



# **R E S U L T S**

**100th CONFERENCE  
AND RELATED MEETINGS**

**OF THE**

**INTER-PARLIAMENTARY UNION**

***MOSCOW (RUSSIAN FEDERATION)***

***4 - 12 SEPTEMBER 1998***

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## A. 100<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE<sup>1</sup>

The 100<sup>th</sup> Inter-Parliamentary Conference began its work in the Moscow Kremlin on the afternoon of 7 September by **electing by acclamation Mr. G.N. Seleznev, Chairman of the State Duma of the Federal Assembly of the Russian Federation, as its President.**

On the afternoon of 10 September, in the first public appearance of **Mr. Evgueni Primakov**, Minister of Foreign Affairs of the Russian Federation, after the President of the Russian Federation had nominated him for the office of **Prime Minister**, the Conference heard the former's statement on his country's foreign policy with regard to the major issues on the international agenda, underlining the important role played by the Russian Federation in international co-operation and underscoring the growing importance of regional conflicts in the world.

### 1. INAUGURAL CEREMONY

The 100<sup>th</sup> Inter-Parliamentary Conference was inaugurated on 7 September at a ceremony held at the State Palace in the Moscow Kremlin, in the presence of **H.E. Mr. Boris Yeltsin, President of the Russian Federation.** During the ceremony, the delegates heard statements from Mr. G.N. Seleznev; Mr. V. Petrovsky, Under-Secretary-General and Director of the United Nations Office at Geneva, who delivered a message from the UN Secretary-General, Mr. K. Annan; and Mr. M.A. Martínez, President of the Inter-Parliamentary Council. The ceremony concluded with a major speech by H.E. Mr. Boris Yeltsin, who declared open the 100<sup>th</sup> Inter-Parliamentary Conference.

Extracts from the speeches delivered on that occasion will be published in the Inter-Parliamentary Bulletin (N° 2, 1998).

### 2. PARTICIPATION

The **Parliaments** of the following 123 countries took part in the work of the Conference<sup>2</sup>: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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<sup>1</sup> The resolutions and reports referred to in this document, as well as general information on the Moscow session, are available on the IPU's web site at <http://www.ipu.org>.

<sup>2</sup> For the complete list of IPU membership, see Annex I.

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

The **observers** included representatives of: (i) Palestine; (ii) United Nations system - United Nations, United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR) - as well as the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO); (iii) the International Organization for Migration (IOM), the Organization of African Unity (OAU); (iv) the Arab Inter-Parliamentary Union, the Baltic Assembly, the Central American Parliament, which became an Associate Member on 12 September, the Commonwealth Parliamentary Association (CPA), the European Parliament, the Parliamentary Assembly of French-Speaking Communities, the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS), the Nordic Council, the Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC), the Parliamentary Assembly of the OSCE, the Parliamentary Association for Euro-Arab Co-operation (PAEAC) and the Union of African Parliaments (UAP); and (v) Amnesty International, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies, the World Federation of United Nations Associations (WFUNA) and the World Conservation Union (IUCN).

There was a total of 1,243 delegates, including 693 parliamentarians and 67 delegates attending as observers.

### 3. SELECTION OF A SUPPLEMENTARY ITEM

When this question was taken up on the afternoon of 7 September, the Conference had before it **seven requests for the inclusion of a supplementary item**. The Conference first heard statements from the sponsors of the items. Prior to and during these presentations, four Groups withdrew their requests as follows: the Group of **Iraq** withdrew its request for an item entitled "*United Nations responsibility in lifting sanctions imposed on Iraq, Libya and Sudan*", the Group of **Lebanon** withdrew its request concerning "*Support for Lebanon in its continuous efforts to implement UN Security Council resolution 425 adopted in March 1978*", announcing that it was in favour of the item proposed by the Group of Egypt, the Group of **Israel** withdrew its request for an item on "*Creation of an information clearing centre to facilitate the establishment of hi-tech industrial zones in developing countries, with the co-operation of the private sector, within an appropriate international organisational framework*", announcing that it would submit it again at a future conference, and the Group of **Venezuela** withdrew its request concerning a "*New international order*" in favour of the subject put forward by the Group of Latin American countries, asking that the item be placed on the agenda of the next statutory Conference.

As a result, the Conference had before it three requests and proceeded to vote on them in a single roll call with the following outcome:

- The item proposed by the Group of **Latin American countries** entitled "*Action to combat the consumption and illicit trafficking of drugs and organised crime*" received 1,131 votes to 145, with 193 abstentions (see details of the vote in Annex II-A);

- The item put forward by the Groups of **Denmark, Iran (Islamic Republic of), Japan and the United Kingdom** - which had merged their respective original proposals on nuclear weapons into one, entitled "*Parliamentary action to urge all countries to sign and ratify the Comprehensive Test Ban Treaty banning all testing of nuclear weapons, to take urgent measures to strengthen the nuclear non-proliferation regime, and to work towards the eventual elimination of all nuclear weapons*" - received 919 votes to 334, with 216 abstentions (see details of the voting in Annex II-B);

- The item proposed by the Group of **Egypt (on behalf of the Arab Inter-Parliamentary Groups)**, entitled "*Contribution of the world's parliaments to the revitalisation of the Middle East peace process*", received 806 votes to 313, with 350 abstentions (see details of the vote in Annex II-C).

The request of the Group of Latin American countries, having received not only the necessary two-thirds majority but also the highest number of affirmative votes, was added to the agenda as item 7 (see paragraph 4(d) below).

#### 4. WORK AND DECISIONS OF THE CONFERENCE AND ITS STUDY COMMITTEES

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

The General Debate on the political, economic and social situation in the world was held at the end of the afternoon of Monday, 7 September, throughout Tuesday 8 September, from 4 p.m. to 6.30 p.m. on Wednesday, 9 September and throughout Thursday, 10 September. A total of 129 speakers from 109 delegations took part in the debate, which was conducted by the President of the Conference, who also invited the Vice-Presidents of the Conference from the following delegations to share the task of chairing: Belgium, Guatemala, Ireland, Kenya, Morocco, Switzerland, Thailand and Viet Nam.

(b) **Strong action by national Parliaments in the year of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights to ensure the promotion and protection of all human rights in the 21<sup>st</sup> century** (Item 4)

This item was considered on 8 and 10 September by the **II<sup>nd</sup> Committee** (Parliamentary, Juridical and Human Rights Questions). The sittings of 8 September were chaired by Mr. Y. N'Dia (Côte d'Ivoire), in the unavoidable absence of the officers of the Committee, while the sitting of 10 September was chaired by the Vice-President of the Committee, Mr. F. Borel (Switzerland). The Committee had before it **17 memoranda** presented by the National Groups of Argentina, Australia, Chile, China, Congo, Egypt, Estonia, Hungary, India, Iraq, Libyan Arab Jamahiriya, Russian Federation, Switzerland, Venezuela, Mr. A. Alasino (Argentina), Mr. C.A. Becerra (Argentina) and the Parliamentary Assembly of the Council of Europe. It also had before it **information documents** presented by the Secretariat of the Inter-Parliamentary Union, Amnesty International, UNESCO, the United Nations Division for the Advancement of Women, the United Nations Fund for Women and a statement by Mrs. M. Robinson, United Nations High Commissioner for Human Rights. Lastly, it had before it **26 draft resolutions** submitted by the National Groups of Armenia, Australia, Canada, Chile, China, Cuba, Egypt, Estonia, Germany, India, Indonesia, Iran, Iraq, Kuwait, Philippines, Russian Federation, Senegal, Switzerland, Sudan, Sweden, United Kingdom, Venezuela, Mr. A. Alasino (Argentina), the IPU Committee on the Human Rights of Parliamentarians, the Meeting of Women Parliamentarians and the Parliamentary Assembly of the Council of Europe.

Some 75 speakers took the floor during the debate on this item on 8 September. After the debate, the Committee appointed a **drafting committee** comprising the representatives of the Groups of Canada, Chile, China, Egypt, Estonia, Germany, India, Iran, Kenya, the Russian Federation, Senegal, South Africa, Sweden and Uruguay. Representatives of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross participated in the work of the committee as advisers. The drafting committee met all day on 9 September and on the morning of 10 September with **Ms. C. Beaumier (Canada)** in the Chair and **Mr. S. Swamy (India)** as **Rapporteur**. It selected the texts submitted by the Groups of Egypt and Germany as the basis for drafting the preamble and operative sections respectively of the overall draft resolution. It then drew from the other texts and took on board suggestions from the various members of the committee to produce a consolidated text. The resulting draft resolution was adopted by consensus by the committee.

At its sitting on the morning of 10 September, the **II<sup>nd</sup> Committee** heard a report by the Rapporteur of the drafting committee, Mr. Swamy, and went on to consider the various sections of the draft resolution. A number of amendments, mainly of an editorial nature, were introduced to the text. Two such amendments were adopted after a vote. Finally, the draft resolution **was adopted by consensus by the entire Committee**. The Committee then held the statutory election of its officers (see section E.3).

Mr. Swamy presented the conclusions of the II<sup>nd</sup> Committee to the plenary Conference in the afternoon of 11 September. The Conference then proceeded to a debate on the draft resolution. The delegation of Egypt proposed an amendment to operative paragraph 2(ii) which was neither discussed nor put to the vote as it had not been raised during the proceedings of the II<sup>nd</sup> Committee. Before the adoption of the resolution as a whole, the delegations of China and Sudan expressed reservations regarding the fourteenth preambular paragraph and operative paragraph 5(i). In addition, the delegation of China expressed reservations on the eighteenth preambular paragraph and operative paragraph 12, and the delegation of the Republic of Korea on operative paragraph 5(iv). Furthermore, the delegation of Armenia expressed reservations on operative paragraph 6. The Conference then **adopted the resolution without a vote** (see text of resolution in Annex III). After the adoption of the text, the delegation of the Syrian Arab Republic made known its reservations on operative paragraphs 4(ii), 5(ii), 5(iv) and 12.

(c) **Water: the means required to preserve, manage and make the best use of this essential resource for sustainable development** (Item 5)

This item was considered on 9 and 11 September by the III<sup>rd</sup> Committee (on Economic and Social Questions) which met with its President, **Mr. H. Gjellerod (Denmark)**, in the Chair. The Committee had before it **19 memoranda**, presented by the National Groups of the following countries, one individual MP, and one associate member as follows: Argentina, Australia, Belarus, Burkina Faso, Chile, Congo, Egypt, Finland, France, Hungary, India, Iraq, Japan, Libyan Arab Jamahiriya, Russian Federation, Switzerland, Venezuela, Mr. Gómez Febres (Venezuela), and by the Parliamentary Assembly of the Council of Europe. The Committee also had before it **22 draft resolutions** presented by the following National Groups and associate members: Algeria, Australia, Canada, Chile, Cuba, Egypt, France, Germany, Guatemala, India, Indonesia, Iraq, Kuwait, Philippines, Russian Federation, Senegal, Sudan, Switzerland, Syrian Arab Republic, United Kingdom, Venezuela and the Parliamentary Assembly of the Council of Europe.

A total of 78 speakers from 71 countries and two international organisations took part in the debate which was held throughout 9 September. Thereafter, the Committee appointed a **drafting committee** composed of representatives of the Groups of the following countries: Algeria, Australia, Denmark, Germany, Japan, Kenya, Mongolia, Russian Federation, Switzerland, Syrian Arab Republic, Turkey and Venezuela. The drafting committee, after electing **Mr. G. Chapman (Australia)** as its **President** and **Mr. P. Günter (Switzerland)** as its **Rapporteur**, met throughout 10 September. It used the draft resolution prepared by the Group of Germany as the basis for its deliberations but also drew extensively on many of the other texts which were before it and took proposals from the floor. The resulting consolidated draft was adopted without a vote.

At its sitting on the morning of 11 September, the III<sup>rd</sup> Committee considered the text presented by the drafting committee. During the meeting, the Committee dealt with one proposed amendment which was defeated by vote. The text was then **unanimously adopted**.

On the afternoon of 11 September, Mr. P. Günter submitted the III<sup>rd</sup> Committee's draft resolution to the Conference, which **adopted it unanimously** (see text of resolution in Annex IV).

In his address to the Conference, the Rapporteur referred to a proposal which the III<sup>rd</sup> Committee wished to convey to the Conference at the request of the Group of the Russian Federation: regarding the catastrophic situation in one of the world's largest freshwater resources, Lake Baikal in Siberia, the Committee suggested that the President of the Inter-Parliamentary Council should address a special letter to the Government of the Russian Federation, drawing its attention to the text of the resolution on water adopted by the 100th Conference and in particular to the need for Russia to fully implement its commitments concerning the protection of Lake Baikal.

(d) **Action to combat the consumption and illicit trafficking of drugs and organised crime** (Item 7)



Having decided to add this item to its agenda, the Conference referred it to the 1<sup>st</sup> Committee (**on Political Questions, International Security and Disarmament**), which examined it on 9 and 11 September with its President, **Mr. A.R. Zamharir (Indonesia)**, in the Chair. The Committee had before it **four draft resolutions** submitted by the Groups of Latin American countries, Canada, Costa Rica and the Parliamentary Assembly of the Council of Europe, and **amendments** to the text of the Canadian Group submitted by the Italian Group.

On the morning of 9 September, the Committee held a debate on this item, in which 36 speakers took part. At the end of the debate, the Committee appointed a **drafting committee** composed of representatives of the Groups of the following countries: Australia, Bolivia, Canada, Colombia, Egypt, Ethiopia, Guinea, Indonesia, Iran (Islamic Republic of), Peru, South Africa and the United Kingdom. The drafting committee met on the morning of 10 September and began its work by electing as **President Mr. M. Hancock (United Kingdom)** and as **Rapporteur Mr. E. Toro (Bolivia)**. Taking the draft resolution of the Groups of Latin American countries as the basis for its work, the Committee, after several hours of deliberation, drew up a consolidated text, incorporating elements from other draft resolutions and aspects reflecting the real situation in different countries affected by the world-wide drug problem. This text was **adopted by consensus**.

On the morning of 11 September, after statements by the President of the drafting committee and its **Rapporteur**, the Committee **adopted** the draft resolution **unanimously**. The delegations of Italy and Azerbaijan then took the floor to stress that the drug problem deserved in-depth discussion and that there were different approaches to the problem which were not all covered in the text that had been adopted.

On the afternoon of 11 September, Mr. Toro presented the draft resolution to the final plenary sitting of the Conference, which also **adopted it unanimously** (see text of the resolution in Annex V).

(e) **Amendments to the Statutes of the Union**

At its first sitting, the Conference had before it a proposal to amend Article 20.2 of the Statutes and another proposal to insert a new Article 23 in the Statutes. Having received the favourable opinion of the Council on both proposals, the Conference **adopted them unanimously** (see Annex VI).

**5. TRIBUTE TO THE FORMER SECRETARY GENERAL OF THE INTER-PARLIAMENTARY UNION**

In accordance with the decision taken by the Inter-Parliamentary Council in Windhoek, the Conference briefly interrupted its general debate on the morning of 8 September to pay tribute to the Union's former Secretary General, Mr. Pierre Cornillon. The President of the Inter-Parliamentary Council, Mr. M.A. Martínez, who spoke on behalf of all the members of the Organisation and Mr. P. Cornillon delivered addresses on this occasion. The President of the Conference, Mr. G. Seleznev, invited the Conference to adopt a draft resolution prepared by the Executive Committee.

By this **resolution adopted by acclamation**, the 100<sup>th</sup> Inter-Parliamentary Conference addressed to Mr. Pierre Cornillon « *its appreciation for the exceptional contribution he has made to the development of the Inter-Parliamentary Union, the strengthening of international co-operation, the prestige and growth of parliamentary institutions in the world and to the cause of democracy and human rights in the nearly 35 years for which he has served the Organisation, during 12 of which he exercised the functions of Secretary General with great distinction* ». « *As a mark of gratitude and esteem* », it conferred on Mr. Cornillon the title of **Honorary Secretary General of the Inter-Parliamentary Union**.

## B. 163<sup>rd</sup> SESSION OF THE INTER-PARLIAMENTARY COUNCIL

The Inter-Parliamentary Council held its 163rd session at the Kremlin in Moscow on 7 and 12 September 1998 with its President, Mr. M. A. Martínez (Spain), in the Chair.

### 1. MEMBERSHIP OF THE UNION

At its second sitting, the Council decided, on the recommendation of the Executive Committee, to **affiliate the Central American Parliament to the Union as an Associate Member**.

At the same sitting, the Council decided to **suspend the affiliation** of the Group of **the Central African Republic** which owed more than three years' contributions, while hoping that it would soon be able to regularise its financial situation and be in a position to rejoin the Union.

As a result of those decisions, **the Union now comprises 136 member Parliaments and four international parliamentary associations as Associate Members** (see list in Annex I).

### 2. PARTICIPATION OF PALESTINE IN THE WORK OF THE UNION

At its first sitting, the Council considered the report of the Committee on the Question of the Affiliation of Palestine, having at its previous session deferred the examination of this report to its Moscow session. After a debate, the Council **adopted** by 83 votes to 63, with 37 abstentions, the conclusions of the Committee that at the present time the Palestine National Council does not fulfil the conditions laid down in Article 3 of the Statutes of the Union and that it wishes to «*receive further information relating to the Palestine Legislative Council which was established under the Oslo Agreement and which functions on the territory coming under the jurisdiction of the Palestinian Authority, this with a view to attaining the objective sought by the Inter-Parliamentary Council*» (see results of the vote in Annex VII).

At its second sitting, the Council **adopted** a proposal by the Executive Committee to strengthen the rights of the delegation of Palestine as an **observer** in the Union's meetings (see Annex VIII).

### 3. CO-OPERATION BETWEEN THE UNION AND THE UNITED NATIONS SYSTEM

At its second sitting, the Council took note of the report of the Executive Committee (see Annex IX), supplemented by information provided orally by the Secretary General, on the positive developments which had taken place since the last session in the field of co-operation between the Union and the United Nations system.

The Council noted as an indication of closer co-operation between the IPU and the United Nations system the invitation extended to the IPU to participate in the Diplomatic Conference of Plenipotentiaries of the United Nations on the creation of an International Criminal Court which took place in Rome and which the President of the Council addressed on 16 June, and the opportunity given to the President of the Council to address the General Conference of the International Labour Organisation in Geneva on 10 June 1998.

The Council welcomed the increasing co-operation between the Union and the United Nations Development Programme (UNDP) and authorised the President of the Council and the Secretary General to sign an umbrella agreement with UNDP for a three-year programme under which the UNDP would provide funding for several of the Union's activities in support of Parliaments. It also welcomed the steps taken to conclude a co-operation agreement between the IPU and the ILO and a memorandum of understanding with the Office of the United Nations High Commissioner for Human Rights allowing for joint activities.

The Council took note of the planned joint activities with the FAO and UNESCO under the Agreements of Co-operation already concluded with those organisations.

The Council encouraged members to attend the annual Parliamentarians' Meeting at the United Nations Headquarters on 26 October and to be present when the General Assembly considers its agenda item on co-operation with the IPU on 28 October next. In connection with the latter, members were urged to take appropriate steps in order that their respective countries' Permanent Representatives to the United Nations in New York sponsor and support the adoption of the draft resolution which will result from the consideration of this agenda item.

#### **4. CONFERENCE OF PRESIDING OFFICERS OF NATIONAL PARLIAMENTS AT THE UNITED NATIONS HEADQUARTERS IN THE YEAR 2000**

At its second sitting, the Council took note of the support expressed by the United Nations Secretary-General and a large number of Speakers/Presidents of Parliaments for organising a Conference of Presiding Officers of national parliaments at the United Nations in the year 2000. It affirmed the purposes of the Conference which are to provide the participants with an opportunity to express their views on how national parliaments and their world Organisation - the IPU - can work with the United Nations in the new millennium, and also to provide an opportunity for the adoption of a solemn act of the re-founding of the IPU. The Council adopted the report of the Executive Committee which included a proposal to constitute a Preparatory Committee for the Conference composed of Presiding Officers of several national parliaments and several members of the Executive Committee (see Annex X).

#### **5. CONSTRUCTION OF A NEW HEADQUARTERS BUILDING FOR THE UNION IN GENEVA**

At its second sitting, the Council received a feasibility study together with the report of the Executive Committee supplemented by information provided orally by the Secretary General on developments since the last session of the Council to follow-up on the proposal to construct a new headquarters building for the Union in Geneva. After discussion, the Council adopted the report of the Executive Committee in which it expressed appreciation to the Swiss Confederation and the State of Geneva for the very favourable conditions they were prepared to offer to the Union to carry out the project and authorised the President of the Council and the Secretary General to proceed with the necessary arrangements for the construction (see Annex XI).

#### **6. ACTIVITY REPORTS**

##### *(a) Report by the President of the Council*

At its second sitting, the Council **took note** of the **written report by the President** on his activities and contacts since the 162nd session.

At both sittings, the Council also heard and **took note** of an **oral report of the President on the activities of the Executive Committee** in the context of its 227th session in Moscow (see Section C).

##### *(b) Annual report of the Secretary General on the activities of the Union*

At its sitting on 12 September, the Council had before it the written report of the Secretary General on the life and work of the Union during the last year. After hearing a presentation by the Secretary General, the Council **took note** of the report.

## 7. MEETING OF WOMEN PARLIAMENTARIANS

On 12 September, the Council heard the report presented by Mrs. T. Yariguina (Russian Federation) on the work of the Meeting of Women Parliamentarians which she had chaired on 6 September 1998 (see Section D.1). The Council **took note** of this report.

## 8. SECURITY AND CO-OPERATION IN THE MEDITERRANEAN

At its second sitting, the Council considered the report on the work of the XIII<sup>th</sup> Meeting of the Representatives of the Parties to the CSCM Process, presented by the General Rapporteur of the CSCM, Mr. M.H. Khelil of Tunisia (see Section D.2). The report covered the results of the Second Thematic Preparatory Meeting of the III<sup>rd</sup> CSCM that was held in Évora (Portugal) on 25 and 26 June 1998, of which it **took note** (see Annex XXI). It also **took note** of the final dates and the topic decided on by the parties to the process for the Third Thematic Preparatory Meeting of the III<sup>rd</sup> CSCM, which will be held in Ljubljana on 12 and 13 March 1999, and entered the necessary funds in the budget. The Council accepted the recommendation of the parties to the process to reschedule the III<sup>rd</sup> Inter-Parliamentary Conference on Co-operation and Security in the Mediterranean from 1999 to early 2000 and **authorised** them to continue their activities using current administrative and financial procedures until the end of the III<sup>rd</sup> CSCM.

## 9. HUMAN RIGHTS OF PARLIAMENTARIANS

On 12 September, Mr. H. Etong (Cameroon), Member of the Committee on the Human Rights of Parliamentarians, reported to the Council on the work carried out by the Committee at its 82nd and 83rd sessions which took place respectively in Geneva from 1 to 4 July and in Moscow from 6 to 11 September 1998 (see Section D.3). The Council paid tribute to Mr. H. Batalla (Uruguay), a former President of the Committee, whose membership of the Committee had expired and proceeded to fill the post which had thus become vacant (see Section E.4).

The Council then **adopted without a vote resolutions concerning 255 serving or former MPs in the following 16 countries: Argentina, Burundi, Cambodia, Chad, Colombia, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Gambia, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo and Turkey** (see Annexes XXII to XLIII). With regard to cases in Chad and Malaysia, the Council endorsed the Committee's recommendation to organise on-site **missions** with financing from the Working Capital Fund.

## 10. SITUATION IN CYPRUS

At its second sitting, the Council considered the report of the Committee to Monitor the Situation in Cyprus, which was presented by the Committee's President and Rapporteur, Mr. H. Kemppainen (Finland). It **endorsed** the Committee's report and the recommendation to replace the Committee with a three-member Group of Facilitators to continue contacts between the parties concerned (see Section D.4 and Annex XIX).

## 11. MIDDLE EAST QUESTIONS

At its sitting on 12 September, the Council had before it the report of the Committee on Middle East Questions, presented by its Rapporteur, Mr. C.E. Ndebele (Zimbabwe). The Council **approved** the Committee's report (see Section D.5 and Annex XX). It renewed the mandate of the Committee for a period of four years and elected three members to fill the vacancies on the Committee (see Section E.6).

## 12. INTERNATIONAL HUMANITARIAN LAW AND ANTI-PERSONNEL MINES

On 12 September, the Council had before it the report of the Committee to Promote Respect for International Humanitarian Law (IHL), presented by its Rapporteur, Mr. J. Hunt (New

Zealand), covering the results of the world inquiry in progress on parliamentary action to promote national implementation of the rules of IHL and on the issue of anti-personnel mines (see Section D.6). The Council **renewed the mandate** of the Committee for a period of four years. The Committee is composed *ex officio* of the three officers of the II<sup>nd</sup> Committee. On the recommendation of the Committee, the Council **approved without a vote** a resolution on international humanitarian law, the International Criminal Court, and anti-personnel mines (see Annex XIV).

### 13. GENDER PARTNERSHIP GROUP

The Council heard at its second sitting the report of the Group's Moderator, Mrs. N. Heptulla (India), who gave an account of the Group's meeting in Moscow (see Section D.7).

### 14. PROGRAMME AND BUDGET FOR 1999

At its second sitting, the Council considered the Executive Committee's proposals for the programme and budget of the Union for 1999, presented by Mrs. T. Yariguina (Russian Federation), Rapporteur of the Executive Committee. In her presentation, Mrs. Yariguina pointed out that while the budget followed its traditional format which is based mainly on the nature of expenditure, a breakdown of expenditure by area of activity had also been prepared for the information of the Council as decided by the Executive Committee.

After hearing the clarifications provided by the Secretary General in answer to questions raised by delegates from Canada and Japan, the Council **approved without a vote** the budget and the scale of contributions for 1999 (see Annexes XII and XIII).

### 15. FUTURE INTER-PARLIAMENTARY MEETINGS

At its second sitting, the Council **approved** the Executive Committee's recommendations concerning the **agenda of the 101st Inter-Parliamentary Conference** which will be held in Brussels (Belgium) from 10 to 16 April 1999 (see Annex XV), as well as the list of **observers** to be invited to that meeting (see Annex XVI).

The Council took note of the **calendar of future meetings and other activities** (see Annex XVII). It approved the modalities for the Seminar on relations between majority and minority parties in African Parliaments to be organised in Libreville (Gabon) 17-19 May 1999. It authorised the President of the Council and the Secretary General to select the parliamentary representatives to participate in the proposed IInd Tripartite Meeting on the follow-up to the World Summit for Social Development on the basis of replies to a questionnaire to be sent out shortly to all Parliaments on follow-up to the Summit. Furthermore, on the proposal of the Executive Committee, the Council decided to grant the Union's **sponsorship** to a meeting of parliamentarians on the Convention to Combat Desertification organised by the Secretariat of the Convention in Dakar (Senegal) on 8 December 1998, and to a UNAIDS working group to prepare a handbook for legislators on how to implement international HIV/AIDS guidelines, law and human rights. The dates for this meeting have not yet been determined. The Council **took note** of these decisions with the proviso that they will have no financial implications for the Union.

## 16. AMENDMENTS TO THE STATUTES AND RULES OF THE UNION

At its first sitting, the Council had before it the proposal of the Executive Committee to introduce a new Article 23 in the Statutes in order to formalise the existence of the Meeting of Women Parliamentarians and its Co-ordinating Committee and decided to **recommend that the Conference adopt** the proposal. The Conference so agreed (see Annex VI).

At its second sitting, the Council **took note** of a proposal submitted by the Groups of Canada, Uruguay and Namibia and by the President and two Vice-Presidents of the Co-ordinating Committee of the Meeting of Women Parliamentarians to amend Article 23 (according to the numbering in force up to 11 September) of the Statutes in order to provide that the President of this Committee shall be an *ex officio* member of the Executive Committee. The Council decided to consider the amendment at the first sitting of its next session in Brussels.

Also at the second sitting, the Council **adopted the proposal** of the Executive Committee to add a new paragraph 8 to Rule 3 of the Union's Financial Regulations to make a provision for a situation in which the Council rejects the draft budget proposed by the Executive Committee (see Annex XVIII).

### C. 227<sup>th</sup> SESSION OF THE EXECUTIVE COMMITTEE

The Executive Committee held its 227th session in the Kremlin in Moscow on 4, 5 and 10 September with the President of the Inter-Parliamentary Council, Mr. M.A. Martínez (Spain), in the Chair.

The following members and substitutes took part in the work of the session: Mrs. H.K. Chung (Republic of Korea) substituting for Mr. C.S. Park; Mr. E. Gudfinnsson, substituting for Mr. G. Haarde (Iceland); Mrs. N. Heptulla (India); Mrs. B. Imiolczyk (Poland); Mrs. K. Kilvet (Estonia); Mr. E. Menem (Argentina) replaced on 10 September by Mr. C.A. Becerra; Mr. D. Novelli (Italy); Mr. S.K. Walubita (Zambia) substituting for Mr. M.C. Sata on 10 September; Mr. F. Solana (Mexico), replaced on 10 September by Mrs. L. Pavon; Mr. M.M. Traoré (Burkina Faso), replaced on 4-5 September by Mr. F. Oui; Mr. F. Tuaimh (Jordan); Mrs. T. Yariguina (Russian Federation).

The Executive Committee mainly devoted its time to formulating opinions and recommendations to the Inter-Parliamentary Council regarding items on the latter's agenda. **The other matters considered by Executive Committee may be summarised as follows:**

- It reviewed **the activities and the mandates of ad hoc committees** and decided to recommend that the Council extend by four years the mandates of the Committee on Middle East Questions and the Committee to Promote Respect for International Humanitarian Law.

- It reaffirmed the principle that **members of ad hoc committees** of the IPU were not eligible for immediate re-election upon expiry of their terms of office.

- On the advice of the Working Group set up at its previous session to look into the question of revising the Union's **scale of assessments** in the light of the recent important changes in the UN scale of assessments, the Executive Committee concluded that now was not the time to undertake such a revision which would have very far-reaching consequences. It therefore decided to defer further consideration of this issue to a future date.

- It studied the **financial situation of the Union** and noted the high rate of recovery of contributions and the high level of liquidity of the Union's Working Capital Fund which amounted to over 50% of the annual budget. However, it reiterated its concern at the United States contribution for 1997, over half of which remained unpaid and for 1998, the totality of which remained unpaid and requested the Secretary General to pursue the matter with the US Congress. The Executive Committee also took note of the substantial extra-budgetary funding which the Union receives for its technical co-operation activities.

- It concluded its consideration of the subject of **codification of observer status at IPU** and decided to submit a set of regulations concerning the participation of observers at IPU meetings and the necessary amendments to the Statutes and Rules, for consideration by the Inter-Parliamentary Council at its session in April 1999.

