, the Supreme Court of Justice reinstated two of the parliamentarians concerned, Ms. Dembo and Mr. Kingotolo; subsequently, two other parliamentarians concerned accepted posts on boards of directors of public enterprises; one parliamentarian concerned, standing in a by-election, was not re-elected and another was appointed minister;
- Mr. Chalupa and Mr. Diongo also filed an application for correction of material error; however, the Supreme Court refused to receive their applications, which had been sent by courier service (DHL), the Court simply returned them by the same courier service after 20 days, proof of which was provided to the Committee;
- At the meeting it held in October 2008 with the Congolese delegation to the 119<sup>th</sup> IPU Assembly, the delegation observed that the National Assembly was conscious of the need not only to reform the judicial system, but also to find solutions for redressing the injustice done to the parliamentarians concerned, and invited the Committee in this respect to carry out an on-site mission to assist in settling this matter,

*Considering* that the mission did not go ahead in the absence of any reply from the parliamentary authorities to the letters sent in this regard and that, instead, in a letter dated 20 January 2009, the then Speaker of the National Assembly and the President of the Senate stated that, in consultation with the President of the Republic, it had been decided that the “G 18” members of parliament would be granted an allowance equal to that of the members of the National Assembly for the entire legislative term, thereby repairing the damage incurred by the parliamentarians concerned,

*Considering* that the persons concerned have submitted their position regarding this offer of reparation and are prepared to discuss it with the competent authorities,

*Bearing in mind* that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, Articles 25 and 26 of which establish respectively the right to vote and be a candidate in elections ensuring the free expression of the will of the electors, and the right to equality before the law,

1. *Appreciates* the efforts of the Head of State and the parliamentary authorities to repair the injustice done to the parliamentarians concerned;
2. *Awaits with interest* the result of the negotiations to be held regarding the offer made to the persons concerned;
3. *Firmly recalls* nevertheless that the arbitrary invalidation of election results, by distorting the results of the ballot, violates not only the right of the persons concerned to exercise the parliamentary mandate entrusted to them by the people, but also the right of the voters to be represented by persons of their choice, and *considers* that the reparation offered to the members of parliament cannot change this state of affairs; *also reaffirms* that the Supreme Court’s refusal to rule on the duly filed applications for rectification of material error constitutes a denial of the fundamental right of access to justice, hence a human rights violation;
4. *Stresses* that such a state of affairs can only be highly detrimental to democracy, the rule of law and respect for human rights; *calls therefore on* the parliament to take the necessary steps at the legislative and oversight levels to ensure that no such cases reoccur;
5. *Requests* the Secretary General to convey this resolution to the Head of State and to the parliamentary authorities;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009), when it hopes to be able to close it on account of satisfactory settlement.

**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 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, 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/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the communications of the Attorney General and his Office of 2 February and 13 March 2009,

*Recalling* that the Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the conduct of the investigation authorities, pointed to numerous inconsistencies in the police investigation, and expressed its strong disapproval of the passive attitude of the prosecuting authorities and the courts when it came to shedding full light on the murder, in particular of the fact that they took the findings of the preliminary police investigation at face value; none of the serious leads regarding the line of inquiry presented in the CEI's extensive reports, focusing on the fact that Mr. Hurtado had uncovered a web of corruption involving high-profile personalities, have so far been seriously investigated or taken into account by the prosecuting authorities,

*Recalling* that on 20 December 2005, the President of the High Court sentenced Mr. Contreras Luna to 16 years' imprisonment for the crime of murder, while the case was suspended for the other accused who were at large; on 3 February 2007, Mr. Ponce was arrested in the United States of America; he was extradited to Ecuador to stand trial and subsequently sentenced in January 2008 by the President of the High Court to 16 years in prison for his part in the crime; Mr. Contreras and Mr. Ponce appealed against their sentences, as did the families of Mr. Hurtado and Mr. Tapia as civil parties to the cases, arguing that the basis for Mr. Contreras's conviction in fact invalidated the preliminary findings of the police regarding the motive of the murder; they requested the Court to take full account of the CEI conclusions in both cases; *considering* that the High Court of Quito dismissed the appeals and upheld the sentence against Mr. Contreras and Mr. Ponce on 23 July 2008,

*Recalling* that the CEI prepared a submission to the Inter-American Commission on Human Rights to obtain a ruling to the effect that the State of Ecuador has failed to comply with its duty to advance the cause of justice in this case and to provide the victims' families with reparation,

*Considering* that Mr. Washington Aguirre, one of the accused at large, was apprehended in the United States of America in January 2009 and *recalling* in this respect that in Ecuador the crime of murder is subject to a ten-year statute of limitation,

1. *Thanks* the Attorney General and his Office for their extensive information and cooperation;
2. *Notes with satisfaction* that the main suspect, Mr. Aguirre, has finally been found and taken into custody; *supposes* that, given that his arrest took place before the expiry of the ten-year limit, he will be prosecuted for his alleged participation in the triple murder; and *trusts* that he has meanwhile been extradited to Ecuador to stand trial; *would appreciate* receiving further particulars on both points;

3. *Reaffirms its conviction* that the findings of the CEI have not only revealed serious contradictions and omissions in the conduct of the competent authorities in this case, but also offer substantive leads for an alternative line of inquiry and more particularly a motive for the murder; *trusts* that, should a cassation petition be pending in the criminal proceedings regarding Mr. Ponce and Mr. Contreras, critical consideration in this final stage is given in court to the work of the CEI; *would appreciate* information in this respect;
4. *Would appreciate* being kept informed of developments regarding the petition before the Inter-American Commission on Human Rights;
5. *Requests* the Secretary General to inform the competent authorities, the CEI and the source of this resolution and to seek the requested information from them;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).



**ECUADOR**

CASE No. EC/11 - F. AGUIRRE CORDERO	CASE No. EC/39 - J. E. ITURRALDE MAYA
CASE No. EC/12 - A. ALVAREZ MORENO	CASE No. EC/40 - F. J. JALIL SALMON
CASE No. EC/13 - F. ALARCON SAENZ	CASE No. EC/42 - C. LARREATEGUI NARDI
CASE No. EC/14 - N. MACIAS	CASE No. EC/43 - I. G. MARCILLO ZABALA
CASE No. EC/15 - R. AUQUILLA ORTEGA	CASE No. EC/44 - M. MARQUEZ GUTIERREZ
CASE No. EC/16 - A. E. AZUERO RODAS	CASE No. EC/45 - C. R. MAYA MONTESDEOCA
CASE No. EC/17 - E. A. BAUTISTA QUIJE	CASE No. EC/46 - J. I. MEJIA ORBE
CASE No. EC/18 - R. V. BORJA JONES	CASE No. EC/47 - E. MONTAÑO CORTEZ
CASE No. EC/19 - S. G. BORJA BONILLA	CASE No. EC/48 - L. U. MORALES SOLIS
CASE No. EC/20 - F. G. BRAVO BRAVO	CASE No. EC/49 - T. A. MOSCOL CONTRERAS
CASE No. EC/21 - M. L. BURNEO ALVAREZ	CASE No. EC/50 - B. L. NICOLALDE CORDERO
CASE No. EC/22 - J. C. CARMIGNIANI GARCES	CASE No. EC/51 - A. L. NOBOA YCAZA
CASE No. EC/23 - J. H. CARRASCAL CHIQUITO	CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO
CASE No. EC/24 - L. O. CEDEÑO ROSADO	CASE No. EC/53 - C. G. OBACO DIAZ
CASE No. EC/25 - F. A. COBO MONTALVO	CASE No. EC/54 - L. A. PACHALA POMA
CASE No. EC/26 - E. G. CHAVEZ VARGAS	CASE No. EC/55 - J. F. PEREZ INTRIAGO
CASE No. EC/27 - L. A. CHICA ARTEAGA	CASE No. EC/56 - M. X. PONCE CARTWRIGHT
CASE No. EC/28 - P. DEL CIOPPPO ARANGUNDI	CASE No. EC/57 - H. L. ROMERO CORONEL
CASE No. EC/29 - M. S. DIAB AGUILAR	CASE No. EC/58 - W. F. ROMO CARPIO
CASE No. EC/30 - J. DURAN MACKLIFF	CASE No. EC/59 - G. M. SALTOS ESPINOZA
CASE No. EC/31 - E. B. ESPIN CARDENAS	CASE No. EC/60 - G. R. SALTOS FUENTES
CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS	CASE No. EC/61 - M. L. SANCHEZ CIFUENTES
CASE No. EC/33 - P. FIERRO OVIEDO	CASE No. EC/62 - S. E. SANCHEZ CAMPOS
CASE No. EC/34 - O. P. FLORES MANZANO	CASE No. EC/63 - A. SERRANO VALLADARES
CASE No. EC/35 - A. G. GALLARDO ZAVALA	CASE No. EC/64 - L. F. TAPIA LONBEIDA
CASE No. EC/36 - M. V. GRANIZO CASCO	CASE No. EC/65 - L. F. TORRES TORRES
CASE No. EC/37 - A. X. HARB VITERI	CASE No. EC/66 - W. VALLEJO GARAY
CASE No. EC/38 - O. IBARRA SARMIENTO	CASE No. EC/67 - N. VITERI JIMENEZ

*Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)*

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the 56 former parliamentarians listed above, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the communications of the Attorney General and his Office of 2 February and 13 March 2009,

*Recalling* its long-standing concern that the 56 members of Congress, more than half of its membership, were dismissed and barred for one year from participating in political life by a decision of the Supreme Electoral Court (TSE) which lacked any firm legal basis, and were afforded no opportunity of obtaining an effective remedy in court; that, categorically rejecting their dismissal, many of the 56 persons concerned continued to meet at alternative venues in Quito in representation of the legitimate Congress of Ecuador; that, at the same time, the Congress from which they had been dismissed had several of them replaced and continued to meet in the parliamentary building,

*Recalling* that the Pichincha District Attorney requested that criminal proceedings be instituted against 24 of the dismissed deputies for compromising State security and for overstepping their functions by continuing to meet as members of Congress after their dismissal,

*Considering* that the case was mistakenly sent to the Pichincha 18<sup>th</sup> Criminal Court which lacked competence to examine the matter since one of the 24 persons, as a senior army reserve officer, was subject to the jurisdiction of the High Court; on 10 January 2008, the Pichincha District Attorney asked for the file to be returned to the Attorney General's district office to enable investigations and proceedings to continue,

*Considering* that legislative elections will be held in Ecuador on 26 April 2009 and that no information has been received to indicate that the 24 persons are not fully enjoying their civil and political rights,

1. *Thanks* the Attorney General and his Office for their extensive information and cooperation;
2. *Nevertheless deplores* the fact that the judicial authorities have not decided to drop the charges against 24 of the dismissed deputies; *reaffirms its belief* that these charges punish them because they legitimately exercised their parliamentary mandate and prolong the injustice already inflicted on them as a result of their unlawful dismissal; *calls again* on the authorities to drop the charges forthwith;
3. *Trusts* that there are no obstacles to prevent the 56 dismissed deputies from standing in the forthcoming legislative elections should they so wish; *would appreciate* confirmation on this point;
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 121<sup>st</sup> Assembly of the IPU (October 2009), in the hope of being able then to close the case.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

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

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

*Taking note* of the hearing the Committee held with a member of the Iraqi delegation to the 120th Assembly,

*Considering* the following information:

- Mr. Al-Dainy, a member of the National Dialogue Front, was elected in March 2006 to the Council of Representatives; as a member of parliament, he concentrated on human rights and more particularly investigating conditions of detention in Iraq and secret detention facilities and was able to gather a wealth of information, which he shared with the media and international organizations; in October 2008, he was invited to Geneva to meet and inform United Nations human rights bodies and other human rights organizations about the human rights situation in Iraq, and he intended to establish a local human rights organization in cooperation with United Nations human rights mechanisms; according to the information provided by the Iraqi delegate, Mr. Al-Dainy disagrees with government policies, is working for the old regime and has links with Al-Qaida;
- On 22 February 2009, at a press conference, Major General Qassem Atta, spokesperson for Baghdad's military security command, accused Mr. Al-Dainy of masterminding the 12 April 2007 suicide bombing of the parliament; the accusation is reportedly based on a video "confession" of Mr. Al-Dainy's nephew and bodyguard, Riad Ibrahim Al-Dainy, and of the head of his security detail, Mr. Alaa Khairalla Al-Maliki, both of whom were arrested by government forces in January and February 2009; Mr. Al-Dainy has strongly refuted the accusation, affirming that the "confessions" were obtained under torture, are fabrications and are linked to his criticism of the treatment of prisoners and detainees in Iraq; according to the information supplied by the Iraqi delegate, Mr. Al-Dainy is accused not only of the suicide bombing but also of other acts of terrorism;
- On 23 February 2009, the media announced that the Baghdad military security command had sent a request to the judicial authorities for the lifting of Mr. Al-Dainy's parliamentary immunity. Military spokesman Qassim Moussavi stated that the authorities were waiting for the courts to issue an arrest warrant for Mr. Al-Dainy; according to the Iraqi delegate, a gentleman's agreement was reached with Mr. Al-Dainy that he would not leave the country pending the proceedings against him;

- On 25 February 2009, Mr. Al-Dainy was flying to Amman together with four other Iraqi members of parliament (Maysoon Al-Damlouji, Ahmed Radi, Ali Al-Sajri, Assaad Al-Issaoui); the plane was turned back 30 minutes after take-off and Mr. Al-Dainy was ordered by a security officer to disembark; he left the plane with two of the members of parliament on board, including Mr. Al-Sajri; when Mr. Al-Dainy and his colleagues asked to see the security officer's warrant, he reportedly replied that he was acting under orders from Prime Minister Maliki which had been given to the Federal Prosecutor; according to those orders, Mr. Al-Dainy was banned from travelling and a warrant for his arrest was to be issued; however, when the security officer was unable to produce those orders, Mr. Al-Dainy was handed back his passport and he left the airport with his two colleagues; according to the Iraqi delegate, he was not arrested because his immunity had not yet been lifted;
- Mr. Al-Dainy's immunity was lifted the same day in an emergency session of parliament the last day before the vacation; according to the Iraqi delegate, the vast majority voted in favour, even parliamentarians from his own parliamentary group, although apparently no documentation was made available to parliament; he did not know whether the immunity was lifted before or after Mr. Al-Dainy had left for Jordan;
- According to the source, approximately 5 km into the journey from the airport and just before a government checkpoint, fearing for his life, Mr. Al-Dainy exited the car on the main road in an area which, according to the source, is under government control; he reportedly told Mr. Al-Sajri "if they take me, they'll kill me"; however, according to the Iraqi delegate, Mr. Al-Dainy made a telephone call and a car promptly arrived and took him away; this happened in an area which was chosen by Mr. Al-Dainy, namely the Abu Ghraib area; the delegate referred in this context to a press conference Mr. Al-Sajri had held shortly afterwards about what had happened; Mr. Al-Dainy has not been seen since then and has had no contact with the family;
- Given the context and circumstances, the source believes that Mr. Al-Dainy must have been apprehended by government security forces and puts the chances of his being free at virtually nil; however, according to the Iraqi delegate, the Government is not involved in his disappearance and not even members of Mr. Al-Dainy's own group have so accused it; according to the delegate, Mr. Al-Dainy, whose wife and children are living in Jordan, travelled there on a false passport;
- According to the source, apart from Mr. Al-Dainy's nephew, at least 13 members of Mr. Al-Dainy's staff and family have been arrested, including his 85-year-old grandfather. The Iraqi security forces have reportedly been to the home of all his family members, ransacked their houses and burnt the cars of all relatives and persons close to Mr. Al-Dainy; Mr. Al-Dainy's office was reportedly searched, without a warrant being presented, and ransacked as well; the Iraqi delegate was unaware of all this,

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

*Considering* that Iraq is a party to the International Covenant on Civil and Political Rights, which it ratified in 1971; that the Covenant guarantees the right to life and security, which entails the prohibition of enforced disappearances, and prohibits arbitrary arrest and detention,

1. *Thanks* the Iraqi delegate for the information he provided and for his cooperation;
2. *Is alarmed* at the disappearance of Mr. Al-Dainy, particularly since it cannot be ruled out that he has been the victim of an enforced disappearance, a grave human rights violation;

3. *Recalls* that the authorities have a duty to protect the life and security of citizens, including members of parliament, and are therefore duty bound to make every effort to ascertain Mr. Al-Dainy's whereabouts; *would appreciate* information on what steps have been taken to this end and on what initiatives parliament will take or has already taken to monitor the relevant investigation;
4. *Is concerned* that parliament lifted Mr. Al-Dainy's immunity in the absence of any documentation and without a proper discussion, and more particularly without Mr. Al-Dainy having been afforded his right to present his defence; *would appreciate* receiving the comments of the parliamentary authorities in this respect;
5. *Recalls* that, whenever a serious torture allegation has been made, the authorities have a duty to conduct an independent investigation; *wishes to ascertain* any action taken to this end with regard to the alleged torture of Mr. Al-Dainy's nephew and bodyguard;
6. *Wishes to ascertain* the precise accusations brought against Mr. Al-Dainy, the evidence adduced to sustain them and to receive a copy of any indictment; *would also appreciate* more detailed information as to the authority competent to order the return of the aircraft in which Mr. Al-Dainy was travelling 30 minutes after take-off;
7. *Expresses deep concern* at the reported arrest of Mr. Al-Dainy's family members and ransacking of their homes; *wishes to ascertain* any action taken by parliament to inquire into these allegations and to ensure that any family member who is under arbitrary arrest, in particular Mr. Al-Dainy's 85-year-old grandfather, is released immediately and that those responsible for the ransacking are punished;
8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and other competent officials, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> IPU Assembly (October 2009).

