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116th Assembly of the Inter-Parliamentary Union

The 116th IPU Assembly¹ opened at the Bali International Convention Centre in Nusa Dua, Bali (Indonesia), on the morning of 30 April 2007, with the election by acclamation of Mr. Agung Laksono, Speaker of the House of Representatives of Indonesia, as President of the Assembly.

The President said that he was honoured to have been elected to preside over the Assembly's work and thanked the Governing Council for having nominated him. He hoped that all the items on the agenda would be debated in depth in the plenary sessions and invited each delegate to contribute to the smooth running of the Assembly.

After opening the general debate on *Global warming: Ten years after Kyoto*, the President invited Mr. J. Zillman, former President of the World Meteorological Organization (WMO) and Reviewer-Editor of the fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), to take the floor. Mr. J. Zillman said that climate change was central to everything controlling the distribution of all human and natural systems worldwide and their change over time. Many sectors of most economies were strongly climate-sensitive, and climate change would cost hundreds of billions of dollars and many lives. The mechanisms determining climate patterns and changes were very complex, but it was possible to work out how they might evolve if the external natural or human controlling influences changed. Fifteen years had passed since agreement had been reached on a system of global climate watch, but the resources required to set up the system had not materialized. He urged an immediate injection of funds into the project, as the benefits would greatly outweigh the costs.

Mr. J. Zillman underlined the work done by the IPCC and strongly advised anyone wishing to understand climate change and its implications to read its complete statement for policy-makers. The statement basically listed the essential ingredients of a more informed debate on climate change: strengthened global international climate observation and research; greater objectivity in interpreting

science for policy development; national support for agenda-free public goods research; increased use of risk management methodologies by businesses; avoidance of over-statement of the science by greenhouse zealots; more informed use of the science by greenhouse sceptics; and heightened media emphasis on informing and enlightening as opposed to sensationalizing and polarizing.

On 1 May, the Assembly heard a number of prominent speakers. Mr. H. Wirayudha, Minister of Foreign Affairs of Indonesia, noted that at the end of the Cold War, countries had looked forward to enjoying the blessings of information technology in a world where economic and social development would profit from the peace dividend. Money used for the arms race would be spent on development, and the world would see a greater commitment from the developed countries to help developing countries. Unfortunately, there had been no peace dividend and no peace. Certain ongoing conflicts had remained unresolved and new ones had broken out; in addition, the world now had to contend with international terrorism. Speaking about globalization, the Minister recalled that in the late 1990s Indonesia had launched a process known as *Reformasi*, in an effort to adjust to a globalized world. The result had been economic reform leading to the equitable sharing of power and resources between central and local government. Indonesia had been transformed in just seven years. At the same time, ASEAN had been undergoing an internal integration process and a free trade area had been in existence since 2002. In conclusion, every successful regional order could add to and enhance a world order in which poverty could be eliminated, the imbalance between nations corrected and the many threats to human security resolved.

Mr. Budiono, Coordinating Minister for Economic Affairs of Indonesia, addressed the Assembly in the afternoon of 1 May. He recalled Indonesia's 40 years of experience of job creation and poverty alleviation and described its latest initiatives. While goals in themselves were important, it was also important to bear in mind the consequences for the sustainability of the political order. Sustaining economic growth was absolutely essential to overcome unemployment and poverty. He recalled the economic situation in Indonesia and the

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

consequences for employment of the 1997 crisis. The most serious form of instability led to severe disruptions and acted as a brake on economic growth. High inflation rates had serious consequences and therefore had to be avoided; budget deficits required extra caution because they were the first step down the slippery path to instability. Inflation had affected food prices in Indonesia in 1998 and led to increased poverty. Indonesia intended to move towards the regional norm of three to four per cent annual inflation in the coming years. The Indonesian Government had three objectives: to meet basic needs, to empower the people and small enterprises and to promote specially designed projects to generate employment. A national programme had been designed to mitigate the impact of economic crises on the poor and on rural and urban areas. He concluded by saying that job creation and poverty reduction had been the most important goals of a key strategy to stimulate economic growth while maintaining economic stability.

1. Inaugural ceremony

The 116th IPU Assembly was inaugurated on 29 April at a ceremony held at the Bali International Convention Centre, in the presence of His Excellency the President of the Republic of Indonesia, Mr. S. Bambang Yudhoyono. Inaugural addresses were delivered by Mr. A. Laksono, Speaker of the House of Representatives of Indonesia, Mr. S. Kakakhel, Representative of the United Nations Secretary-General and Deputy Executive Director of the United Nations Environment Programme, and Mr. P.F. Casini, President of the Inter-Parliamentary Union. The ceremony concluded with a statement by the President of the Republic, who declared the 116th IPU Assembly officially open.