- It considered a proposal from the Leader of the Finnish delegation forwarded by the Twelve Plus Group to amend Rule 23 of the Study Committees with a view to **enlivening the debates and encouraging more active discussion**. It affirmed that the purpose of shifting the debates on subject items on the Conference Agenda from the plenary to the Study Committees had been to ensure that discussions were more dynamic than in plenary but recognised that the debates have often taken the form of statements read out. It nonetheless felt that the proposal before it did not address the problem adequately and decided to consult all members and obtain suggestions.

- It studied **a proposal to amend the Statutes** to provide that the President of the Coordinating Committee of Women Parliamentarians shall be an *ex officio* member of the Executive

Committee and decided to submit it to the Inter-Parliamentary Council at its 164<sup>th</sup> session (Brussels, April 1999) with a positive recommendation.

- It prepared the **provisional agenda of the 164<sup>th</sup> session of the Council** which will be held in Brussels on 11 and 16 April 1999.

- Lastly, it decided on **representation of the Union** at a number of meetings to which the Union has been invited in the coming months.



## D. MEETINGS OF VARIOUS BODIES AND COMMITTEES

### 1. WOMEN PARLIAMENTARIANS

The women parliamentarians met in the Kremlin on Sunday 6 September **under the presidency of Mrs. T. Yariguina, Member of the State Duma of the Russian Federation**. The meeting was preceded by a session of the Co-ordinating Committee chaired by Mrs. Faiza Kéfi (Tunisia): see below.

The Meeting was opened at a ceremony during which Mrs. S. Goriatcheva, Vice-Chairperson of the Duma, Mr. M.A. Martínez, President of the Inter-Parliamentary Council, Mrs. T. Yariguina and Mrs. F. Kéfi took the floor. Some 112 women MPs from the delegations of the following 73 countries participated: Algeria, Andorra, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Belgium, Botswana, Burkina Faso, Cameroon, Canada, Cape Verde, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Ethiopia, Finland, Gabon, Germany, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Lithuania, Malaysia, Mali, Mexico, Morocco, Mozambique, Namibia, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Romania, San Marino, Senegal, Singapore, South Africa, Spain, Sudan, Surinam, Sweden, Switzerland, Thailand, Togo, Tunisia, Uganda, United Kingdom, United Republic of Tanzania, Uzbekistan and Zimbabwe. Observers from the United Nations High Commissioner for Refugees, the UNDP and the International Committee of the Red Cross also contributed to the debates.

The participants held a lengthy debate on the issue of women's human rights and defined the content of the draft resolution to be submitted under item 4 of the agenda of the 100<sup>th</sup> Conference, concerning the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights.

They discussed a series of amendments to Article 23 (according to the numbering in force up to 11 September) of the Statutes to make the President of the Co-ordinating Committee an *ex officio* member of the Executive Committee and asked the authors to prepare a single text to submit to the Council and to the Conference.

They also considered a number of questions concerning the inquiry launched in August among women politicians worldwide entitled « Women's Political Experience and their Contribution to the Democratic Process ». The inquiry questionnaire was prepared at the previous meeting, in Windhoek in April 1998 and finalised in consultation with the members of the Co-ordinating Committee. In this context, they referred to the meeting on « *Perspectives on Democracy: Do Women Make a Difference?* » scheduled for 2 - 4 December 1999 in Paris. This meeting was entered in April in the Union's programme and will be organised jointly by the Inter-Parliamentary Union and UNESCO with support from the United Nations Division for the Advancement of Women. It will enable men and women members of National Parliaments and Governments, meeting in equal numbers, to analyse the survey results with representatives of the media and of various other sectors of society (political analysts, sociologists, historians, philosophers, political and electoral polling specialists, etc.).

The participants also considered initial follow-up on the decisions taken at their instigation by the Inter-Parliamentary Council in April 1998 concerning support for UN efforts to ensure national application of the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*. In this connection, they noted that a considerable number of national Parliaments had already appointed a parliamentarian to serve as a « focal point » for questions concerning the status of women and that some of these parliamentarians had made arrangements for the follow-up of the Council's recommendations. The women parliamentarians appointed as « focal points » are responsible for passing on to all members of the national Parliament, regardless of their political leanings and the Chamber to which they belong, the work and recommendations of the Inter-Parliamentary Union concerning women and gender partnership, and relaying national initiatives in these areas back to the Union.

Lastly, the participants examined the draft questionnaire prepared by the Secretariat in consultation with the United Nations Division on the Advancement of Women, which will be used to gather data from national Parliaments and the political parties represented therein, on national follow-up to the *Platform for Action* adopted in September 1995 by the Fourth World Conference on Women and the *Plan of Action to Correct Present Imbalances in the Participation of Men and Women in Political Life* adopted in March 1994 by the Union. In order to associate the Inter-Parliamentary Union with the process of review and appraisal of the *Beijing Platform* conducted by the UN, in April 1998 the Council entered in the Union's Programme a meeting of representatives of Parliaments and representatives of Governments to be held in New York in June 2000, on the occasion of the General Assembly's special session on this question. The topic of the Meeting will be « *Democracy through Partnership between Men and Women* ».

The **Co-ordinating Committee of Women Parliamentarians** met on Sunday, 6 September, and made preparations for the plenary meeting. At a second sitting held on Friday, 11 September, it assessed the results of the Moscow Inter-Parliamentary meetings as they concerned women and addressed a number of other questions. The Committee's main concern is to find more satisfactory working methods which will enable them, despite the large number of parliamentarians and time and agenda constraints, to have a genuine exchange of views and experiences and also to strengthen co-operation between women parliamentarians from the same region.

## 2. REPRESENTATIVES OF THE PARTIES TO THE CSCM PROCESS

The representatives of the parties to the Inter-Parliamentary Process of Security and Co-operation in the Mediterranean (CSCM)\* held their XIII<sup>th</sup> Meeting in the Kremlin on Wednesday, 9 September 1998, under the Presidency of Mr. J.R. Almeida, member of the Assembly of the Republic of Portugal. The following took part in the session:

- ◆ Representatives of the following main participants: Algeria, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Monaco, Morocco, Portugal, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Tunisia and Turkey;
- ◆ Representatives of the following associate participants: Palestine, Russian Federation, United Kingdom, Arab Inter-Parliamentary Union, Assembly of the Western European Union, Parliamentary Assembly of the Black Sea Economic Co-operation.

The session was preceded by a meeting of the CSCM Co-ordinating Committee, chaired by Mr. M.H. Khelil (Tunisia), General Rapporteur of the CSCM, and attended by representatives of France, Italy, Morocco, Slovenia, Spain, Syrian Arab Republic and Tunisia. The representatives of Egypt and Malta were unable to attend.

The participants discussed the current status and prospects of security and co-operation in the Mediterranean, noting in particular the Conference of Presiding Officers of Parliaments taking part in the Euromed process, held in Palermo (Italy) on 1 June 1998, at which the President of the Inter-Parliamentary Council presented the Union's activities. In view of the various parliamentary initiatives on the Mediterranean now underway, they discussed the advisability of conducting several processes for the Mediterranean simultaneously, in terms of defining their priorities and preferences as to the pace and nature of CSCM activities in the future and determining the level of resources they are prepared to allocate to such activities, including to the provision of administrative support for the political process.

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\* Parties to the CSCM process:

**As main participants**, the Parliaments of the following countries: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Lebanon, Libyan Arab Jamahiriya, Malta, Monaco, Morocco, Portugal, Slovenia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Yugoslavia.

**As associate participants**: (i) the Parliaments of the Russian Federation, of the United Kingdom, and of the United States of America; (ii) Palestine; (iii) Parliamentary Assembly of the Council of Europe, Assembly of the Western European Union, OSCE Parliamentary Assembly, Consultative Council of the Arab Maghreb Union, European Parliament, Arab Inter-Parliamentary Union, Parliamentary Assembly of the Black Sea Economic Co-operation.

At the end of the discussions, the participants agreed to recommend that the Inter-Parliamentary Council authorise them to continue their activities using current administrative and financial procedures until the III<sup>rd</sup> CSCM, by which time they will be in a position to take a decision on the continuation of the process and, if appropriate, the resources to allocate to it. They agreed that it would be preferable to hold the III<sup>rd</sup> CSCM in early 2000 and not at the end of 1999, and recommended that the Inter-Parliamentary Council enter it in the 2000 programme and budget (see Section B.8).

The participants took note of the report on the work of the II<sup>nd</sup> Preparatory Meeting for the III<sup>rd</sup> CSCM, held at Évora (Portugal) on 25 and 26 June 1998, and invited the Inter-Parliamentary Council to take note of it (see Section B.8). The report, which is reproduced in Annex XXI, was presented by Mr. Khelil (Tunisia). The participants agreed to take the steps to ensure that their respective parliaments endorse the report, as best appropriate. They also agreed to ensure that their Governments contribute, in 1998, to the consideration of the item on the agenda of the United Nations General Assembly relating to the strengthening of security and co-operation in the Mediterranean. The President of the meeting, Mr. Almeida, announced his intention of asking to have the report submitted as an official document to the United Nations General Assembly.

Lastly, the participants made preparations for the Third Preparatory Thematic Meeting of the III<sup>rd</sup> CSCM, to take place in Ljubljana (Slovenia). They decided on the final dates, 12 and 13 March 1999 and the theme: « *Co-operation in armaments control in the Mediterranean with a view to preventing conflicts in the region* ». To launch the debates, the participants decided to call on two experts, as for the two previous thematic meetings. They recommended that the Inter-Parliamentary Council enter in the 1999 budget the necessary amount to cover the organisational costs of the meeting, i.e. SF. 25,000. The Council agreed to their request.

### 3. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

The Committee held its 83<sup>rd</sup> session from 6 to 11 September 1998 in Moscow. The session was chaired by Mr. F. Autain (France), Vice-President of the Committee, and attended by Mr. F. Borel (Switzerland) and Mr. H. Etong (Cameroon), titular members. Mr. J. Rodriguez Iturbe (Venezuela) and Mr. M. Samarasinghe (Sri Lanka) participated in the session in their capacity as substitute members.

The Committee held eight *in camera* meetings during which it studied 44 cases concerning 299 serving or former parliamentarians in 34 countries of all regions of the world. Taking advantage of the presence in Moscow of delegations from several of the countries concerned, the Committee, in keeping with its consistent practice, conducted 13 *in camera* hearings. In addition, the Committee asked its members individually to seek information from other delegations attending the Conference regarding several cases before it.

Having thoroughly examined the allegations and information submitted to it, the Committee declared admissible seven new cases in six countries. It decided **to submit to the Council a report and recommendations concerning the cases of 255 serving or former members of Parliament** in the following **16 countries**: Argentina, Burundi, Cambodia, Chad, Colombia, Djibouti, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Indonesia, Malaysia, Myanmar, Nigeria, Togo and Turkey (see also Section B.9 and Annexes XXII to XLIII). On the Committee's proposal, the Council **decided to close** the case regarding three former MPs from Indonesia and three cases regarding two incumbents and a former parliamentarian from Burundi, Equatorial Guinea and Nigeria, respectively.

Moreover, the Committee was informed of follow-up action to its decisions and the Council's resolutions by a number of Member Parliaments. It requested the Secretariat to prepare, *inter alia* on the basis of statistical data, a substantive analysis of the work accomplished since it started operating in 1977 and to present this study to the Council as soon as possible.

### 4. COMMITTEE TO MONITOR THE SITUATION IN CYPRUS

The Committee held its XV<sup>th</sup> session in Moscow from 8 to 10 September 1998, with the participation of Mr. H. Kemppainen (Finland), President, Mrs. Y. Loza (Egypt), Sir Peter Lloyd (United Kingdom) and Mr. S. Pattison (Ireland). Mr. J. Baumel (France), Vice-President, and Mr. L. McLeay (Australia) were unable to take part.

The Committee examined developments in the situation in and regarding Cyprus since April 1998. To this end, it examined information received in writing and heard representatives of the House of Representatives of the Republic of Cyprus, Turkish Cypriot representatives and representatives of the three Guarantor Powers established by the Treaty of Guarantee of 1960, namely Greece, Turkey and the United Kingdom. On 12 September 1998, the Committee submitted a report to the Inter-Parliamentary Council detailing the substantive issues, together with recommendations, which were endorsed (see Section B.10 and Annex XIX). The Council thereupon brought the Committee's mandate to an end and set up a mechanism of facilitators for Cyprus as described in paragraph 17 of the Committee's report. It also appointed three parliamentarians as facilitators (see E.7).

## **5. COMMITTEE ON MIDDLE EAST QUESTIONS**

The Committee held its XXIII<sup>rd</sup> session in Moscow on 9 and 10 September 1998 under the acting chairmanship first of Mr. J. Baumel (France) and, subsequently, of Ms. O.A. Starrfelt (Norway). Mr. M.A. Abdallah (Egypt), Mr. C.E. Ndebele (Zimbabwe) and Mr. A. Philippou (Cyprus) took part in the work of the Committee. The report was presented to the Council by Mr. Ndebele.

For the first time since September 1996, the representatives of the Arab Group (Jordan and Palestine) and those of Israel agreed to come before the Committee together, which the Committee members welcomed. The Committee considered developments in the situation since its April session and encouraged the parties to do their utmost to ensure the resumption of the peace process (see Section B.11 and Annex XX).

## **6. COMMITTEE TO PROMOTE RESPECT FOR INTERNATIONAL HUMANITARIAN LAW**

The Committee held its IV<sup>th</sup> session in Moscow on 11 September 1998. In the absence of the President of the II<sup>nd</sup> Committee, Mr. T. Nonô (Brazil), who was unable to attend, the session took place under the presidency of Mr. F. Borel (Switzerland), outgoing Vice-President of the II<sup>nd</sup> Committee, who had taken part in the Committee's work from the outset, and with the participation of Mrs. B. Mugo (Kenya) and Mr. J. Hunt (New Zealand), the newly elected Vice-Presidents of the II<sup>nd</sup> Committee. Mr. V. Petrovsky, Under-Secretary-General and Director-General of the United Nations Office at Geneva, Mr. A. Luethold, Deputy Chief of the International Organizations Division of the International Committee of the Red Cross (ICRC), and Mr. P. Apraxine, Legal Adviser of the ICRC, contributed to the work.

The Committee examined the results of the inquiry into parliamentary action to ensure the national application of the rules of international humanitarian law, on the one hand, and anti-personnel mines on the other, with which it had been entrusted by the Inter-Parliamentary Council in October 1995 in Bucharest and which has been carried out since then in co-operation with the ICRC. On 12 September, the Committee submitted a report on its work to the Inter-Parliamentary Council, containing the results of the inquiry, together with a draft resolution. This resolution was approved by the Council (see Annex XIV).

## 7. GENDER PARTNERSHIP GROUP

Set up by a resolution of the IPU Council in April 1997 in the wake of the New Delhi Conference on « *Towards Partnership between Men and Women* », the Gender Partnership Group (GPG) is formed on a parity basis of four members of the Executive Committee. It held its second session in the Kremlin on 4 and 5 September (the first session was held at Cairo in September 1997) with the participation of Mrs. N. Heptulla (India) who acted as Moderator, Mrs. K. Kilvet (Estonia), Mr. F. Solana (Mexico) and Mr. F. Oui, on behalf of Mr. M.M. Traoré (Burkina Faso).

Its mandate being to ensure that the interests and visions of both parts of the population are taken into account equally within the IPU, both in its working and in all its activities and decisions, it first looked into ways of encouraging the presence of an increasing number of women at IPU Conferences so that gender parity and gender partnership can be achieved. It noted that the proportion of women parliamentarians in the 100<sup>th</sup> IPU Conference was the highest ever at an IPU statutory Conference (over 20 per cent) and interpreted this as a very encouraging sign. It regretted, however, that 32 delegations had no women among their members, three of these being parliaments of countries which either did not grant voting rights to women or which had never elected a woman. The members of the GPG decided that they should approach each of these delegations individually.

In the light of the Council resolution establishing it - which provides that it should « *hold in-depth consultations on the possibility of establishing in the Union a rule which would apply equally to all delegations failing to include at least one woman among their members and which would decrease by two the number of votes to which those delegations would be entitled at the IPU Conference* » - the GPG discussed whether some punitive measures should be imposed upon those delegations which did not include any women or whether methods of persuasion should be used to make them aware that the inclusion of women among their members would be fair and would strengthen democracy.

The Group also considered the proposed amendments to the IPU Statutes aimed at formalising the Meeting of Women Parliamentarians (new Article 22) and at including the President of the Co-ordinating Committee of Women MPs in the Executive Committee (amendments to Article 23 in force until 12 September). It unanimously expressed support for the first of these, in the manner suggested by the Executive Committee, and was divided with regard to the second.

## E. ELECTIONS AND APPOINTMENTS

### 1. PRESIDENT OF THE 100<sup>th</sup> INTER-PARLIAMENTARY CONFERENCE

The 100<sup>th</sup> Conference elected **Mr. G.N. Seleznev**, Chairman of the State Duma of the Federal Assembly of the Russian Federation, as its President.

### 2. EXECUTIVE COMMITTEE

The Inter-Parliamentary Council was required to elect two members to replace Mr. G. Haarde (Iceland) and Mr. C. Sata (Zambia) whose terms of office came to an end at the Moscow session. At its sitting on 12 September, the Council had before it the candidatures of Mr. G. Versnick (Belgium) and Mr. M.P. Tjitendero (Namibia). The Council elected both of them by acclamation to a four-year term of office.

At its sitting on 10 September, the Executive Committee appointed Mrs. N. Heptulla (India) Vice-President.

### 3. STUDY COMMITTEES OF THE INTER-PARLIAMENTARY CONFERENCE

#### *II<sup>nd</sup> Committee (on Parliamentary, Juridical and Human Rights Questions)*

At its sitting on 10 September, the II<sup>nd</sup> Committee re-elected Mr. T. Nonô (Brazil) President and elected Mrs. B. Mugo (Kenya) and Mr. J. Hunt (New Zealand) Vice-Presidents by acclamation.

#### *III<sup>d</sup> Committee (on Economic and Social Questions)*

At its sitting on 11 September, the III<sup>rd</sup> Committee re-elected Mr. H. Gjellerod (Denmark) President by acclamation. It had to choose among three candidates for the two offices of Vice-President: Mr. L. Bold (Mongolia), Mr. B. Boukernous (Algeria) and Mr. P. Medina (Venezuela). After a short statement by each of the candidates, a vote was held by secret ballot, with the following results:

Total number of ballots	:	48
Blank or void ballots	:	1
Valid ballots:	:	47
Absolute majority	:	24
Votes obtained:		
Mr. L. Bold	:	34
Mr. B. Boukernous	:	27
Mr. P. Medina	:	19

Mr. L. Bold (Mongolia) and Mr. B. Boukernous (Algeria) were therefore elected Vice-Presidents of the III<sup>rd</sup> Committee.

### 4. COMMITTEE ON THE HUMAN RIGHTS OF PARLIAMENTARIANS

At its sitting on 12 September, the Council elected Mr. J.P. Letelier Morel (Chile) and Mr. P. Avendaño (Colombia) by acclamation titular member and substitute member respectively.

## **5. COMMITTEE FOR SUSTAINABLE DEVELOPMENT**

At its sitting on 12 September, the Council elected by acclamation Mr. P. Günter (Switzerland), Mrs. M. Chidzonga (Zimbabwe), Mr. B. Boukernous (Algeria), Mr. R.S. Roco (Philippines) and Mr. L. Campos Baca (Peru) titular members of the Committee for Sustainable Development for a four-year term of office. The Council also elected Mr. I.C. Corâci (Romania), Mr. F.X. Soejitno (Indoneisa), Mr. Y.B. N'Dia (Côte d'Ivoire) and Mr. D. Malam (Niger) substitute members of the Committee for a four-year term of office.

## **6. COMMITTEE ON MIDDLE EAST QUESTIONS**

At its sitting on 12 September, the Council elected Mr. Q. Anwar (Indonesia), Mr. Y. Tavernier (France) and Mr. C. Valantin (Senegal) members of the Committee, on which they replaced Mr. M.A. Abdellah (Egypt), Mr. J. Baumel (France) and Mr. D. Sow (Senegal) respectively.

## **7. GROUP OF FACILITATORS FOR CYPRUS**

At its second sitting on 12 September, the Committee appointed Mr. H. Gjellerod (Denmark), Mr. J. Hunt (New Zealand) and Mrs. Y. Loza (Egypt) as facilitators.

## **8. AUDITORS FOR THE UNION'S 1998 ACCOUNTS**

At its second sitting, the Council appointed Mrs. T. Yariguina (Russian Federation) and Mrs. Z. Rios Montt (Guatemala) auditors for the Union's 1998 accounts.

## **9. RAPPORTEUR FOR THE 1999 PROGRAMME AND BUDGET**

At its sitting on 10 September, the Executive Committee appointed Mrs. T. Yariguina (Russian Federation) rapporteur for the 1999 Programme and Budget.

## **10. REPRESENTATIVE OF THE EXECUTIVE COMMITTEE ON THE MANAGEMENT BOARD OF THE STAFF PENSION FUND**

At its sitting on 10 September, the Executive Committee appointed Mrs. B. Imiolczyk (Poland) as the Executive Committee's representative on the Management Board of the Staff Pension Fund.

**MEMBERSHIP OF THE UNION  
AS OF 12 SEPTEMBER 1998****Members (136)**

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

**Associate Members**

Andean Parliament, Central American Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe



**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION  
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

*A single roll-call vote was held on 7 September to choose the supplementary item from among the three requests remaining on the list of proposals by the time the actual vote was called. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.*

**VOTE ON THE REQUEST OF A GROUP OF LATIN AMERICAN COUNTRIES**  
for the inclusion of a supplementary item entitled  
**"Action to combat the consumption and illicit trafficking of drugs and organised crime"**

**Results**

Affirmative votes .....	1131	Total of affirmative and negative votes.....	1276
Negative votes.....	145	Two-thirds majority .....	851
Abstentions .....	193		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Guinea	12			Portugal	12		
Algeria			14	Hungary	13			Rep. of Korea	16		
Andorra	10			Iceland	7		3	Rep. of Moldova	11		
Angola	12			India	23			Romania	10		4
Argentina	15			Indonesia	22			Russian Federation	15		5
Armenia	11			Iran (Islam.Rep.of)		17		San Marino	10		
Australia	10		3	Ireland	8		3	Senegal	12		
Austria	2		10	Israel	12			Singapore	11		
Azerbaijan		absent		Italy			17	Slovenia	11		
Bangladesh		absent		Japan		20		South Africa	16		
Belarus	12		1	Jordan		11		Spain	12		3
Belgium	9		3	Kazakhstan	9		4	Sri Lanka	13		
Bolivia	12			Kenya	14			Sudan	8		6
Botswana	11			Kuwait	11			Suriname	10		
Brazil		absent		Kyrgyzstan	11			Sweden			12
Bulgaria	12			Lao Peop. Dem. Republic	11			Switzerland	6		6
Burkina Faso	12			Latvia	5		6	Syrian Arab Rep.		13	
Cameroon	13			Lebanon		11		Tajikistan	12		
Canada	14			Libyan Arab Jamahiriya			11	Thailand	18		
Cape-Verde	10			Lithuania			11	The FYR of Macedonia	11		
Chile	13			Luxembourg	10			Togo			absent
China	23			Malaysia	13			Tunisia			12
Colombia	14			Mali	12			Turkey	18		
Costa Rica	11			Mauritius	11			Uganda			absent
Côte d'Ivoire	13			Mexico	19			United Arab Emirates	10		
Croatia	11			Monaco	10			United Kingdom			17
Cuba	13			Mongolia	11			United Rep. of Tanzania	14		
Cyprus	7		3	Morocco	14			Uruguay	11		
Czech Republic	5	1	7	Mozambique	13			Uzbekistan	14		
Denmark			12	Namibia	9		2	Venezuela	13		
Ecuador	12			Nepal	9		4	Viet Nam	18		
Egypt		17		Netherlands		13		Yemen			13
El Salvador	12			New Zealand	11			Yugoslavia	13		
Estonia	6		5	Nicaragua			absent	Zambia	12		
Ethiopia	16			Niger	12			Zimbabwe	13		
Finland	8		4	Norway	11						
France	17			Pakistan	20						
Gabon	11			Panama	11						
Georgia		absent		Peru	14						
Germany			19	Philippines	10						
Ghana	13			Poland			15				
Greece	10										
Guatemala	12										

N.B. This list does not include certain delegations present at the Conference which were not entitled to vote by virtue of the provisions of Article 5.2 of the Statutes.

**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION  
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

*A single roll-call vote was held on 7 September to choose the supplementary item from among the three requests remaining on the list of proposals by the time the actual vote was called. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.*

**VOTE ON THE REQUEST OF THE GROUPS OF UNITED KINGDOM,  
THE ISLAMIC REPUBLIC OF IRAN, DENMARK AND JAPAN**

for the inclusion of a supplementary item entitled

**"Parliamentary action to urge all countries to sign and ratify the Comprehensive Test Ban Treaty banning all testing of nuclear weapons, to take urgent measures to strengthen the nuclear non-proliferation regime, and to work towards the eventual elimination of all nuclear weapons"**

**Results**

Affirmative votes .....	919	Total of affirmative and negative votes.....	1253
Negative votes.....	334	Two-thirds majority .....	835
Abstentions .....	216		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania			11	Hungary	10		3	Rep. of Moldova		11	
Algeria			14	Iceland	7		3	Romania	14		
Andorra	10			India			23	Russian Federation	15		5
Angola	12			Indonesia	22			San Marino	10		
Argentina		15		Iran (Islam.Rep.of)	17			Senegal	12		
Armenia	11			Ireland	11			Singapore	11		
Australia	13			Israel	12			Slovenia	11		
Austria	12			Italy	17			South Africa	8		8
Azerbaijan		absent		Japan	20			Spain	15		
Bangladesh		absent		Jordan		11		Sri Lanka			13
Belarus	11		2	Kazakhstan	7		6	Sudan	8		6
Belgium	12			Kenya	14			Suriname	10		
Bolivia		12		Kuwait	11			Sweden	12		
Botswana	11			Kyrgyzstan	11			Switzerland	12		
Brazil		absent		Lao Peop. Dem. Republic	11			Syrian Arab Rep.		13	
Bulgaria	12			Latvia	11			Tajikistan	12		
Burkina Faso			12	Lebanon		11		Thailand	18		
Cameroon	13			Libyan Arab Jamahiriya	11			The FYR of Macedonia	6		5
Canada	14			Lithuania	11			Togo		absent	
Cape-Verde			10	Luxembourg	10			Tunisia		12	
Chile		13		Malaysia	13			Turkey	10		8
China	23			Mali	6		6	Uganda		absent	
Colombia		14		Mauritius			11	United Arab Emirates		10	
Costa Rica		11		Mexico		19		United Kingdom	17		
Côte d'Ivoire	13			Monaco	10			United Rep. of Tanzania	14		
Croatia			11	Mongolia	11			Uruguay		11	
Cuba		13		Morocco			14	Uzbekistan	14		
Cyprus	10			Mozambique	13			Venezuela		13	
Czech Republic	13			Namibia	9		2	Viet Nam	18		
Denmark	12			Nepal	10		3	Yemen		13	
Ecuador		12		Netherlands	13			Yugoslavia			13
Egypt		17		New Zealand	11			Zambia	12		
El Salvador		12		Nicaragua		absent		Zimbabwe	5		8
Estonia	11			Niger		12					
Ethiopia	8		8	Norway	11						
Finland	12			Pakistan			20				
France		17		Panama		11					
Gabon			11	Peru		14					
Georgia		absent		Philippines	5	5					
Germany	19			Poland	15						
Ghana	13			Portugal	12						
Greece	10			Rep. of Korea	16						
Guatemala		12									
Guinea	12										

N.B. This list does not include certain delegations present at the Conference which were not entitled to vote by virtue of the provisions of Article 5.2 of the Statutes.

**RESULTS OF ROLL-CALL VOTES ON REQUESTS FOR INCLUSION  
OF A SUPPLEMENTARY ITEM IN THE CONFERENCE AGENDA**

*A single roll-call vote was held on 7 September to choose the supplementary item from among the three requests remaining on the list of proposals by the time the actual vote was called. For the sake of clarity, the breakdown of votes on each of these requests is presented in separate tables.*

**VOTE ON THE REQUEST OF THE GROUP OF EGYPT  
(ON BEHALF OF ARAB INTER-PARLIAMENTARY GROUPS)**

for the inclusion of a supplementary item entitled

**"Contribution of the world's parliaments to the revitalisation of the Middle East peace process"**

**R e s u l t s**

Affirmative votes .....	806	Total of affirmative and negative votes .....	1119
Negative votes.....	313	Two-thirds majority.....	746
Abstentions.....	350		

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania	11			Guatemala		12		Philippines	10		
Algeria	14			Guinea	12			Poland		15	
Andorra	6		4	Hungary	10		3	Portugal	8	4	
Angola	12			Iceland			10	Rep. of Korea			16
Argentina		15		India	23			Rep. of Moldova			11
Armenia	5		6	Indonesia	22			Romania	7		7
Australia			13	Iran (Islam.Rep.of)		10	7	Russian Federation	14		6
Austria	2		10	Ireland			11	San Marino			10
Azerbaijan		absent		Israel		12		Senegal	12		
Bangladesh		absent		Italy			17	Singapore	11		
Belarus	13			Japan		20		Slovenia	5		6
Belgium	8	4		Jordan	11			South Africa	12		4
Bolivia		12		Kazakhstan	8		5	Spain	7		8
Botswana	11			Kenya	9		5	Sri Lanka			13
Brazil		absent		Kuwait	11			Sudan	14		
Bulgaria			12	Kyrgyzstan	9		2	Suriname	10		
Burkina Faso			12	Lao Peop. Dem.	11			Sweden			12
Cameroon	13			Republic				Switzerland			12
Canada	14			Latvia			11	Syrian Arab Rep.	13		
Cape-Verde			10	Lebanon	11			Tajikistan	12		
Chile		13		Libyan Arab	11			Thailand	18		
China	23			Jamahiriya				The FYR of	7		4
Colombia		14		Lithuania		11		Macedonia			
Costa Rica		11		Luxembourg	5		5	Togo		absent	
Côte d'Ivoire	13			Malaysia	13			Tunisia	12		
Croatia			11	Mali	12			Turkey	10		8
Cuba		13		Mauritius	11			Uganda		absent	
Cyprus	10			Mexico		19		United Arab	10		
Czech Republic	1	6	6	Monaco			10	Emirates			
Denmark			12	Mongolia	11			United Kingdom		17	
Ecuador		12		Morocco	14			United Rep. of	14		
Egypt	17			Mozambique	13			Tanzania			
El Salvador		12		Namibia	11			Uruguay		11	
Estonia	4		7	Nepal	13			Uzbekistan	7		7
Ethiopia	16			Netherlands		13		Venezuela		13	
Finland	4		8	New Zealand	11			Viet Nam	18		
France	17			Nicaragua			absent	Yemen	13		
Gabon			11	Niger	12			Yugoslavia			13
Georgia		absent		Norway	6		5	Zambia	12		
Germany		19		Pakistan	20			Zimbabwe	13		
Ghana	13			Panama		11					
Greece	10			Peru		14					

N.B. This list does not include certain delegations present at the Conference which were not entitled to vote by virtue of the provisions of Article 5.2 of the Statutes.