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 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring to the cases of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),*

*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 on 14 February 2005 was subsequently also asked to devote part of its capacity to giving technical assistance to the Lebanese authorities with respect to the murders of the four members of the National Assembly,*

*Considering that four Lebanese generals were taken into custody by the Lebanese authorities in September 2005 in connection with Mr. Hariri's assassination but have not been charged and that three civilian suspects, Lebanese brothers Ahmad Abdel Aal and Mahmoud Abdel Aal and a Syrian national, Mr. Ibrahim Jarjura, who were held in connection with Mr. Hariri's assassination, were released on bail on 25 February 2009,*

*Considering that on 1 March 2009 the former Head of the Commission, Mr. Daniel Bellemare, took up his duties as Prosecutor of the Special Tribunal for Lebanon entrusted with trying those responsible for Mr. Hariri's assassination; the Tribunal's jurisdiction can be amplified beyond the 14 February 2005 bombing should the Tribunal find that other attacks in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to Mr. Hariri's murder; crimes committed after 12 December 2005 can be eligible for inclusion in the Tribunal's jurisdiction under the same criterion should it be so decided by the Government of Lebanon and the United Nations and with the consent of the Security Council,*

*Considering that Prosecutor Bellemare has requested that the file concerning Mr. Hariri's assassination be transferred to the Special Tribunal in order that it may establish jurisdiction over it,*

*Bearing in mind that Lebanon is a State party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life,*

1. *Notes that, with the commencement of the work of the Special Tribunal, the pursuit of justice in this case has entered a new phase;*

2. *Considers* that this requires the Lebanese authorities to provide the Tribunal with the necessary assistance to fulfil its mandate effectively and, at the same time, to take full charge of the investigations and proceedings over which the Tribunal as yet lacks jurisdiction;
3. *Trusts* that the Lebanese authorities are making every effort to bring to account those who murdered the parliamentarians concerned; *wishes* to ascertain the stage reached in the investigations and to know whether the suspects who were released on bail with respect to Mr. Hariri's murder have also been investigated in connection with the murder of the parliamentarians;
4. *Reaffirms* that the National Assembly has a special responsibility for and interest in ensuring that justice is done in this case; *regrets* therefore the continued absence of information from the Parliament about any steps it may have taken to monitor the investigations and to associate itself, as in the case of Mr. Tueni, with the court action taken by the public prosecutor in the other three cases; *reiterates its wish* to receive such information;
5. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon, to the Prosecutor of the Special Tribunal for Lebanon and to the source;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking account* of the letter of 1 April 2009 from the Vice-Chairman of the State Great Hural and Chairman of the Executive Committee of the Mongolian Inter-Parliamentary Group,

*Recalling* that, during an on-site visit to Mongolia by the Committee in August 2001, the Mongolian investigative authorities stated that technical assistance with certain aspects of the investigation into Mr. Zorig's murder would be helpful; that, in August 2007, the then Prime Minister of Mongolia sent an official request for technical assistance with the investigation to, inter alia, the Government of Germany and sent a similar request on 16 January 2009 to the Japanese Prime Minister,

*Noting* that the German authorities are meanwhile providing the requested technical assistance, that a Mongolian delegation travelled to Germany in June 2008, that certain evidence was analysed and that the German authorities remain at the disposal of their Mongolian counterparts for analysis of other items; *noting* in this respect that, in his letter, the Vice-Chairman of the State Great Hural, through the IPU, requested the assistance of member parliaments in obtaining the analysis of certain evidence through Mitotyping technology and DNA analysis,

*Considering* that the parliament elected in June 2008 has followed the example of the previous legislature and on 30 March 2009, through Resolution 64 of the Speaker, established a working group to acquaint itself with the investigation into Mr. Zorig's murder and to provide the necessary assistance and support,

1. *Is gratified* to note that the German offer to provide technical assistance has materialized and produced results and that a request for technical assistance has been sent to the Japanese Prime Minister; *is confident* that it will receive a positive answer, thereby increasing the likelihood that the combined work of foreign and Mongolian experts will finally elucidate Mr. Zorig's murder;
2. *Is also gratified* that the parliamentary working group has been set up since it can do much to prevent impunity in this case;
3. *Requests* the Secretary General to take the necessary steps to ensure that the specific assistance sought for the analysis of evidence is provided;
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 121<sup>st</sup> Assembly of the IPU (October 2009).



**MYANMAR**<sup>24</sup>

**Parliamentarians reportedly still serving their sentences:**

CASE No. MYN/13 - SAW NAING NAING	CASE No. MYN/242 - KYAW KYAW
CASE No. MYN/35 - SAW HLAING	CASE No. MYN/256 - HLAING AYE
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/257 - KYAW MAUNG
CASE No. MYN/215 - AUNG SOE MYINT	CASE No. MYN/258 - MYINT KYI
CASE No. MYN/236 - KHUN HTUN OO	CASE No. MYN/261 - U NYI PU
CASE No. MYN/237 - KYAW SAN	CASE No. MYN/262 - TIN MIN HTUT
CASE No. MYN/238 - KYAW MIN	CASE No. MYN/263 - WIN MYINT AUNG
CASE No. MYN/241 - KHIN MAUNG WIN	CASE No. MYN/264 - THAN LWIN

**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>25</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 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring to the cases 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/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),*

*Recalling its long-standing concerns about:*

- The complete disregard for the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats;
- The continuous removal from the political process of many parliamentarians-elect by various means, as a result of which numerous parliamentarians-elect have been imprisoned, in some instances their detention having been continuously extended without their ever having appeared in court, as in the cases of Dr. May Win Myint and Dr. Than Nyein, whose health, together with that of U Kyaw San, remains highly precarious;
- The violent repression by the military regime of the widespread protests in Myanmar in August and September 2007; the repression was denounced on many occasions by the international community, inter alia by the IPU at its 117<sup>th</sup> Assembly (Geneva, October 2007); between 3,000 and 4,000 protestors, including 17 parliamentarians-elect were arrested; while 11 have since been released, four have been sentenced on account of their participation in the peaceful demonstrations; one of those parliamentarians-elect, Mr. Than Lwin, was ill-treated by the regime's paramilitary group, which enjoys total impunity;

<sup>24</sup> The Union of Myanmar has no parliament.

<sup>25</sup> On 2 April 2008, MPU-Burma announced that Mr. Myint Thein died following his release, his health having greatly worsened in detention.

- The National Convention, an assembly chiefly consisting of members who were hand-picked by the authorities; the National Convention completed its work to draft a new Constitution, which gives the military sweeping and overriding powers, in early September 2007, without allowing a free exchange of opinions and ideas and criminalizing any criticism of its work; despite the serious concerns about the drafting exercise performed by the National Convention and the fact that the devastating cyclone that struck Myanmar in early May 2008 made parts of the country inaccessible, the authorities went ahead with the referendum, which, according to official reports, overwhelmingly endorsed the new Constitution; however, detailed reports exist indicating that voters were either pressured or blackmailed into voting for the referendum, which had become an entirely military-run exercise; the night before the referendum, local authorities went from house to house to collect people's votes, and the authorities decided to close the polling stations hours before the time originally scheduled,

*Considering* that on 12 August 2008, parliamentarians-elect U Nyi Pu and Tin Min Htut were arrested at their houses; they had both signed a letter to the United Nations Secretary-General, Mr. Ban Ki-moon, at the end of July 2008, in which they declared their opposition to the 2010 elections and expressed concern about the United Nations stance on Myanmar; they were subsequently charged with sedition, disrupting the National Convention and violating the Electronics Act; on 13 February 2009, the Insein Prison special court sentenced them to 15 years' imprisonment; no lawyer was allowed to represent them in court,

*Considering* that Zaw Myint Maung was released on 21 February 2009 as part of a release of over 6,000 prisoners by the authorities, which along with him included 22 other political prisoners; according to the United Nations Special Rapporteur on the human rights situation in Myanmar, in his report (A/HRC/10/19) of 11 March 2009, there are more than 2,100 prisoners of conscience in Myanmar,

*Considering also* that the military authorities, on the basis of the new Constitution and the road map, have announced that elections will take place in 2010; the NLD and key ethnic parties have rejected the referendum results and declared that they will not stand in the elections unless the regime agrees to establish an inclusive commission to review and amend the Constitution, and that they have been working together to present viable options for Myanmar which are representative of all political and ethnic groups,

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

1. *Is shocked* at the recent sentencing of two parliamentarians-elect to harsh prison terms for merely exercising their freedom of expression;
2. *Can but consider* that the continued repression of freedom of expression shows that the authorities are not serious in their stated intention to move towards genuine political reform;
3. *Reaffirms* its belief that the Constitution, which provides the legal and institutional framework for the 2010 elections, fails to reflect the democratic values to which the people of Myanmar have long aspired; *recalls* in this respect its long-standing conviction that the National Convention, owing to how it was set up and functioned, was illegitimate from the start, and that the climate of fear, distrust and total lack of transparency in which the referendum on the draft Constitution was conducted stripped it of any credibility;

4. *Stresses once again* that any transition to democracy will fail so long as it is not genuinely free and transparent, does not reflect the will of the people, and is not preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
5. *Urges* the authorities to release forthwith all 16 parliamentarians-elect who continue to languish in prison on the basis of legal provisions that blatantly disregard their most basic rights, to refrain from any further political harassment, and to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups by accepting the proposal for an inclusive political process to review the Constitution;
6. *Appeals* to the international community to unite in support of this proposal since it provides a meaningful course of action for genuine change in Myanmar; and *appeals* especially to the IPU Member Parliaments, in particular those of China and India as neighbouring countries, to lend their full support in this respect;
7. *Appeals more particularly* to the Association of South-East Asian Nations (ASEAN), through its Secretary-General, Dr. Surin Pitsuwan, to take any measures that might lead to the restoration of democracy in Myanmar;
8. *Requests* the Secretary General to convey this resolution to the authorities and to all other 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 121<sup>st</sup> Assembly of the IPU (October 2009).