2. Participation

Delegations of the parliaments of the following 111 countries took part in the work of the Assembly:² Afghanistan, Algeria, Andorra, Angola, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana,

Greece, Guatemala, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Maldives, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Uganda, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

The following Associate Members also took part in the Assembly: the Andean Parliament, the East African Legislative Assembly, the Latin American Parliament, the Parliamentary Assembly of the Council of Europe, and the Parliament of the Economic Community of West African States (ECOWAS).

Observers included representatives of: (i) Palestine; (ii) the United Nations system: United Nations, United Nations Environment Programme (UNEP), United Nations Conference on Trade and Development (UNCTAD), International Labour Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), Organization for the Prohibition of Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO); (iii) the League of Arab States; (iv) the African Parliamentary Union (APU), the Arab Inter-Parliamentary Union, the ASEAN Inter-Parliamentary Organization (AIPO), the Assembly of the Western European Union (WEU), the Asian Parliamentary Assembly (APA), the Commonwealth Parliamentary Association (CPA), the Confederation of Parliaments of the Americas (COPA), the Association of European Parliamentarians for Africa (AWEPA), the Inter-Parliamentary Assembly of the Eurasian Economic Community, the Inter-Parliamentary Assembly on Orthodoxy (IAO), the Nordic Council, the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), the Parliamentary Assembly of the Union of Belarus and the Russian Federation, the

² For the complete list of IPU Members, see page 21.

Parliamentary Union of the Organization of Islamic Conference Members (PUOICM), the Southern Africa Development Community (SADC) Parliamentary Forum, the Transitional Arab Parliament (TAP); and (v) the International Committee of the Red Cross (ICRC).

Furthermore, a delegation from the National Parliament of Timor-Leste participated as an observer with a view to future affiliation. The Centre for Humanitarian Dialogue was invited to follow the work of the Assembly as an observer in the light of the items on the agenda.

Of the 1,148 delegates who attended the Assembly, 588 were members of national parliaments. The parliamentarians included 36 presiding officers, 27 deputy presiding officers and 156 women (26.5%).

3. Choice of an emergency item (Item 2)

The President announced that six proposals for an emergency item had been received by the Secretariat. Following consultation in the Asia-Pacific Group, Indonesia and the Islamic Republic of Iran had withdrawn their proposals in favour of those submitted by Algeria and India and that these four delegations had then submitted a new proposal entitled *International cooperation to combat terrorism, its root causes and its financing, including cross-border funding*.

Ms. N. Heptulla (India), also speaking on behalf of Algeria, Indonesia and the Islamic Republic of Iran, spoke in favour of their proposal.

Ms. R. Green (Mexico) announced the withdrawal of Mexico's proposal, but again requested that the subject of migration be included in the agenda of the 118th Assembly, to be held in Cape Town, South Africa.

The President of the Assembly, noting the absence of any objections to the proposal submitted by Algeria, India, Indonesia and the Islamic Republic of Iran, declared that it was unanimously adopted.

4. Debates and decisions of the Assembly and its Standing 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, under the theme of *Global warming: Ten years after Kyoto*, took place on the mornings and afternoons of 30 April and 1 and 3 May. A total of 110 speakers from 97 delegations took part in the debate, which was chaired by the

President of the Assembly. During the sittings, the President invited the Vice-Presidents, who were members of the delegations of the Congo, Estonia, Malaysia, Mexico, Monaco, Peru, South Africa, Sweden and Tunisia, to replace him in the chair.

At the closing sitting, the President of the Assembly read out a declaration on climate change, which the Assembly then endorsed (see page 42).

(b) First Standing Committee (Peace and International Security)

(i) *Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world* (Item 4)

The Committee held three sittings on 30 April and 2 May, with Mr. S.P. Morin (Indonesia), Vice-President, in the chair. In addition to a report and a draft resolution prepared by the co-Rapporteurs, Ms. S. Damen Masri (Jordan) and Mr. P. Bieri (Switzerland), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of Algeria, Canada, China, Egypt, France, Germany, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, Jordan, Kazakhstan, Kuwait, Mexico, Pakistan, the Philippines, Romania, South Africa, Spain, Sudan, Sweden and Venezuela.

The first sitting began with the presentation of the report and draft resolution by the co-Rapporteurs. Mr. A. Alatas, former Foreign Minister of Indonesia and member of the United Nations Secretary-General's High-level Group on the Alliance of Civilizations, opened the general debate. A total of 51 speakers from 47 parliaments and two international organizations took the floor during the debate, after which the Standing Committee appointed a drafting committee composed of representatives from Canada, France, the Islamic Republic of Iran, Kazakhstan, Mexico, Pakistan, Saudi Arabia, South Africa, Switzerland, Tunisia and Uruguay. Ms. Damen Masri was also invited to participate in the work of the drafting committee, in an advisory capacity.