**STRONG ACTION BY NATIONAL PARLIAMENTS IN THE YEAR OF THE  
50<sup>th</sup> ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS TO  
ENSURE THE PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS IN THE  
21<sup>ST</sup> CENTURY**

*Resolution adopted\* without a vote by the 100<sup>th</sup> Inter-Parliamentary Conference  
(Moscow, 11 September 1998)*

The 100<sup>th</sup> Inter-Parliamentary Conference,

*Acting* in the spirit of the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948, whose principles and standards are reaffirmed in the Vienna Declaration and Programme of Action of 1993,

*Emphasising* once again that the Universal Declaration constitutes "a common standard of achievement for all peoples and all nations",

*Considering* that on the eve of a new century the international community must go beyond merely reviewing the provisions of that historic instrument or calling for the respect of the principles enshrined in that and successive texts, and chart the course of future action,

*Acknowledging* that human rights, democracy, sustainable development and peace are interrelated and interdependent,

*Recognising* that human rights, owing to their importance, require effective protection under national legislation as well as international law, which is why many States have enshrined these rights and the main procedures for recourse in their constitutions,

*Reiterating* its belief that in accordance with the purposes and principles of the Charter of the United Nations, international action in the field of human rights must be based on awareness of the political, economic and social realities of each society, and that its principal objective must be to strengthen and promote respect for human rights and fundamental freedoms through international co-operation,

*Affirming* that the full participation of women in society and in democratic and transparent decision-making is fundamental to the achievement of their human rights and to stable and productive societies,

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\* Before the adoption of the resolution, the delegations of China and Sudan expressed reservations regarding the fourteenth preambular paragraph and operative paragraph 5(i). In addition, the delegation of China expressed reservations on the eighteenth preambular paragraph and operative paragraph 12, and the delegation of the Republic of Korea on operative paragraph 5(iv). The delegation of Armenia expressed reservations on operative paragraph 6. After the adoption of the text, the delegation of the Syrian Arab Republic made known its reservations on operative paragraphs 4(ii), 5(ii), 5(iv) and 12.

*Aware* that extreme poverty prevents the full exercise of human rights, and in some cases even threatens the right to life itself, and that the fight against poverty and the full enjoyment of economic, social and cultural rights are interdependent objectives,

*Reaffirming* the great importance of the right to development as an integral part of basic human rights for developing countries, and *convinced* that its achievement will contribute to the full enjoyment of human rights and fundamental freedoms,

*Concerned* that human rights are still subject to grave and repeated violations in many parts of the world and that millions of people are still deprived of their fundamental rights, which demonstrates the inadequacy of the efforts made to change the reality of human relations and to guarantee and protect human rights,

*Deploring* the political, legal, social, cultural, ideological and educational obstacles which in many societies stand in the way of education inspired by human rights and democracy,

*Recognising* the need to take specific measures to protect the victims of armed conflict, refugees and displaced persons,

*Concerned* at the ever-deteriorating situation of several indigenous peoples whose cultural identity is being lost and whose languages are dying out as a result of the policy of resettlement and assimilation pursued by some States,

*Recalling* resolution 1998/8 adopted at the 54<sup>th</sup> session of the United Nations Commission on Human Rights on 3 April 1998 on the question of the death penalty,

*Deploring* the abetting of terrorism by any group of persons or by any government in any part of the world under any pretext,

*Reiterating* that no state of emergency or war may be used to further political and military goals through war crimes and violations of human rights, notably discrimination against girls and women and violence and abuse against children,

*Recalling* that 1998 is the 50<sup>th</sup> anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, which provides an opportunity for parliamentarians from all countries once again to draw the attention of the international community to the significance of the Convention,

*Welcoming* the adoption of the Statute of the International Criminal Court by the United Nations Diplomatic Conference, on 17 July 1998 in Rome, as an important commitment by the international community to the elimination of impunity and the establishment of justice,

*Gravely concerned* at the growing threats to the life and liberty of humanitarian personnel working on behalf of the victims of armed conflict, refugees and displaced persons,

*Reaffirming* that the protection of the rights of parliamentarians is imperative if they are to protect and promote human rights and fundamental freedoms in their respective countries, and that the representative nature of a parliament is closely bound up with respect for the rights of its members,

*Stressing* the importance of the results achieved by the Inter-Parliamentary Union over some twenty years, at the urging of the Committee on the Human Rights of Parliamentarians, in ensuring respect for the human rights of parliamentarians and for the representative and pluralistic nature of the parliamentary institution,

*Recalling* the many resolutions on human rights issues adopted in recent years by the Inter-Parliamentary Union, in which governments and parliaments were urged to take steps to protect and promote human rights in various parts of the world,

1. *Calls on* national parliaments and regional and international parliamentary assemblies to take appropriate measures to ensure:
  - (i) that international and regional human rights instruments are ratified and that those States which have not yet done so accede to these instruments;
  - (ii) that these rights are written into legally binding and judicially enforceable texts, such as national constitutions and international conventions;
  - (iii) that national law is reviewed and if necessary amended to conform with the norms and standards embodied in the Universal Declaration of Human Rights and other human rights instruments derived from it;
  - (iv) that any notified reservations to international human rights instruments are restricted in scope and that all existing reservations are regularly reviewed with a view to their possible lifting;
  - (v) that international and regional human rights mechanisms, including the International Tribunals, are given full support and unrestricted access to information;
  - (vi) that independent national human rights bodies with a mandate to monitor compliance with human rights standards and promote human rights are created wherever they do not already exist;
  - (vii) that the necessary support is given to parliamentarians and non-governmental organisations working actively to promote the principles of human rights and to defend such rights;
  - (viii) that full support is given to the work of the United Nations system, especially to the United Nations High Commissioner for Human Rights, and to international and regional organisations, including the provision of appropriate resources and assistance to human rights field operations;
2. *Encourages* all parliaments as the institutional guardians of human rights:
  - (i) to hold special sessions around 10 December 1998 to celebrate the Universal Declaration of Human Rights, identify existing shortcomings in the implementation of human rights and devise specific measures to promote the universal observance of human rights;
  - (ii) to set up national parliamentary committees on human rights to monitor the observance of human rights at the national and international level;
3. *Expresses* the hope that the IPU's governing bodies will consider holding a conference for the representatives of parliamentary human rights bodies in order to study means of strengthening parliamentary action for human rights;
4. *Calls on* parliaments to work actively to ensure:
  - (i) that national action plans are drawn up to protect and promote human rights by ensuring proper dissemination of knowledge concerning human rights and ways of

promoting their realisation among the general public, and encouraging the media to play a vital role by bringing human rights issues to the notice of national parliaments and governments;

- (ii) that national governments fulfil their reporting responsibilities towards the human rights treaty bodies in a timely and effective way and that the competent government agencies co-operate fully with the United Nations Special Rapporteurs so that they receive the necessary support to carry out their work effectively;
- (iii) that foreign, economic and security policy is consistently framed in a way which effectively promotes democracy, development and human rights in other countries;

5. *Also calls on* all parliaments and their members:

- (i) to work actively for the worldwide abolition of the death penalty or at least the establishment of a moratorium on executions pending the complete abolition of the death penalty;
- (ii) to work actively to end the practice of torture throughout the world and to bring influence to bear on their respective national governments to ensure that they co-operate fully with the United Nations Special Rapporteur on Torture;
- (iii) to ensure that parliamentarians have the right to visit prisons and pre-trial detention centres and any other place where people are held against their will, at any time, in order to investigate the human rights situation there;
- (iv) to work actively to ban the production, use and stockpiling of landmines and to ensure those who have installed landmines should be made to take responsibility for removing them;
- (v) to urge governments to adhere to and take measures to implement international instruments based on the principle of protecting refugees and the victims of armed conflict;
- (vi) to take measures to prevent the recruitment of children as soldiers and to ensure that children and young people are not sent to war zones or crisis areas;
- (vii) to draft stricter legal standards to prevent physical and sexual violence against children, child pornography, child prostitution, the sale of children and harmful child labour, and to protect children from the effects of war;
- (viii) to work actively to safeguard freedom of worship and to use their influence to promote freedom of thought, conscience, opinion and religion;
- (ix) to bring influence to bear on their governments to ensure that development co-operation is made contingent on respect for human rights or that development co-operation strategies are shaped in such a way as to bring about an improvement in the human rights situation;
- (x) to urge governments to continue to take effective measures to secure the enjoyment of economic, social and cultural rights and to alleviate the debt burden of developing countries;
- (xi) to devise specific measures to promote non-discrimination with regard to national, ethnic and social minorities;

6. *Further calls on* governments to recognise that the rights to self-expression and development are fundamental and interdependent human rights, and *urges* them to demonstrate their commitment to the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development by strengthening their efforts to bring to an end all cases of unlawful occupation which deny people their human right to self-expression and development;
7. *Finally calls on* States to refrain from adopting or applying unilateral measures contrary to international law and to the Charter of the United Nations, in particular coercive measures with extraterritorial effect;
8. *Appeals* to governments and parliaments to take appropriate measures to secure genuine equality for women, to ensure their effective and equal participation in public life, to give them equal access to education and to enable them to achieve full enjoyment of their political, economic and social rights in conformity with the Beijing Declaration and Platform for Action and the IPU Plan of Action;
9. In this connection, *calls on* governments and parliaments to:
  - (i) ensure the universal adoption and ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, removing national reservations, and enacting and enforcing national laws;
  - (ii) adopt and monitor a national action plan, including implementation mechanisms, to improve the human rights of women and ensure that measures are activated at the parliamentary, governmental, regional and local levels;
  - (iii) work towards the eradication of gender-based persecution in situations of war and conflict, and the provision of justice, security from sexual assault and reparation for the victims;
  - (iv) enact and enforce laws on, and devote resources and programmes to, the prevention and elimination of all forms of violence against women and girls, including trafficking in women and girls, rape and genital mutilation;
10. *Also calls on* States and the international community to enhance the access of women to economic well-being by:
  - (i) providing women with equal access to economic resources, including the right to own property, to inheritance and to credit;
  - (ii) urging the IMF, the World Bank and the United Nations to fast-track their review of international finances;
  - (iii) ensuring equal access to education for women and girls;
  - (iv) ensuring access to clean water so as to reduce unproductive effort by women, support food production and improve health;
11. *Recommends* that governments and parliaments, in recognition of women's rights in all their aspects, dedicate 8 March of the year 2000 to peace, development and democracy based on the empowerment of women;
12. *Urges* all States which have not already done so to sign and ratify the Rome Statute of the International Criminal Court at the earliest possible opportunity, and *recommends* that the parliaments of those States work actively towards this end; *further recommends* that all



parliaments exert all their influence to bring about the speedy establishment and effective functioning of the Court;

13. *Calls on* all States to protect the rights of those who defend human rights around the world, including parliamentarians, *inter alia* by supporting the adoption of the draft declaration on human rights defenders at the 53<sup>rd</sup> session of the General Assembly;
14. *Requests* States to sign and ratify the Convention on the Safety of United Nations and Associated Personnel of 9 December 1997 and meanwhile to consider ways and means of strengthening the protection of United Nations and other personnel carrying out activities in support of a humanitarian operation;
15. *Expresses* its appreciation to those States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and *urges* parliaments to work towards universal adherence to and implementation of the Convention;
16. *Condemns* any act by any person, State or group of persons or States and all acts, methods and practices of terrorism of any kind, including State terrorist behaviour, as activities aimed at the destruction of human rights, threatening the territorial integrity and security of States, destabilising legitimately constituted governments, and targeting civilian populations and viable productive capabilities;
17. *Encourages* an ongoing dialogue between cultures, civilisations, religions and nations with a view to protecting and promoting human rights, and *urges* governments to seek the peaceful settlement of their disputes and differences through negotiations so as to create a peaceful environment for the full enjoyment of human rights by all humanity;
18. *Affirms* that the right to development and decent living standards is a universal and inalienable right and an integral part of fundamental human rights which should be promoted and fully realised through international co-operation and the creation of a favourable international economic environment without hegemony or the imposition of policies of coercion or starvation of States, and that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights;
19. *Urges* all the Members of the Inter-Parliamentary Union to take the necessary steps to ensure that the half-yearly reports of the Committee on the Human Rights of Parliamentarians and the corresponding resolutions of the Inter-Parliamentary Council are brought officially to the attention of national parliaments and are the subject of debate and, if need be, follow-up measures, and *urges* the Committee to disseminate an assessment of its action to restore respect for human rights and the principles of parliamentary democracy;
20. *Also urges* governments and parliaments to ensure full respect for parliamentary guarantees in order to safeguard the independence and autonomy of parliament, as well as the balance of power between the various arms of government, which is the foundation of any democratic system.

**WATER: THE MEANS REQUIRED TO PRESERVE, MANAGE AND MAKE THE BEST USE OF THIS ESSENTIAL RESOURCE FOR SUSTAINABLE DEVELOPMENT**

*Resolution unanimously adopted by the 100<sup>th</sup> Inter-Parliamentary Conference  
(Moscow, 11 September 1998)*

The 100<sup>th</sup> Inter-Parliamentary Conference,

*Aware* that water is one of the basic elements of life and the most important constituent of the human diet,

*Also aware* that freshwater resources are essential to basic human needs, health, food production and the preservation of ecosystems,

*Mindful* that water is one of the most important natural resources and one that will determine future prosperity and stability,

*Concerned* that potential water shortages increase the possibility that water will be used as a strategic threat and encourage that tendency,

*Deeply concerned* at the growing threat to water arising from a large number of natural and anthropogenic factors, the latter involving basic processes that result in pollution and shortages and often go hand in hand with wastefulness of the kind that occurs in households and some traditional agricultural methods,

*Deeply concerned* at the pollution of global water resources and the deterioration in their quality that have continued unabated for years, and at the growth in water consumption and use around the world which is aggravating water shortages in a number of regions,

*Aware* that many countries have neither the resources nor the capacity to collect, manage and analyse data necessary for planning sustainable water management, and lack the capacity to develop, monitor and enforce water management policies,

*Noting* that, although water problems occur in specific locations and regions, they are in fact global problems in that their frequency, magnitude, and potential effects are increasing rapidly,

*Recognising* the need for action to prevent water from becoming a factor limiting sustainable development,

*Recalling* the WHO "Guidelines for Drinking-Water Quality", and *taking into account* the results of important conferences that have dealt with the issue of water, for example the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the International Conference on Water and Environment (Dublin, 1992), the International Forum « Global Water Politics: Co-operation for Transboundary Water Management » (Bonn, 1998), the Expert Group Meeting on Strategic Approaches to Freshwater Management (Harare, 1998), the Ministerial Meeting on Water Resources and Sustainable Development (Paris, 1998) and the Sixth Session of the Commission on Sustainable Development (New York, 1998),

*Mindful* of the resolution on environment and development adopted by the Inter-Parliamentary Union at the 87<sup>th</sup> Inter-Parliamentary Conference,

*Requests and recommends* to governments and parliaments:

1. to rapidly initiate co-ordinated and comprehensive international action by, *inter alia*, WHO, FAO, UNEP, HABITAT and other relevant United Nations organisations to ensure access to potable water, especially by vulnerable groups such as women and children, and to develop sustainable strategies for water use in view of the fact that more than a fifth of the world's population have no access to safe supplies of potable water and more than half have no proper sanitary facilities;
2. to implement globally valid minimum standards for the basic supply of potable water and water-related sanitation services to individuals;
3. to agree on international principles of equity regarding access to freshwater resources and, in the case of riparian States, to co-operate on matters relating to international watercourses, whether transboundary or boundary;
4. to take steps to conserve and protect aquatic ecosystems, recognising the important role of and interaction between groundwater, lakes, rivers, streams, wetlands, estuaries, the marine environment, vegetation, and in general the links between surface and air processes, at national and international level;
5. through international co-operation, including financial aid, to support research, access to reliable data, the transfer of technology and capacity-building (human, technical and institutional) aimed at appropriate, affordable and environmentally sound solutions to water resource and management problems;
6. to promote the development of alternative methods of supply water, such as purification, desalination and the efficient and safe use of untreated water, and to investigate the feasibility of novel ideas for this purpose;
7. to establish or improve legislative and regulatory frameworks that will facilitate integrated water resource management and encourage public and private investment in the water sector;
8. to take steps to ensure that each country adequately values its freshwater as both an economic and a social good through cost recovery;
9. to give priority to national water policies whose principles and programmes are consistent with the wishes of the national community;
10. to implement the commitments their country has made in regard to the protection of freshwater sources.

## **ACTION TO COMBAT THE CONSUMPTION AND ILLICIT TRAFFICKING OF DRUGS AND ORGANISED CRIME**

*Resolution adopted unanimously by the 100<sup>th</sup> Inter-Parliamentary Conference  
(Moscow, 11 September 1998)*

The 100<sup>th</sup> Inter-Parliamentary Conference,

*Considering* that the production, trafficking, marketing and consumption of drugs constitute a world problem which poses a serious threat to individuals, especially youth, to peoples and to States, and requires effective and practical concerted action since, together with terrorism and corruption, it is a major obstacle to the fulfilment of the aspirations of individuals and peoples to development, peace and well-being,

*Recognising* that this problem cannot be resolved solely by repressive measures, whether applied to supply or demand; on the contrary, it calls for an overall approach designed to overcome poverty and promote the development of peoples, while preserving the natural and environmental resources that are seriously threatened both by the production process and by the repressive measures that are used or proposed,

*Recalling* the United Nations General Assembly Special Session on the World Drug Problem, held in New York from 8 to 10 June 1998, which reaffirmed the need for international co-operation and co-ordination as an effective means of combating these problems, and *aware* that action to combat the demand for, production of and illicit trafficking in drugs and associated organised crime can succeed only if all countries and their governments co-operate and intensify their efforts in this regard,

1. *Demands* that States and the international community devote greater attention to solving the world drug problem;
2. *Recommends* that States, recognising their shared responsibility in this matter, co-operate at the multilateral, regional and subregional levels to achieve this goal;
3. *Recommends* to the United Nations General Assembly and regional, subregional and continental organisations that multilateral procedures should be set up as soon as possible to evaluate the progress of national strategies on the world drug problem, while fully respecting international rules and agreements, the sovereignty and territorial integrity of States and their cultural specificities;
4. *Recommends* to the community of nations a comprehensive approach to the drug problem, including effective policies to combat the illicit use of drugs, recognising that demand and action to combat it are a basic element of this problem;
5. *Recommends* the development of drug control strategies that reduce the demand for drugs through education, prevention, treatment, public awareness and community anti-drug coalitions and campaigns;

6. *Recommends* that the countries which produce plant raw materials adopt an overall approach to the elimination of the illicit crops used for the production of drugs, within the framework of alternative development strategies, and *calls* for international co-operation to support programmes for the conversion of economies that depend on the production of such raw materials;
7. *Recommends* that all countries which produce chemical precursors implement more effective control and monitoring policies to prevent their illicit use, export and diversion for illegal purposes, and that the countries which produce plant raw materials improve their border control systems, in co-ordination with the specialised services of the police and the armed forces;
8. *Demands* that countries engage in special efforts to combat the laundering of proceeds from illicit drug trafficking and other related and unlawful activities, such as arms trafficking, organised crime, terrorism and corruption, by strengthening international co-operation in all areas at both regional and subregional levels, and for this purpose *calls on* all countries to sign the relevant international conventions and enact, within the framework of their respective constitutions, legislation requiring the demonstration of the lawful origin of the money in respect of single significant financial transactions;
9. *Recommends* that States, governments and international organisations provide the human, technical and financial resources that are needed to combat the supply of and demand for illicit drugs, and offer treatment and rehabilitation to addicts in order to facilitate their social reintegration;
10. *Recognises* the legitimate efforts being made by transit countries which are combating the transit of illegal drugs, and *recommends* that those efforts be supported by a combination of assistance and incentives where appropriate;
11. *Demands* that no country serve as a safe haven for persons accused of organised crime, money laundering, drug trafficking or terrorism, or wanted for such crimes, and that all countries refrain from helping such persons to evade the consequences of their crimes, and take all necessary action to bring them to justice, while respecting the sovereignty of States;
12. *Recommends* that countries study the effectiveness of current domestic laws, enforcement practices and legal penalties in reducing domestic drug demand;
13. *Urges* Member Parliaments of the Union to take legislative action that contributes to the application of the above-mentioned principles and report back on the action taken to the 101<sup>st</sup> Inter-Parliamentary Conference.

**AMENDMENTS TO THE STATUTES OF THE UNION**

*Amendments adopted by the 100<sup>th</sup> Inter-Parliamentary Conference  
(Moscow, 11 September 1998)*

1. **Amendment to Article 20.2 of the Statutes** (adopted by the Conference at its sitting on 7 September):

The retiring President shall not be eligible for re-election for three years and shall be replaced by a person belonging to another National Group. An endeavour will be made to ensure a regular rotation between the different geo-political Groups. »

2. **New Article 23** (adopted by the Conference at its sitting on 7 September):

A Meeting of Women Parliamentarians shall be held on the occasion of each session of the Inter-Parliamentary Conference and shall report on its work to the Inter-Parliamentary Council. This Meeting shall establish its own Rules which shall be approved by the Inter-Parliamentary Council. The Meeting is assisted by a Co-ordinating Committee whose Rules it shall approve.

*(The Articles following are renumbered accordingly)*

**RESULTS OF THE VOTE BY THE INTER-PARLIAMENTARY COUNCIL  
ON THE REPORT OF THE COMMITTEE ON THE QUESTION OF THE AFFILIATION OF PALESTINE**

**Results**

Affirmative votes.....	85
Negative votes.....	63
Abstentions .....	37

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Albania		absent		Hungary	2			Rep. of Moldova	1		
Algeria		2		Iceland	2			Romania	2		
Andorra	1			India		2		Russian Federation	1		
Angola	2			Indonesia		2		San Marino			2
Argentina	1		1	Iran (Islam.Rep.of)		2		Senegal		2	
Armenia	2			Ireland		2		Singapore			2
Australia	2			Israel	2			Slovenia	2		
Austria	2			Italy	2			South Africa		2	
Azerbaijan		absent		Japan	2			Spain	2		
Bangladesh	2			Jordan		2		Sri Lanka		2	
Belarus		2		Kazakhstan		2		Sudan		2	
Belgium	2			Kenya			2	Suriname			2
Bolivia		absent		Kuwait		2		Sweden	2		
Botswana			2	Kyrgyzstan		2		Switzerland	2		
Brazil	2			Lao Peop. Dem. Republic	2			Syrian Arab Rep.		2	
Bulgaria	1		1	Latvia		absent		Tajikistan		absent	
Burkina Faso	2			Lebanon		1		Thailand			2
Cameroon			1	Libyan Arab Jamahiriya		2		The FYR of Macedonia			2
Canada	2			Lithuania	2			Togo			2
Cape-Verde		absent		Luxembourg	1			Tunisia		2	
Chile	1	2		Malaysia		2		Turkey		1	1
China			2	Mali		absent		Uganda		absent	
Colombia			2	Mauritius			2	United Arab Emirates		2	
Costa Rica		absent		Mexico	1		1	United Kingdom	2		
Côte d'Ivoire		2		Monaco	2			United Rep. of Tanzania		2	
Croatia	2			Mongolia	1		1	Uruguay	2		
Cuba		2		Morocco		2		Uzbekistan		absent	
Cyprus		absent		Mozambique			2	Venezuela	2		
Czech Republic	2			Namibia		2		Viet Nam		1	1
Denmark	2			Nepal			2	Yemen		2	
Ecuador		absent		Netherlands	2			Yugoslavia		1	
Egypt		2		New Zealand	2			Zambia		2	
El Salvador	1	1		Nicaragua		absent		Zimbabwe		absent	
Estonia	2			Niger		1					
Ethiopia			2	Norway	2						
Finland	2			Pakistan		absent					
France		absent		Panama	2						
Gabon		absent		Peru		absent					
Georgia		absent		Philippines			2				
Germany	2			Poland	2						
Ghana		absent		Portugal		absent					
Greece		1	1	Rep. of Korea	1		1				
Guatemala	2										
Guinea		absent									

N.B. This list does not include certain delegations present at the Conference which were not entitled to vote by virtue of the provisions of Article 5.2 of the Statutes.

**PARTICIPATION OF PALESTINE AS AN OBSERVER IN THE  
WORK OF THE INTER-PARLIAMENTARY UNION**

*Decision adopted by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)*

At its 163<sup>rd</sup> session, the Inter-Parliamentary Council decided, on the recommendation of the Executive Committee, that, **in the case of Palestine**, the **observer status** referred to in Conference Rule 2, Council Rule 4 and Committees Rule 3, should be considered to include the following rights:

- The delegation of Palestine will be entitled to register the same number of delegates as National Groups, and, like National Groups, will be allocated up to 8 seats in the Conference room immediately after the delegations of the National Groups.
- The delegation of Palestine will be able to register 2 speakers in the General Debate and will be entitled to the same speaking time as National Groups. They will also enjoy the same speaking rights as National Groups in the Study Committees.
- The delegation of Palestine will have the right of reply and will also be able to raise a point of order.
- The delegation of Palestine upon the invitation of the President of the corresponding Study Committee will be able to follow the work of the drafting committees on Palestinian and Middle East issues; it may provide advice to the committee upon request by its President. The delegation may also be associated with the work of ad hoc committees dealing with Palestinian and Middle East issues.
- The delegation of Palestine may submit memoranda on any agenda item of the Conference and may co-sponsor draft resolutions, decisions and amendments.
- The above rights will also apply to Palestine's participation as observers in specialised conferences and meetings organised by the IPU.
- In the Inter-Parliamentary Council, the delegation of Palestine may be granted the right to take the floor on Palestinian and Middle East issues.



**CO-OPERATION WITH THE UNITED NATIONS SYSTEM*****Report of the Executive Committee approved by the Inter-Parliamentary Council  
at its 163<sup>rd</sup> session (Moscow, 12 September 1998)*****(i) United Nations Development Programme**

1. At its 227<sup>th</sup> session held in Moscow, the Executive Committee was informed of progress made towards the conclusion of an agreement between the IPU and the United Nations Development Programme (UNDP) for a parliamentary support programme. The Executive Committee noted that under the proposed agreement, the UNDP will provide the IPU with US\$1.5 million to fund activities in the following four areas during a three-year period starting in January 1999:

- (i) Parliamentary capacity development (funding of needs assessment missions, development of technical assistance projects, provision of advisory services, holding of workshops and training seminars);
- (ii) Promoting gender partnership (development of special training programmes and modules for women parliamentarians and parliamentary staff, establishment of manual and audio-visual material on techniques for increasing gender sensitivity in parliaments, integrating gender perspectives in IPU/UNDP technical assistance missions and promotion of Beijing Platform for Action and IPU Plan of Action to correct present imbalances in the participation of men and women in politics);
- (iii) Strengthening regional parliamentary organisations (organising regional and inter-regional parliamentary meetings, mobilising regional parliamentary resources, developing capacity of regional parliamentary organisations to provide technical assistance and promotion of co-operation between and within them);
- (iv) Parliament-related research and analysis (conducting studies and research on select topics, promoting exchange of information on international assistance to parliaments, assessment of follow-up to Beijing Platform for Action and IPU's Plan of Action to correct present imbalances between men and women in politics, preparation of bibliographical database on women in politics, and design and preparation of model syllabus on democracy for United Nations website).

2. Recognising the importance of strengthening working relations with the UNDP and the relevance of this funding agreement to the IPU programme for the promotion of representative institutions, the Executive Committee unanimously recommends to the Inter-Parliamentary Council that it authorise its President and the Secretary General to conclude the proposed umbrella agreement with the UNDP.

**(ii) International Labour Organization (ILO)**

3. At its sitting on 4 September, the Executive Committee also took note of the discussions that have been pursued with the **International Labour Organization (ILO)** with a view to the conclusion of an Agreement of Co-operation modelled on those already concluded by the IPU with the United Nations, UNESCO and FAO. The object of the agreement would be to have the IPU provide a parliamentary dimension to the work of the ILO. The Executive Committee further noted that under the proposed agreement the ILO would classify the IPU as an official international organisation and not as a non-governmental organisation which is the status that it currently has with the ILO.

4. The Executive Committee expects that a final draft can be negotiated before the end of 1998 and that it will be submitted to the ILO's governing body in March 1999 and to the IPU Council in April 1999 for their respective approval.

**(iii) Office of the United Nations High Commissioner for Human Rights**

5. Finally, the Executive Committee was informed of the discussions which the President of the Council and the Secretary General had recently with the **United Nations High Commissioner for Human Rights** on the question of strengthening co-operation between the two organisations. The High Commissioner had then suggested that this co-operation be given a formal framework through the conclusion of a memorandum of understanding between the two organisations covering the following areas:

- (i) Promotion of ratification of international human rights instruments and adoption of the corresponding enabling legislation and regulations;
- (ii) Promotion of the establishment of national human rights institutions and parliamentary human rights committees;
- (iii) Promotion of education for human rights;
- (iv) Co-operation with regard to the defence of the human rights of members of parliament;
- (v) Organisation of possible joint meetings with, for example, members of parliamentary human rights committees and United Nations experts;
- (vi) Co-operation with regard to the provision of technical assistance and advisory services to parliaments.

6. The Executive Committee authorised the Secretary General to pursue negotiations with the High Commissioner's Office to this end and expects that the text of such a memorandum could be finalised in time for it to be submitted for approval by the Inter-Parliamentary Council at its next session in April 1999.

**CONFERENCE OF PRESIDING OFFICERS OF NATIONAL PARLIAMENTS  
AT THE UNITED NATIONS HEADQUARTERS IN THE YEAR 2000**

*Report of the Executive Committee endorsed by the Inter-Parliamentary Council  
at its 163<sup>rd</sup> session (Moscow, 12 September 1998)*

At its 162<sup>nd</sup> session held in Windhoek (Namibia) in April 1998, the Inter-Parliamentary Council endorsed the proposal by the Executive Committee to convene a Conference of Presiding Officers of National Parliaments at the United Nations Headquarters in New York in the year 2000, in conjunction with the « Millennium Assembly » proposed for that year by the UN Secretary-General.

The proposed Conference is part of the Union's efforts to strengthen its co-operation with the United Nations as envisaged in the agreement of co-operation concluded between the two organisations in 1996. It would permit the participants to express their views on how national Parliaments and their world organisation - the Inter-Parliamentary Union - can best work with the United Nations in the new millennium. The Conference would also provide an opportunity for the adoption of a solemn act of the refounding of the IPU.