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 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring also* to the Committee's report on its mission to the Philippines carried out from 18 to 21 April 2007, and *taking into account* the information provided in January 2009 by the House of Representatives,

*Bearing in mind* that on 1 June 2007 the Supreme Court dismissed the rebellion charges brought in February 2006 against the parliamentarians concerned as being politically motivated; that those charges had been brought by the Inter-Agency Legal Action Group (IALAG), set up by President Gloria Macapagal Arroyo in January 2006 to ensure effective handling of investigative and prosecutorial aspects of the fight against threats to national security; and that the political parties to which the parliamentarians concerned belong and they themselves are regarded as such by that Group,

*Recalling* that the following new cases have since then been brought against the parliamentarians concerned, and *considering* their current stage:

- On 16 February 2007, a multiple murder case was brought in Leyte against Mr. Ocampo and others; he was arrested on 16 March 2007 and released on bail by the Supreme Court on 3 April 2007 pending the Court's decision on his petition for certiorari and prohibition; the reportedly fabricated evidence adduced by the prosecution links Mr. Ocampo to the execution of government infiltrators into the Communist Party/New People's Army (CPP/NPA) during the period 1985 to 1991 and describes him as a high-ranking official of the CPP/NPA;
- In August 2008 the Philippine National Police filed another charge of multiple murder against Mr. Ocampo; it involves the murder of Romeo Tabayas and Guillermo Daguing and, according to the House of Representatives and the sources, is not new because it is already contained in the Leyte case; motions brought by Mr. Ocampo to suspend proceedings in this case in view of the pending petition in the Supreme Court are still awaiting resolution by the prosecution;

- In January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of another murder case (Nueva Ecija case) whereby Representatives Ocampo, Casiño, Maza and Mariano (the "Batasan Four") allegedly conspired together and planned the elimination of the supporters of another political party, Akbayan, which accusation they strongly refute; while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding; on 18 April 2008 two counts of murder (having allegedly conspired in the murder of one Carlito Bayudang and one Jimmy Peralta) were filed in the Regional Trial Court of Palayan City, in addition to one count of kidnapping and murder of one Danilo Felipe in the Regional Trial Court of Guimba; on 5 August 2008 the Regional Trial Court of Guimba ordered that the charge of kidnapping with murder be dismissed, having found the extrajudicial confessions of prosecution witnesses to be inadmissible evidence; however, the Regional Trial Court of Palayan City did not dismiss the twomurder charges pending before it even though they are based on the same evidence adduced in the kidnapping with murder case and ordered the provincial prosecutor to conduct a new preliminary investigation; on 26 September 2008, the court denied a motion for partial reconsideration of that order; the parliamentarians concerned have filed perjury cases against the complainants in this case;
- In May 2007, shortly before the elections, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of Mr. Vincent Borja, a presumed member of the CPP/NPA; according to the sources, given the incidence of extrajudicial executions and abductions in which the military are involved, Mr. Casiño asked the soldiers, who were not in uniform and had no arrest warrant, to present a warrant and to accompany the arrested person to a military camp until he was transferred to the police; Mr. Casiño filed his counter-affidavit on 27 June 2007, after which a clarificatory hearing was conducted; the case is still awaiting resolution by the prosecutor;
- On 17 March 2008 a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending in the Regional Trial Court of Basey, Western Samar, in connection with alleged threats by communist rebels against the life, liberty and security of one Dennis Gacuma, whose mother was reportedly abducted; Mr. Ocampo filed his answer to the petition on 9 March 2008; the first hearing of the case was reset three times and scheduled for 16 February 2009,

*Recalling* that the House of Representatives has adopted a series of resolutions to inquire into politically motivated killings, summary executions and enforced disappearances, urging the Government inter alia to immediately sign and ratify the United Nations International Convention for the Protection of All Persons from Enforced Disappearance; that in Resolution 118, it directed the House Committee on Civil, Political and Human Rights inter alia to "conduct an investigation into the various forms of human rights violations and attacks against members and leaders of the Anakpawis Party list and other progressive parties and organizations ... and to put an end to political repression of the party lists they belong to",

1. *Thanks* the House of Representatives for the information supplied and for its cooperation;
2. *Notes with deep concern* that not only are the cases against the parliamentarians concerned not proceeding, but new cases are brought against them, in particular against Representative Ocampo;
3. *Points out* in this respect in particular the failure of the prosecution to resolve the obstruction of justice case against Mr. Casiño brought against him almost two years ago, and the filing of another murder case against Representative Ocampo which is already part of the multiple murder case brought against him earlier, and hence in breach of the principle that no one shall be tried twice for the same offence (prohibition upon double jeopardy);

4. *Recalls* in this connection once again that the rebellion charges, initially filed against them by IALAG following nine months of preparation, were finally dismissed by the Supreme Court as clearly being politically motivated, and that a petition to bar their political parties from standing in the May 2007 elections was dismissed by the Commission on Elections for lack of merit;
5. *Consequently has every reason to believe* that the proceedings under way against the parliamentarians in question are part of an ongoing effort to remove them and their political parties from the democratic political process;
6. *Urges* the authorities either to proceed with the cases brought against the parliamentarians concerned diligently, as is their duty, or to drop the charges forthwith; *reaffirms also* that the prosecution and judicial authorities have a duty not to proceed with any case on the basis of political considerations; *once again recalls* in this respect the Supreme Court ruling in the rebellion case in which the Court reiterated “the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular” and stated the following: “We cannot emphasize too strongly that prosecutors should not allow, and should avoid giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends”;
7. *Furthermore observes with concern* the differing positions of courts regarding the admissibility of extrajudicially obtained confessions as evidence, resulting in the dismissal of a case on one occasion and the ordering of further preliminary investigation on another; *reiterates therefore its wish* to receive information about the rules on admissibility of evidence in Philippine law;
8. *Notes* that the many cases brought against the parliamentarians concerned impair their capacity to exercise their parliamentary mandate freely and effectively, and therefore *appreciates* all the more the initiative taken by the House of Representatives to examine the question of harassment of party-list representatives; *would appreciate* information about any conclusions and recommendations that may meanwhile have been adopted by the House Committee on Civil, Political and Human Rights in this respect;
9. *Wishes lastly to ascertain* whether any action has been taken and yielded results in the perjury case brought by the parliamentarians concerned against the complainants in the Nueva Ecija case;
10. *Requests* the Secretary General to convey this resolution to the competent authorities, including the National Human Rights Commission, and to the other parties concerned, inviting them to provide the requested information;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

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

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/184/12(b)-R.1.),

*Considering* the following facts:

- Mr. Antonio F. Trillanes, then a Navy Lieutenant Senior Grade, was arrested and detained owing to his participation in the so-called "Oakwood Siege" of 27 July 2003 when more than 300 soldiers went to the Oakwood Hotel in Makati City to make known their grievances over graft and corruption within the Armed Forces of the Philippines, denouncing in particular what has become known as the "Greenbase Documents"; the incident ended peacefully with the Oakwood agreement providing for an independent investigation into the allegations of corruption with only five core members of the group, including Trillanes, to be prosecuted under Military Law; subsequently, however, charges of an attempted coup d'état - a non-bailable offence - were brought against him and 30 others;
- While in detention, Mr. Trillanes was allowed to register as a voter in December 2006, to file his certificate of candidacy for a Senate seat in February 2007, to cast his vote on 14 May 2007, to be proclaimed a senator-elect, and to take his oath of office on 29 June 2007; having received the eleventh highest number of votes (11,189,671), he was subsequently elected chair of the Senate's Committee on Civil Service and Government Reorganization;
- Senator Trillanes was first held at the Detention Center of the Intelligence Service of the Armed Forces, was subsequently moved to the Marine Brig, Fort Bonifacio, and is currently held in the Philippine National Police Headquarters; during his election campaign, Senator Trillanes was permitted to meet regularly with campaign supporters and all guests wishing to see him; upon his election in June 2007, this policy continued and he was granted broad visiting rights and even allowed to hold inside the prison a first meeting of the Senate Committee that he was elected to chair; however, a few months after his election, this situation changed such that he is at present virtually unable to carry out his mandate; his applications and an application by the Senate itself to allow him to attend Senate sessions have been rejected in final instance by the Supreme Court, although the former custodian of Senator Trillanes at the Marine Brig, Colonel Luciaro D. Oneba did not object to Senator Trillanes's request to be allowed to attend Senate sessions but merely recommended that "the Honourable Senator will be picked-up and transported back and forth with adequate Senate Security every time he attends the purposes being mentioned", and the Chief of Staff of the AFP, General Hermogenes Esperon, in a letter dated 19 July 2007 to the trial court, expressed and professed "non-obstruction, in any manner, of the election and performance (by Senator Trillanes) of his duties in accordance with the popular mandate";