The drafting committee met on 1 May. It appointed Mr. R. Del Picchia (France) as its President. It examined 135 amendments and sub-amendments submitted by 24 delegations, and adopted 35 of them in full or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to the initial draft or to those that had been adopted. At the end of the deliberations, the drafting committee asked its

President to serve as rapporteur before the full Committee. The First Standing Committee considered the consolidated draft on the afternoon of 1 May. Several delegations took the floor to express support for the text. Following a discussion on two paragraphs of the draft resolution, the delegations of Saudi Arabia and the United Arab Emirates took the floor on behalf of the Arab Group to express reservations to operative paragraph 5.

The draft resolution was submitted to the plenary sitting of the Assembly on the afternoon of 4 May and adopted by consensus, with the reservation to operative paragraph 5 formulated by the Arab Group (see page 23 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 118th Assembly*

The Bureau of the First Standing Committee met on 2 May with Mr. S.P. Morin (Indonesia), Vice-President, in the chair. It examined proposals submitted by IPU Members for the items to be debated by the First Standing Committee at the 118th Assembly. The Bureau approved the subject item *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy*, which it subsequently submitted to the First Standing Committee. The Committee agreed to propose that subject item to the Assembly for its inclusion on the agenda of the 118th Assembly. The Assembly subsequently approved that item and appointed Mr. L.M. Suklabaidya (India), Ms. H. Mgabadeli (South Africa) and Lord Morris of Aberavon (United Kingdom) as co-Rapporteurs.

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

(i) *Job creation and employment security in the era of globalization (Item 5)*

The Committee held two sittings on 1 and 3 May, with its President, Mr. A. Fomenko (Russian Federation), in the chair. In addition to a report and a preliminary draft resolution prepared by the co-Rapporteurs, Ms. E. Salguero Carrillo (Bolivia) and Mr. O. Abu Ghararah (Saudi Arabia), the Committee had before it amendments to the draft resolution submitted by the delegations of Algeria, Australia, Canada, Chile, Egypt, France, Germany, Uruguay. A separate set of amendments was submitted by the Meeting of Women Parliamentarians.

A total of 52 speakers from 47 countries and one international organization took the floor during the plenary debate, following which the Standing Committee appointed a drafting committee composed of representatives from Malaysia, New Zealand, Peru, Russian Federation, Saudi Arabia, South Africa, Sudan, Uganda and Venezuela.

The drafting committee met in the morning and afternoon of 2 May. It appointed Ms. J. Fitzsimons (New Zealand) as its President and Mr. M. El-Tigani (Sudan) as its Rapporteur. The committee examined 209 amendments to the preliminary draft resolution and adopted 90 of them either fully or in part. A number of other amendments were accepted, if not in letter, then in spirit, as many were similar in content to those that were adopted. The amended draft was adopted by the drafting committee by consensus.

On the morning of 3 May, the Second Standing Committee considered the consolidated draft. Delegates asked for clarification on some paragraphs, following which the draft was adopted as a whole. In the afternoon of 4 May, the draft was submitted to the plenary sitting of the Assembly, which adopted it unanimously (see page 28 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the Second Standing Committee at the 118th Assembly*

The Bureau of the Second Standing Committee met on 2 May with the Committee's President, Mr. A. Fomenko, in the chair. It examined proposals submitted by IPU Members for the items to be debated by the Second Standing Committee at the 118th Assembly. The Bureau approved the subject item *Parliamentary oversight of State policies on foreign aid*, which it subsequently submitted to the Second Standing Committee. The Committee agreed to propose that subject item to the Assembly for its inclusion in the agenda of the 118th Assembly and nominated Mr. E.P.B. Quenum (Benin) and Mr. F.-X. De Donnea (Belgium) as co-Rapporteurs for that item. The item and the co-Rapporteurs were subsequently approved by the Assembly.

(d) Third Standing Committee (Democracy and Human Rights)

(i) *Promoting diversity and equal rights for all through universal democratic and electoral standards* (Item 6)

The Committee held three sittings, on 1, 2 and 3 May, with its President, Mr. J.-K. Yoo (Republic of Korea), in the chair. Mr. Yoo shared his duties with Ms. B. Gadiant (Switzerland), Vice-President. The Committee had before it a report and a draft resolution drawn up by the co-Rapporteurs, Mr. J.D. Seelam (India) and Ms. N. Narotchnitskaya (Russian Federation), along with amendments to the draft resolution submitted by the delegations of Algeria, Canada, China, France, Germany, Indonesia, Italy, Japan, Mexico, Philippines, Romania, South Africa, Spain, Switzerland, United Kingdom and Venezuela. In all, 55 speakers took part in the debate, after which the Committee designated a drafting committee composed of representatives of Bahrain, Egypt, Germany, Indonesia, Niger, Pakistan, South Africa, Switzerland, United Kingdom, Uruguay, Venezuela and Zambia. The drafting committee met on 2 May. It began its work by naming Mr. M.A.K. Swati (Pakistan) as its President and Ms. D. Stump (Switzerland) as its Rapporteur. It considered the draft resolution in detail and improved the text by incorporating some of the amendments proposed.