At its 227<sup>th</sup> session held in Moscow on 4 September, the Executive Committee took note of the interest expressed by the UN Secretary-General for this initiative on the occasion of the visit to the UN headquarters in May this year by the outgoing and the incoming Secretaries General of the Union. It further noted that, during his recent visit to five countries in Latin America, Mr. Kofi Annan expressed support for the Conference to the Presidents and other leading members of the Parliaments of those countries.

Furthermore, the Committee welcomed the positive reaction and backing received from Presiding Officers of a large number of parliaments in all parts of the world as a result of contacts made in recent months in this connection by the President of the Council and the Secretary General.

In view of the above, the Executive Committee felt that the preparations for this important event should commence without delay and decided to recommend that the Inter-Parliamentary Council set up a Preparatory Committee at its session in Moscow. The Executive Committee was of the view that the Preparatory Committee be composed of several Presiding Officers of national parliaments and members of the Executive Committee. After a full exchange of views, it decided to recommend to the Council the following composition:

Presiding Officers of national parliaments

Speaker of the Parliament of Australia  
 Speaker of the Nationalrat of Austria  
 Speaker of the Parliament of Bangladesh  
 President of the Chamber of Deputies of Brazil  
 President of the Chamber of Deputies of Chile  
 Speaker of the Parliament of Egypt  
 President of the Chamber of Deputies of Italy  
 Speaker of the House of Representatives of Jordan  
 President of the House of Representatives of Morocco  
 Speaker of the National Assembly of Pakistan

President of the Senate of Romania  
Chairman of the State Duma of the Russian Federation  
Speaker of the National Assembly of South Africa  
President of the Congress of Deputies of Spain  
Speaker of the Riksdag of Sweden

Members of the Executive Committee

Mr. E. Menem (Argentina)  
Mr. F. Solana (Mexico)  
Mrs. N. Heptulla (India)  
Mr. C. S. Park (Republic of Korea)  
Mr. M.M. Traoré (Burkina Faso)  
Mr. M. Tjitendero (Namibia)

Moreover, the Executive Committee recommended that the UN Secretary-General be invited to nominate a senior UN Official to take part in the deliberations of the meetings.

The Executive Committee proposed that two preparatory meetings take place in 1999 and that a third meeting be foreseen for the year 2000. It welcomed the offers made by the Speaker of the Nationalrat of Austria and the President of the House of Representatives of Morocco to host the first and the second meetings of the Preparatory Committee. It also noted with satisfaction the offers of the Speakers of the Parliaments of Bangladesh and Romania to host the third meeting of the Preparatory Committee in the early part of the year 2000.

The Executive Committee welcomed the offer made by the hosts of the first two preparatory meetings to meet some of their related costs. Moreover, it recommended that the costs of participation at the meetings of the Preparatory Committee be borne by the members themselves. The Committee also made provisions for meeting the remaining costs relating to the preparation and holding of the meetings (for example, some of the cost of interpretation and Secretariat support) which have been included in the budget proposed by the Committee for 1999.

**CONSTRUCTION OF NEW HEADQUARTERS FOR THE UNION IN GENEVA*****Report of the Executive Committee endorsed by the Inter-Parliamentary Council  
at its 163<sup>rd</sup> session (Moscow, 12 September 1998)***

1. Following the decision taken by the Inter-Parliamentary Council at its 162<sup>nd</sup> session to advance preparations for the construction of a new headquarters for the Union in Geneva - *The House of Parliaments* - negotiations have been pursued with the competent Swiss Authorities. The results of these endeavours are contained in the preliminary study prepared by the Foundation for Buildings for International Organisations (FIPOI), with the assistance of a consulting architectural firm, Frei & Stefani. This report, together with additional information provided by the President of the Council and the Secretary General, was examined in detail by the Executive Committee at its meeting on 4 September 1998.
2. The Committee reaffirmed its earlier views that it was time for the IPU to engage in building a new headquarters by taking up the offer and support of the Swiss Confederation and the State of Geneva. While remaining modest in terms of size and appearance, the proposed new headquarters offers facilities for receiving members of parliament and provides office space for senior IPU officials. Moreover, it allows for hosting the Executive Committee and other parliamentary meetings (up to 60 persons). Of course, it also contains the required number of offices for Secretariat staff.
3. The land will be provided to the IPU freehold for a period of sixty years by the State of Geneva. The Executive Committee concurs in the choice of site for the location of the building. It is in the area of Geneva where the international organisations are located and is ideally situated 200 metres from the United Nations Office itself. This will certainly help to enhance the institutional visibility of the Union. This location, across the street from the International Labour Organization (ILO), also offers additional important advantages since the IPU can benefit from many of its facilities and services. Moreover, the size of the land would allow for the construction of an extension to the proposed building should this become necessary at any time in the future.
4. The total cost of the proposed project comes to SF. 9.5 million. This figure includes all services concerning the construction of the building, ordinary fees for agents, furniture and equipment for the meeting room, including with seven interpretation booths, installations for running the building, cables, light current and computers, costs for the architectural competition and all exterior work. A number of special measures are foreseen which will guarantee that the overall cost of the project does not exceed the estimated amount.
5. The funds would be made available to the IPU in the form of an interest-free loan granted by FIPOI with the approval of the Swiss Federal Council. The loan would be repayable over 50 years in equal annuities of SF. 190,000 each, after which the building would become the property of the IPU. Repayment of the loan would start after the building has been handed over to the IPU, i.e. in the year 2002. The Executive Committee notes that this amount represents an increase of SF. 97,000 over what the Union is currently paying for office and storage space (i.e. the equivalent of 1% of the annual overall budget for the IPU).

6. Once approval has been granted to go ahead with the project, a procedure for an architectural competition and tenders will be launched. Five architects who are based and recognised in the region will be invited to participate and by 31 March 1999, a jury of nine qualified persons comprising two representatives of the IPU and a representative of the Swiss Inter-Parliamentary Group, will select the best design. Thereafter, tenders will be put out to companies capable of constructing the building for immediate possession, within costs, on time and with guaranteed quality. Construction would subsequently start in January 2000 and be completed by the summer of the year 2001.

7. The costs relating to the architectural competition may have to be met pending the release of the loan by the Swiss Federal authorities foreseen for June 1999. These costs can be estimated at an absolute maximum of SF. 300,000. The Executive Committee proposes that the IPU advance these funds from the Working Capital Fund, subsequently to be reimbursed from the loan.

8. The only costs not covered by the loan are those relating to the move to the new premises, as well as purchase of some office furniture, desks, chairs and accessories for work stations, to complement what will be brought from the present headquarters. These should be foreseen in a separate budget which can be estimated at an absolute maximum of SF. 500,000. Although these costs could be met from the Working Capital Fund, the Executive Committee proposes that the Secretary General also be encouraged to seek extra-budgetary contributions in cash and in kind.

9. The IPU should also set aside funds to undertake maintenance and eventual repair of the new building. It is recommended that an amount equivalent to 1% of the total cost (i.e. SF. 95,000) be set aside every year for this purpose. The Executive Committee recommends that provisions be made towards this end, starting five years after the move into the new premises, i.e. in the year 2007.

10. On the basis of the above, the Executive Committee unanimously strongly recommends to the Council that it:

- (a) Express appreciation to the Swiss Confederation and the State of Geneva for the favourable conditions they offer to the IPU for the construction of its new headquarters;
- (b) Authorise the President of the Council and the Secretary General to proceed with the necessary arrangements to construct a new headquarters for the Union in Geneva;
- (c) Decide in favour of a 60-year freehold option on the site which has been selected on Avenue Appia, La Vy-des-Champs;
- (d) Authorise the signature of a loan for an amount of SF. 9.5 million to cover all the costs relating to the building except the move and some additional furniture and office equipment;
- (e) Authorise the Secretary General to draw up to SF. 300,000 from the Working Capital Fund, pending the release of the loan by the Swiss Federal Council to meet costs relating to the architectural competition;
- (f) Request the Secretary General also to make every effort to obtain extra-budgetary contributions in cash and in kind to meet expenditure for the move and some additional furniture and office equipment;
- (g) Decide in principle to set aside, as from the year 2007, an annual amount of SF. 95,000 to be used for maintenance and possible repair of the new building.

**BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Budget approved without a vote by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

<b>Expenditure Heading</b>	Swiss Francs
1. Statutory sessions	1,150,000.00
2. Special conferences and similar meetings	250,000.00
3. Committees/working groups	136,000.00
4. Special programme activities	320,000.00
5. Information and publications	169,000.00
6. Library acquisitions	30,000.00
7. United Nations Liaison Office in New York (personnel and administrative costs)	425,000.00
8. Duty travel and representation	75,000.00
9. Council President's representation	30,000.00
10. Permanent staff at Headquarters	5,290,000.00
11. Temporary staff and external services	100,000.00
12. Headquarters premises	150,000.00
13. Office supplies, equipment and communication	600,000.00
14. Miscellaneous charges	15,000.00
15. Subvention to ASGP	76,000.00
16. Replenishment of reserves	1,050,000.00
	9,866,000.00

<b>Income Heading</b>	Swiss Francs
1. Contributions from member Parliaments	9,771,000.00
2. Sale of publications	30,000.00
3. Administrative fees from technical co-operation projects	60,000.00
4. Sundry income	5,000.00
	9,866,000.00

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Table approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

Members and Associate Members	Percentage	Amount of the contribution for 1999 (Swiss Francs)
Albania	0.20	19,110.--
Algeria	0.33	31,532.--
Andorra	0.20	19,110.--
Angola	0.20	19,110.--
Argentina	0.69	65,930.--
Armenia	0.26	24,843.--
Australia	1.50	143,326.--
Austria	0.84	80,262.--
Azerbaijan	0.35	33,443.--
Bangladesh	0.20	19,110.--
Belarus	0.48	45,864.--
Belgium	1.11	106,061.--
Benin	0.20	19,110.--
Bolivia	0.20	19,110.--
Bosnia and Herzegovina	0.23	21,977.--
Botswana	0.20	19,110.--
Brazil	1.57	150,014.--
Bulgaria	0.30	28,665.--
Burkina Faso	0.20	19,110.--
Cambodia	0.20	19,110.--
Cameroon	0.20	19,110.--
Canada	2.89	276,141.--
Cape Verde	0.20	19,110.--
Chile	0.26	24,843.--
China	0.86	82,173.--
Colombia	0.30	28,665.--
Congo	0.20	19,110.--
Costa Rica	0.20	19,110.--



**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Table approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

*(continued)*

Members and Associate Members	Percentage	Amount of the contribution for 1999 (Swiss Francs)
Côte d'Ivoire	0.20	19,110.--
Croatia	0.29	27,710.--
Cuba	0.27	25,799.--
Cyprus	0.21	20,066.--
Czech Republic	0.50	47,775.--
Democratic PR of Korea	0.23	21,977.--
Denmark	0.75	71,663.--
Djibouti	0.20	19,110.--
Ecuador	0.22	21,021.--
Egypt	0.25	23,888.--
El Salvador	0.20	19,110.--
Estonia	0.25	23,888.--
Ethiopia	0.20	19,110.--
Fiji	0.20	19,110.--
Finland	0.69	65,930.--
France	5.39	515,018.--
Gabon	0.20	19,110.--
Georgia	0.29	27,710.--
Germany	7.93	757,716.--
Ghana	0.20	19,110.--
Greece	0.49	46,820.--
Guatemala	0.21	20,066.--
Guinea	0.20	19,110.--
Hungary	0.35	33,443.--
Iceland	0.22	21,021.--
India	0.50	47,775.--
Indonesia	0.33	31,532.--
Iran (Islamic Republic of)	0.86	82,173.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Table approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

*(continued)*

Members and Associate Members	Percentage	Amount of the contribution for 1999 (Swiss Francs)
Iraq	0.30	28,665.--
Ireland	0.35	33,443.--
Israel	0.39	37,265.--
Italy	3.91	373,603.--
Japan	10.55	1,008,058.--
Jordan	0.20	19,110.--
Kazakhstan	0.45	42,998.--
Kenya	0.20	19,110.--
Kuwait	0.41	39,176.--
Kyrgyzstan	0.22	21,021.--
Lao People's Democratic Republic	0.20	19,110.--
Latvia	0.28	26,754.--
Lebanon	0.20	19,110.--
Libyan Arab Jamahiriya	0.40	38,220.--
Lithuania	0.30	28,665.--
Luxembourg	0.24	22,932.--
Malawi	0.20	19,110.--
Malaysia	0.30	28,665.--
Mali	0.20	19,110.--
Malta	0.20	19,110.--
Marshall Islands	0.20	19,110.--
Mauritania	0.20	19,110.--
Mauritius	0.20	19,110.--
Mexico	0.95	90,773.--
Monaco	0.20	19,110.--
Mongolia	0.20	19,110.--
Morocco	0.22	21,021.--
Mozambique	0.20	19,110.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Table approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

*(continued)*

Members and Associate Members	Percentage	Amount of the contribution for 1999 (Swiss Francs)
Namibia	0.20	19,110.--
Nepal	0.20	19,110.--
Netherlands	1.49	142,370.--
New Zealand	0.40	38,220.--
Nicaragua	0.20	19,110.--
Niger	0.20	19,110.--
Norway	0.67	64,019.--
Pakistan	0.24	22,932.--
Panama	0.20	19,110.--
Papua New Guinea	0.20	19,110.--
Paraguay	0.20	19,110.--
Peru	0.24	22,932.--
Philippines	0.25	23,888.--
Poland	0.60	57,330.--
Portugal	0.36	34,398.--
Republic of Korea	0.79	75,485.--
Republic of Moldova	0.30	28,665.--
Romania	0.34	32,487.--
Russian Federation	5.50	525,528.--
Rwanda	0.20	19,110.--
San Marino	0.20	19,110.--
Senegal	0.20	19,110.--
Singapore	0.30	28,665.--
Slovakia	0.28	26,754.--
Slovenia	0.27	25,799.--
South Africa	0.54	51,597.--
Spain	1.91	182,502.--
Sri Lanka	0.20	19,110.--

**TABLE OF CONTRIBUTIONS  
TO THE BUDGET OF THE INTER-PARLIAMENTARY UNION FOR THE YEAR 1999**

Table approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)

*(continued)*

Members and Associate Members	Percentage	Amount of the contribution for 1999 (Swiss Francs)
Sudan	0.20	19,110.--
Suriname	0.20	19,110.--
Sweden	1.15	109,883.--
Switzerland	1.20	114,661.--
Syrian Arab Republic	0.23	21,977.--
Tajikistan	0.21	20,066.--
Thailand	0.29	27,710.--
The FYR of Macedonia	0.20	19,110.--
Togo	0.20	19,110.--
Tunisia	0.22	21,021.--
Turkey	0.43	41,087.--
Uganda	0.20	19,110.--
United Arab Emirates	0.37	35,354.--
United Kingdom	4.54	433,800.--
United Republic of Tanzania	0.20	19,110.--
United States of America	15.00	1,433,258.--
Uruguay	0.23	21,977.--
Uzbekistan	0.37	35,354.--
Venezuela	0.62	59,241.--
Viet Nam	0.20	19,110.--
Yemen	0.20	19,110.--
Yugoslavia	0.33	31,532.--
Zambia	0.20	19,110.--
Zimbabwe	0.20	19,110.--
Andean Parliament	0.02	1,911.--
Central American Parliament	0.02	1,911.--
Latin American Parliament	0.02	1,911.--
Parliamentary Assembly of the Council of Europe	0.06	5,736.--
		9,771,000.--

**INTERNATIONAL HUMANITARIAN LAW, INTERNATIONAL CRIMINAL COURT  
AND ANTI-PERSONNEL MINES**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Having noted* the third report of the Committee to Promote Respect for International Humanitarian Law setting out the results of the inquiry on parliamentary action to ensure respect for international humanitarian law and the elimination of anti-personnel mines, conducted at the Council's requests among all member parliaments of the Union (CL/163/12(h)-R.1. and CL/163/12(h)-R.1.Add.1 and Add.2)

A. Questions concerning the inquiry

The Inter-Parliamentary Council,

1. *Notes* that in the space of nearly three years, only 67 of the 137 parliaments represented in the Inter-Parliamentary Union have responded to the Committee's requests for information;
2. *Notes with great interest* the information already supplied by parliaments, and *expresses its gratitude* to all those who contributed to gathering these important data;
3. *Considers* that the results of the inquiry can only be regarded as partial and that it is important to continue gathering information in order to obtain a broader, fuller and more accurate view of the status of the question in national parliaments;
4. *To that end decides* to extend for four years the mandate of the Committee to Promote Respect for International Humanitarian Law to enable it to complete the information and its analysis.

B. Questions concerning international humanitarian law

The Inter-Parliamentary Council,

1. *Notes* that the results of the inquiry so far show relatively little information and action on the part of parliaments as regards questions concerning international humanitarian law;
2. *Requests* the Committee to Promote Respect for International Humanitarian Law to prepare in consultation with the International Committee of the Red Cross and the United Nations a handbook for parliaments and their members to help them in their legislative and other activities to promote the rules of international humanitarian law and to submit such a document to the Council at its 164<sup>th</sup> session, in Brussels (10-16 April 1999);

C. Questions concerning the International Criminal Court

The Inter-Parliamentary Council,

*Recalling* that, right from the outset, the Inter-Parliamentary Union has supported the efforts undertaken in particular by the United Nations for the establishment of an International Criminal Court,

1. *Welcomes* the adoption on 17 July 1998 in Rome of the Statute of the International Criminal Court by the United Nations Diplomatic Conference, which marks the international community's determination to take steps to ensure that the crime of genocide, crimes against humanity, war crimes and the crime of aggression do not go unpunished and that justice is done;
2. *Invites* all parliaments and their members to take action to secure the universal ratification of the Statute of the Court at the earliest possible date and to do everything in their power to ensure that this new international tribunal is indeed set up without delay and provided with the means to operate efficiently.

D. Questions concerning anti-personnel mines

The Inter-Parliamentary Council,

*Recalling* that the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction* was adopted in Ottawa on 4 December 1997,

1. *Notes with satisfaction* that since then 37 States have ratified this new and important legal instrument and that 130 States have signed it;
2. *Also notes* that the Convention will enter into force once it has been ratified by forty States, and *once again encourages* the Parliaments of signatory States to speed up the ratification procedure so that the Convention may take full effect without delay;
3. *Urges* all governments and parliaments to take the necessary steps for the adoption of enabling laws and regulations which will ensure full compliance with the Convention;
4. *Reiterates* its earlier calls to all States and other parties to armed conflict to contribute on an ongoing basis to international landmine clearance efforts, and *once again encourages* States to fund the United Nations Voluntary Trustee Fund for Mine Clearance;
5. *Also reiterates* its call to the governments and parliaments of the countries concerned to take further action to promote mine-awareness programmes (including gender- and age-appropriate programmes), thereby reducing the number and alleviating the plight of civilian victims;
6. *Likewise reiterates* its call to the governments and parliaments of the countries concerned to release appropriate resources for the treatment and rehabilitation of landmine victims;
7. *Requests* the Secretary General of the Union to explore the possibility of developing a database on parliamentary action with regard to anti-personnel mines.

**AGENDA OF THE  
101<sup>st</sup> INTER-PARLIAMENTARY CONFERENCE**

**(Brussels, 10-16 April 1999)**

1. Election of the President and Vice-Presidents of the 101<sup>st</sup> Conference
2. Consideration of possible requests for the inclusion of a supplementary item in the Conference agenda
3. General Debate on the political, economic and social situation in the world
4. Parliamentary action to encourage all countries to sign and ratify the Comprehensive Test Ban Treaty prohibiting all nuclear testing, to encourage universal and non-discriminatory nuclear non-proliferation measures and to work towards the eventual elimination of all nuclear weapons
5. The problem of metropolitan areas: a global challenge to which parliamentarians must respond in terms of urban civilisation and democracy
6. Amendments to the Statutes of the Union
  - (a) Amendment to Article 22(h) of the Statutes and adoption of regulations concerning the participation of observers at IPU meetings
  - (b) Proposals to amend Article 24 of the Statutes

**LIST OF INTERNATIONAL ORGANISATIONS AND OTHER BODIES  
TO BE INVITED TO FOLLOW THE WORK OF THE 101<sup>st</sup> CONFERENCE AS OBSERVERS**

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Palestine

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United Nations  
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)  
United Nations Conference on Trade and Development (UNCTAD)  
World Trade Organization (WTO-OMC)

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

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Amazonian Parliament  
Arab Inter-Parliamentary Union  
ASEAN Inter-Parliamentary Organization (AIPO)  
Asian and Pacific Parliamentarians' Union  
Assemblée parlementaire de la Francophonie  
Assembly of the Western European Union (WEU)  
Association of European Parliamentarians for (Southern) Africa (AWEPA)  
Baltic Assembly  
Commonwealth Parliamentary Association (CPA)  
Consultative Council of the Arab Maghreb Union  
European Parliament  
Inter-Parliamentary Assembly of the Commonwealth of Independent States  
Inter-Parliamentary Council against Antisemitism  
Nordic Council  
Parliamentary Assembly for Black Sea Economic Co-operation  
Parliamentary Assembly of the OSCE  
Parliamentary Association for Euro-Arab Co-operation (PAEAC)  
Union of African Parliaments (UAP)

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

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**Organisation invited to follow the work of the 101<sup>st</sup> Conference in the light of item 4 of the agenda:** International Atomic Energy Agency (IAEA)



**FUTURE MEETINGS AND OTHER ACTIVITIES**

Meeting of MPs attending the 53 <sup>rd</sup> session of the UN General Assembly	NEW YORK (UN Headquarters) 26 October 1998
Debate in the United Nations General Assembly on UN-IPU co-operation	NEW YORK (UN Headquarters) 28 October 1998
Information Seminar on the Functioning of the Union (French language)	GENEVA (IPU Headquarters) 9-14 November 1998
Specialised Conference organised by IPU with the support of FAO and hosted by the Italian Parliament on « Attaining the World Food Summit's objectives through a Sustainable Development Strategy »	ROME (Italy) 29 November - 2 December 1998
IPU presence at UNESCO meeting to commemorate the 50 <sup>th</sup> anniversary of the Universal Declaration of Human Rights	PARIS (UNESCO Headquarters) 7 - 8 December 1998
Meeting of parliamentarians on the Convention on Desertification, organised by the Secretariat of the Convention to Combat Desertification and sponsored by the IPU	DAKAR (Senegal) 8 December 1999
84 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 18 - 21 January 1999
Asia-Pacific Regional Conference of parliamentarians and media representatives to discuss partnership between them in promoting a culture of peace, organised by UNESCO with IPU sponsorship and hosted by the Thai Parliament	BANGKOK (Thailand) February 1999
First meeting of the Preparatory Committee for Conference of Presiding Officers of National Parliaments	VIENNA (Austria) February 1999
Third Thematic Preparatory Meeting for the III <sup>rd</sup> CSCM on the topic « <i>Co-operation in armaments control in the Mediterranean with a view to preventing conflicts in the region</i> »	LJUBLJANA (Slovenia) 12 - 13 March 1999
Second Tripartite Meeting on the follow-up to the World Summit for Social Development	NEW YORK (UN Headquarters) March 1999
Committee on Sustainable Development	GENEVA (IPU Headquarters) March 1999

<b>101<sup>st</sup> Inter-Parliamentary Conference and related meetings</b>	BRUSSELS (Belgium) 8 - 16 April 1999
- Executive Committee (228 <sup>th</sup> session)	8, 9 and 14 April
- Gender Partnership Group	8 and 9 April
- Meeting of Women Parliamentarians	10 April
- Co-ordinating Committee of Women Parliamentarians	10 and 15 April
- Committee on the Human Rights of Parliamentarians (85 <sup>th</sup> session)	10 - 15 April
- Inter-Parliamentary Council (164 <sup>th</sup> session)	11 and 16 April
- Inter-Parliamentary Conference	11 - 15 April
- Meeting with Cyprus facilitators	12 and 14 April
- Committee on Middle East Questions	13 April
- Meeting of parties to the CSCM	13 April
Seminar on relations between majority and minority parties in African Parliaments	LIBREVILLE (Gabon) 17 - 19 May 1999
86 <sup>th</sup> session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) July 1999
Second meeting of the Preparatory Committee for Conference of Presiding Officers of National Parliaments	RABAT (Morocco) September 1999
Parity group on follow-up to the Beijing Platform for Action and the IPU Plan of Action	September/October 1999
102 <sup>nd</sup> Inter-Parliamentary Conference	BERLIN (Germany) 10 - 16 October 1999
Meeting of MPs attending the 54 <sup>th</sup> session of the UN General Assembly	NEW YORK (UN Headquarters) October 1999
Information Seminar on the Functioning of the Union (English language)	GENEVA (IPU Headquarters) October/November 1999
Joint UNESCO/IPU Meeting on the theme « Perspectives on Democracy: Do Women Make a Difference? »	PARIS (UNESCO Headquarters) 2 - 4 December 1999
Third Inter-Parliamentary Conference on Security and Co-operation in the Mediterranean	TUNIS (Tunisia) 2000
103 <sup>rd</sup> Inter-Parliamentary Conference	AMMAN (Jordan) April/May 2000
Joint IPU/UN Meeting on <i>Democracy through Partnership between Men and Women</i> » on the occasion of the Special Session of the United Nations General Assembly to review and appraise the implementation of the Beijing Platform for Action	NEW YORK (UN Headquarters) June 2000
Conference of Presiding Officers of National Parliaments	NEW YORK (UN Headquarters) September 2000
104 <sup>th</sup> Inter-Parliamentary Conference	DJAKARTA (Indonesia) October 2000

**AMENDMENT OF RULE 3 OF THE FINANCIAL REGULATIONS**

*Amendment adopted by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)*

**RULE 3**

1. The annual budget of the Union shall be approved by the Council (cf. Statutes, Art. 22 (i)).
2. The annual budget estimates shall be prepared by the Secretary General (cf. Statutes, Art. 25.2 (f)) and shall be presented in Swiss francs.
3. The annual budget estimates shall be accompanied by such information annexes and explanatory statements as the Secretary General may deem necessary and useful, or as required by the Council.
4. The Executive Committee shall examine the annual budget estimates prepared by the Secretary General and submit them to the autumn session of the Council with such recommendations as it considers desirable (cf. Statutes, Art. 24.2 (e)).
5. The annual budget estimates shall be transmitted by the Secretary General to all National Groups at least one month prior to the opening of the session of the Council.
6. Supplementary estimates may be presented by the Secretary General whenever necessary in a form consistent with the estimates for the financial year and shall be submitted to the Executive Committee. The Executive Committee shall review the supplementary estimates and submit them for approval to the Council with such recommendations as it considers desirable.
7. In addition to the budget estimates for the following financial period, the Secretary General shall present to the Executive Committee and the Council, for their information, provisional estimates for the next succeeding year, or such further periods as the Council shall require.

**New paragraph 8:**

- 8. Should the Council reject the draft budget proposed by the Executive Committee, it shall either designate a balanced working group to study the question and submit a revised draft budget, possibly extending its sitting for that purpose, or shall decide to convene extraordinary sessions of the Executive Committee and Council before the end of the year in question in order to find a solution and adopt the budget.**

**EXCERPTS FROM THE REPORT OF THE COMMITTEE  
TO MONITOR THE SITUATION IN CYPRUS**

*Rapporteur: Mr. Hannu Kemppainen (Finland), President of the Committee*

*Report endorsed by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)*

(...)

6. With regard to the situation in and regarding Cyprus, the Committee was dismayed to note that since its previous session, at Windhoek in April last, no progress had been made, whether concerning political and military issues or concerning cultural questions, the issue of the missing persons or indeed any other matter.

7. No positive development had taken place within the context of the framework for the settlement of the Cyprus issue defined by the United Nations and reiterated in resolution 1179 (1998) of 29 June 1998 of the UN Security Council: « *a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession.* »

8. Similarly, no progress had been made, in particular, with a view to the involvement of the Turkish Cypriot side in the negotiations for Cyprus' accession to the European Union which were initiated on 31 March 1998 and are scheduled to continue until the summer of 1999.

9. As regards the military situation, the Committee cannot but endorse Security Council resolution 1178 of 29 June 1998, reiterating « *its grave concern at the continuing excessive and increasing levels of military forces and armaments in the Republic of Cyprus and the rate at which they are being expanded, upgraded and modernised, including by the introduction of sophisticated weaponry, and the lack of progress towards any significant reduction in the number of foreign troops in the Republic of Cyprus, which threaten to raise tensions both on the island and in the region.* »

10. It is extremely concerned that not one iota of progress has been made regarding the progressive withdrawal of Turkish troops from northern Cyprus which is and remains a priority demand of the international community.

11. It also remains very worried that the delivery of the S-300 anti-aircraft system was not cancelled as urged by the IPU among others, even if it was delayed from July to October 1998. It however finds in the proposal for demilitarisation formulated both by President Clerides and the Russian Federation an encouragement that the delivery of the S-300 missile by the Russian Federation will not take place.

12. The Committee notes with concern that since April 1998, yet another series of incidents and developments - involving violations of Cyprus's airspace by Turkish military forces, the landing of Greek combat aircraft on Paphos airbase in southern Cyprus and the anchoring of Turkish warships in the ports of Kyrenia and Famagusta - have taken place, perpetuating the political and military tension in Cyprus. The Committee places some hopes in the discussions currently under way between the United Kingdom, the US, key partners and the NATO Secretary-General regarding confidence-building measures and a possible moratorium on military overflights.

13. As far as the resumption of direct negotiations between the two Cypriot Leaders at the UN is concerned, the Committee regrets that it is unable to report any progress and invites the Council to urge both sides to resume such negotiations as soon as possible, in an effort to bring about a peaceful settlement.

14. In support of such direct negotiations between the two leaders, the IPU has always advocated contacts at the level of all political parties in Cyprus to explore ideas and thus help to bridge the existing gap. The Committee is bound to note, however, that these contacts have been completely suspended since December 1997 by Mr. Denktash. It wishes to suggest that the IPU remains at the disposal of political parties to facilitate contacts, as indicated below.

15. Similarly, the IPU has continuously encouraged intercommunal contacts at the level of civil society, particularly chambers of commerce, professional organisations and trade unions as well as non-governmental organisations, as a means of building confidence and creating the necessary environment for progress towards a negotiated settlement. Such contacts, already very limited and made difficult by variations in political circumstances, have also been halted by Mr. Denktash as of December 1997.

16. It may be recalled that the Cyprus issue continues to be the subject of intensive diplomatic efforts on the part of the Special Advisor for Cyprus to the UN Secretary-General, Mr. D. Cordovez, and the Special Deputy Representative in Nicosia, Dame Ann Hercus, the Representative for Cyprus of the European Union Presidency for Cyprus, Sir David Hannay, the Representative of the Russian Federation, Mr. Chisov, the US Representatives, Mr. Holbrooke (US Presidential Envoy and currently US Ambassador to the UN) and Mr. Miller (US State Department Co-ordinator), and since very recently a Chilean Envoy, Mr. Ignacio Gonzalez Serrano, and an Australian Envoy, Mr. John Spender.