- In rejecting Senator Trillanes's petition, the Supreme Court relied essentially on the precedent of *People vs. Romeo Jalosjos*, where it held that "allowing accused-appellant to attend congressional sessions and committee meetings for five days or more a week will virtually make him a free man ... Such an aberrant situation not only elevates accused-appellant to that of a special class, it would also be a mockery of the purposes of the correctional system"; the sources point out that reference to that case is misplaced since, unlike that of Senator Trillanes, it concerned a member of parliament already convicted at first instance at the time of his petition on two counts of statutory rape and six counts of acts of lasciviousness (crimes involving moral turpitude) who had attempted to escape arrest;
- The sources point also to the case of the former Governor of Autonomous Region in Muslim Mindanao, Mr. Nur Misuri who was granted bail in April 2008, although he is being tried for the non-bailable crime of rebellion on account of having led an uprising in Jolo province, Mindanao, which killed hundreds of people;
- In Senate Resolution No. 3 on "Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law", adopted by the Senate on 25 July 2007, the Senate notes inter alia that the possibility of flight by Senator Trillanes in the event of his being granted bail is "remote if not impossible considering all the circumstances" and refers to the case of Senator Justiniano Montano of Cavite in the following terms: "Senator Justiniano Montano of Cavite in the early 50es was placed in a similar predicament as Senator Trillanes when the former was charged with multiple murders and was placed under arrest: Multiple murder, like the offence with which Senator Trillanes is charged, is non-bailable. But the Supreme Court allowed Senator Montano bail so that he could join the sessions of the Congress and perform his other duties as an elected senator of the land";
- The Senate minority leader filed a motion which was signed by all but three Senators, to allow Senator Trillanes to participate in Senate hearings via video-conferencing; the motion was referred to the Senate's Committee on Rules; meanwhile, the Senate is amending its Rules to enable participation of members in Senate sessions via video-conferencing,

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

1. *Recalls* that accused persons, whether or not detained, have the right to be tried without undue delay and that detained persons must be tried as expeditiously as possible; *affirms* that special diligence is required in the case of detained members of parliament as their detention prevents them from effectively exercising their mandate and deprives their constituents of representation in parliament;
2. *Remains deeply concerned* in this respect that Senator Trillanes has now been on trial and in preventive detention for more than five years, a period which, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3(c), of the ICCPR; *wishes to ascertain* the current stage of the judicial proceedings against him and the prospects for their speedy conclusion;
3. *Recalls* further that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *believes* that there are ample grounds, especially in the light of judicial precedent, for Senator Trillanes's release pending trial and, even more so, ample grounds for allowing him to attend Senate sessions and to grant him the necessary facilities to enable him to exercise his mandate meaningfully;



4. *Observes* that depriving the 11 million citizens who voted for him of representation in parliament can only harm the democratic process; *notes with interest* the Senate motion to allow his participation in Senate sessions via video-conferencing and the envisaged amendment of Senate rules to allow participation of members in its work via video-conferencing, and *hopes* that the amendment will soon be adopted;
5. *Wishes lastly to ascertain* whether parliament has launched any investigation into the allegations of graft and corruption within the Armed Forces made by Senator Trillanes and his co-accused;
6. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, who disappeared in April 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Recalling* that Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to refute in parliament the accusations of fomenting ethnic divisions levelled by a parliamentary inquiry commission in a report against his party in which his name was mentioned; while the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have long stated their belief that Mr. Hitimana had fled to a neighbouring country and were very optimistic that he would soon be located,

*Recalling* that, in his letter of 11 April 2008, the then Speaker of the Chamber of Deputies stated that the authorities were exploring all lines of inquiry brought to their attention and that the National Assembly was anxious to see the matter settled but wished to leave the authorities the necessary time to do their work,

*Taking into account* the letter from the Speaker of the Chamber of Deputies, dated 9 February 2009, stating that Parliament had no new information on the investigation into Mr. Hitimana's disappearance,

*Recalling* the many allegations concerning harassment of Mr. Hitimana's family, including of his 80-year-old father who had been arrested and brought before a Gacaca court which declared him innocent, that he was released on 26 March 2007 on the intercession of the National Human Rights Commission; *considering* that his father was reportedly rearrested arbitrarily on the basis of "new information" brought to the attention of the Gacaca court and, according to information provided on 11 March 2009, was close to death in the central prison of Gisovu where he is being held,

1. *Thanks* the Speaker of the Chamber of Deputies for her communication; *nevertheless regrets* the absence of any observation indicating that parliament remains concerned about the fate of a former colleague who has disappeared;
2. *Is dismayed* at the lack of any progress in the investigation; *expresses serious doubt* as to its effectiveness and thoroughness given the scant information on file regarding police and judicial action taken in the six years since Mr. Hitimana was last seen;
3. *Reaffirms its conviction* that every passing day without any trace of Mr. Hitimana increases the likelihood that he was indeed the victim of an enforced disappearance, and that this suspicion should therefore necessarily guide any determined effort by the authorities to shed full light on Mr. Hitimana's fate; *is deeply concerned* therefore that apparently no such effort has been made, which thus casts serious doubts on their willingness to determine what befell him;
4. *Recalls* that forced disappearances are a serious violation of human rights; *reaffirms* that the forced disappearance of a member of parliament, if not elucidated and punished, stands as a threat to parliament, to all its members and, in the final analysis, to the people it represents, as it can only encourage the repetition of such acts;

5. *Calls on* the authorities to ensure that the investigation is pursued with the necessary vigour and diligence and seriously examines the possibility that Mr. Hitimana was the victim of a forced disappearance; *calls on* the Parliament to do everything in its power to ensure that effective efforts are made to this end; and *wishes to ascertain* what, if any, investigative steps are being taken and what official action Parliament is taking to monitor these efforts;
6. *Expresses deep concern* about the plight of Mr. Hitimana's father; *sincerely hopes* that the President of the National Human Rights Commission will again successfully intercede to ensure that his human rights are fully respected;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, to the President of the National Human Rights Commission and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

**SRI LANKA**

CASE No. SRI/12 - JAYALATH JAYAWARDENA

CASE No. SRI/50 - GAJENDRAKUMAR PONNAMBALAM

CASE No. SRI/51 - SELVARAJAH KAJENDREN

CASE No. SRI/52 - SENATHIRAJAH JAYANANDAMOORTHY

CASE No. SRI/54 - SIVANATHAN KISHORE

CASE No. SRI/55 - T. KANAGASABAI

CASE No. SRI/57 - THANGESWARI KATHIRAMAN

CASE No. SRI/58 - P. ARIYANETHRAN

CASE No. SRI/59 - C. CHANDRANEHRU

CASE No. SRI/62 - MANO GANESAN

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of the above-mentioned parliamentarians of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring* also to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and *taking into account* the progress report of the Sri Lankan police forwarded on 1 April 2009; *noting also* that at the session it held during the 120<sup>th</sup> Assembly, the Committee heard members of the Sri Lankan delegation,

*Recalling* that the members of parliament concerned, who, except for Dr. Jayalath Jayawardena and Mr. Mano Ganesan, belong to the Tamil National Alliance, have been the target of death threats and harassment, of attempts on their lives or attacks on their property, or both,

*Noting more particularly* the following information:

- Regarding Dr. Jayawardena: owing to threats to his security, on 10 June 2008 the Appeal Court directed the police authorities to provide him with a jeep or other suitable vehicle for as long as was warranted; while according to the police he was provided with “a brand new vehicle from the fleet of Police vehicles”, the vehicle is reportedly a Tata Cab that cannot exceed 40 km/h; the Police Department has reportedly launched a campaign to discredit Dr. Jayawardena and depict him as a pro-LTTE (Liberation Tigers of Tamil Eelam) parliamentarian; he submitted a complaint to the National Police Commission and Parliament’s Privileges Committee, whose meetings, in the absence of a Chairman, had been indefinitely postponed; in August 2008, Dr. Jayawardena was prevented from performing a religious retreat at the Madhu Shrine for which he had been granted permission since 1994; on 14 August 2008, he was ordered by Major General Lalith Daulagalla to leave the church immediately as the Secretary of Defence had not granted him permission to stay there, adding that he was an opposition member of parliament; the matter is pending before the National Human Rights Commission;
- Regarding Mr. Mano Ganesan: a State-sponsored slander campaign has reportedly been launched against Mr. Ganesan to discredit him and his work on enforced disappearances in Sri Lanka; on 2 September 2008, he was questioned by the Director of the Terrorist Investigation Division (TID) in connection with peace visits to Killinochi he carried out during the period of the Cease Fire Agreement from 2002 to 2005, and about an alleged special relationship with the LTTE; according to the police report forwarded in April 2009, he had been summoned by the TID because an LTTE member had mentioned his name in connection with a plan to assassinate a minister; stories about the questioning, which was conducted in private, were then being carried in the media, increasing the risk to his security; Mr. Ganesan feels singled out as a human rights defender, an ethnic Tamil parliamentarian and a democratic political party leader belonging to the opposition alliance;