On 3 May, the Standing Committee considered the consolidated text of the draft resolution and adopted it unanimously. The draft resolution was adopted unanimously by the Assembly, meeting in plenary on 4 May (see page 35 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 118th Assembly*

The Bureau of the Third Standing Committee met on 2 May with the Committee's President, Mr. J.-K. Yoo (Republic of Korea) in the chair. It examined proposals submitted by IPU Members to be debated by the Committee at the 118th Assembly. The Bureau approved the subject item *Empowering citizens through an effective right-to-information regime*.

However, after further debate, the Third Standing Committee decided at its sitting on 3 May to propose that the subject item *Migrant workers, people trafficking, xenophobia and human rights* be placed on the agenda of the 118th Assembly. It also nominated Mr. C. Camacho (Mexico) and Mr. A.

Dismore (United Kingdom) as co-Rapporteurs for that item. The Assembly subsequently approved the proposed subject and the co-Rapporteurs.

(e) Emergency item

International cooperation to combat terrorism, its root causes and its financing, including cross-border funding (Item 8)

On 30 April, the Assembly decided to include the above-mentioned topic in its agenda. It referred it to a drafting committee composed of representatives of Parliaments of Algeria, Canada, Denmark, India, Indonesia, the Islamic Republic of Iran, Jordan, Kenya, Mexico, Pakistan, Russian Federation, Switzerland and Venezuela. The drafting committee appointed Mr. B. Souilah (Algeria) as its President and the delegate from the Islamic Republic of Iran as its Rapporteur. The drafting committee met on 1, 2 and 3 May. It adopted a draft resolution that was submitted to the Assembly on 4 May for consideration.

Before the President called upon the rapporteur of the drafting committee, he gave the floor to Mr. R. Del Picchia (France) on a point of order. Mr. Del Picchia read a statement in which the Twelve Plus Group expressed regret that the drafting committee on the emergency item had failed to take note of the advice of the IPU Secretary General to the effect that the resolution as drafted contravened IPU rules. That view was shared by the IPU President and had been endorsed by the Assembly Steering Committee and conveyed to the President of the Assembly. The Twelve Plus Group believed that the emergency item did not conform to the rules. If the President of the Assembly was unwilling to abide by the ruling of the IPU President and allowed the resolution to proceed, the Twelve Plus Group would not participate in any proceedings or vote on that item.

Mr. A. Toha (Indonesia) said that no rule had been broken; the resolution originally submitted by Algeria, Indonesia, India and the Islamic Republic of Iran was a completely new proposal. The President of the Assembly Steering Committee had referred to a 1991 decision whereby an amendment to the title of an emergency item should not have as its purpose to incorporate the text of another proposal, but that did not apply to the proposal submitted to the Assembly, as it was not an amendment but an entirely new proposal. Furthermore, the draft resolution did not condemn any particular country.

He recalled that Indonesia, in particular Bali, had been a victim of terrorism and stressed that millions of people were leaving Iraq and becoming a problem for neighbouring countries as a result of an ever-increasing number of terrorist acts. The American Congress had voted in favour of starting to withdraw American troops from Iraq as of 1 October 2007, and the draft resolution before the Assembly could therefore not be considered as hostile. The text of the resolution was not in contravention of IPU rules and therefore should be adopted by the Assembly. In the ensuing discussion, delegates from Japan, Venezuela, Pakistan, the Republic of Korea, Jordan, the Islamic Republic of Iran, India, Botswana and Chile took the floor, expressing their support for or opposition to the text of the resolution.

In response to a request from the delegate of the Republic of Korea, the President of the Assembly asked the Secretary General to provide clarification.