17. The Committee notes that its mandate is coming to an end but that its interlocutors find it important that the IPU should find some way of facilitating the continuation of contacts between the parties concerned. To that effect, it recommends that the Council consider the following option<sup>1</sup>:

- a) In consultation with the parties concerned, the IPU Council would appoint from one to three MPs to act as facilitators for dialogue between the parties;
- b) The House of Representatives of the Republic of Cyprus and the representatives of the Turkish Cypriots would be invited, on the basis of political equality, to respond positively to an invitation by the IPU to come together with the facilitator(s) on the occasion of the 101<sup>st</sup> IPU Conference at Brussels (10-16 April 1999);
- c) The facilitator(s) would hold a separate session with the Greek and Turkish Cypriots representatives only and another session with them and representatives of all three Guarantor Powers; no written material would be submitted;
- d) The facilitator(s) would present to the IPU Council a report, either oral or written as appropriate, on the usefulness of their activity and consultations.

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<sup>1</sup> By approving the proposal, the IPU Council appointed the following three MPs to act as facilitators: Mr. H. Gjellerod (Denmark), Mr. J. Hunt (New Zealand), and Mrs. Y. Loza (Egypt)

**EXCERPTS FROM THE REPORT OF THE COMMITTEE ON  
MIDDLE EAST QUESTIONS**

*Rapporteur: Mr. C.E. Ndebele (Zimbabwe)*

*Report approved by the Inter-Parliamentary Council at its 163<sup>rd</sup> session  
(Moscow, 12 September 1998)*

(...)

Views of the representatives of the Arab countries and those of Israel

5. While both parties recognised that the Middle East peace process continued to be at a standstill and required energetic measures - mostly by the other side - the Israelis sounded a mild note of relative optimism, whereas the Palestinians were pessimistic. A definite responsibility was ascribed to the IPU and its Committee on Middle East Questions which, they felt, should play a more active role in helping the peace process.

6. In this connection, all the parties believed that as long as peace remained elusive in the Middle East, the Committee on Middle East Questions should continue its work and enhance its effectiveness.

Views and findings of the Committee

7. The members of the Committee were pleased that the representatives of the Israeli Group and those of Arab countries agreed to appear together and to state their respective views to each other as well as to the Committee.

8. The Committee believed that although both spoke of the urgency to resume the path towards peace, their respective approaches remained different. The Palestinians would have wished to follow faithfully the Oslo Agreement; the Israeli Government did not appear to be so inclined. In fact, there also appeared differences in this respect between the Israeli main political parties. While the representative of one of them stated that it would support any peace agreement, the other thought that the best approach was to move directly to the last stage and conclude an agreement to be then implemented step by step.

9. The members noted that, whatever their pronouncements to the contrary, the Israeli Government was creating a *de facto* situation which impeded the peace process by continuing to pursue a policy of new settlements and confiscation of land as well as of the destruction of houses in occupied territories and Jerusalem. They strongly believed that, at the very minimum, the Israelis should accept the United States' recommendations to resume the peace process.

10. The members reiterated their strong position in that terrorism, whatever its source, was totally unacceptable. They recognised that absolute reciprocity between Israel and Palestine in putting an end to it is perhaps rather difficult to achieve. It was hardly realistic to expect President Arafat to succeed in eradicating totally terrorist acts where Israeli and other well established intelligence agencies had failed.

11. The Committee praised the efforts of the international community encouraging the peace process and called on the Parliaments and Governments of the world to intensify their efforts to achieve a just and lasting solution to the conflict in the Middle East, in accordance with the relevant resolutions of the United Nations.

12. As regards the future of the Committee, the members agreed with the parties that as long as peace in the Middle East was in question, the IPU should continue to exert every effort to contribute to its attainment in particular through the Committee established to that effect. They felt that to do so effectively, the representatives of the Israeli Group and those of Arab countries should continue to pursue their dialogue with them together. They resolved to prepare, for their next meeting in Brussels, proposals for stronger and more concrete approaches to be used by the Committee in carrying out its tasks.

**FACILITATING ACCESS TO INFORMATION AND CULTURAL EXCHANGES IN THE  
MEDITERRANEAN**

**GENERAL REPORT**

**on the Second Thematic Preparatory Meeting of the III<sup>rd</sup> CSCM  
Évora (Portugal), 25 and 26 June 1998**

**presented by Mr. Mohamed Hédi Khelil (Tunisia), General Rapporteur**

*At its 163rd session (Moscow, 12 September 1998), the Council took note of the report*

On behalf of us all, I would first like to express our warm thanks to the Assembly of the Republic of Portugal, the University of Évora and the authorities of this southern province of Alentejo who have so generously received us here in Évora on 25 and 26 June 1998. I also wish to express to the President of the Portuguese Inter-Parliamentary Group and of this Meeting, Mr. Luis Filipe Madeira, our gratitude for the courteous manner in which he has directed our debates; and on a personal note, I would also like to thank him for having entrusted me with replacing him in the Chair for several hours.

Our meeting has constituted the second phase of the substantive preparation of the III<sup>rd</sup> CSCM which we are planning to hold in Tunis in late 1999. A third preparatory meeting, to focus on a theme relating to security and stability in the Mediterranean, will be held before then in Ljubljana in March 1999 at the invitation of the Parliament of Slovenia.

At a short Inaugural Ceremony we heard the Rector of the University of Evora, Dr. Jorge Araújo, the President of the Portuguese Inter-Parliamentary Group, Mr. Madeira, and the President of the Inter-Parliamentary Council, Mr. Miguel Angel Martínez. The latter enjoined us, more especially, to see to it that all the members of our Parliaments and their Speakers are more resolutely committed to the action of the Inter-Parliamentary Union, recalling in timely fashion that our Assemblies are henceforth called on to play a more active and determining role in the sphere of multilateral relations which has for long been

the privileged domain of the Executive, and pointing out that it is all the institutions of the State and not only the Executive which must make their voices heard in the United Nations.

Our discussions then got under way. Mr. Pierre Cornillon, who will retire as Secretary General of the Inter-Parliamentary Union in a few days after nearly 35 years in the service of the Organisation, made some introductory remarks based on the earlier work of the Union on the theme of our meeting. While thanking him, I would like - on behalf of all of us - to say how deeply we appreciate the essential part he has played in launching and developing the inter-parliamentary CSCM process. I would also like to take this opportunity to repeat our congratulations and support to the new Secretary General, Mr. Anders Johnsson, who was brilliantly elected in Windhoek and will take up office on 1 July.

We then heard the two Resource Persons whose written contributions had been circulated: our former parliamentary colleague, Mr. José Carlos Zorhino, Co-ordinator of the Regional Development Programme for Alentejo, and Mr. Alain Modoux, Director of the Freedom of Expression and Development Division of UNESCO. We are very grateful to them both for the wealth of the ideas which they developed and for the way they helped our discussions.

The representatives of 19 main participants, three associate participants and one observer -



making a total of 24 MPs from 19 countries - took part in the debates.<sup>1</sup>

The theme on which we have focused our attention during these two days is crucial to each of our countries and for the relations among them, that of "**Facilitating access to information and cultural exchanges in the Mediterranean**".

This subject falls within the framework of the IIIrd Basket of the CSCM - Dialogue among civilisations and human rights - but has wide-ranging political implications, as our debates showed.

I will now try to sum up our debates and at the outset, I crave your indulgence in view of the variety of ideas and suggestions put forward.

First of all, I would like to say that the broad scope of the subject, its ramifications and its strong political connotations were such that, in our debate we restricted ourselves to a general approach so that we could better define the issues at stake.

Our discussions have revealed a certain number of general basic points.

The first is that the free flow of ideas by word and by image is a key element of democracy and an indicator of the degree which it has reached in society. Some speakers made a point of stressing that the free movement of individuals was also important.

Nobody denies the existence of wide disparities in the Mediterranean, particularly as regards access to information and to the means of communication. However, it seemed to us that there is a gap between the current perception of these disparities and the real situation. Indeed, there are obvious disparities between one shore and the other but they also exist between the countries of the same sub-region and within countries.

Moreover, while it is true that the North is more technologically advanced than the South and has superior means at its disposal, it is

handicapped in the field of communication by linguistic and cultural plurality whereas the Arab world enjoys linguistic unity and cultural homogeneity.

We are all inevitably entering the information age and we must all make the greatest possible efforts to be actors rather than passive subjects. We must make this effort in order to reduce as best we can the disparities between the info-rich and the info-poor, both between countries and within our countries themselves.

In addition to the efforts which each of our countries must make, it is essential for there to be a technology transfer from the info-rich, wherever they may be, towards the info-poor so that the latter have access to new technologies and benefit from the necessary equipment as much as from training programmes.

We also tackled the question of the content of information, particularly as regards television production and the internet. This issue is crucial in a world where information transcends national borders and where our peoples are showing an increased need to slake their thirst for information. It is also crucial at a time when the phenomena of integration and globalisation are bringing forward, more forcefully than ever before, peoples' aspiration for recognition and respect of their own identity.

On account of the multiplicity of its programmes, the North is in a better position than the South although, in matters of heavy infrastructures such as satellites, the South is in the process of catching up and a certain number of countries from the South are today capable of broadcasting to their region and towards the North.

It is clear that certain countries in the South and in the North - on account of the size of their market or the lack of their financial resources - are not in a position to produce programmes covering all their needs. They are thus constrained to obtaining programmes produced in other countries. It must nevertheless be pointed out that a country like Egypt is an important producer at the international level which produces programmes for all the Arab world.

We have pointed out that the free flow of information is at the very heart of cultural co-operation and that it is important for national production not to be sterilised or stifled by control. The freedom of creation in fact

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<sup>1</sup> Representatives of the following Parliaments and organisations took part in the session:  
*Main participants:* Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Jordan, Libyan Arab Jamahiriya, Monaco, Morocco, Portugal, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Yugoslavia  
*Associate participants:* (i) United Kingdom, (ii) Palestine, (iii) European Parliament  
*Observers:* Cameroon, Poland, Romania, Switzerland; Parliamentary Association for Euro-Arab Co-operation

ensures that our citizens give credence to the information provided to them and do not feel that they have to turn to foreign programmes for the information they are seeking. This freedom of creation is moreover indispensable if we wish to ensure that our production is to be known beyond our national borders.

We noted that it is essential for internet sites to be developed in the national language in each country. This is however clearly conditioned by the availability of servers; here again, the info-rich are duty bound to help the info-poor to acquire these means, and national policies and legislation must foster the development of networks of independent access providers.

Many speakers from the South protested against the situation of consumers in which they felt that their countries were placed, stating that they are looking for a relationship of real exchange. On this point, they referred to the existing disparities as regards reciprocal knowledge of languages. Thus, many participants from the South expressed regret that people in the North do not bother to learn Arabic while many people in the South are fluent in French or English. This situation has important consequences for cultural exchanges. As regards written material, the South is knowledgeable of writings produced in the North but this is not the case in the North as regards written material produced in the South.

Several speakers proposed the development of an interactive Mediterranean encyclopaedia or an interactive site devoted to co-operation in the region. It was also proposed that a data bank on the Mediterranean cultural heritage be created, as well as a Mediterranean television channel.

Generally speaking, our debates have once again highlighted that mutual knowledge, tolerance, mutual respect and mutual assistance are the key to a stable and peaceful Mediterranean.

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Before concluding this report, I would like to mention that our meeting was preceded yesterday by a session of the Co-ordinating Committee of the CSCM, which I had the honour of chairing and which was attended by

five of the nine members constituting this body<sup>2</sup>.

We regret that circumstances prevented some of our colleagues from being with us for the substantive debate which the Committee held, at the instigation of the President of the Inter-Parliamentary Council, concerning the future of the CSCM process.

We have asked the Secretary General of the Inter-Parliamentary Union to write to each of our Parliaments to sound them out so that, when we hold the XIIIth Meeting of the Parties of the CSCM Process in Moscow in two months time, we can take a clear decision on whether it is politically opportune and financially possible to carry on our work. It is essential that we be very clear in our minds about this.

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<sup>2</sup> The following took part in this session of the CSCM Co-ordinating Committee: Mr. M.H. Khelil (Tunisia), President and Rapporteur, Mr. R. Al-Shair (Egypt), Mr. M. Vauzelle (France), Mr. I. Rachidi (Morocco) and Mr. J. Kacin (Slovenia). Mr. M.A. Martínez, President of the Inter-Parliamentary Council, also took part in the meeting.

**CASE N° ARG/20 - RAMON EDUARDO SAADI - ARGENTINA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Ramón Eduardo Saadi, of Argentina,

*Taking account* of the information provided by the President of the Senate and the President of the Argentine Inter-Parliamentary Group on 22 and 30 June 1998, respectively,

*Also taking account* of the observations supplied by Mr. Saadi in his letters of 25 June and 1 September 1998,

*Recalling* that Article 54 of the Constitution as modified in 1994, stipulates that each province is represented in the Senate of the Nation by three senators of whom two represent the party winning the majority of votes and one the party that obtained the second highest number of votes; that, according to transitional provision N° 4, the candidates are to be proposed by the political parties or political alliances, fulfilment of the legal requirements being certified by the National Electoral Jurisdiction,

*Recalling* that the interpretation of this new provision differs widely, in particular with regard to the competence of the Provincial Legislative Assemblies, one opinion affirming that, in accordance with the federalist principle laid down in the Constitution, they remain - as before - the sole elective body and are consequently entitled to reject the choice made by the political parties concerned, the other opinion being that their role is now confined to ratification of the choice made by the parties, the election of the third senator by the minority not requiring the consent of the majority,

*Recalling* that, in the legislative elections of March 1993 and May 1995, the Justicialist Party obtained the second highest number of votes in Catamarca Province and that, consequently, it was entitled to nominate a candidate for the minority seat allotted to Catamarca Province in the National Senate; that, on 20 August 1995, the party elected Mr. Saadi and Mr. Oscar Garbe as titular and substitute minority Senator, respectively, for the province; that their election was duly certified and notified to the Legislative Assembly, which, by Senate resolution D.R. 597/95, was informed that it had to nominate senators and their substitutes in the course of a single session,

*Recalling* that the Catamarca Legislative Assembly met first on 10 October 1995 and subsequently on 9 September 1996 in order to elect the titular and substitute Senators for the majority and the minority; that, in the election of 9 September 1996, the candidates of the Justicialist Party were rejected and that, on 10 July 1997, the Assembly confirmed its earlier vote,

*Recalling* that, on several occasions, and most recently on 11 June 1998, the Senate Committee on Constitutional Affairs recommended that the Senate approve the incorporation of the

designated majority and minority senators for Catamarca Province; that, however, the Senate has so far failed to place the question of Mr. Saadi's incorporation on its agenda and examine it,

*Recalling* that, according to the Constitution, « *each Chamber is the sole judge of the validity of the election, rights and qualifications of its members* »; that, according to the jurisprudence of the Supreme Court, it is a basic rule of public law in Argentina that each of the three branches can apply and interpret the Constitution as it will, in the exercise of the specific authority conferred on it by the Constitution; that political questions such as the one in hand are therefore not subject to judicial review; that, consequently, only the Senate itself can give a binding interpretation of Article 54 of the Constitution and the relevant transitional provision,

*Recalling* the concern it expressed in its past resolution that, despite the recommendation of the competent Senate Committee, Mr. Saadi has been prevented since 1995 from taking his oath and exercising the mandate entrusted to him, thus depriving the electorate of his party of its constitutional right to be represented in the Senate,

*Recalling finally* that on 10 December 1995 the mandate of part of the Senate of the Nation lapsed, leaving Catamarca Province with just one representative instead of the three prescribed in the Constitution,

1. *Recalls* that the Senate is the sole body competent to give a legally binding interpretation of the constitutional provisions regarding it, including Article 54 and transitional provision N° 4 of the Constitution dealing with the composition of the Senate of the Nation;
2. *Recalls* that the Senate Committee on Constitutional Affairs on several occasions, most recently on 11 June 1998, advised the Senate to incorporate Mr. Saadi as titular national Senator and Mr. Garbe as substitute national Senator and requested that the matter be placed on the Senate's agenda;
3. *Notes with deep concern* that the Senate continues to refrain from giving a legally binding interpretation of the relevant constitutional provisions as is its duty, which amounts to a *de facto* denial of justice as the Senate is the sole body before which Mr. Saadi can bring his case; that, in acting so, the Senate deprives Catamarca Province and Mr. Saadi's party of their constitutional right to be represented in the Senate of the Nation; consequently *urges* the Senate to adopt a position on the issue in question and so end the present unconstitutional situation;
4. *Requests* the Secretary General to bring this resolution to the notice of the President of the Senate, the President of the National Group and any other competent authority, inviting them to act upon its concerns;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**BURUNDI**

**CASE N° BDI/01 - SYLVESTRE MFAYOKURERA**  
**CASE N° BDI/05 - INNOCENT NDIKUMANA**  
**CASE N° BDI/06 - GÉRARD GAHUNGU**  
**CASE N° BDI/07 - BIBIANE NTAMUTUMBA**  
**CASE N° BDI/29 - PAUL SIRAHENDA**

<b>CASE N° BDI/02 - N. NDIHOKUBWAYO</b>	<b>CASE N° BDI/18 - D. BIGIRIMANA</b>
<b>CASE N° BDI/03 - L. NTIBAYAZI</b>	<b>CASE N° BDI/19 - T. SIBOMANA</b>
<b>CASE N° BDI/04 - F. BANVUGINYUNVIRA</b>	<b>CASE N° BDI/20 - T. BUKURU</b>
<b>CASE N° BDI/08 - A. NAHINDAVYI NDANGA</b>	<b>CASE N° BDI/21 - S. MUREKAMBANZE</b>
<b>CASE N° BDI/09 - I. KUBWAYO</b>	<b>CASE N° BDI/22 - G. NDUWIMANA</b>
<b>CASE N° BDI/10 - S. NSABUWANKA</b>	<b>CASE N° BDI/23 - C. MANIRAMBONA</b>
<b>CASE N° BDI/11 - I. BAPFEGUHITA</b>	<b>CASE N° BDI/24 - S. NTAKHOMENYEREYE</b>
<b>CASE N° BDI/12 - P. NIZIGIRE</b>	<b>CASE N° BDI/25 - D. NGARUKIRINKA</b>
<b>CASE N° BDI/13 - P. BURARAME</b>	<b>CASE N° BDI/27 - N. NTAHOMUKIYE</b>
<b>CASE N° BDI/14 - S. BIYOMBERA</b>	<b>CASE N° BDI/28 - C. BUCUMI</b>
<b>CASE N° BDI/15 - J. NDEZAKO</b>	<b>CASE N° BDI/30 - A. KIRARA</b>
<b>CASE N° BDI/16 - D. SERWENDA</b>	<b>CASE N° BDI/31 - J.-P. NTIMPIRONGREA</b>
<b>CASE N° BDI/17 - A. NTIRANDEKURA</b>	

**CASE N° BDI/26 - NEPHTALI NDIKUMANA**  
**CASE N° BDI/33 - AUGUSTIN NZOJIBWAMI**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of the above-mentioned parliamentarians,

*Taking into consideration* the information provided by the Permanent Mission of Burundi to the United Nations Office at Geneva, dated 19 June 1998,

*Also taking into consideration* the information supplied by one of the sources on 14 August 1998,

*Recalling* that the National Assembly, which was suspended following the military coup d'Etat of 25 July 1996, was re-established by virtue of Decree-Law N° 1/001/96 of 13 September 1996, albeit with considerably curtailed powers,

*Considering* that, after having been unable to meet for some time, the Assembly held a regular session in autumn 1997 at which talks with the Government on the peace process were opened

and resulted, on 6 June 1998, in the conclusion by the President of the Republic, Major Buyoya, and the President of the National Assembly, Mr. Ngendakumana, of an « *Agreement on the Political Platform of the Transitional Regime* » and the « *Transitional Constitutional Act* »; that, under Article 3 of the latter, the transitional institutions are in particular entrusted with « *combating impunity for crimes and promoting equitable and reconciliatory justice* »; that according to Article 95 the National Assembly, which now has 81 members, « *shall be enlarged to include representatives of the other political parties not represented in it and representatives of civil society to form a Transitional Assembly of 121 members* »,

*Considering* that Mr. Frédéric Banvuginyunvira, President of the FRODEBU parliamentary group, has been appointed First Vice-President of the Republic,

*Considering* that the National Assembly undertook steps to encourage the MPs in exile to return to the country and participate in the work of the new Assembly; that, according to the sources, some of them were ready to do so and that one of them succeeded in returning to Burundi by her own means,

*Considering* that, however, according to one of the sources, all MPs in exile were stripped of their mandates, even the returnee; *considering* that, according to the President of the National Assembly, by virtue of a decision of the Constitutional Court they were not stripped of their mandates but are now ranked as substitutes; that, according to the President, those who return will be placed on the list of substitutes,

*Recalling* that Mr. Mfayokurera, Mr. Ndikumana, Mr. Gahungu and Ms. Ntamutumba, all of whom were elected in 1993 on a FRODEBU ticket, were assassinated on 20 August 1994, 16 December 1995 and in April and May 1996, respectively; *also recalling* the failed attempts on the lives of Mr. Ndiokubwayo, Mr. Banvuginyunvira and Mr. Ntibayazi in September 1994, February 1995 and September 1995, respectively; *recalling further* the « disappearance » of Deputy Sirahenda on 1 August 1997,

*Recalling* that all these crimes have remained unpunished to date and that, according to the authorities, the case of Mr. Gahungu and Ms. Ntamutumba has been shelved; *recalling also*, that in the case of Mr. Ndiokubwayo the attackers had reportedly been arrested but were released later by the judge,

*Recalling* in this connection that, in his letter of 26 March 1998, the Minister of Human Rights, Institutional Reform and Relations with the National Assembly stated that the committee set up to investigate the murder of Mr. Sirahenda was receiving scant co-operation from parliamentarians, who claimed that he and his driver had been killed by the military; that, as a result, little progress had been made in the investigations and that « it would be fitting for the National Assembly to work more closely with the judicial services to make them more effective »,

*Considering in this connection* that, according to the President of the National Assembly, the Assembly's members were co-operating with the judiciary whenever possible and necessary; that, however « *enthusiasm readily gives way to discouragement* »; that the Assembly had conveyed to the Prosecutor General information on the murders of Mr. Gahungu and Ms. Ntamutumba and « *one wonders what Justice has been doing about it up to now* »,

*Recalling* lastly the judicial proceedings under way against Mr. Nzojibwami, Secretary General of FRODEBU, and the sentence handed down on Mr. N. Ndikumana,

1. *Thanks* the President of the National Assembly for his co-operation and the information he provided;
2. *Welcomes* the conclusion of the « *Agreement on the Political Platform of the Transitional Regime* » and the « *Transitional Constitutional Act* » and *earnestly hopes* that the political

resolve thus shown will produce substantial progress towards national reconciliation and the advent of a genuinely democratic regime;

3. *Notes* that, according to the President of the Assembly, should the FRODEBU MPs in exile return, they will be readmitted to the Assembly as substitutes whereas, according to one of the sources, they have all been stripped of their mandates; *would appreciate* clarification in this respect;
4. *Remains convinced* that the fight against impunity, which is one of the priorities of the transition regime, would most clearly reflect the resolve of the authorities to re-establish the rule of law;
5. *Wishes* to be informed of any progress made in the investigations into the murder of Mr. Sirahenda and the attack on Mr. Ndiokubwayo; *would also appreciate* information as to the use made of the information provided by the National Assembly to the competent authorities on the murder of Ms. Ntamutumba and Mr. Gahungu;
6. *Wishes to ascertain* the stage reached in the judicial proceedings still under way against Mr. Nzojibwami; *also reiterates its wish* to be informed of the facts adduced to substantiate the charges laid against him under Article 413 of the Burundi Penal Code;
7. *Reiterates* the considerations it expressed in its previous resolution regarding the judgment handed down on Mr. Ndikumana; *also reiterates its wish* to receive a copy of the relevant indictments and the judgment;
8. *Notes* that Mr. Banvuginyuvira has been appointed First Vice-President of the Republic and has not expressed a desire to have the Committee further examine his case, and consequently *decides* to close it;
9. *Requests* the Secretary General to convey this decision to the competent authorities and to maintain contact with the United Nations bodies and commissions dealing with the human rights situation in Burundi;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CAMBODIA**

**CASE N° CMBD/01 - SAM RAINSY**  
**CASE N° CMBD/02 - SON SOUBERT**  
**CASE N° CMBD/03 - POL HAM**  
**CASE N° CMBD/04 - SON SANN**  
**CASE N° CMBD/05 - KEM SOKHA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Sam Rainsy and that of Mr. Son Soubert, Mr. Pol Ham, Mr. Son Sann and Mr. Kem Sokha, of Cambodia,

*Taking account* of a letter from H.E. the King of Cambodia dated 17 July 1998,

*Also taking account* of information provided by one of the sources on 20 June and 8 September 1998,

*Recalling* that the above parliamentarians were elected in the 1993 elections organised by UNTAC (United Nations Transitional Authority in Cambodia); that Mr. Sam Rainsy was elected on a FUNCINPEC ticket and the other four MPs on a BLDP (Buddhist Liberal Democratic Party) ticket,

*Recalling* that FUNCINPEC, the winner of the elections, formed a coalition with the Cambodia People's Party (CPP), the runner-up; that Mr. Sam Rainsy was expelled from his party in May 1995 and subsequently from the National Assembly; that in November 1995 he founded a new political party, the Khmer Nation Party (KNP); that the BLDP split in 1995 into two factions; that the one headed by Information Minister Mr. Ieng Mouly obtained government recognition, while the other faction, led by Mr. Son Sann, sustained a grenade attack when attempting to hold a congress in October 1995; that, in March 1997, an authorised and peaceful demonstration of the KNP led by Mr. Sam Rainsy also suffered a grenade attack killing at least 16 people and injuring over 100,

*Recalling* that the investigation into this attack has so far been unavailing, as has the investigation into the grenade attack of October 1995 against Mr. Son Sann and his group,

*Bearing in mind* that in his report to the General Assembly in 1997, the United Nations Special Representative of the Secretary-General for Human Rights in Cambodia stated that the problem of impunity was one of the key issues of the establishment of the rule of law in the country, impunity in this particular case meaning that those who violate human rights - in particular military personnel, police, the gendarmes and other members of the armed forces - are neither arrested nor prosecuted, even if the authorities and the public at large are fully aware of their guilt,



*Recalling* the observation by the Cambodian delegation to the 99th Inter-Parliamentary Conference (April 1998) that the current priority was the preparation of the elections; and that the investigations in question would be fully addressed once the elections were over,

*Recalling* the violent ousting of First Prime Minister Prince Ranariddh in July 1997, resulting in scores of individuals loyal to Prince Ranariddh and his political party being extrajudicially executed without anybody having so far been brought to justice; that others, including the above former or incumbent parliamentarians concerned, were forced into exile; that, in November 1997, Mr. Sam Rainsy returned to Cambodia followed in early 1998 by the other MPs in question in an attempt to prepare for the July 1998 elections,

*Noting* that parliamentary elections went ahead on 26 July 1998 as scheduled; that Mr. Son Sann did not stand for re-election; that, according to information in the Committee's possession, while Mr. Rainsy was re-elected, Mr. Son Soubert, Mr. Pol Ham and Mr. Kem Sokha were not,

*Noting also* that there had been serious doubts about the feasibility of holding free and fair elections on that date in view of the many reports of intimidation and murder of opposition candidates, voter intimidation, serious flaws in voter registration, and lack of impartiality of the bodies competent to monitor the elections and to rule on electoral disputes; that while the Cambodian opposition has denounced numerous irregularities in the electoral process and disputed its outcome, the European Union, in a letter of 6 August 1998 to the United Nations Secretary General, noted with satisfaction that « *the initial report from the Joint International Observer Group concluded that the polling and counting was a process which was free and fair to an extent that enables it to reflect, in a credible way, the will of the Cambodian people* »,

*Considering* that, on 20 August 1998, Mr. Rainsy was the target of a grenade and firearms attack outside the Interior Ministry compound in Phnom Penh, where his supporters were holding an all-night vigil outside the office of the National Election Committee; that Mr. Rainsy and a group of his supporters were detained by police shortly after the attack and subsequently released after intercession by United Nations personnel and others,

*Considering* that, subsequent to a grenade attack on Mr. Hun Sen's home on 7 September 1998, a warrant was issued for the arrest of Mr. Sam Rainsy and that he escaped arrest owing to United Nations protection,

1. *Is alarmed* to learn that an arrest warrant was issued against Mr. Sam Rainsy, apparently on no legal basis, obliging him to seek refuge at the United Nations Office in Phnom Penh, and *hopes to receive* detailed information on the subject;
2. *Is likewise alarmed* that, in August 1998, Mr. Sam Rainsy suffered a further grenade and firearm attack, and *wishes to know* whether investigations of this matter are under way and any result achieved;
3. *Also expresses deep concern* that the investigations into the grenade attack on him of March 1997 have yielded no results, and *can but consider* such further violence to be the outcome of a situation of impunity;
4. *Deplores* the fact that the investigation into the grenade attack of October 1995 against Mr. Son Sann and his group has yielded nothing in three years, and *fears* that, failing any new information on these investigations, it will be led to conclude that the Cambodian State is indeed guilty by omission of a violation of the human rights of the former MPs concerned;
5. *Recalls* that, on the occasion of the 99th Inter-Parliamentary Conference, the Cambodian delegation stated that during the election campaign the fight against impunity was not a priority but that it would become one as soon as the elections were over;

6. *Earnestly hopes* that the newly elected Parliament will do its utmost to combat impunity and ensure respect for human rights;
7. *Notes finally* that, according to information in the Committee's possession, Mr. Sam Rainsy was re-elected, while Mr. Son Sann did not stand for re-election and Mr. Pol Ham, Mr. Kem Sokha and Mr. Son Soubert were not re-elected;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° CHD/01 - NGARLEJY YORONGAR - CHAD**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Ngarléjy Yorongar, of Chad,

*Taking account* of the letters from the President of the National Assembly dated 2, 22 and 31 July and 5 August 1998, and of the letters from the Minister of Justice dated 29 July and 7 August 1998,

*Also taking account* of the communications from the sources,

*Recalling* that Mr. Yorongar, a member of the National Assembly of Chad belonging to the opposition and one of the most vocal critics of an oil project carried out in his region by an international consortium made up of Elf, Esso and Shell, criticised in particular the way in which the project was managed by those close to the Head of State, Mr. Idress Déby, and denounced - first during the presidential campaign in June and July 1996 - Elf's reported financing of the electoral campaign of Mr. Déby and Mr. Kamougué, now Presidents of the Republic and of the National Assembly, respectively,