- Regarding Mr. Chandranehr: according to Mr. Chandranehr, the person who attacked him during a visit to his constituency in June 2007 was Mr. Iniyabarathy, alias "Kumarasuwamy Pushpakumar"; that person, he reported, had been appointed coordinator for President Rajapakse in Ampara District and received his credentials from the President on 25 May 2008; Mr. Iniyabarathy and his group reportedly continue to threaten Mr. Chandranehr's supporters and constituents in an attempt to have them break off contact with him; Mr. Chandranehr can reportedly indeed no longer travel to his constituency for fear of his safety; Mr. Chandranehr has raised the matter as a privilege issue and complained to the Inspector General of Police, the Attorney General and the Speaker, reportedly to no avail so far; according to the police progress reports of August 2008, the police investigation points to one "Parathy" as the likely culprit; an identification parade took place before the Akkaraipattu Magistrates' Court on 16 September 2008, when a suspect was indeed identified; however, the court ordered him to appear upon notice; according to the police report of April 2009, the Attorney General directed the police to apprehend "Parathy" and to have him produced at an identification parade; the case was taken up for trial on 16 September 2008, when the magistrate put it to both parties that they might "compound" the matter and "at this juncture, the minister disagreed to the suggestion made by the court and as a result the case was referred to the Attorney General for instruction";
- Family members of Mr. Jeyanandamoorthy and Mr. Ariyanethran and the private secretary of Ms. Kathiraman were abducted shortly before the vote on the 2008 budget; the parliamentarians were threatened that the abductees would be killed should the parliamentarians vote against the budget; the Pillayan paramilitary group was suspected to be behind the abduction and the issue was raised in parliament; the kidnapped persons were released on 15 December 2007; according to the police report of April 2009, there appears to be no nexus between the abduction and the budget voting; that nevertheless further inquiries are being carried out; the Sri Lankan delegation stated that there had been no need to abduct anyone, since the government had a large majority; with regard to the abduction in November 2007 of Mr. Kanagasabai's son-in-law, who has meanwhile been released, the investigation to establish the motive and identity of the culprits is continuing,
- Mr. Jayanandamoorthy and Mr. Kajendren were summoned for questioning by the Criminal Investigation Department (CID) in connection with a complaint made by the Inspector General of Police alleging that, together with Mr. Ariyanethran, they had made speeches at a ceremony held in 2006 in Germany in which they made derogatory remarks about the Sri Lankan Government and the Armed Forces and called on the Tamils in foreign countries to assist the LTTE in establishing a separate State; they were given notice to appear before the Court on 10 December 2008 to inquire into the matter; on 7 December 2008, Mr. Ariyanethran was prevented from travelling to India for medical treatment and was informed by the CID unit at the airport that "higher authorities" had issued an order to prevent him from leaving Sri Lanka;
- 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 said that he was stopped by a police sentry for a routine check. A little later, a van and more police arrived at the scene and he was bundled into the vehicle before it sped off. An investigation is reportedly under way. According to the source, the abduction could not have happened without the knowledge of the police station in the zone. The source points out that the incident took place barely 48 hours before the TNA was to decide its position on whether to accept an invitation for direct talks with President Rajapakse,

*Noting* further that it appears from the police report forwarded in April 2009, that no progress has been made in the investigation regarding the attacks on the office of Mr. Kajendren and on the house of Mr. Kishore, and the threats against Mr. Ponnambalam, and that the report does not mention the death threats against Mr. Kanagasabai, Mr. Jayanandamoorthy, Mr. Pathmanathan, Ms. Kathiraman, Mr. Ariyanethran and Mr. Chandranehr made in November 2006 by a person who

introduced himself as Gunanan of the Tamil Eela Makkal Viduthalai Puligal (TMVP) Batticaloa Office; *considering* in this respect that the TMVP participated in the Batticaloa Provincial Council election of May 2008 and won a majority of votes,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Is alarmed* that yet another family member of a TNA parliamentarian has been abducted; *trusts* that the authorities will seriously and diligently investigate this matter, as is their duty, and *would appreciate* being informed in this respect;
3. *Remains concerned* that, with the exception of Mr. Chandranehr, in whose case a suspect was identified but who, according to Mr. Chandranehr, is not the culprit, in none of the other cases of threats and attacks against TNA parliamentarians has any progress been made although, at least in one instance, the name of the person who made death threats is known to the authorities; *remains particularly concerned* at the absence of effective action to identify and punish those responsible for abducting family members and staff of TNA parliamentarians when there are clear leads as to the group behind those abductions and their motive; *once again urges* the authorities to investigate these abductions seriously and promptly, which it considers all the more important as the group behind the attack has now joined the democratic process; *would appreciate* receiving the views of the authorities on the allegation that one Mr. Iniyabarathy, later appointed to the President's Office, attacked Mr. Chandranehr during the visit to his constituency in June 2007; *also wishes to ascertain* the follow-up to the court hearing held in September 2008;
4. *Also remains concerned* at the continuing intimidation of outspoken opposition members of parliament, the attempts made to link them to the LTTE and the inadequacy of the security measures afforded them, and at the inertia of parliament's Privileges Committee, which can only hamper parliament's ability effectively to protect the rights of its members and ensure that they can exercise their mandate without fear of harassment;
5. *Reaffirms* that freedom of expression and respect for the rule of law must remain a cornerstone of democracy, even in such troubled situations as that of Sri Lanka, since otherwise authoritarian rule may set in;
6. *Can but endorse once again* the conclusion of the mission report that there can be no better deterrent to the violence targeting members of parliament, and indeed the public at large, than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice; and *urges* the authorities once again to take firm action to this end;
7. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

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

*Noting* that, at the session it held during the 120<sup>th</sup> Assembly, the Committee met with members of the Sri Lankan delegation,

*Recalling* that on 7 December 2004 the Supreme Court of Sri Lanka found Mr. Dissanayake, then an opposition member of the Sri Lankan Parliament, to be in contempt of court for his criticism of an advisory opinion issued by the Court, and sentenced him to two years' imprisonment; he served his sentence until, in early February 2006, President Rajapakse remitted the remainder of it; Mr. Dissanayake nevertheless lost his parliamentary seat and, in addition, as a result of his conviction, was to be barred from voting and standing in elections for a period of seven years; that, given the serious doubts about the fairness of the proceedings against him, it has called on the President of Sri Lanka to grant him a full pardon, thereby restoring his civil and political rights,

*Considering* that, on 22 July 2008, the Human Rights Committee set up by virtue of the International Covenant on Civil and Political Rights (ICCPR) expressed the view<sup>26</sup> that the State of Sri Lanka had violated Mr. Dissanayake's rights under Article 9, paragraph 1 (prohibition of arbitrary detention), Article 19 (freedom of expression), and Article 25 b (right to be elected at genuine periodic elections) of the ICCPR and was therefore under an obligation to provide him with an adequate remedy, including compensation and the restoration of his right to vote and stand for election, and to make such changes to the law and practice as necessary to avoid similar violations in the future,

*Considering* that, according to the Sri Lankan delegation, Mr. Dissanayake has recovered his civil and political rights and was elected in the Central Province Council elections of February 2009,

1. *Thanks* the Sri Lankan delegation for its cooperation;
2. *Notes with satisfaction* that Mr. Dissanayake has recovered his civil and political rights, and consequently *decides* to close this case while regretting that he had to spend almost two years in prison on account of having exercised his freedom of speech;
3. *Emphasizes also* that the United Nations Human Rights Committee has not only ruled that Mr. Dissanayake's right to vote and stand for election should be restored, but also expressed the need for changes to be made in the law and practice, and *observes* that, as a party to the First Optional Protocol to the ICCPR, Sri Lanka has a duty to comply with that Committee's views;
4. *Requests* the Secretary General to inform the authorities and the source accordingly.

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<sup>26</sup> CCPR/C/93/D/1373/2005.