The Secretary General stated that Article 14.2 of the Statutes and Rule 11 of the Assembly Rules were very clear: one, and only one, emergency item could be adopted by the Assembly. At the outset, the 116th Assembly had had before it six proposals for the emergency item: three on terrorism, one on the withdrawal of troops from Iraq, one on global warming and one on migration. Following the negotiations that had taken place during the first days of the Assembly, some proposals had been withdrawn and a new proposal tabled: it concerned terrorism, not the withdrawal of troops from Iraq. To consider it otherwise would be a contravention of the articles he had referred to, an opinion that was fully in line with consistent practice at IPU meetings,

which was based on the highest standards of transparency for parliamentary procedures. The Secretary General also recalled that the Executive Committee and the Assembly Steering Committee had often intervened in the past to thwart attempts to refer to particular countries in IPU resolutions, which were, in principle, generic in nature. He suggested that the Assembly hear the drafting committee's report, take note that some delegations did not wish to participate in the vote on this text, and request the Executive Committee to propose amendments to the Statutes and Rules to avoid similar situations in the future. After the presentation of the drafting committee's report, delegations could express, if they so wished, their reservations.

The President of the Assembly said that he had received a letter from the IPU President and read out his reply. Two proposals had been submitted for an emergency item, one by Mexico, the other by the delegations of Algeria, India, Indonesia and the Islamic Republic of Iran. Mexico had withdrawn its proposal, and the Assembly had approved the inclusion of the item under discussion. In his opinion, no rules had been broken and it was within his competence, as President of the Assembly and of the Assembly Steering Committee, to make the decision he had reached. He invited the rapporteur of the drafting committee to present his report.

Following the presentation by the rapporteur, the resolution was adopted without a vote (see page 38 for the text of the resolution).

180th Session of the Governing Council

1. Membership of the IPU

At its sitting on 30 April, the Governing Council approved a request for affiliation from the Parliament of Afghanistan and suspended the affiliation of Fiji following a military coup d'état in that country. On 4 May, the Governing Council also suspended the affiliation of Uzbekistan under the terms of Article 4.2 of the Statutes relating to financial contributions. The IPU currently comprises 147 Member Parliaments; in addition, seven international parliamentary assemblies and organizations are Associate Members.

The Governing Council also approved requests for observer status from the Pan-African Parliament and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

2. Financial results for 2006

The Governing Council considered the Annual Financial Report and Audited Financial Statements for 2006, in conjunction with the report of the External Auditor. The Financial Statements showed that the IPU had an operating surplus of CHF

429,782 in 2006 and had transferred additional credits of CHF 150,427 to the Working Capital Fund.

The Governing Council applauded the gender analysis of expenditure, which showed that the Secretariat had achieved parity in the number of professional staff through affirmative action.

The internal auditors, Mr. D. Oliver (Canada) and Mr. A. Quawas (Jordan), reported that they were satisfied with the financial performance of the IPU in 2006 and with the presentation of the Financial Statements. They recommended that the Financial Regulations be amended to limit transfers between budget headings, suggested that new reporting standards be adopted for staff benefits, established a deadline for publishing an internal finance manual, and encouraged the Governing Council to consider appointing a salaried internal auditor.

On the recommendation of the internal auditors, the Governing Council approved the Financial Statements, the transfer of the operating surplus to the Working Capital Fund, and the Secretary General's financial administration of the IPU in 2006.

3. Financial situation

The Governing Council was given an overview of the IPU's financial situation. Expenditure during the first quarter of 2007 was within budget, a healthy situation that might be undermined by the possible suspension of several members, a tax liability in France, and potential liabilities relating to the recently completed technical assistance project in Nigeria.

The Governing Council was presented with a draft scale of contributions for 2008 that took into account changes in the United Nations scale approved by the United Nations General Assembly at the end of 2006 and the IPU's evolving membership base. It would have to approve the definitive scale of contributions for 2008 assessments at its next meeting.

The Secretary General informed the Governing Council about recent fund-raising activities. Several pledges were due to materialize shortly. One member of the Council requested a cost-benefit analysis of fund-raising efforts.

On the recommendation of the Executive Committee, the Governing Council approved supplementary estimates amounting to CHF 324,000 to cover the cost of the 116th Assembly, human

rights monitoring in Sri Lanka, and doubtful receivables.

4. Cooperation with the United Nations system

In considering United Nations General Assembly resolution 61/6 on *Cooperation between the United Nations and the Inter-Parliamentary Union*, adopted in New York on 20 October 2006 and co-sponsored by 133 Member States, the Governing Council heard that cooperation between the two organizations had expanded over the past two years. It noted that the General Assembly, acting on a series of recommendations by the IPU, had decided to: strengthen the IPU's contribution to its work; forge close cooperation between the IPU and new United Nations bodies such as the Human Rights Council and the Peacebuilding Commission; ensure that the IPU was involved in implementing the new functions attributed to the United Nations Economic and Social Council (ECOSOC) by the 2005 World Summit, particularly by shaping a parliamentary dimension to the new Development Cooperation Forum; further develop as joint United Nations-IPU events the Annual Parliamentary Hearing at the United Nations and other parliamentary meetings held during major United Nations meetings; and closely involve the IPU in the preparation of system-wide strategies for consideration by the United Nations system and its Chief Executives Board for Coordination.