*Recalling* that, on 7 August 1997, the Prosecutor General submitted two requests to the National Assembly for the lifting of Mr. Yorongar's parliamentary immunity in order to permit his prosecution for contempt and insulting the Head of State and for complicity in slandering the President of the National Assembly and the institution which he represents,

*Recalling further* that a letter dated 25 June 1997 from Mr. Yorongar to the Prime Minister about the oil project originated the first request; that an article published in the 9 July 1997 issue of the periodical « *L'Observateur* » on a lecture-debate held by Mr. Yorongar on 5 July 1997 gave rise to the second request; that Mr. Yorongar is quoted as having stated that the President of the National Assembly had reportedly received from Elf the sum of 1.5 billion CFA francs (1,500,000,000),

*Considering* that, after several postponements of the decision, the National Assembly finally voted on 26 May 1998 to lift Mr. Yorongar's immunity; that on 2 June Mr. Yorongar was called for questioning together with the author of the allegedly offending article and the Director of « *L'Observateur* » and that they were all arrested the next day, Mr. Yorongar on charges of complicity and defamation,

*Considering* that the case was first heard on 5 June 1998, when the defence raised several preliminary points of law and *inter alia* challenged the judge, pointing out that, at the time the complaints were lodged, he was a member of the prosecution and thus, under Chadian law, disqualified from hearing the case; that the Court of Appeal dismissed the application to challenge the judge on 11 June and that a second hearing took place on 12 June 1998,

*Considering* that at that hearing the defence raised another preliminary point of law, namely the absence of duly signed and approved records of the lifting of Mr. Yorongar's immunity as required under Article 58 of the National Assembly's Standing Orders; that the court referred the case to the Constitutional Chamber of the Court of Appeal while keeping Mr. Yorongar in detention and releasing his co-accused; that, on 13 July 1998, the Constitutional Chamber ruled that it lacked jurisdiction to deal with the matter,

*Considering* that, taking the view that Mr. Yorongar and the others had suffered arbitrary arrest, the lawyers introduced in June 1998 an application to the Chamber of Accusation of the Court of Appeal for the purpose of securing their release; that, according to the sources, the judge only sent the file to the Court of Appeal after being enjoined to do so by the President of the Court on 30 June. However, while the Court was due to decide the case on 17 July, the Public Prosecutor reportedly « snatched » the file from the Court and set the hearing for 16 July 1998,

*Considering* that, at the hearing of 16 July, the lawyers once more demanded the records of the lifting of Mr. Yorongar's parliamentary immunity, which the judge reportedly refused to communicate to them on the grounds that it was a confidential document; that, since the lawyers walked out in view of that attitude, the judge decided to postpone the hearing until 20 July to enable the parties to obtain a copy of those records; that, however, no such copy was ever supplied to them,

*Considering* that Mr. Yorongar refused to take part in what he regarded as a masquerade of a trial, that the other two accused refused to speak for the same reason and that the defence counsel walked out because they had not obtained a copy of the records in question and were, moreover, denied the floor by the judge; that consequently, according to the sources, the lawyers of Mr. Déby and Mr. Kamougué were the only ones to plead,

*Considering* that, according to the sources, the Public Prosecutor called for an unsuspended prison term of two years and a fine of 500,000 CFA francs for Mr. Yorongar and acquittal for his co-accused; that, however, the judge, finding Mr. Yorongar guilty of having defamed the President of the Republic and the President of the National Assembly, sentenced him to an unsuspended term of three years in prison and a fine of 500,000 CFA francs; that his co-accused were given suspended prison terms of two years and fined 1,000,000 CFA francs each,

*Considering* that, according to the sources, the sentence handed down on Mr. Yorongar is unrelated to the maximum statutory sentence for these offences, which is two years, and that the maximum fine set for the offence is 500,000 CFA francs; that, according to the Minister of Justice, this was incorrect as Article 47(2) of the Law on the Press makes defamation punishable by up to three years in prison when intended to arouse hatred or incite violence among persons belonging to an ethnic group, a region or a religion, and « *Mr. Yorongar's letter incriminating the Head of State, his family and his clan does indeed fall within the purview of this provision ...* »,

*Considering* that an appeal has been lodged,

*Considering* that Mr. Yorongar's already precarious health has suffered from the harsh prison conditions; that since 8 September 1998, he has reportedly been denied any visits; *recalling also* the fears for Mr. Yorongar's personal safety,

*Noting* that, in its resolution on Chad adopted on 18 June 1998, the European Parliament called for the immediate release of Mr. Yorongar and urged the Chadian Government to respect democratic discussions on the country's situation and on the planned oil project in the Doba region,

*Considering finally* that, in his message of 2 July 1998, the President of the National Assembly stated that the Committee's sources of information were conveying often false and biased information and that, for that reason, he had ceased to co-operate with it; that, however, he wished to restore honest co-operation with the Committee and invited the Inter-Parliamentary Union to that end to send an on-site mission to gather impartial and objective information on the case; that he reiterated that invitation in his letters of 31 July and 5 August 1998, refraining from providing any further information pending the Committee's mission,

1. *Thanks* the Minister of Justice for his co-operation and, in particular, *thanks* the President of the National Assembly for the invitation to conduct an on-site mission;
2. *Believes* that such a mission would indeed enable it to appraise all circumstances of the case and, to this end, *entrusts* the Committee on the Human Rights of Parliamentarians with a mission to gather further information directly from the parliamentary and other competent authorities, the parliamentarian concerned and his defence counsel, and from any other source that may be able to supply relevant information;
3. *Is confident* that such a mission can be received in Chad in the very near future;
4. Meanwhile *can but express* its deep concern at the serious allegations regarding the conduct of the judicial proceedings and the judgement handed down on Mr. Yorongar and his co-accused;
5. *Is also deeply concerned* at the conditions of his detention and his state of health, which alone would warrant his immediate release; *notes with particular concern* that since 8 September 1998 he has reportedly been denied any visits, and *urges* the authorities to ensure that his family and lawyers are allowed full access to him and that he receives the medical care he needs;
6. *Requests* the Secretary General to convey this resolution to the President of the National Assembly;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

CASE N° CO/01 - PEDRO NEL JIMÉNEZ OBANDO	)	
CASE N° CO/02 - LEONARDO POSADA PEDRAZA	)	
CASE N° CO/03 - OCTAVIO VARGAS CUÉLLAR	)	COLOMBIA
CASE N° CO/04 - PEDRO LUIS VALENCIA	)	
CASE N° CO/06 - BERNARDO JARAMILLO OSSA	)	
CASE N° CO/08 - MANUEL CEPEDA VARGAS	)	

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning 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 and Mr. Manuel Cepeda Vargas, of Colombia,

*Taking account* of the information provided by the Office of the Presidential Adviser for Human Rights on 7 July 1998,

*Taking account also* of the information supplied by one of the sources on 28 June 1998,

*Recalling* that, according to the information at present before it, (1) the investigation into the murder of Mr. Posada was shelved in April 1996; (2) on 12 May 1998 the National Director of Prosecution ordered the Regional Director of Prosecution of Villavicencio to reopen the investigation conducted by the now defunct Penal Investigation Chamber N° 10 into the killing of Mr. Pedro Nel Jiménez Obando for the purpose of entrusting the Technical Investigation Corps with pursuing inquiries to identify the culprits; (3) the investigation in the case of Mr. Vargas Cuéllar remains suspended since no fresh evidence has arisen that would permit its reopening; (4) preliminary investigations are still under way in the case of Mr. Valencia; (5) the prosecution was about to close the investigation in the case of Mr. Jaramillo; (6) Mr. Carlos Castaño Gil, the head of the paramilitary groups of Córdoba and Urabá, Mr. Justo Gil Zúñiga Labrador and Mr. Hernando Medina Camacho, army sergeants in the 9th Brigade, have been formally accused of the murder of Senator Cepeda Vargas and remanded in custody,

*Considering* that, according to one of the sources, Mr. Hernando Medina Camacho, who is supposed to be in detention in the military garrison of Bogotá, reportedly often visits the city of Neiva where his family is living and is even doing work for the military intelligence service; that the source fears that Mr. Zúñiga enjoys the same treatment and that both may be tempted to interfere with the investigation process,

*Recalling* that Carlos Castaño Gil is wanted for the murder of Senators Jaramillo and Cepeda; that a « *Search Squad for private justice groups* » was set up in December 1997 with a mandate, *inter alia*, to act in support of the Fiscalía General in executing arrest warrants,

*Noting* that, in her report of 9 March 1998 on the work of the field office in Colombia, the United Nations High Commissioner for Human Rights urged the Colombian Government *inter alia* to

« ... *conduct independent and exhaustive investigations into all violations of the right to life, bring the culprits to justice and properly compensate their victims in order to put an end to the spiral of violence and impunity* »,

1. Thanks the Office of the Presidential Adviser for Human Rights for its continuing co-operation;
2. *Is deeply concerned* at the allegation that Mr. Hernando Medina Camacho, one of the three persons accused of the murder of Senator Cepeda and remanded in custody, in reality may be free and even working for military intelligence, which would make it easy for him to interfere with the ongoing investigations in this case;
3. *Urges* the authorities to ensure respect for the due process of law, and *wishes* to be informed of the situation of Mr. Medina Camacho and Mr. Zúñiga and the conditions of their detention;
4. *Would appreciate* receiving information about any steps taken to ensure the execution of the arrest warrants issued against Carlos Castaño and the efforts undertaken to this end by the *Search Squad for private justice groups* set up in December 1997;
5. *Requests* the Secretary General:
  - (i) To convey these considerations to the President of the National Congress and of the National Group of Colombia;
  - (ii) To inform the Office of the United Nations High Commissioner for Human Rights in Colombia about the Committee's work on these cases;
  - (iii) To inform the Office of the Presidential Adviser for Human Rights of these considerations, inviting it to provide the information desired and report any new developments in these cases;
6. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

CASE N° CO/09 - HERNAN MOTTA MOTTA ) COLOMBIA  
CASE N° CO/10 - NELSON VELORIA )

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Senator Hernán Motta Motta and Congressman Nelson Veloria, of Colombia,

*Taking account* of the information provided by the Office of the Presidential Adviser for Human Rights on 7 July 1998,

*Recalling* that, according to the source, Senator Hernán Motta Motta and former Representative Nelson Veloria, Vice-President of the Patriotic Union, had for some time been subjected to death threats, their names being on the « hit list » of the second phase of the *Golpe de Gracia* plan reportedly aimed at eliminating the remaining national leaders of the Patriotic Union,

*Also recalling* that, according to the Office of the Presidential Adviser for Human Rights, following a complaint, investigations have been launched into the death threats against Senator Motta, but so far with no result; and, as regards the death threats against Mr. Veloria, no complaint has ever been received,

*Considering* that in September 1997 the source reported an increased number of death threats against Senator Motta Motta and plans to hinder his parliamentary activities by bringing false charges of collaboration with the « narco-guerrillas » against him and that, as a result, he was forced into exile in October 1997; that in February 1998 the same source reported that paramilitary gangs had come to Bogotá to kill Mr. Veloria, who might therefore also be forced to leave the country,

*Considering* that, according to information supplied by the Office of the Presidential Adviser for Human Rights on 7 July 1998, subsequent to a complaint submitted by Senator Motta Motta and others on 29 January 1998, a Regional Prosecutor attached to the Santafé Prosecutor's Office opened preliminary investigation N° 32695 regarding alleged violations of the human rights of members and sympathisers of the Colombian Communist Party and of the Patriotic Union,

*Considering also* that, as regards the alleged threats against Mr. Veloria, the Office had stated in its letter of 16 July 1997 that the Prosecutor General had no knowledge of the alleged threats. The National Directorate of Public Prosecutions had distributed a countrywide communication circular to establish where and in which Prosecutor's Office the investigation was being conducted, but to no avail; that, on 7 July 1998, the Office reported that, although Mr. Veloria's name did not appear in the above-mentioned complaint, the taking of evidence in the case had been ordered, having regard to the IPU's concerns in this case. It was now for Mr. Veloria to supply the investigation with factual data regarding the alleged threats,



*Recalling further* its repeated recommendations that, in accordance with the Constitution of Colombia, a statutory law on the status of the opposition be drafted and adopted as soon as possible,

*Noting* that, in her report of 9 March 1998 on the work of the field office in Colombia, the United Nations High Commissioner for Human Rights urged the Colombian Government *inter alia* to « ... *conduct independent and exhaustive investigations into all violations of the right to life, bring the culprits to justice and properly compensate their victims in order to put an end to the spiral of violence and impunity* »,

1. *Thanks* the Office of the Presidential Adviser for Human Rights for its continuing co-operation and *commends* it for its effort to take into account the IPU's concerns regarding these cases;
2. *Remains concerned* that Mr. Motta was forced into exile for want of a thorough investigation of the death threats he had received and because the authorities reportedly did not afford him adequate protection;
3. *Urges* the competent authorities yet again to make every effort to identify those responsible for the death threats and bring them to justice, as is their duty, and *also refers* in this connection to the recommendation made by the United Nations High Commissioner for Human Rights in the aforesaid report;
4. *Is gratified* that the taking of evidence was ordered in the case of Mr. Veloria and *hopes* that this will permit an effective investigation;
5. *Reaffirms its conviction* that the adoption of legislation on the status of the opposition, as advocated in the resolution adopted in Windhoek in April 1998, would contribute to dispelling the climate of political violence still prevailing in Colombia;
6. *Requests* the Secretary General:
  - (i) To convey this decision to the President of the National Congress and of the National Group of Colombia;
  - (ii) To convey these considerations to the Office of the Presidential Adviser for Human Rights, inviting it to keep the Committee informed;
  - (iii) To convey its concerns to the Office of the United Nations High Commissioner for Human Rights in Colombia;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

## COLOMBIA

- CASE N° COL/11 - JULIO ACOSTA BERNAL  
 CASE N° COL/12 - ALONSO ACOSTA OSIO  
 CASE N° COL/13 - RAFAEL ACOSTA  
 CASE N° COL/14 - PABLO EMIRO AGÁMEZ  
 CASE N° COL/15 - F. LUIS ALMARIO ROJAS  
 CASE N° COL/16 - JOSÉ G. ALVARADO R.  
 CASE N° COL/17 - JAVIER ALVAREZ M.  
 CASE N° COL/18 - JAIME ARANGO PEDRAZA  
 CASE N° COL/19 - ALVARO ARAÚJO C.  
 CASE N° COL/20 - OSCAR ARIAS C.  
 CASE N° COL/21 - JOSÉ ARISTIDES ANDRADE  
 CASE N° COL/22 - JULIO BAHAMÓN V.  
 CASE N° COL/23 - ORLANDO BELTRÁN C.  
 CASE N° COL/24 - EDUARDO M. BENÍTEZ  
 CASE N° COL/25 - JAIRO BERRÍO  
 CASE N° COL/26 - NUBIA BRAND H.  
 CASE N° COL/27 - GUILLERMO BRITO G.  
 CASE N° COL/28 - TOMÁS CAICEDO H.  
 CASE N° COL/29 - HELÍ CALA LÓPEZ  
 CASE N° COL/30 - LÁZARO CALDERÓN G.  
 CASE N° COL/31 - JOSÉ A. CARVAJAL M.  
 CASE N° COL/32 - ISABEL CELIS YÁÑEZ  
 CASE N° COL/33 - JUAN JOSÉ CHAUX M.  
 CASE N° COL/34 - JAIRO CHAVARRIAGA W.  
 CASE N° COL/35 - MICAEL COTES MEJÍA  
 CASE N° COL/36 - COLIN CRAWFORD  
 CASE N° COL/37 - CIRO CRISPÍN L.  
 CASE N° COL/38 - ALFREDO CUELLO DÁVILA  
 CASE N° COL/39 - MARTHA DANIELS G.  
 CASE N° COL/40 - JOSÉ DÁVILA ARMENTA  
 CASE N° COL/41 - JUSTO GUZMÁN N.  
 CASE N° COL/42 - MIGUEL DE LA ESPRIELLA  
 CASE N° COL/43 - TOMÁS DEVIA LOZANO  
 CASE N° COL/44 - LUÍS DUQUE GARCÍA  
 CASE N° COL/45 - RAMÓN ELEJALDE A.  
 CASE N° COL/46 - EDUARDO ENRIQUEZ M.  
 CASE N° COL/47 - YOLIMA ESPINOSA  
 CASE N° COL/48 - JULIO GALLARDO A.  
 CASE N° COL/49 - JAIRO GANEN BUELVAS  
 CASE N° COL/50 - ALBINO GARCÍA F.  
 CASE N° COL/51 - FRANKLIN GARCÍA R.  
 CASE N° COL/52 - JESÚS GARCÍA V.  
 CASE N° COL/53 - GUILLERMO GAVIRIA Z.  
 CASE N° COL/54 - JORGE GÓMEZ CELIS  
 CASE N° COL/55 - JORGE GÓNGORA A.  
 CASE N° COL/56 - JOSÉ OSCAR GONZÁLEZ G.  
 CASE N° COL/57 - JAIME GONZÁLEZ M.  
 CASE N° COL/58 - RAFAEL GUZMÁN N.  
 CASE N° COL/59 - BARLAHÁN HENAO H.  
 CASE N° COL/60 - FERNANDO HERNÁNDEZ V.  
 CASE N° COL/61 - GERMÁN HUERTAS C.  
 CASE N° COL/62 - OSCAR CELIO JIMÉNEZ  
 CASE N° COL/63 - OCTAVIO Z. JARAMILLO Z.  
 CASE N° COL/64 - HAROLD LEÓN B.  
 CASE N° COL/66 - ALFONSO LÓPEZ COSSIO  
 CASE N° COL/67 - JORGE LOZANO O.  
 CASE N° COL/68 - CARLOS LUCIO LOPEZ  
 CASE N° COL/69 - JOSÉ R. RICAURTE A.  
 CASE N° COL/70 - JOSÉ MAYA BURBANO  
 CASE N° COL/71 - JOSÉ MAYA GARCIA  
 CASE N° COL/72 - JUAN J. MEDINA BARRIOS  
 CASE N° COL/73 - M. MEJÍA MARULANDA  
 CASE N° COL/74 - ZULIA MENA GARCÍA  
 CASE N° COL/75 - JORGE MENDIETA P.  
 CASE N° COL/76 - ELIÉCER MENESES L.  
 CASE N° COL/77 - ERNESTO MESA ARANGO  
 CASE N° COL/78 - HEYNE MOGOLLÓN M.  
 CASE N° COL/79 - JULIO MORA ACOSTA  
 CASE N° COL/80 - NORBERTO MORALES B.  
 CASE N° COL/81 - VIVIANE MORALES H.  
 CASE N° COL/82 - ROBERTO MOYA ÁNGEL  
 CASE N° COL/83 - JORGE OLAYA LUCENA  
 CASE N° COL/84 - GRACIELA ORTÍZ DE M.  
 CASE N° COL/85 - ALVARO N. ORDÓÑEZ V.  
 CASE N° COL/86 - RUBÉN OROZCO P.  
 CASE N° COL/87 - CARLOS OVIEDO ALFARO  
 CASE N° COL/88 - TARQUINO PACHECO C.  
 CASE N° COL/89 - AMÉRICO PELÁEZ C.  
 CASE N° COL/90 - EMMA PELÁEZ F.  
 CASE N° COL/91 - ROBERTO PÉREZ SANTOS  
 CASE N° COL/92 - JORGE PÉREZ ALVARADO  
 CASE N° COL/93 - TITO PÉREZ PÉREZ  
 CASE N° COL/94 - CARLOS PINEDA G.  
 CASE N° COL/95 - ANTONIO PINILLOS A.  
 CASE N° COL/96 - EVELIO RAMÍREZ M.  
 CASE N° COL/97 - LORENZO RIVERA H.  
 CASE N° COL/98 - MIGUEL ROA VANEGAS  
 CASE N° COL/99 - CARLINA RODRÍGUEZ  
 CASE N° COL/100 - JULIO CÉSAR RODRÍGUEZ  
 CASE N° COL/101 - SALOMÓN SAADE A.  
 CASE N° COL/102 - FRANCO SALAZAR B.  
 CASE N° COL/103 - DARIO SARAVIA GÓMEZ  
 CASE N° COL/104 - LUÍS SERRANO SILVA  
 CASE N° COL/105 - JUAN SILVA HAAD  
 CASE N° COL/106 - FERNANDO TELLO D.  
 CASE N° COL/107 - JAIME TORRES E.  
 CASE N° COL/108 - ÉDGAR TORRES M.  
 CASE N° COL/109 - LUÍS VALENCIA DÍAZ  
 CASE N° COL/110 - AGUSTÍN VALENCIA  
 CASE N° COL/111 - MARIO VARÓN OLARTE  
 CASE N° COL/112 - FRANCISCO VELÁSQUEZ B.  
 CASE N° COL/113 - WILLIAM VELEZ MESA  
 CASE N° COL/114 - AUGUSTO VIDAL P.  
 CASE N° COL/115 - BASILIO VILLAMIZAR T.  
 CASE N° COL/116 - HERNANDO ZAMBRANO  
 CASE N° COL/117 - ZORAIDA ZAMORANO L.  
 CASE N° COL/118 - R. ZAPATA MUÑOZ  
 CASE N° COL/119 - OCTAVIO ZAPATA R.

CASE N° COL/65 - JOSÉ LINAS R.

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Having before it* the case of the above-mentioned parliamentarians and former parliamentarians of Colombia, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians in accordance with the «*Procedure for the examination and treatment by the Inter-Parliamentary Union of communications concerning violations of human rights of parliamentarians*»,

*Taking note* of the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), which contains a detailed outline of the case,

*Considering* that the 109 persons concerned were all members of the former House of Representatives sitting from 1994 to 1998, of whom 47 were re-elected in 1998,

*Considering* that in February 1996 the House of Representatives was seized of a complaint of the Prosecutor General (Fiscal General de la Nación) against the then President of the Republic, Dr. Ernesto Samper Pizano; that in conformity with Article 178, paragraph 4, of the Constitution, the House, in particular its Committee on Investigation and Accusation, investigated the conduct of President Samper,

*Considering* that, on 12 June 1996, by a vote of 111 representatives for and 43 against, the House of Representatives decided in favour of a preclusion of the investigation against President Samper,

*Considering* that individuals lodged complaints in the Supreme Court of Justice against those who had voted for and those who had voted against the preclusion of the investigation; that two years after the filing of those complaints, on 26 June 1998, after the conclusion of the preliminary investigation and five days after the election of the new President, Dr. Andrés Pastrana Arango, the Supreme Court decided to exculpate the minority who had voted against the preclusion of the investigation and to pursue the investigation regarding those who had voted in favour of preclusion,

*Considering* that fifty representatives have already been called before the investigating judge and the others are due to appear before him in the weeks ahead; and that the source fears that they may at any time be deprived of their freedom and that, if sentenced, those re-elected in 1998 may forfeit their parliamentary mandates,

*Considering* that the source affirms that the judicial proceedings against the MPs concerned were instituted in breach of their parliamentary immunity, in particular non-accountability guaranteed in Article 185 of the Constitution stipulating that members of Congress enjoy immunity for their opinions expressed and votes cast in the exercise of their office; that their vote on the matter in question can consequently not be subject to any judicial review,

*Considering* that the Supreme Court based its decision to institute judicial proceedings on the following grounds:

- (i) Parliamentary non-accountability as guaranteed in Article 185 does not comprise the opinions expressed and votes cast by MPs in their constitutional function as judges of high State officials;
- (ii) Having regard to the proceedings in its Committee on Investigation and Accusation, the House of Representatives should have arrived at the conclusion not to preclude the investigation against President Samper since sufficient proof against him existed;

- (iii) The House adopted a decision contrary to law and for that reason its majority was obliged to justify its opinion and vote in the matter.

*Considering* in this connection that the legal basis invoked for the prosecution of the MPs concerned is Articles 441 and 149 of the Code of Penal Procedure and Penal Code, which stipulate respectively that « *the prosecutor shall issue a committal order when the occurrence of the fact is demonstrated and there exist a confession, testimony offering a high degree of credibility, serious indices, a document, expertise or any other evidence engaging the responsibility of the accused* » and that « *a public servant who issues a manifestly unlawful order or report shall be liable to imprisonment for three (3) to eight (8) years, a fine of fifty (50) to one hundred (100) times the current monthly minimum wage, and debarment from public rights and office for a period concurrent with that of the penalty imposed* »,

*Considering* finally that some MPs concerned have lodged a petition with the Constitutional Court which, however, has no suspensive effect,

1. *Is extremely concerned* at the judicial prosecution instituted against members of Parliament for a vote they have cast and opinions expressed in the exercise of their parliamentary mandate and functions; *wishes to know* what precise facts justified classing the offence as one of prevarication;
2. *Recalls* that parliamentary non-accountability guarantees parliamentarians absolute protection from any form of prosecution for all acts carried out as part of their parliamentary function, such as words spoken and votes cast in Parliament;
3. *Emphasises* that parliamentary non-accountability is essential to the functioning of parliamentary democracy as it permits MPs to fulfil the mandate entrusted to them by their electors without fear of any retaliatory measures on account of their opinions;
4. *Points out* that all parliamentary democracies without exception guarantee members of Parliament non-accountability;
5. *Affirms* that bringing judicial proceedings against MPs in respect of a vote cast and opinions expressed seriously undermines the institution of Parliament as such and parliamentary democracy itself;
6. *Requests* the Secretary General to convey this resolution to the President of Congress and the Minister of Justice;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

## DEMOCRATIC REPUBLIC OF THE CONGO

CASE N° ZRE/25 - JOSEPH OLENGHA NKOY

CASE N° ZRE/26 - E. DIOMI NDONGALA NZOMAMBU

CASE N° ZRE/27 - ETIENNE TSHISEKEDI

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Joseph Olengha Nkoy, Mr. Eugène Diomi Ndongala Nzomambu and Mr. Etienne Tshisekedi, members of the High Council of the Republic - Transitional Parliament (HCR-TP) dissolved in May 1997,

*Recalling* that, according to the source, Mr. Ndongala was arrested at home on 10 December 1997 by members of the military police without an arrest warrant and taken to a military camp; that he was reportedly badly beaten and had to be taken to hospital; that he was released on 24 January 1998,

*Recalling* that Mr. Olengha Nkoy was arrested in his office on 20 January 1998 by members of the National Intelligence Agency (ANR) and reportedly taken to the ANR jail and detained there for 10 days before being transferred first to Kokolo military camp and later to Buluwo prison in Shaba province, where he is said to be held since March 1998; that reportedly no charges have been brought against him,

*Recalling* that Mr. Tshisekedi was questioned on 12 February 1998 by members of the Congolese armed forces who had no arrest warrant and, after being detained for several hours, was placed under house arrest in his village and accused of violating the ban on political activity; *considering* that the house arrest was lifted on 5 July 1998,

1. *Regrets* that the authorities have not responded to the requests for information addressed to them;
2. *Remains deeply concerned* at the continued detention of Mr. Olengha Nkoy and *wishes to ascertain* the legal grounds on which he is held, whether any charges have been brought against him and the facts adduced to substantiate them; *also wishes to ascertain* the place and exact conditions of his detention, in particular whether he is allowed family visits and has access to legal counsel and medical care;
3. *Urges* the authorities once again to comply with their obligation under international human rights norms and either release Mr. Nkoy forthwith or bring him to trial under a tenable criminal charge;

4. *Expresses concern* at the detention of Mr. Ndongala, seemingly without any proper legal basis, and in particular at his alleged ill-treatment while in detention, and *urges* the authorities to take the necessary steps to identify and punish the culprits;
5. *Notes* that Mr. Tshisekedi has been released from house arrest, and *wishes to ascertain* whether any judicial proceedings are still under way against him;
6. *Recalls* that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights and, by virtue of its obligations under these norms, is bound to respect the right to freedom from torture and ill-treatment, and the right to freedom from arbitrary arrest and freedom of association;
7. *Requests* the Secretary General to convey this decision to the President of the Republic, the Minister of the Interior and the Minister of Justice, inviting them to provide the requested information;
8. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° DJI/09 - AHMED BOULALEH BARREH ) DJIBOUTI**  
**CASE N° DJI/10 - ALI MAHAMADE HOUMED )**  
**CASE N° DJI/11 - MOUMIN BAHDON FARAH )**

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Ahmed Boulaleh Barreh, Mr. Ali Mahamade Houmed and Mr. Moumin Bahdon Farah, of Djibouti,

*Taking account* of the letter from the President of the National Assembly dated 24 June 1998 and the documents conveyed, and the observations supplied by a member of the Djibouti delegation at the hearing held on the occasion of the 100th Inter-Parliamentary Conference,

*Also taking into account* the communications from one of the sources dated 19 and 30 June, 31 August and 3 September 1998,

*Recalling* that, according to the parliamentary authorities, the Bureau of the National Assembly met on 12 and 15 June 1996 to decide on a request for the lifting of the parliamentary immunity of Mr. Boulaleh Barreh, Mr. Mahamade Houmed and Mr. Bahdon Farah to permit their prosecution for insulting the Head of State; that the Bureau decided to authorise their prosecution and adopted a resolution to that effect; that, by letter N° 141/AN/FW of 15 June 1996, the President of the National Assembly informed the Minister of Justice of that decision,

*Recalling* that, according to the sources, the procedure for the lifting of their immunity was improper, that in particular the deputies concerned were not heard and that, contrary to the assertion of the authorities, no resolution on the lifting of their parliamentary immunity was adopted and published in the Official Gazette of the Republic of Djibouti, as required under Article 64 of the Standing Orders of the Assembly,

*Recalling* in this respect that, in its decision of 31 July 1996, the Constitutional Council held that any decision of the National Assembly or its Bureau on a request for lifting of parliamentary immunity must be in the form of a resolution, and ruled that the letter from the President of the Assembly to the Minister of Justice informing him of the Bureau's decision did not constitute such a resolution; that the Constitutional Council further ruled that the failure to hear the deputies concerned constituted a violation of the right of defence as guaranteed by national law,

*Mindful* of Article 81 of the Djibouti Constitution, which stipulates that decisions by the Constitutional Council carry the weight of *res iudicata* and are binding upon the public authorities, all administrative and jurisdictional authorities, and all legal entities or individuals,

*Considering* that, according to the parliamentary authorities, the deputies concerned committed a procedural error as they did not contest the resolution itself but only letter N° 141/AN/FW of 15 June 1996; *recalling* in this connection that, according to the sources, no such resolution exists,

*Considering* that the Committee was provided with a copy of the summary record of the National Assembly Bureau meetings of 12 and 15 June at which the demand for the lifting of the immunity of the MPs in question was examined and decided upon,

*Recalling* that, according to the sources, their trial was marred by numerous irregularities; that the authorities refute this,

*Noting* that Article 175(2) of the Code of Criminal Procedure provides for nullity of the investigation « *should the rules specifically designed to ensure respect for the fundamental principles of the investigative procedure and the rights of the defence be violated* »; *noting moreover* that Article 472(5) of the Code makes provision for a case to be reviewed when a decision is flawed by an obvious error of fact or of law such as to influence the sentence,

*Considering further* that on 26 June 1996, Mr. Bahdon Farah was charged with misappropriating two small pieces of ivory which had been seized by the gendarmerie and that two years later, on 16 June 1998, he was found guilty of that offence and given a suspended two-month prison sentence; that, moreover, Mr. Bahdon Farah, is being prosecuted on charges of receiving as his daughter bought from an import-export store a generating unit which, according to the authorities, had been stolen; that on 10 May 1998 his passport was reportedly confiscated; *considering finally* that Mr. Bahdon Farah and Mr. Boulaleh Barreh are currently being questioned about an alleged coup d'Etat attempt,

*Mindful* of the resolution adopted on 17 December 1997 by the European Parliament concerning the human rights situation in Djibouti, which *inter alia* requires of the Djibouti authorities « *full respect for human rights and fundamental freedoms, particularly freedom of expression and the right to a fair trial respecting the rights of the defence* »,

1. *Thanks* the President of the National Assembly for the comprehensive information and observations he supplied;
2. *Also thanks* Mr. Dini from the Djibouti delegation for his co-operation and the observations he provided;
3. *Recalls* that its main concern regarding the case in question is the fact that the decision of the Constitutional Council of 31 July 1996, ruling that the rights of the defence were violated and the required resolution was lacking, has been disregarded;
4. *Cannot agree* with the argument of the parliamentary authorities that the former deputies concerned committed a procedural error in contesting letter N° 141/AN/FW of 15 June 1996 and not the resolution on the lifting of their immunity, since it cannot be disputed that the Constitutional Council gave a ruling on the question of the regularity of the procedure and that its rulings have binding force on all other State authorities, including the judiciary;
5. *Can but consider* therefore that the ensuing trial of the former MPs concerned is flawed and that action should be taken to redress the situation;
6. *Notes* that Mr. Bahdon Farah has been convicted for misappropriating seized goods and that he has further been prosecuted on charges of retaining a stolen item, and *would appreciate* a copy of the relevant judgment and indictment;
7. *Wishes to receive* fuller information about the investigation of the charges against Mr. Bahdon Farah and Mr. Boulaleh Barreh of backing an armed rebellion;



8. *Also wishes to know* why Mr. Bahdon Farah's passport was confiscated;
9. *Requests* the Secretary General to convey these considerations and requests for information to the President of the National Assembly;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° GEQ/07 - MARCELO LOHOSO - EQUATORIAL GUINEA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Marcelo Lohoso, of Equatorial Guinea,

*Taking account* of the information provided by the source on 4 June and 1 September 1998,

*Recalling* that, according to the source, Mr. Marcelo Lohoso was arrested on 21 January 1998 together with many other persons belonging like him to the Bubi ethnic group; that the arrests are said to have taken place following attacks on military barracks in Luba and Moka which the Government reportedly attributed to the Movement for Self-determination of Bioko Island, a Bubi political party; that at the time the source reported that Mr. Lohoso would be tried by a military court, without, however, the charges being known,

*Considering* that, according to the source, Mr. Lohoso was tried between 25 and 29 May 1998, with 120 others, by a military court on charges of treason, secession, terrorism and illegal possession of firearms; that sentence was passed on 1 June and Mr. Lohoso was acquitted and released,

*Considering* that, according to the source, he has resumed his parliamentary activities,

1. *Notes with satisfaction* that Mr. Lohoso has been acquitted and released and that he has resumed his parliamentary activities;
2. *Decides* to close the file.