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

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

*Taking into account* the report from the Sri Lanka Police Headquarters, forwarded by the Parliament on 1 April 2009, and *noting* that, at the session it held during the 120<sup>th</sup> Assembly, the Committee met with members of the Sri Lankan delegation,

*Recalling* that Mr. Pararajasingham was shot dead on 24 December 2005 during the Christmas Eve Mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; that the investigation has remained at a virtual standstill despite the fact that St. Mary's Church was located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty, so that the culprits could only have escaped with the complicity of the security forces; that, during the on-site mission, it turned out that there was no agreement on whether or not President Rajapakse had been given the name of a possible suspect; that, however, the delegation provided the name of the person in question to President Rajapakse and to the Minister for Disaster Management and Human Rights,

*Noting* that the police progress report of April 2009 only reiterates information provided earlier, adding that there was neither sufficient evidence nor enough public support to achieve better results and that, in addition, the witnesses are intimidated by the killers,

*Recalling* also that, in late 2006, President Rajapakse set up a "Presidential Commission of Inquiry to investigate and inquire into serious human rights violations", including the murder of Mr. Pararajasingham; that it is nevertheless unclear whether the Commission has started investigating this crime,

*Bearing in mind* that elections to the Batticaloa Provincial Council were held in May 2008 and that, according to the authorities, democracy and respect for human rights are gaining ground in the province,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Deeply regrets* the absence of any progress in the investigation; *recalls* that the name of a possible suspect was provided to the authorities and *wishes to ascertain* whether any effort has been made to locate and question that person; *also wishes to ascertain* whether the Presidential Commission of Inquiry has started or intends to conduct any inquiry into Mr. Pararajasingham's murder;
3. *Reaffirms* that Mr. Pararajasingham's murderers could only have escaped with the complicity of the security and army personnel posted around the Cathedral and in the area, and that it should therefore be much easier for the investigating authorities to identify and apprehend them, especially now that Batticaloa province has returned to a democratic system, violence has receded and witnesses may be less fearful of retaliation;



4. *Can only reaffirm* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
5. *Requests the Secretary General* to convey this resolution to the authorities, inviting them to provide the requested information;
6. *Requests the Committee* to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring also* to the report on the on-site mission to Sri Lanka, which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and to the police progress report forwarded on 1 April 2009 by the Parliament of Sri Lanka to the Committee,

*Taking into account* the hearing which the Committee held during the 120<sup>th</sup> Assembly with members of the Sri Lankan delegation,

*Recalling* that Mr. Raviraj, a member of parliament for Jaffna and a leading 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; that two suspects were arrested and interrogated in this case and, according to the police progress report forwarded in August 2008, were subsequently released on bail; that arrest warrants have been issued for two other persons suspected of having aided and abetted the commission of the murder; that investigations are continuing under judicial review and the case was to be called on 16 September 2008,

*Noting* that the police progress report forwarded in April 2009 reiterates the information provided in August 2008, except that four instead of two suspects have been identified, two main suspects and two other suspected accomplices; according to the report they are strongly suspected of having gone to the areas controlled by the Liberation Tigers of Tamil Eelam; *noting* that the report says nothing about the outcome of the court hearing of 16 September 2008,

*Bearing in mind* that, according to the Sri Lankan delegation, only about 20 square kilometres are still under the control of the LTTE, the Sri Lankan Army being in control of the rest, and that, in the delegation's view, this will also make it easier for the authorities to apprehend suspects who have fled to LTTE-controlled areas,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Deeply regrets* the lack of any progress in the investigation; *wishes to ascertain* the outcome of the hearing of 16 September 2008 and the identity of the four persons suspected of having committed or abetted the commission of the crime;
3. *Also wishes to ascertain* whether investigators have made use of the information collected by non-governmental organizations as mentioned in the Committee's mission report;
4. *Believes*, in common with the delegation, that the recapture of formerly LTTE-controlled areas should make it easier for the authorities to apprehend suspects who, they believe, had fled to those areas and hence to fully investigate such crimes as the murder of Mr. Raviraj;

5. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
6. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring also* to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2) and to the police progress report forwarded by the Parliament on 1 April 2009; *noting also* that at the session it held during the 120<sup>th</sup> Assembly, the Committee heard members of the Sri Lankan delegation,

*Recalling* the following information on file: Mr. Maheswaran voted against the budget on 14 December 2007 and soon after the vote the number of his security guards was cut from eighteen to two; he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and died of his injuries 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, especially how abductions and killings were managed,

*Recalling further* that the authorities arrested Johnson Colin Valentirio alias "Wasantha", from Jaffna, who had been identified as the gunman on the basis of a DNA analysis that had enabled the investigators to conclude that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) cadre who had been specifically sent to Colombo to kill Mr. Maheswaran; that a video recording of the culprit's confession existed, and his parents had confirmed that he was an LTTE member; that, 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; *noting* that the police progress report of April 2009 merely repeats that information,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Notes with regret* that, since August 2008, the investigation has apparently made no progress; *wishes to ascertain* whether an indictment has now been filed and the case listed for hearing;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to seek the above information from the authorities and from the sources;
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 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. D.M. Dassanayake, Minister of Nation-Building, and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring also* to the report on the mission which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and to the progress report by the Sri Lankan Police forwarded by the Parliament on 1 April 2009; *noting also* that, at its session during the 120<sup>th</sup> Assembly, the Committee held a hearing with members of the Sri Lankan delegation,

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

*Recalling further* that, according to the progress report forwarded by the parliament in August 2008, police inquiries have led to the arrest on 10 June 2008 of a suspect with links to the LTTE who divulged vital incriminating material relevant to Mr. Dassanayake's assassination; the case is registered before the Magistrates' Court of Kanuwana and was to be called again on 5 November 2008; *noting* that the police progress report forwarded on 1 April 2009 makes no reference to the arrest of a suspect but reiterates that the circumstances, mode of operation, the pattern and type of devices used, show that the killing was executed by the LTTE; that the case was postponed for further report on 6 May 2009 and that inquiries are continuing,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Wishes to ascertain* whether a suspect has been arrested in this case; and *would appreciate* being kept informed of further progress made in the investigation;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Secretary General to seek the requested information from the authorities, and *requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

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

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Referring also* to the report on the mission to Sri Lanka which the Committee carried out in February 2008 (CL/183/12(b)-R.2), and *taking into account* the progress report by the Sri Lankan police forwarded by the parliament on 1 April 2009; *noting* also that at its session during the 120<sup>th</sup> Assembly the Committee heard members of the Sri Lankan delegation,

*Recalling* the following:

- At the parliamentary session of 21 February 2008 which the Committee's delegation to Colombo attended, Mr. Sivanesan had raised a privilege issue regarding his intimidation by the "threatening deployment of dogs" by the security personnel who checked his vehicle at Madawachi while he was on his way to Colombo on Monday that week;
- Mr. Kiddinan Sivanesan was killed about 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) has claimed that the killing was the work of deep penetration units of the Sri Lankan military, an allegation denied by the military, who have blamed it on the LTTE,

*Considering* that, according to the police report forwarded on 1 April 2009, inquiries revealed that the attack occurred in Mallawi, an area unlawfully occupied by the LTTE and not accessible to the police; the claim by the LTTE that the killing had been carried out by the Sri Lankan forces is simply meant to discredit the Government; the attack has not been reported to the Jaffna or Vavuniya police and the police are unable to visit the area as it is under LTTE control; *considering*, however, that according to the Sri Lankan delegation the area is now under government control, which means that an investigation can now be instituted,

1. *Thanks* the authorities for the information provided; *also thanks* the Sri Lankan delegation for its cooperation;
2. *Earnestly hopes* that an effective investigation will now be conducted, whether or not a complaint is filed regarding the killing of Mr. Sivanesan and of his driver, and *would appreciate* being kept informed in this regard;
3. *Reaffirms* the conclusion of the mission report that there can be no better deterrent for violence targeting members of parliament and indeed the public at large than combating impunity and ensuring that those responsible for assassinations and other crimes are identified, apprehended and brought to justice, and *urges* the authorities to take firm action to this end;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).