More generally, the Governing Council took stock of recent developments in IPU-United Nations cooperation, considered reports on a variety of United Nations-related activities and approved a calendar of forthcoming initiatives and meetings. The Council also approved the draft programme of cooperation with UNICEF for the next four years (2007-2010), which built on existing cooperation on child protection issues and developed new fields of common action. That broadened partnership required extra-budgetary funding in addition to the budgetary funds already set aside for IPU-UNICEF activities, and the two organizations would seek to raise those funds together in the coming months.

The Governing Council welcomed the message to the 116th Assembly sent by the new United Nations Secretary-General, Mr. Ban Ki-moon. The message highlighted the critical role of national parliaments in the work of the United Nations and called for fresh efforts to build a more strategic partnership between the IPU and the United Nations (see page 45). The newly established IPU Committee on United

Nations Affairs is designed to provide greater coherence and political guidance to cooperation between the two organizations.

5. IPU activities to strengthen parliaments and democracy

The Council took note of a report reviewing the activities the IPU had carried out over the past year to promote democracy. The IPU had been actively involved in providing assistance to 11 parliaments in Africa, Latin America and Asia. It had also organized various global and regional capacity-building seminars on a host of subjects, including ICT and parliaments, sustainable development, parliaments and post-conflict management, security sector oversight, human rights and parliamentary procedures.

The IPU had also continued to defend the rights of members of parliament who were deprived of their right to exercise their mandate. As far as promoting women's participation in political life was concerned, apart from its usual advocacy work, the IPU had embarked on an extensive three-year programme in the Arab region to build the capacity of women to participate effectively in parliamentary processes. It planned to extend such activities to the Pacific Island States.

The IPU had sought to give wide publicity to its recently published guide on *Parliaments and Democracy*, which was now available in five languages. A new project had been initiated to review and develop guidelines for the representation of minorities in parliament.

The expansion of the IPU's democracy work had entailed an increased need for staff and financial resources. More staff had been recruited with external resources, and the IPU was making active efforts to mobilize further additional funds. Those efforts, which were based on the IPU's four-year plan to promote democracy and peace, were starting to bear fruit as some funding had already been secured from different sources, including the United Nations and the Swedish International Development Cooperation Agency.

6. Consolidation of IPU reform

The Governing Council gave its approval in principle to a series of reforms recommended by the IPU President's working group on reform. The required amendments to the Statutes would be circulated to all Members within the statutory deadline of three months prior to the 117th Assembly. They would enter into force immediately after their adoption.

The Governing Council also reviewed the proposed new arrangements for the second Assembly of the year (see page 48) and decided to implement them in Geneva in 2007 on an experimental basis. The Standing Committees would no longer meet in plenary, and the time allotted to the Governing Council would be increased to allow for more effective scrutiny of the Organization's affairs. The customary subsidiary bodies and panels would be convened alongside those events. More significantly, the newly established Committee on United Nations Affairs would examine the different aspects of the IPU-United Nations relationship and discuss United Nations questions, including the Organization's funding and the uses to which its funds were put. The Committee would be a plenary committee, and from within its ranks it would set up a core group of parliamentarians particularly well versed in United Nations affairs, who would serve as the cutting edge of the scrutiny function.

7. Recent specialized conferences and meetings

The Governing Council took note of the results of the Conference on Broadcasting of Parliamentary Business through Dedicated TV Channels and Public Broadcasting Systems (www.ipu.org/splz-e/ebu.htm), the Parliamentary Forum held on the occasion of the sixth International Conference of New or Restored Democracies and its follow-up seminar (www.ipu.org/splz-e/doha06.htm) and www.ipu.org/splz-e/NRD-Stockholm.pdf), the Annual Parliamentary Hearing at the United Nations (www.ipu.org/splz-e/unga06.htm), the annual session of the Parliamentary Conference on the WTO (see page 46), the Meeting of parliamentary bodies dealing with the status of women and gender equality (www.ipu.org/splz-e/gender06.htm), the one-day parliamentary meeting and the Meeting of Women Speakers of Parliament, both of which were held on the occasion of the 51st Session of the UN Commission on the Status of Women (www.ipu.org/splz-e/csw07.htm) and

www.ipu.org/splz-e/mws07.htm) and the Meeting of the IPU Advisory Group on HIV/AIDS.