**CASE N° GMB/01 - LAMIN WAA JUWARA - GAMBIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Lamin Waa Juwara, a member of the House of Representatives of the Gambia dissolved in 1994,

*Taking account* of a communication from the Attorney General's Chambers and Department of State for Justice dated 27 August 1998, conveying copy of the judgement regarding Mr. Juwara's lawsuit and the charge sheet filed in respect of him in June 1998 in Brikama Magistrate's Court,

*Also taking account* of the information provided by one of the sources on 27 August 1998,

*Recalling* that Mr. Juwara was arrested on 25 January 1996 for the fifth time since Parliament's dissolution in July 1994; that his whereabouts were unknown until, on 6 December 1996, the source stated that he was held in Central Prison Mile Two in Banjul without any charges having ever been brought against him; that he was finally released on 3 February 1997; that on 30 June 1997 he filed a lawsuit against the Attorney General, the Secretary of State for the Interior, the Inspector General of Police and the Director General of the National Intelligence Agency, claiming compensation for the many arbitrary arrests and detentions he had suffered at the hands of officials acting under State authority,

*Considering* that on 29 July 1998, Justice Robin-Coker of the High Court ruled that the alleged conduct of the defendants in this action was not justiciable and therefore dismissed the suit; that his ruling is based on Section 13 of Schedule 2 of the 1997 Constitution, which guarantees members of the Armed Forces Provisional Ruling Council (AFPRC) and its officers impunity in respect of any act or omission in the performance of their duties under the AFPRC administration lasting, according to the judgment, from 22 July 1994 until 16 January 1997 when the new Constitution entered into force; that, regarding Mr. Juwara's detention from 26 January 1996 until 3 February 1997, that is, after the entry into force of the new Constitution, the judge held that «*the failure to release this plaintiff from detention 16 days after the entry into force of the 1997 Constitution is not fatal to the immunity provided by Section 13 of Schedule 2 of the Constitution.*»,

*Considering* that Mr. Juwara was re-arrested without any arrest warrant on the night of 18 May 1998 at his home and held *incommunicado* until the Supreme Court ordered his release on bail on 8 June 1998 on the proviso that he might not leave the country without previously informing the judicial authorities,

*Considering* that, according to newspaper reports relying on Mr. Juwara's statements and carrying photographs, he was tortured while in detention, as a result of which he suffered serious injuries; that he was denied medical treatment reportedly on orders from the Secretary of State for the Interior; *considering in this connection* that, according to the authorities, investigations are under way,

*Considering* that, according to the sources, six hours after Mr. Juwara's arrest, the Imam of the Mosque of Brikama, his brother and son were arrested and that they all, including Mr. Juwara, were arraigned in Brikama Magistrate's Court and, in June 1998, charged with « *conspiracy to cause unlawful damage to property* » and « *causing unlawful damage to property* » on account of « *wilful and unlawful damage to construction works at the Brikama mosque* »,

*Considering* that, according to the sources, Mr. Juwara's arrest is unrelated to the mosque incident but is rather to be seen as a means of disrupting the opposition United Democratic Party Congress - Mr. Juwara is a member of its Executive Committee - which was scheduled to be held from 28 to 31 May 1998 in Brikama,

*Considering finally* that, according to the sources, the authorities continue to refuse to issue him a passport; *recalling* in this connection that, on 8 April 1998, the Attorney General's Chambers and Department of State for Justice reported that the immigration authorities had been authorised to issue Mr. Juwara with a new passport despite the fact that he had not applied for one,

*Mindful* of the many resolutions of the United Nations Commission on Human Rights, most recently resolution 1998/53, which recognises that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation, and *urges* States to intensify their efforts to provide victims of human rights violations with a fair and equitable procedure whereby such violations can be investigated and made public and to encourage victims to participate therein,

1. *Thanks* the Attorney General and Secretary of State for Justice for her co-operation;
2. *Is outraged* at Mr. Juwara's renewed arrest and *incommunicado* detention in May 1998 seemingly on no proper legal basis;
3. *Expresses deep concern* at the serious allegations of his torture while in State custody, and *earnestly hopes* that the investigations under way will permit the rapid identification and punishment of those responsible for this criminal act;
4. *Recalls* that under Articles 9 and 7 of the International Covenant on Civil and Political Rights (ICCPR) and Articles 6 and 5 of the African Charter of Human and Peoples' Rights, to both of which the Gambia is a party, as well as Articles 9 and 6 of the Constitution of the Gambia, no one shall be subjected to arbitrary arrest or detention and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;
5. *Notes* that Mr. Juwara together with others has been charged with conspiring to cause and actually causing damage to construction works; *wishes to ascertain* the facts adduced to substantiate these charges and to be kept informed of the relevant judicial proceedings;
6. *Urges* the authorities to ensure that Mr. Juwara and the others are given a fair trial and may fully enjoy their right to defend themselves;
7. *Is concerned* that Mr. Juwara is still refused a passport, and *wishes to ascertain* the legal grounds for this restriction on his freedom of movement;

8. *Expresses deep concern* at the provision in Section 13(1) of Schedule 2 to the 1997 Constitution in that it establishes impunity, and *recalls* that the United Nations has consistently urged States to combat impunity and take the necessary action to this end;
9. *Recalls* also that the Gambia, as a party to the International Covenant on Civil and Political Rights, is under an obligation to respect the enforceable right of any victim of unlawful arrest or detention to compensation;
10. *Notes* that Mr. Juwara will lodge an appeal against the ruling of the High Court on the lawsuit he filed claiming compensation for the many unlawful arrests and detentions he has suffered, and *hopes* that this question will finally be ruled on in accordance with the international human rights norms to which the Gambia has subscribed;
11. *Requests* the Secretary General to convey this decision to the competent authorities, including the Attorney General and Secretary of State for Justice and the Secretary of State for the Interior, and to invite them to supply the information sought;
12. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° GMB/03 - OMAR JALLOW - GAMBIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Omar Jallow, of the Gambia,

*Taking account* of the communication from the Attorney General's Chambers and Department of State for Justice dated 27 August 1998 conveying a copy of the White Paper and the Public Assets Recovery Commission's report regarding Mr. Juwara,

*Also taking account* of the communication from one of the sources dated 1 September 1998,

*Recalling* that Mr. Jallow, a member of the House of Representatives dissolved in 1994 and former Minister, was arrested in October 1995 and held without charge until November 1996, when he was released,

*Recalling* that the Armed Forces Provisional Ruling Council (AFPRC) established a « *Commission of Inquiry into the Assets, Properties, Activities and other Related Matters of Public Officers and the Privatisation Programme of Government* » (Public Assets Recovery Commission) to investigate charges of wrongdoing by public office-holders prior to the military takeover of 22 July 1994; that on the basis of the Commission's work the Government reached its own conclusions and findings and published them in the White Paper, and that Mr. Jallow's financial situation and dealings were examined by the Commission and subsequently by the Government,

*Considering* that, on 28 August 1998, the authorities conveyed the extract from the report of the Commission and the White Paper regarding Mr. Juwara; that the Commission found some financial improprieties on his part and recommended, in addition to certain financial adjustments, that he be debarred from public office for five years, the latter measure being endorsed by the White Paper; that, according to the authorities, Mr. Jallow can appeal against the Commission's decision,

*Considering*, however, that according to the constitutional provision incorporating in the 1997 Constitution the commissions of inquiries established under the AFPRC rule, « *any order, ruling, finding or fact, seizure, sale or alienation of property or penalty imposed or thing done by or carried out under the authority of any commission of inquiry established in accordance with a Decree of the AFPRC shall not be questioned or reversed by any court or other authority under this Constitution or any other law* »; *considering* moreover in this connection that, according to the sources, neither Mr. Jallow nor his lawyer has ever received a copy of the Commission's decision regarding him,

*Considering* that, according to the sources, in addition to being debarred from public office for five years, Mr. Jallow is banned from any political activity, that is, joining a political party,

addressing political gatherings or publicly expressing a political opinion, by virtue of Decree N° 89 which bans specific political personalities and parties for an indefinite period from any political activity,

*Considering* that the present parliamentary opposition tabled in Parliament an amendment to abolish this Decree by means of the « *Political Activities Resumption Decree* » with the express aim of bringing the law into conformity with the Constitution's fundamental human rights guarantees; that, however, it failed to obtain the required majority in Parliament,

*Considering* that while, according to the sources, Mr. Jallow still may not travel abroad as he lacks the requisite clearance from the President's Office, the authorities affirm that he has been issued a passport to enable him to travel freely and that the allegation that he has been prevented from leaving their jurisdiction is unfounded,

*Bearing in mind* that the Gambia is a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, both of which guarantee freedom from arbitrary arrest and detention, freedom of movement and freedom of expression, assembly and association, and that these rights are also enshrined in the Constitution of the Gambia,

1. *Thanks* the Attorney General and Secretary of State for Justice for her co-operation;
2. *Expresses deep concern* at Decree N° 89 depriving parties and specific persons, including Mr. Jallow, of their civil and political rights with the effect of annulling the guarantees with respect to human rights and fundamental freedoms offered by the Constitution of the Gambia and the international human rights norms to which the Gambia has subscribed;
3. *Earnestly hopes* that Parliament, as guardian of human rights, will take the necessary steps to ensure that constitutional and international human rights norms prevail;
4. *Notes* that while, according to the Attorney General's Chambers and Department of State for Justice, Mr. Jallow is entitled to appeal against the decision of the Public Assets Recovery Commission, the constitutional provision incorporating in the 1997 Constitution the commissions of inquiry established under the AFPRC rule, evidently deny him that right; *would appreciate* clarification of this point of law;
5. *Would also appreciate* clarification of how Mr. Jallow was notified of the decision of the Public Assets Recovery Commission regarding him;
6. *Requests* that the Committee be provided with a copy of the Decree establishing the Public Assets Recovery Commission;
7. *Notes* that Mr. Jallow has been issued a passport and may now freely travel abroad as is his right;
8. *Reaffirms* that under Article 9, paragraph 5, of the ICCPR, Mr. Jallow has an enforceable right to compensation for the arbitrary arrest and detention he suffered;
9. *Requests* the Secretary General to convey these concerns and considerations to the authorities;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° HOND/02 - MIGUEL ANGEL PAVÓN SALAZAR - HONDURAS*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Miguel Angel Pavón Salazar, of Honduras,

*Taking account* of the letter from the Vice-President of the Human Rights Commission of the National Congress, dated 29 April 1998,

*Recalling* that Mr. Pavón Salazar was shot dead on 14 January 1988; that the judicial investigations which established a link between his murder and evidence he gave in October 1987 before the Inter-American Court of Human Rights concerning « disappearances » came to a practical standstill until, in 1994, the Honduran National Commissioner for Human Rights published a report concluding that the investigations had not been carried out properly, thereby causing oversight of the investigation to be entrusted to the Special Prosecutor for Human Rights; that after having long remained unproductive, the judicial investigation was relaunched on 4 July 1996 by the Criminal Investigation Branch (DIC) of the Prosecutor General's Office, bringing new evidence to light,

*Considering* that in April 1998 the Court of San Pedro Sula issued arrest warrants against the presumed culprits, Colonel Mario Asdrubal Quiñones and Sergeant-Major Jaime Rosales, and that the former has been in preventive detention in the 105th Infantry Brigade since 28 April 1998, whereas an arrest warrant could not be served on the latter since he is living in the United States of America,

1. *Is gratified to learn* that the investigation into the murder of Mr. Pavón has yielded tangible results, and *trusts* that the legal proceedings will make it possible to establish the facts and responsibilities and to punish the culprits accordingly, thus restoring the right to justice in this case;
2. *Pays tribute* to the National Congress for its diligence and for its decisive role in relaunching and activating the investigation, thereby assuming its responsibility of ensuring that this assassination of one of its members does not go unpunished and guaranteeing respect for the human rights of all its members and the people they represent; *requests* the National Group of Honduras to keep the Committee informed of any developments in the judicial proceedings under way;
3. *Re-emphasises* that, in accordance with generally accepted standards of human rights, victims of human rights violations are entitled to adequate material compensation, and *wishes to ascertain* the stage reached in the amicable settlement proceedings under way in this respect before the Inter-American Commission on Human Rights;
4. *Requests* the Secretary General to convey this resolution to the authorities and to maintain contact with the Inter-American Commission on Human Rights;



5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**CASE N° IDS/10 - SRI BINTANG PAMUNGKAS - INDONESIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Sri Bintang Pamungkas, of Indonesia,

*Considering* the information supplied by the Secretary General of the House of Representatives of Indonesia on 1 June 1998 regarding developments in the country and the release of Sri Bintang Pamungkas,

*Considering also* the information supplied by Sri Bintang Pamungkas in a communication of 3 September 1998,

*Recalling* that Sri Bintang Pamungkas, after having been found guilty in May 1996 of insulting the President of the Republic and sentenced to two years and 10 months' imprisonment, was prosecuted under the Anti-Subversion Act and that, accused of violating or deviating from *Pancasila*, the State ideology, and attempting to overthrow the Government, he was liable to capital punishment as a maximum sentence; that, in view of the fundamental issues regarding freedom of speech and freedom of association and assembly raised by this case, it entrusted the Committee on the Human Rights of Parliamentarians with an on-site mission; *considering* that the Indonesian authorities notified their readiness to receive such a mission,

*Considering* that, following the change of Government on 21 May 1998, Sri Bintang Pamungkas was granted an amnesty on 25 May 1998 giving him a clean slate; that he was released the next day and that, on 18 August 1998, the competent court ordered his academic reinstatement,

*Bearing in mind* that the Government of Mr. Habibie has pledged to promote and protect human rights, including freedom of expression and association; that it has engaged in a process of reviewing national laws and regulations that run counter to the spirit of reform, including the laws and regulations on political parties and the Anti-Subversion Act; that, on 25 June 1998, the President officially launched a « Plan of Action on Human Rights » providing for ratification in the next few years of the major human rights treaties,

1. *Welcomes* the recent significant developments in Indonesia, which it hopes will be confirmed by the institution of a legal framework guaranteeing freedom of expression and the full exercise of civil and political rights in the country;
2. *Is further gratified* that Sri Bintang Pamungkas was granted an amnesty and released; that his academic reinstatement has been ordered, and *trusts* that he will soon be reinstated as a permanent faculty member of Djakarta State University;

3. *Notes with satisfaction* that the Indonesian authorities have expressed their willingness to receive the mission it had requested, and *thanks* them for the spirit of co-operation thus displayed; *considers*, however, that there is no longer any need for such a mission;
4. *Decides* to close the file.

**CASE N° IDS/11 - MEGAWATI SUKARNOPUTRI - INDONESIA*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Ms. Megawati Sukarnoputri, of Indonesia,

*Considering* the information supplied by the Secretary General of the House of Representatives of Indonesia on 1 June and 14 August 1998, respectively regarding developments in the country and the situation of Ms. Megawati Sukarnoputri,

*Recalling* that Ms. Megawati Sukarnoputri was unseated in June 1996 as leader of the Indonesian Democratic Party, for which she has taken suit against the Indonesian Government accusing it of having engineered her ouster which led to demonstrations in July 1996 violently put down by the authorities; that following her refusal to recognise the new leadership of the PDI and owing to the existing law and interpretation of the Constitution, she was unable to stand as a candidate in the legislative elections of May 1997; that she has been questioned several times as a witness in connection with the riots of July 1996 and with an allegedly illegal party meeting at her home; that, in view of the fundamental issues regarding freedom of speech and freedom of association and assembly raised in this case, it had entrusted the Committee on the Human Rights of Parliamentarians with an on-site mission; *considering* that the Indonesian authorities notified their readiness to receive such a mission,

*Considering* that all police investigations against Ms. Megawati Sukarnoputri have been dropped and that, as stated by the authorities, « *she is now active in exercising her political activities under the new era of the Indonesian political system* »,

*Bearing in mind* that the Government of Mr. Habibie has pledged to promote and protect human rights, including freedom of expression and association; that it has engaged in a process of reviewing national laws and regulations that run counter to the spirit of reform, including the laws and regulations on political parties and the Anti-Subversion Act; that, on 25 June 1998, the President officially launched a « Plan of Action on Human Rights » providing for ratification in the next few years of the major human rights treaties,

1. *Welcomes* the recent significant developments in Indonesia, which it hopes will be confirmed by the institution of a legal framework guaranteeing freedom of expression and the full exercise of civil and political rights in the country;
2. *Is further gratified* that Ms. Megawati Sukarnoputri is no longer subject to any judicial proceedings and may now freely pursue her political activities;
3. *Notes with satisfaction* that the Indonesian authorities have expressed their willingness to receive the mission it had requested, and *thanks* them for the spirit of co-operation thus displayed; *considers*, however, that there is no longer any need for such a mission;
4. *Decides* to close the file.

**CASE N° IDS/12 - ABERSON SIHALOHO - INDONESIA*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Aberson Sihaloho, of Indonesia,

*Considering* the information supplied by the Secretary General of the House of Representatives of Indonesia on 1 June and 14 August 1998, respectively regarding developments in the country and the situation of Mr. Aberson Sihaloho,

*Recalling* that Mr. Sihaloho, a member of the Indonesian Parliament and of the Indonesian Democratic Party, was sentenced on 21 July 1997 to nine months' imprisonment after making remarks critical of the Indonesian political regime; that Mr. Sihaloho, who remained free, lodged an appeal against the judgement; that, in view of the important issue of freedom of speech raised by this case, it had entrusted the Committee on the Human Rights of Parliamentarians with an on-site mission; *considering* that the Indonesian authorities notified their readiness to receive such a mission,

*Considering* that he was granted an amnesty on 23 July 1998 giving him a clean slate and that, as stated by the authorities, « *he is now active in exercising his political activities under the new era of the Indonesian political system* »,

*Bearing in mind* that the Government of Mr. Habibie has pledged to promote and protect human rights, including freedom of expression and association; that it has engaged in a process of reviewing national laws and regulations that run counter to the spirit of reform, including the laws and regulations on political parties and the Anti-Subversion Act; that, on 25 June 1998, the President officially launched a « Plan of Action on Human Rights » providing for ratification in the next few years of the major human rights treaties,

1. *Welcomes* the recent significant developments in Indonesia, which it hopes will be confirmed by the institution of a legal framework guaranteeing freedom of expression and the full exercise of civil and political rights in the country;
2. *Is further gratified* that Mr. Sihaloho was granted an amnesty and may now freely pursue his political activities;
3. *Notes with satisfaction* that the Indonesian authorities have expressed their willingness to receive the mission it had requested, and *thanks* them for the spirit of co-operation thus displayed; *considers*, however, that there is no longer any need for such a mission;
4. *Decides* to close the file.

**CASE N° MAL/11 - LIM GUAN ENG - MALAYSIA**

***Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Lim Guan Eng, a member of the House of Representatives of Malaysia,

*Taking account* of the information supplied by the Malaysian delegation at the hearing held on the occasion of the 100th Inter-Parliamentary Conference (Moscow, September 1998), together with the letters from the Speaker of the House of Representatives dated 15 May and 19 August 1998,

*Further taking account* of the information supplied by the sources on 15 and 28 May, 29 June, 27 July and 13, 21 and 25 August 1998,

*Recalling* that, on 28 February 1995, Mr. Lim Guan Eng was accused of prompting « *disaffection with the administration of justice in Malaysia* » for having stated that « double standards » were being applied by the Attorney General in a statutory rape case against the former Chief Minister of Malacca, Mr. Rahim Tamby Chik, because Attorney General Mohtar Abdulla had decided not to prosecute the latter, while the under-aged alleged victim, a fifteen-year-old Muslim schoolgirl, was placed in the custody of a welfare home for three years; *recalling also* that the girl admitted having had a sexual relationship with the Minister and a number of other men who were subsequently prosecuted,

*Recalling* that, on 17 March 1995, Mr. Lim Guan Eng was accused of maliciously printing a pamphlet containing allegedly « false information », specifically because he had used the term « imprisoned victim » in reference to the rape victim,

*Recalling* that the case aroused considerable public disquiet and criticism including from the Prime Minister's daughter herself, who in a newspaper article published in November 1994 under the title « *Whither Justice* » described the authorities' treatment of the girl as a « *gross mockery of justice* »,

*Recalling also* that Mr. Lim Guan Eng was sentenced, on 28 April 1997, under Section 4 (1)(b) of the Sedition Act for prompting « *disaffection with the administration of justice in Malaysia* » to the maximum fine of RM 5,000 and, under Section 8 A(1) of the Printing and Publications Act, for maliciously printing a pamphlet containing « *false information* », to a fine of RM 10,000; that, on 1 April 1998, the Appeal Court dismissed Mr. Lim Guan Eng's appeal and imposed the two concurrent 18-month prison terms sought by the prosecution,

*Considering* that, in his discussion of the second charge (sedition) and the sentence handed down on Mr. Lim Guan Eng, appeal court judge Gopal Sri Ram concluded that « *to allege double standards against the Public Prosecutor in deciding which cases ought to be brought before the courts amounts to denigrating and undermining the administration of criminal justice* »,

*Pointing out* that, according to the sources, on 6 April 1998 Prime Minister Mahathir publicly defended the 18-month jail term handed down on Mr. Lim Guan Eng; that the sources expressed the view that this made it difficult for the Federal Court fairly and independently to exercise its judicial jurisdiction in Mr. Lim Guan Eng's appeal case, in particular given that the « *Yang di Pertuan Agong* », the constitutional body competent to make all judicial appointments including those of the Federal Court judges, has to act on the Prime Minister's recommendations,

*Considering* that, on 25 August 1998, the Federal Court upheld the appeal court judgment; that despite the request of Mr. Lim Guan Eng's counsel that, having regard to the fact that a three-judge bench heard Mr. Lim Guan Eng's appeal, the Federal Court be composed of at least five judges, only three judges composed that Court; that immediately after the verdict Mr. Lim Guan Eng was taken to Kajang prison, where he is serving the sentence,

*Considering* that, under Malaysian law, an MP forfeits his/her parliamentary mandate if convicted by a court of law in last instance and sentenced to a prison term of not less than one year or to a fine of not less than RM 2,000; that, according to information supplied by the Malaysian delegation to the 100th Inter-Parliamentary Conference (September 1998), an MP forfeits his/her mandate as of the date of final conviction. An appeal to the King can be lodged within 14 days following delivery of the final judgment. Such pardon may be full, giving the MP a clean slate and thus allowing him/her to retain his/her seat. However, there is no deadline for a decision to be taken on an appeal for pardon. Moreover, owing to his conviction, Mr. Lim Guan Eng will be prevented for five years from standing for election, which rules him out of the forthcoming election in 2000,

*Considering* that, according to the delegation of the Malaysian Parliament to the 100<sup>th</sup> Inter-Parliamentary Conference, an opposition MP has lodged such an appeal for pardon,

*Recalling* that, in the resolution it adopted on the occasion of the 99th Inter-Parliamentary Conference (April 1998), it entrusted the Committee with an on-site mission, for which the Malaysian delegation had expressed support; *considering*, however, that the Speaker of the House of Representatives had stated that it would be difficult for him or indeed anyone else « *to assist the IPU Committee in their work* » and advanced the *sub judice* and contempt-of-court rule; that the mission could therefore not go ahead,

*Considering* that, at the hearing held at the Moscow Conference, the Malaysian delegation stated that the Committee would be most welcome in Malaysia and not restricted as to whom it met,

1. *Thanks* the Malaysian delegation for its co-operation and the information it has provided;
2. *Is shocked* at the decision of the Federal Court to uphold the judgement of the Appeal Court resulting in the forfeiture of Mr. Lim Guan Eng's parliamentary mandate;
3. *Can but reiterate its conviction* that, in making the offending statements, Mr. Lim Guan Eng was merely exercising his right to freedom of speech and his function of oversight of the Executive, which must include inquiring into and, if deemed necessary, criticising the administration of justice;
4. *Is deeply concerned* at the harshness of the judgement and the limits it sets on freedom of speech and on the right and duty of the elected representatives of the people to exercise their essential function of oversight of the Executive;
5. *Reaffirms* that in discharging their oversight function, Parliaments help to ensure the independent and impartial functioning of justice;

6. *Notes* that, according to the Malaysian delegation, the Governor - by delegation of authority of the King - may grant Mr. Lim Guan Eng full pardon, giving him a clean slate and enabling him to retain his parliamentary seat; *notes* that, according to the Malaysian delegation, such an appeal has been lodged by an opposition MP; and *requests* the Committee on the Human Rights of Parliamentarians to act in support of that appeal;
7. *Requests* the Committee to proceed with the mission it had entrusted to it at its 162nd session in Windhoek in April 1998, and *notes with satisfaction* the statement of the Malaysian delegation that such a mission would be most welcome;
8. *Requests* the Secretary General to convey this decision to the Speaker of the House of Representatives and to the leader of the Malaysian delegation, inviting them to ensure that the mission of the Committee can be received in Malaysia in the very near future;
9. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).