CASE No. TK/39 - LEYLA ZANA ) TURKEY  
CASE No. TK/41 - HATIP DICLE )  
CASE No. TK/51 - ORHAN DOGAN<sup>27</sup> )  
CASE No. TK/52 - SELIM SADAK )  
CASE No. TK/55 - MEHMET SINÇAR )

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring to the cases of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),*

*Taking into account the letter of the President of the IPU Group dated 6 April 2009 and the information he provided at the hearing on the occasion of the 120<sup>th</sup> IPU Assembly,*

*Recalling that, on 27 February 2008, the Court of Cassation handed down its ruling upholding the verdict on appeal sentencing Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months in prison under Article 5 of Anti-Terrorism Act 3713 (prohibition on praising terrorism) and Article 314 (2) of the Turkish Penal Code (punishing membership of an illegal organization) instead of the original 15-year prison sentence, of which they had served 10 years, and which had, on two different occasions, been recognized as the outcome of an unfair trial,*

*Noting that, in relation to nine separate speeches she delivered between July 2007 and March 2008, Ms. Zana was charged on 7 May 2008 with spreading propaganda for the Kurdistan Workers Party, the PKK, by reportedly stating that Mr. Abdullah Ocalan should be regarded as one of three Kurdish leaders; on 4 December 2008, the 5<sup>th</sup> Assize Court in Diyarbakir, taking into consideration Ms. Zana's previous conviction of membership in a terrorist organization, found her guilty of the same crime, sentenced her to a 10-year prison term and revoked her political rights; her lawyers and the Prosecutor have appealed against the judgment; the case is awaiting a decision of the Court of Cassation,*

*Recalling that the President of the Turkish IPU Group had previously provided the following information with respect to the assassination of Mr. Sinçar in September 1993 in circumstances suggesting an extrajudicial execution: a criminal case regarding the murder was pending before the 6<sup>th</sup> Assize Court in Diyarbakir and hearings were scheduled for 21 February and 8 May 2008; the indictment prepared by the Diyarbakir State Security Court, dated 24 May 2000 (2000/59), contained no information about a complainant; the review of the investigation documents and documents pertaining to the legal proceedings show that neither Mr. Sinçar's wife nor any relative was consulted as a witness, that no notice was sent to Mrs. Sinçar, and that neither she nor any relative was informed of the proceedings or applied as "intervener" (civil party); considering that, according to the letter of the President of the Turkish IPU Group, the Court in Diyarbakir had recently requested the Court of Kiziltepe, where Mr. Sincar's family formerly resided, to call them to be heard in the case; as at 12 March 2009, there had been no response from Mr. Sincar's family,*

1. *Thanks the President of the Turkish IPU Group for his constant cooperation and for the information he provided, including the requested copy of the ruling of the Court of Cassation concerning Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak;*

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<sup>27</sup> Mr. Orhan Dogan died on 29 June 2007.

2. *Considers* that it can now close the further examination of their case inasmuch as it concerns the case of Mr. Dicle, Mr. Dogan Mr. Sadak and Ms. Zana; nevertheless *expresses deep regret* that they spent 10 years in prison when they were finally sentenced to seven years and six months' imprisonment, with the result that they were deprived of their right to liberty for two and a half years, following excessively long proceedings owing to the fact that violations of the right to fair trial necessitated two retrials, a situation which has always been of great concern; *requests* the Committee, with respect to the 10-year prison sentence handed down recently on Ms. Zana on account of an accusation similar to the previous one, to follow the proceedings under its confidential procedure;
3. *Is confident* that the Kiziltepe court has indeed contacted Mr. Sinçars family, and *would appreciate* being kept informed of any developments in this connection; *would appreciate* more detailed information on the identity of the alleged culprit(s) and their motives, and more generally, the outcome of the hearings so far held;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources, inviting them to provide the requested information on Mr. Sinçar;
5. *Requests* the Committee to continue examining the case of Mr. Sinçar under its public procedure and to report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).



**ZIMBABWE**

**CASE No. ZBW/19 - ROY BENNETT**  
**CASE No. ZBW/20 - JOB SIKHALA**  
**CASE No. ZBW/21 - TICHAONA MUNYANYI**  
**CASE No. ZBW/25 - TENDAI BITI**

**CASE No. ZBW/27 - PAUL MADZORE**  
**CASE No. ZBW/37 - TUMBARE MUTASA<sup>28</sup>**  
**CASE No. ZBW/38 - GILBERT SHOKO<sup>1</sup>**  
**CASE No. ZBW/44 - NELSON CHAMISA**

***Resolution adopted unanimously by the IPU Governing Council at its 184<sup>th</sup> session  
(Addis Ababa, 10 April 2009)***

The Governing Council of the Inter-Parliamentary Union,

*Referring* to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/184/12(b)-R.1), and to the resolution adopted at its 183<sup>rd</sup> session (October 2008),

*Taking into account* the information provided by the Speaker of the Parliament of Zimbabwe at the hearing held with the Committee during the 120<sup>th</sup> Assembly,

*Bearing in mind* that, in the March 2008 legislative elections, the Movement for Democratic Change (MDC) became the largest party in the House of Representatives, winning 99 of the 207 confirmed seats, that following controversy over who had won the presidential election - outgoing President Mugabe or MDC leader Tsvangirai - and the scheduling of a run-off vote, political violence killed more than 80 MDC supporters and displaced over 200,000; on 29 June 2008 Mr. Mugabe was sworn in for a sixth term; in mid-September 2008, Mr. Mugabe and Mr. Tsvangirai signed a power-sharing agreement which, in February 2009, led to the establishment of a Government of National Unity, led by Mr. Tsvangirai as Prime Minister,

*Recalling* that in the period from 2002 to 2006, Mr. Bennett and his family were the target of persistent harassment and attacks on their farm, even killing farmhands; that, in October 2004, parliament sentenced Mr. Bennett to one year in prison for having pushed Minister Chinamasa during a debate, and that he had to leave the country in 2006 for fear of his life as he was sought for allegedly planning to assassinate President Mugabe; *considering* that, following the formation of the National Unity Government, Mr. Bennett returned to Zimbabwe and was appointed Deputy Minister for Agriculture; that he was arrested on 13 February 2009 and first charged for an offence under the Immigration Act, a charge subsequently changed three times, and that he is now accused of possessing weaponry with the intention of using it for acts of banditry, insurgency, sabotage or terrorism; that he was arrested and released on bail on 12 March 2009,

*Recalling* that Mr. Tendai Biti, together with Mr. Chamisa and many other MDC members and supporters, was severely beaten up by the police on 11 March 2007, which crime has remained unpunished to date; Mr. Biti left the country and returned on 12 June 2008, whereupon he was rearrested and charged with treason "for publishing a document that was explaining a transitional strategy around March 26" and for proclaiming victory in the March 2008 elections before the publication of the official results; *considering* that the charge was dropped and that Mr. Biti, who was reelected in March 2008, has been appointed Minister of Finance in the National Unity Government,

*Recalling* that Mr. Chamisa, in addition to the beating up of March 2007, was attacked later that month at Harare airport by a group of eight men and badly injured; that no one has been brought to justice for this crime; that Mr. Chamisa, who was re-elected, is now the spokesperson for the MDC,

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<sup>28</sup> Mr. Mutasa and Mr. Shoko are deceased.

*Recalling* further the following: Mr. Job Sikhala, who did not run in the March 2008 elections, was tortured in January 2003 while he was a member of parliament; he has provided names as to the identity of his torturers, who have nevertheless not so far been held to account; Mr. Madzore, who was re-elected, tortured and denied medical treatment during his detention in March 2007; Mr. Madzore raised this in court and, according to the information provided by the police in July 2007, the judge ordered the police to investigate the assault and a team of senior officers was entrusted with the task; Mr. Mutasa, who has since died, was reportedly attacked by policemen in March 2003 and the investigation was closed following his death; Mr. Shoko was reportedly assaulted in March 2003 by armed soldiers and policemen; no complaint has reportedly been made about the assault; however, an attack on his house in April 2002 during which Mr. Shoko was reportedly injured was investigated as a "malicious injury to property" case; Mr. Munyanyi was reportedly assaulted while in detention in October 2002 and was rearrested in June 2003; no further information has been provided on the latter three cases,

*Considering* that the Speaker, in his meeting with the Committee, stated that the parliament was concerned about human rights abuses and that the new political dispensation gave rise to hope that there would be fairness and justice; that owing to the separation of powers, parliament nevertheless had but limited power to oblige the competent authorities to respond to inquiries,

1. *Thanks* the Speaker of the House of Representatives for his cooperation and *is gratified* by his commitment to ensuring respect for human rights;
2. *Notes with satisfaction* that the treason charges against Mr. Biti have been dropped; *remains concerned*, however, that the police officers responsible for having him beaten up in March 2007, along with Mr. Chamisa and others, have never been brought to justice;
3. *Remains likewise deeply concerned* that no one has been brought to justice for the airport attack on Mr. Chamisa in March 2007, and for the torture suffered by Mr. Sikhala in January 2003 despite ample evidence of the identity of the torturers; *urges* the authorities to institute a new independent and thorough investigation without delay in order to identify and punish the culprits, who may still be serving in the Zimbabwe National Police and, given the impunity they are enjoying, may well torture again;
4. *Wishes to ascertain* the outcome of the investigation instituted two years ago concerning the torture of Mr. Madzore;
5. *Considers* that the new charges brought against Mr. Bennett are part of an ongoing effort to harass him and prevent him from engaging in political activity in Zimbabwe; *requests* the Committee to ensure that international trial observers are present at his trial;
6. *Stresses* that parliament's oversight function is essential to the democratic functioning of society and that it has a whole range of means at its disposal to exercise it effectively; and *urges* the parliament to make full use of them;
7. *Notes* that in recent years the sources have provided no further information on the cases of Mr. Mutasa, Mr. Shoko and Mr. Munyanyi, and consequently *decides* to close their cases;
8. *Requests* the Secretary General to convey this resolution to the authorities and to other competent persons, inviting them to provide the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 121<sup>st</sup> Assembly of the IPU (October 2009).