8. Reports of plenary bodies and specialized committees

At its sitting on 4 May, the Governing Council took note of the reports on the activities of the Meeting of Women Parliamentarians and its Coordinating Committee, the Committee on the Human Rights of Parliamentarians, the Committee on Middle East Questions, the Group of Facilitators for Cyprus, the Committee to Promote Respect for International

Humanitarian Law, and the Gender Partnership Group (see page 13).

9. Future inter-parliamentary meetings

In addition to the meetings previously approved, the Council approved the Global Meeting on HIV/AIDS, to be held in November 2007 at a venue to be decided, and the World e-Parliament Conference: Challenges and benefits of ICT in parliamentary processes, to be held in late 2007, also at a venue to be decided. Neither meeting had implications for the IPU budget.

248th Session of the Executive Committee

The Executive Committee held its 248th session in Bali, Indonesia, on 27 and 28 April and 2 May 2007. The President of the IPU chaired the meetings. The following members and substitutes took part in the session: Mr. G. Versnick (Belgium), Mr. H. Fortes (Brazil), Mr. Lü Congmin (China), Ms. K. Serrano Puig (Cuba), Ms. K. Komi (Finland), Ms. E. Papadimitriou (Greece), Mr. A. Toha (Indonesia), Mr. Y. Yatsu (Japan) substituting for Mr. T. Kawara, Mr. K.F.X. ole Kaparo (Kenya), Mr. A. Radi (Morocco), who was replaced by Ms. R. Benmassaoud on 2 May, Ms. M. Mensah-Williams (Namibia), Mr. A. Kozlovsky (Russian Federation), Mr. J. Austin (United Kingdom) and Ms. M. Xavier (Uruguay). Mr. P. Sende (Cameroon) was absent.

The Executive Committee discussed and made recommendations on agenda items to be addressed by the Governing Council. The other matters considered by the Committee are summarized below.

The Committee received a delegation from Thailand that reported on the political situation in the country. The timeline established for the return to full democracy was being followed and elections were scheduled to be held in December 2007.

The Committee heard a report on the fiscal situation of certain staff members residing in France and noted that in 2006 the IPU had reimbursed

CHF 85,000 in staff assessment to staff members to cover their tax bills. The Committee was told that several avenues were being explored in an attempt to resolve the situation: the French IPU Group, the Swiss authorities, the French courts and consideration of an internal tax equalization scheme. The Committee endorsed the recommendations of the working group on the Global Parliamentary Foundation for Democracy, namely: that the Foundation should focus its fund-raising efforts on the private sector and wealthy individuals; the President and Secretary General should resign from the Foundation Board in order for the latter to assert its autonomy; that the Foundation should establish its own Secretariat; and the Secretary General should no longer serve as the Foundation's Executive Officer.

In continued support of the Parliamentary Assembly of the Mediterranean, the Executive Committee agreed that the IPU would act as an intermediary in the "loan" of a United Nations staff member to serve as the Assembly's Executive Secretary. The Secretary General was authorized to take the necessary steps to implement the arrangement on a full cost-recovery basis.

The Secretary General informed the Committee that he had appointed four new staff members on fixed-term contracts: two translators (English and French), a project officer and a junior liaison officer in New York. While the secondment from the Japanese Diet was coming to an end, a new secondment

from the Republic of Korea National Assembly was about to begin.

The Committee accepted the Statute of the International Civil Service Commission (ICSC) and authorized the Secretary General to apply to the United Nations Secretary-General for formal

membership of the United Nations Common System. Membership in the System would allow the IPU to participate in decision-making at the ICSC and facilitate staff mobility between the IPU and other organizations participating in the Common System.

Meeting and Coordinating Committee of Women Parliamentarians

The Twelfth Meeting of Women Parliamentarians, which took place on 29 April 2007, brought together 91 women and nine men from the following national Parliaments: Algeria, Andorra, Angola, Australia, Austria, Bahrain, Belarus, Belgium, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Chile, China, Congo, Cuba, Denmark, Egypt, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jordan, Kenya, Malaysia, Mexico, Monaco, Morocco, Mozambique, Namibia, Nepal, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Sao Tome and Principe, Senegal, South Africa, Spain, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Uganda, United Arab Emirates, United Kingdom, Uruguay, Venezuela and Zambia. Various Associate Members and observers were also represented, including UNICEF.

The Meeting was opened by the President of the Coordinating Committee of Women Parliamentarians, Ms. M. Xavier (Uruguay), and began its work by electing Ms. A.H. Baidlowi, Member of the Parliament of Indonesia, as its President. Ms. Baidlowi's opening remarks were followed by statements by the Speaker of the House of Representatives of Indonesia, Mr. A. Laksono, and the President of the IPU, Mr. P.F. Casini. Mr. M.F. Hatta Swasono, Indonesian State Minister for Women's Empowerment, delivered a keynote statement outlining the work carried out by Indonesia to promote the status of women.