**MYANMAR**

Parliamentarians arrested between 1990 and 1993 and still detained:

CASE N° MYN/01 - OHN KYAING	CASE N° MYN/41 - ZAW MYINT
CASE N° MYN/04 - KHIN MAUNG SWE	CASE N° MYN/42 - MYA WIN
CASE N° MYN/09 - SEIN HLA OO	CASE N° MYN/60 - ZAW MYINT MAUNG
CASE N° MYN/10 - WIN HLAING	CASE N° MYN/68 - AUNG KHIN SINT
CASE N° MYN/13 - NAING NAING	CASE N° MYN/71 - KYI MYINT
CASE N° MYN/26 - HLA TUN	CASE N° MYN/72 - SAW WIN
CASE N° MYN/28 - TIN AUNG AUNG	CASE N° MYN/73 - FAZAL AHMED
CASE N° MYN/36 - MYINT NAING	

Parliamentarians arrested since 1996:

CASE N° MYN/64 - DAVID HLA MYINT	CASE N° MYN/112 - HLA WIN
CASE N° MYN/83 - KYAW MIN	CASE N° MYN/113 - AYE THAN
CASE N° MYN/84 - SOE THEIN	CASE N° MYN/114 - OHN NAING
CASE N° MYN/85 - KHUN MYINT HTUN	CASE N° MYN/115 - THEIN ZAN
CASE N° MYN/86 - AYE SAN	CASE N° MYN/116 - NYUNT HLAING
CASE N° MYN/87 - DO HTAUNG	CASE N° MYN/117 - KYAW MYINT
CASE N° MYN/88 - CHIT HTWE	CASE N° MYN/118 - THAN NYEIN
CASE N° MYN/89 - MYO NYUNT	CASE N° MYN/119 - MAY WIN MYINT
CASE N° MYN/100 - HLA MYINT	CASE N° MYN/120 - SAN SAN
CASE N° MYN/101 - SAW OO REH	CASE N° MYN/121 - TIN OO
CASE N° MYN/102 - HLA MIN	CASE N° MYN/122 - MIN SOE LIN
CASE N° MYN/103 - TIN AUNG	CASE N° MYN/123 - NAN KHIN HTWE MYINT
CASE N° MYN/104 - KYAW KHIN	CASE N° MYN/124 - OHN MAUNG
CASE N° MYN/105 - KYIN THEIN	CASE N° MYN/125 - MAHN KYAW NI
CASE N° MYN/106 - KYAW TIN	CASE N° MYN/126 - TUN WIN
CASE N° MYN/107 - SAN MYINT	CASE N° MYN/127 - BO HTWAY
CASE N° MYN/108 - MIN SWE	CASE N° MYN/128 - THA AUNG
CASE N° MYN/109 - THAN AUNG	CASE N° MYN/129 - KYI LWIN
CASE N° MYN/110 - TIN MIN HTUT	CASE N° MYN/130 - TIN WIN
CASE N° MYN/111 - SAW LWIN	

Parliamentarians deceased:

CASE N° MYN/53 - HLA THAN	CASE N° MYN/66 - WIN KO
CASE N° MYN/55 - TIN MAUNG WIN	CASE N° MYN/67 - HLA PE

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the above-mentioned elected members of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar,

*Taking into consideration* the information supplied by the Permanent Representative of the Union of Myanmar to the United Nations Office at Geneva in his communication of 8 May 1998,

*Taking account* of the information provided by the sources in communications dated 22 and 23 June, 1 and 29 July, and 7 and 9 September 1998,

*Recalling* that the persons concerned are all members of the NLD (National League for Democracy) elected in the legislative elections of 27 May 1990 to the Pyithu Hluttaw which the military regime in power, the SPDC - State Peace and Development Council (formerly known as SLORC) - has to date failed to convene; that 15 are among those arrested between 1990 and 1993 under legislation proclaiming a state of emergency; that the others were arrested in the ensuing years, the majority under the Emergency Provisions Act which gives the ruling authorities wide discretionary power to arrest anyone they consider « *to disrupt the security or reconstruction of the stability of the Union* »,

*Considering* that, in its resolution 1998/63, the United Nations Commission on Human Rights « *expressed its deep concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the democratic elections of 1990, while noting that the absence of respect for the rights pertaining to democratic government is at the root of all major violations of human rights in Myanmar* », and called on it « *to take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 ...* »,

*Considering* that, according to information provided by the authorities on 18 May 1998, Tin Oo and Min Soe Lin had not been arrested; that Than Nyein and May Win Myint, using the forming of a youth working group at the Mayangone NLD office as a pretext, planned a mass meeting despite the authorities' injunction against such activities; that they defied the ban and held anti-government rallies on three roads; that they were then charged under Section 5(j) of the Emergency Provisions Act, found guilty and sentenced to 7 years' hard labour (6 years according to the source) on 9 December 1997; that San San, who had previously been sentenced on 30 April 1991 to 25 years' imprisonment, the sentence being reduced in May 1992, was re-arrested on 28 October 1997 for providing false information to foreign media and taking a leading role in anti-government mass rallies; that the reduction was cancelled on 31 October 1997 under Section 401(3) of the Code of Criminal Procedure and that she is now serving the remaining part of her sentence; *considering in this regard* that, according to the source, the charges against her relate to an interview she gave to the BBC in 1997, which the authorities denied,

*Considering* that since the last session of the Inter-Parliamentary Council, in April 1998, the Committee has received a large number of allegations of arrest and harassment of many MPs-elect,

1. *Thanks* the authorities of the Union of Myanmar for the information supplied on the situation of some MPs-elect;
2. *Notes* that in June 1998, the National League for Democracy, which obtained 80% of the vote in 1990, demanded that Parliament be convened by 21 August 1998 at the latest and stated that, failing this, it would unilaterally convene the Assembly; that the military Government and the NLD, whose leader, Mrs. Aung San Suu Kyi, was restricted in her movements and received death threats, have been at loggerheads ever since;
3. *Notes* that since the last session of the Inter-Parliamentary Council, 73 new MPs-elect have been arrested in Myanmar, including 42 in September in the course of the mass arrest of some 110 NLD members, and that, according to the Government, they had been « *invited* », as a security measure, to reside in official housing so that they could exchange views on the party's intention to convene Parliament unilaterally; *expresses its deep concern* at this new development and *urges* the authorities to release the above-mentioned MPs-elect immediately and unconditionally;

4. *Reaffirms its indignation* at what can only be interpreted as the authorities' will to disregard the outcome of the elections of 27 May 1990, and *reaffirms* that their refusal to convene Parliament constitutes a violation of the principle established in Article 21 of the Universal Declaration of Human Rights that « *the will of the people shall be the basis of the authority of government* »;
5. *Affirms* that in demanding that Parliament be convened, the elected NLD representatives are merely defending the rights of their constituents to take part in the conduct of public affairs through representatives of their choice and their own right to discharge the mandate entrusted to them in 1990, and *urges* the authorities of Myanmar to meet that demand without further delay;
6. *Notes* that the authorities have never provided the Inter-Parliamentary Council with the information requested on the MPs-elect's conditions of detention; and, concerned at the condition of detention and ill-treatment to which the MPs-elect are allegedly subjected, *requests* the authorities to provide the relevant information in order to dispel any doubt on the matter;
7. *Expresses consternation* at the death in prison, on 7 August 1998, of Hla Than and *wishes to ascertain* the causes and exact circumstances of his death;
8. *Notes with concern* the continuing allegations that the Government of Myanmar is putting pressure on the NLD MPs-elect to resign from their positions as MPs-elect and from the party itself; that members of military intelligence have reportedly threatened and harassed MPs-elect; *notes* in this connection that the report of the United Nations Secretary-General to the 54th session of the United Nations Commission on Human Rights mentions cases of forced resignation from the party, arbitrary arrest, violation of freedom of expression, movement and association, and other restrictions on normal political activity;
9. *Notes* that, according to the authorities, Tin Oo and Dr. Min Soe Lin have not been arrested; *wishes to ascertain* the situation of Nan Khin Htwe Myint, Ohn Maung, Tin Myint Htut, Mahn Kyaw Ni and David Hla Myint, in particular whether they have indeed been arrested and sentenced and, if so, on what grounds;
10. *Reiterates* the concerns and considerations expressed in its previous decisions and in the resolutions of the Inter-Parliamentary Council regarding the situation of the other imprisoned MPs-elect, particularly its wish to receive detailed information on the places and conditions of their detention and on their state of health; and *again requests* the authorities to verify the information contained in the attached list;
11. *Recalls* that the Union of Myanmar, as a member of the United Nations, is bound to respect the rights established in the Universal Declaration of Human Rights, which is recognised as a general standard on human rights, in particular the right of all to take part in the conduct of public affairs, the right to liberty and security of person, the right to be treated with dignity and humanity, the right to fair trial and the right to freedom of expression and association;
12. *Reiterates its appeal* to members of the Inter-Parliamentary Union to act in support of respect for democratic principles in Myanmar, and *requests* the Secretary General to send them a letter to this end;
13. *Regrets* the authorities' lack of response to its consistent requests to conduct an on-site mission to the Union of Myanmar, which it *wishes formally to reiterate* in order to meet with the authorities and the leaders of the opposition, in addition to visiting arrested or imprisoned MPs-elect, to shed light on the alleged facts;

14. *Requests* the Secretary General to convey this resolution to the authorities;
15. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

**LIST OF MPS CURRENTLY DETAINED**  
(according to information provided by the sources and the authorities)

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/01 OHN KYAING	SE Mandalay-2, Mandalay	7/9/90	7 or 10 years		Insein Prison
MYN/04 KHIN MAUNG SWE	Sanchaung	first arrest 10/90; released 05/92; re-arrested 08/94	10 years; then 7 years	writing and distributing false news	
MYN/09 SEIN HLA OO	Insein 2, Rangoon	first arrest 05 or 10/90; released 05/92;re-arrested 08/94	10 years; then 7 years	writing and distributing false news	
MYN/10 WIN HLAING	Tatkon 2, Mandalay	24/10/90	7 or 10 years		Insein Prison
MYN/13 NAING NAING	Pazundaung, Rangoon	25/10/90	10 years	In 1996 rep. sentenced to additional 7 years rep. for attempt to pass info. about prison condition to UN Special Rapporteur	Insein Prison
MYN/26 HLA TUN	Kyimyindine, Rangoon	10/90 or 3/01/91	10 years (authorities) 25 years (sources)		acc. to authorities released (4/2/95)
MYN/28 TIN AUNG AUNG	NW Mandalay-1, Mandalay	../11/90	25 years		Insein Prison
MYN/36 MYINT NAING	Kantbalu 2, Sagaing	../10/90	25 years	In 1996 rep. sentenced to additional 7 years rep. for attempt to pass info about prison condition to UN Special Rapporteur	Insein Prison
MYN/41 ZAW MYINT	Heinzata-2, Irrawady	../10/90	25 years		Insein Prison
MYN/42 MYA WIN	Ingapu-1, Irrawady	../10/90	25 years		Insein Prison
MYN/60 ZAW MYINT MAUNG	Amarapura-1, Mandalay	../11/90	10 years (authorities) 25 years (sources)	In 1996 rep. sentenced to additional 7 years rep. for attempt to pass info about prison condition to UN Special Rapporteur	Insein Prison

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/64 DAVID HLA MYINT	Ngapudaw-1 township	rep. detained for 1 year in 1991 for flying the NDL flag at the same height as the national flag; rep. re-arrested in May or June 1998 in connection with NLD demand to convene parliament			
MYN/68 AUNG KHIN SINT	Minglataungnyunt-1, Rangoon	../8/93; released on 04/02/95; re-arrested 05/96	20 years on 15/10/93 has to serve remainder of 20 years sentence	<ul style="list-style-type: none"> <li>• rep. for unscrupulous activities to undermine National Convention (Oct. 93);</li> <li>• NLD meeting of May 1996</li> </ul>	
MYN/71 KYI MYINT	Latha, Rangoon	.../08/93	20 years with labour (15/10/93)	distributing seditious books and pamphlets published by terrorist groups (authorities)	Insein Prison
MYN/72 SAW WIN	Htilin, Magwe	12/12/91	11 years with labour (23/08/91)	misappropriation of teakwood to be supplied to Thanlyin Bridge project (authorities)	
MYN/73 FAZAL AHMED	Maungdaw-2		5 years-(15/3/93)	planting a land mine in the Maungdaw Golf course (authorities)	may have been released

## REPORTED ARRESTS SINCE 1996

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/83 KYAW MIN	Bassein west-2, Irrawady	21/05/96; rep. in relation with NLD Congress		rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/84 SOE THEIN	Waw-2, Pegu.	21/05/96; rep. in relation with NLD Congress		rep. held under Section 10(a) State Protection Law (« <i>endangering the peace of most citizens</i> »)	
MYN/85 KHUN MYINT HTUN	Thaton-2, Mon State	00/05/96, rep. in connection with NLD Congress	7 years (source)		
MYN/86 AYE SAN	Kyaikhto 2, Mon State				
MYN/87 DO HTAUNG	Kalay-1, Sagaing Div.	00/05/96; rep. in connection with NLD Congress	7 years (source)		
MYN/88 CHIT HTWE	Myothit-2, Magwe	rep. 02/07/96		rep. under Section 6/1 Public Property Protection Law for stealing Burma Socialist Party documents	
MYN/89 MYO NYUNT	Dedaye I, Irrawady	rep. 24/07/96; rep. Remained in Aung San Suu Kyi's compound after NLD Congress and arrested when returning home		rep. under Section 18/19 of National Drugs Law for illegal manufacture of pharmaceuticals	
MYN/100 HLA MYINT	Maubin-2, Irrawady		rep. 2 years.	rep. under Section 6(1) of Public Property Protection law; rep. for having spoken disrespectfully to a township official	Maubin Prison

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/101 SAW OO REH	Phru-so Township, Kayah State	rep./11/96	rep. 17 years after trial on 29/11 and 18/12/96	rep. for having contact with insurgents, writing materials undermining national security and publishing without authorisation	
MYN/102 HLA MIN	Kawthoung, Tenasserim	rep.19/11/96 in connection with student demonstrations		rep. arrested for having connections with 2 musicians (who were sentenced for recording democracy songs broadcast on an overseas opposition radio station)	
MYN/103 TIN AUNG	Wakema-1, Irrawaddy	rep. 13/12/96 in connection with student demonstrations		rep. charged under Section 5(e) of Emergency Provisions Act for taking part in the funeral of a one time member of the NLD organisational committee	
MYN/104 KYAW KHIN	Taunggyi-1, Shan State	rep. 03/06/96	rep. sentenced to 10 years	rep. for agitating to incite civil unrest and obtaining video recordings of foreign TV broadcasts	
MYN/105 KYIN THEIN	Kyar-in-seit, Kayin	between ../07 - ../09/96	rep. 7 years.	Section 5(j) Emergency Provisions Act	Moulmein Prison, Mon State
MYN/106 KYAW TIN	Saw Township, Magwe Division	between ../07 - ../09/96	rep. 2 years	Video Act	Pakokku Prison, Magwe Division
MYN/107 SAN MYINT	Laymyetnha-2, Irrawady	rep. late 1996	rep. 2 years	rep. TV and Video Act	
MYN/108 MIN SWE	Pyapon-2, Irrawady	rep. 28/10/96			
MYN/109 THAN AUNG	Mingalataungnyunt- 2, Rangoon	rep. 21/02/97 in connection with NLD Union Day meeting	rep. 4 years (11/04/97)	rep. under Section 304(a) of Penal Code for homicide through negligence	
MYN/110 TIN MIN HTUT	Pantanaw-1, Irrawady	rep. /02/97 in connection with NLD Union Day meeting; rep. re- arrested in May or June 1998 in connection with NLD demand to convene parliament	rep. 3 years prison for illegal possession of foreign currency	rep. charged with illegal possession of foreign currency	
MYN/111 SAW LWIN	Kyaunggon-2, Irrawady	rep. 02/97 in connection with NLD Union Day meeting		rep. charged under Section 5(e) Emergency Provisions Act	



NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/112 HLA WIN	Kyaunggon-1, Irrawady	rep. 15/02/97 in connection with NLD Union Day meeting		rep. charged under Section 5(e) of Emergency Provisions Act	
MYN/113 AYE THAN	Paungde-2, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/114 OHN NAING	Paungde-1, Bago	rep. 11/02/97 on way to NLD Union Day celebrations			
MYN/115 THEIN ZAN	Aunglan, Pegu	rep. 24/02/97		Section 5(j) of Emergency Provisions Act	
MYN/116 NYUNT HLAING	Myayde-1, Magwe	rep. 24/02/97		Section 5(j) of Emergency Provisions Act	
MYN/117 KYAW MYINT	Zalun-1, Irrawady				
MYN/118 THAN NYEIN	Kyauktan Township	rep. 28/10/97	6 years 9/12/97	Section 5(j) of Emergency Provisions Act	
MYN/119 MAY WIN MYINT	Mayangone	rep. 28/10/97	6 years	Section 5(j) of Emergency Provisions Act	Insein Prison
MYN/120 SAN SAN	Seikkan Constituency	30/04/91 - released 01/05/92 - rearrested 28/10/97	25 years 30/4/91	conspiracy to form a parallel NLD government (Section 122/1 of the Penal Code); released on 1/5/92; remission of sentence cancelled on 31/10/97-Section 401/3 of PC; (authorities 8/5/98); re-arrested on 28/10/97 (source)	currently serving remainder of sentence
MYN/121 TIN OO	Myanaung 1, Ayeyarwady	31/10/97	15 years		not detained acc. to authorities (5/98)
MYN/122 SOE LIN	Ye 1, Mon State	06/11/97		Section 5(j) of Emergency Provisions Act	not detained acc. to authorities (5/98)
MYN/123 NAN KHIN HTWE MYINT	Hpa-an, Karen State	rep. 09/02/98	2 years 11/02/98	rep. obstructing public officials in discharge of duty	
MYN/124 OHN MAUNG	Nyaunglebin, Bago Division	rep. ../02/98	rep. 7 years April 1998	rep. part of a group arrested for alleged involvement in « conspiracy »	
MYN/125 MAHN KYAW NI (MAHN JOHNY ?)	Kyong -Pyaw township	rep. rearrested in May or June 1998		rep. arrested in connection with NLD demand to convene Parliament	

NAME	CONSTITUENCY	DATE OF ARREST	SENTENCE DATE OF SENTENCE	LEGAL GROUNDS FOR SENTENCE OR CHARGE	PLACE OF DETENTION
MYN/126 TUN WIN	Mindon Constituency	rep. 27/06/98		rep. arrested in connection with NLD demand to convene Parliament	
MYN/127 BO HTWAY	Nat Mauk, Magwe Division	rep. in early August 1998		rep. arrested in connection with NLD demand to convene Parliament	
MYN/128 THA AUNG	Myothit, Magwe Division	rep. in early August 1998		rep. arrested in connection with NLD demand to convene Parliament	
MYN/129 KYI LWIN	Ngape, Magwe Division	rep. in early August 1998		rep. arrested in connection with NLD demand to convene Parliament	
MYN/130 TIN WIN	Kyaik Latt, Irrawaddy Division	rep. in early August 1998		rep. arrested in connection with NLD demand to convene Parliament	

**Forty new NLD MPs-elect were reportedly arrested very recently after the demand to convene Parliament submitted by the NLD.**

## NIGERIA

CASE N° NIG/41 - AMEH EBUTE  
 CASE N° NIG/42 - AMADI OKORAFOR  
 CASE N° NIG/43 - REV. MAC NWULU  
 CASE N° NIG/44 - POLYCAP NWITE

CASE N° NIG/45 - ABU IBRAHIM  
 CASE N° NIG/46 - BOLA AHMED TINUBU  
 CASE N° NIG/47 - OLAWALE OSHUN  
 CASE N° NIG/48 - O. J. ADEWUNMI

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
 (Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of the above-mentioned members of the Parliament of Nigeria dissolved in 1993,

*Taking account* of the information supplied by the sources on 4, 20 and 29 June, 2 July and 28 August 1998,

*Recalling* that former Senators Ebute, Okorator, Nwulu, Nwite, Ibrahim and Tinubu were arrested on 2 June 1994 and charged with treasonable felony and conspiring with others to overthrow the Government because they had met on 30 May 1994 and urged General Sani Abacha to step down as Head of State; that on 22 July 1994, they were released on bail and that in December 1995 their cases were closed with the exception of that of Senator Tinubu, who was subsequently also charged with sabotaging oil installations and went into exile for fear of his life; that the other MPs, who were warned against criticising the Government, are under strict surveillance and refrain from speaking out for fear of their lives,

*Recalling* that Mr. Polycap Nwite was re-arrested in May 1997 reportedly for having met Mr. Tinubu abroad and for allegedly plotting with him to carry out bomb attacks in Nigeria; that he was reportedly held in Alagbon Detention Centre in Lagos and was not allowed visits from his family or lawyer; *considering* that he was reportedly released soon after General Abdulsalam Abubakar came to power,

*Recalling* that Mr. Nwulu, who is seriously ill, has reportedly been prevented by the authorities from travelling abroad for medical treatment,

*Considering* that Mr. Ebute has joined one of the political parties set up under the Abacha regime and that the sources believe him not to be in danger,

*Recalling* that Mr. Olawale Oshun was arrested on 19 May 1995 and detained *incommunicado* without charge; that he was released in December 1995 and went underground in April 1996 after two raids on his office and his home, and that he has subsequently gone into exile,

*Considering* that Senator Adewunmi has reportedly been in detention in Okoyi Prison for almost two years without charge; that he was ill when arrested and that his health has worsened owing

to the lack of any medical facilities in prison; that, according to the sources, he may be one of the more than 160 prisoners detained without charge or trial under State Security Decree N° 2 of 1984 or awaiting trial under Decree N° 18 of 1994 (« Failed Banks and Other Financial Malpractices in Banks Decree »), which have both reportedly been used to detain bank directors and managers for political reasons,

*Recalling* that, deploring the total lack of co-operation from the Nigerian authorities, it was led to conclude, at its 160th session in April 1997, that the allegations of the sources were true and that the human rights of the former parliamentarians concerned had indeed been violated by State authorities,

*Bearing finally in mind* that General Sani Abacha died on 8 June 1998 and that his successor, General Abdulsalam Abubakar declared publicly on 21 July 1998 that all political detainees would be freed and that his administration would respect human rights; that a number of political prisoners have indeed been released; that he also announced that presidential elections would be held in early 1999 so that the newly elected President could be sworn in in May 1999,

1. *Is encouraged* by statements made by the new Head of State of Nigeria that his Government will seek to ensure respect for human rights and the release of all political prisoners, and *expresses therefore the earnest hope* that freedom of expression, assembly and association and the rule of law, without which there can be no genuine transition to civilian rule, will soon be restored;
2. *Notes* that, according to the sources, Mr. Polycap Nwite has been released, and *would appreciate* confirmation thereof from the authorities; *deeply regrets* his arrest and detention for several months without charge; and *recalls* in this connection that, according to Article 9, paragraph 5, of the International Covenant of Civil and Political Rights, to which Nigeria is a party, anyone who has suffered unlawful arrest or detention shall have an enforceable right to compensation;
3. *Remains deeply concerned* at the continued detention without charge or trial of Mr. Adewunmi and at the conditions of his imprisonment which have considerably impaired his health;
4. *Recalls* that, under the international human rights standards to which Nigeria has subscribed, any person arrested or detained shall be brought promptly before a judge and shall be entitled to trial within a reasonable time or to release, and *urges* the authorities consequently to either release Mr. Adewunmi or bring him to trial without further delay;
5. *Wishes to ascertain* the situation of former Senators Okorafor, Ibrahim and Nwulu and *earnestly hopes* that the latter may now freely travel abroad;
6. *Reiterates its conviction* that Mr. Tinubu has been charged solely on account of his political stand against General Abacha's military regime; that Mr. Oshun's detention was politically motivated, and *urges* the authorities to withdraw the charges against Mr. Tinubu and ensure that both may return to Nigeria without any fear for their safety and may fully exercise their human rights;
7. *Recalls* that Nigeria, as a party to the International Covenant on Civil and Political Rights and to the African Charter on Human and Peoples' Rights, has a duty to respect and protect the rights guaranteed therein, in particular the right to liberty and security of person, the right to freedom of expression and association, the right to leave and to return to one's country in safety, the right to justice and the right of anyone having suffered unlawful arrest or detention to mandatory compensation;
8. *Notes* that Mr. Ebute has joined a legally recognised political party and, according to the sources, is no longer under threat, and *decides* consequently to close his case;

9. *Requests* the Secretary General to convey this resolution to the competent authorities;
10. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).

CASE N° TG/01 - MARC ATIDÉPÉ )  
CASE N° TG/02 - TAVIO AMORIN ) TOGO  
CASE N° TG/03 - GASTON AZIADUVO EDEH )

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Marc Atidépé, Mr. Tavio Amorin and Mr. Gaston Aziaduvo Edeh, of Togo,

*Taking into consideration* the information provided by the Togolese delegation on the occasion of the 100th Inter-Parliamentary Conference,

*Also taking into consideration* the information provided by the sources on 5 May and 1 July 1998,

*Recalling* that, by decision N° 1237/MEF/DF/DCO dated 25 November 1997, the Government decided to award compensation of CFA. F 10,000,000 each to the families of Mr. Atidépé, Mr. Amorin and Mr. Edeh and that, according to the Togolese parliamentary authorities, the corresponding sum was transferred to the bank account of the National Assembly on 25 March 1998,

*Considering* that by letter dated 9 April 1998, the President of the National Assembly contacted Mr. Agboyibo, President of the CAR parliamentary group, to ask him to tell the families concerned that they could collect the compensation granted them from the Questor of the National Assembly,

*Considering also* that, according to one of the sources, Mr. Agboyibo sent a letter to the heads of the Edeh, Amorin and Atidépé families, inviting them to contact the President of the National Assembly for that purpose; *considering* that, according to the delegation, the compensation has meanwhile been paid to Mr. Edeh's widow but not yet to the families of the other two victims,

1. *Notes* with satisfaction that Mr. Edeh's widow has now been paid the compensation;
2. *Also notes* that this is not yet the case for the families of Mr. Amorin and Mr. Atidépé, and *requests* the Committee on the Human Rights of Parliamentarians to pursue the matter and report to it at its next session (April 1999), in the hope that by then it will be able to close the case.

## TURKEY

CASE N° TK/39 - LEYLA ZANA	CASE N° TK/52 - SELIM SADAK
CASE N° TK/40 - SEDAT YURTDAS	CASE N° TK/53 - NIZAMETTIN TOGUÇ
CASE N° TK/41 - HATIP DICLE	CASE N° TK/55 - MEHMET SINÇAR
CASE N° TK/42 - ZÜBEYİR AYDAR	CASE N° TK/57 - MAHMUT KILINÇ
CASE N° TK/43 - MAHMUT ALINAK	CASE N° TK/58 - NAIF GÜNES
CASE N° TK/44 - AHMET TÜRK	CASE N° TK/59 - ALI YIGIT
CASE N° TK/48 - SIRRI SAKIK	CASE N° TK/62 - REMZI KARTAL
CASE N° TK/51 - ORHAN DOGAN	

*Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)*

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of the above-mentioned parliamentarians, former members of the Turkish Grand National Assembly,

*Taking account* of the communication from the President of the Turkish National Group dated 24 August 1998 and of the observations provided by the Turkish delegation at the hearing held on the occasion of the 100th Inter-Parliamentary Conference (September 1998),

*Considering* that, in his letter of 24 August 1998, the President of the National Group reaffirmed that the limits to freedom of expression in Turkey were a product of the delicate balance between the Government's sincere commitment to expanding such freedoms and its responsibility to protect its citizens from terrorism; that freedom of expression could not be unlimited and that limitations on freedom of expression in Turkey « *although being continuously reviewed and refined, were based on those restricting circumstances necessary in a democratic society, in the interest of national security, territorial integrity or public safety* »,

*Recalling* that Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan and Mr. Selim Sadak were never accused of any acts of violence or advocacy of violence; that the verdict relied heavily on the deputies' public speeches and writings quoted in the indictment - in which they repeatedly assert the Kurdish minority to be a group with a distinct identity but do not advocate violence - as evidence of their membership of the PKK; that the acts relied on in the judgement as evidence of membership of the PKK include: a press statement in connection with the taking of the parliamentary oath; the « *wearing of yellow, green and red accessories* » while taking the oath; a public statement to the United Nations on 2 April 1992 calling for investigation into the killing of civilians during disturbances at the time of *Newruz*, the Kurdish New Year, of 21 March 1992 and a petition of 20 November 1991 to the Conference on Security and Co-operation in Europe calling for that organisation to appoint a body to monitor human rights in Turkey,

*Recalling* that the case of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak is currently pending before the European Court of Human Rights,

1. *Thanks* the President of the Turkish National Group for his consistent co-operation; *also thanks* the Turkish delegation for its co-operation and observations;
2. *Regrets*, however, that the constant dialogue with the Turkish parliamentary authorities has so far yielded no tangible result and has not altered its conviction that the former MPs in question were sentenced on account of having exercised their freedom of expression in advocating a political solution to the conflict in south-eastern Turkey;
3. *Calls once again* on the Turkish authorities to release Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak and thus give substance to their stated pledge to adapt Turkish legislation to European human rights norms;
4. *Notes* that the case of Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak is pending before the European Court of Human Rights;
5. *Reiterates*, moreover, the considerations expressed in the resolution it adopted at the 99th Inter-Parliamentary Conference (April 1998);
6. *Requests* the Secretary General to bring this decision to the attention of the Turkish parliamentary authorities;
7. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).



**CASE N° TK/63 - HASAN MEZARCI - TURKEY*****Resolution adopted without a vote by the Inter-Parliamentary Council at its 163rd session  
(Moscow, 12 September 1998)***

The Inter-Parliamentary Council,

*Referring* to the outline of the case, as contained in the report of the Committee on the Human Rights of Parliamentarians (CL/163/12(a)-R.1), and to the resolution adopted at its 162nd session (April 1998) concerning the case of Mr. Hassan Mezarci, a former member of the Turkish Grand National Assembly,

*Taking account* of the letters from the President of the Turkish National Group dated 30 June and 24 August 1998 and of the observations provided by the Turkish delegation at the hearing held on the occasion of the 100th Inter-Parliamentary Conference (September 1998),

*Recalling* that, contrary to information supplied to it by the parliamentary authorities in March/April 1995, Mr. Mezarci was sentenced to 18 months' imprisonment on 29 January 1996 by Bandirma Penal Court, having been found guilty of violating Articles 1 and 2 of Law 5816 by insulting the memory of Atatürk: he had called for an investigation into the alleged extrajudicial killing of Ali Sükrü, a member of Parliament for Trabzon in the 1920s who, Mr. Mezarci claimed, had been murdered on Atatürk's orders,

*Recalling also* that, in his letter of 5 January 1998, the President of the Turkish National Group stated that various judicial proceedings on charges of insulting the memory of Atatürk were under way against Mr. Mezarci, namely case N° 1996/588 before Ankara 8th Criminal Court, case N° 1996/575 before Ankara 20th Criminal Court and case N° 1996/570 before Ankara 5th Criminal Court; *recalling also* that he has been charged with insulting the Republic and the Armed Forces by stating in an interview, published on 15 January 1997 that « *the heads of the gangs are the Prime Ministers, the Chiefs of Staffs and Presidents* » and that the relevant trial is still under way before Istanbul Criminal Court N° 2,

*Recalling further* that Mr. Mezarci was found guilty of insulting and defaming the Turkish Parliament and sentenced to ten months' imprisonment under Articles 159(1) and 159(2) of the Penal Code; that, according to the indictment, he stated the following: « *This Constitution and this Assembly will not resolve any of the country's problems and it will lead to another military coup. The solution is the Sharia system. I cannot sit in this Assembly. I am disgusted with it* »; that at the court hearing on 19 March 1997, Mr. Mezarci reportedly said « *I described Sharia as a belief, not as a State form. (...) It is my constitutional right to inform people of my Assembly activities. I have spoken more openly in the Assembly than in newspaper reports where I have been quoted* »; *recalling also* that an appeal is pending,

*Recalling finally* the stated will of the Turkish authorities to make every effort to bring Turkish legislation into line with European human rights standards, particularly with respect to freedom of expression,

*Bearing in mind* the interpretation given by the European Court of Human Rights to freedom of expression, namely that « *freedom of expression constitutes one of the essential foundations of (such) democratic society, one of the basic conditions for its progress and for the development of every man. Subject to Article 10(2), it is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no democratic society* » (Handyside v. UK, September 1976),

1. *Thanks* the President of the Turkish National Group for his consistent co-operation; *also thanks* the Turkish delegation for the general observations it provided at the hearing held in Moscow;
2. *Reaffirms* that in making the statement which, on 29 January 1996, led to his sentencing to 18 months' imprisonment, Mr. Mezarci was simply exercising his right to freedom of expression, guaranteed under Article 10 of the European Convention on Human Rights, to which Turkey is a party;
3. *Reiterates its wish* to receive detailed information on the other judicial proceedings apparently still under way against him;
4. *Requests* the Secretary General to convey this decision to the President of the Turkish National Group;
5. *Requests* the Committee on the Human Rights of Parliamentarians to continue examining the case and report to it at its next session (April 1999).