The President and Rapporteur of the Coordinating Committee, Ms. B. Mugo (Kenya), briefly reported on the Committee's work at its previous three sessions. A small group set up within the Coordinating Committee to review the Meeting's rules and functioning was currently working on a series of recommendations that would be submitted

to the Coordinating Committee and the Meeting of Women Parliamentarians at their next sessions.

Mr. J. Austin (United Kingdom) briefed the Meeting on the work done by the Gender Partnership Group since its previous session in Geneva in 2006. Its activities had included monitoring the participation of women in delegations to IPU Assemblies and the situation of parliaments with no women members, examining the IPU budget from a gender perspective, and conducting a dialogue session with the delegation of Palau.

As its contribution to the 116th IPU Assembly, the Meeting considered the item deliberated by the Second Standing Committee, entitled *Job creation and employment security in the era of globalization*. It divided into two groups, each of which discussed a sub-topic of that item and proposed gender-related amendments to the draft resolution being prepared. The Meeting appointed Ms. A. Joaquín Coldwell (Mexico) and Ms. K. Hull (Australia) as chairpersons, and Ms. B. Mugo (Kenya) and Ms. B.Y. Al Jishi (Bahrain) as rapporteurs of the groups. Their reports were consolidated into proposed amendments, which were submitted to the Second Standing Committee at its first sitting on 30 April 2007. Many of the proposed amendments were subsequently included in the final resolution.

In the afternoon, the Meeting held a special session on political parties and their role in promoting women's participation in politics. Introduced by two panellists, Ms. A. Martinez (Spain) and Ms. N. Khunou (South Africa), the dialogue provided valuable insight into some of the measures that political parties had taken to promote women, not only as candidates in elections, but also within party structures. Only a few men attended, a fact which was deplored.

The Meeting also discussed cooperation with the United Nations on gender issues and on the

challenges currently facing the Organization, especially with regard to United Nations reform.

The Coordinating Committee of Women Parliamentarians met on 29 April and 3 May. It

began preparations for the forthcoming IPU Assembly, to be held in Geneva in October 2007. It also raised concern about the poor representation of women in some IPU bodies, in particular the newly elected bureaux of the Standing Committees.

Subsidiary bodies and committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

The Committee on the Human Rights of Parliamentarians held its 116th session from 29 April to 3 May 2007. Ms. Z. Benarous (Algeria), Ms. S. Carstairs (Canada), Mr. F. Drilon (Philippines) and Ms. R. Green (Mexico) participated in their titular capacity, while Mr. K. Jalali (Islamic Republic of Iran) and Ms. E. Obeng Dappah (Ghana) participated in their capacity as substitute members.

The Committee conducted 11 hearings with delegations from countries where it had cases pending and with representatives of the sources. The Committee examined a total of 57 cases in 28 countries. The Committee submitted to the Governing Council 35 cases of 126 parliamentarians in 18 countries around the world (see resolutions on pages 58 to 111).

2. Committee on Middle East Questions

The Committee on Middle East Questions met on 30 April and 3 May 2007 with its President, Mr. K. Sairaan (Mongolia), in the chair. The meetings were also attended by Mr. A. Gamal-Eldin (Egypt) replacing Mr. M. El-Feki, Mr. H. Raidel (Germany), and Mr. F.K. Owusu-Adjapong (Ghana) as titular members, and Mr. J. Wlosowicz (Poland) and Mr. J. Carter (New Zealand) as substitutes.

The Committee regretted that an Israeli delegation was not present at the 116th Assembly and that it would consequently not be possible to follow the usual practice of hosting a dialogue between the Palestinian and Israeli parties. It nonetheless agreed that it would invite a Palestinian delegation to report on the local situation. A representative of the Jordanian Parliament was also invited to participate in the discussion.

The representative of the Palestinian Legislative Council gave an account of the difficulties faced by Palestinians in their daily lives under the occupation. Those were caused, *inter alia*, by the separation

wall, omnipresent checkpoints, a dismal economic situation aggravated by the refusal by the Israeli authorities to return tax revenues to the Palestinians, and the continuing freeze on aid funds from western governments, despite the fact that the Mecca Agreement met the conditions of the international community. He added that the parliament in Ramallah was prevented from functioning. Some forty of its members were being held in detention in Israel, including the Speaker, Mr. A.A. Dweik. Moreover, checkpoints between Gaza and the West Bank meant that members from Gaza prohibited from travelling could only participate in the debates via video-conferencing.

The Committee decided that it should play a more active role and intended to set up a mission to travel to the Middle East as soon as possible. The mission would gather information by talking with the parliamentary authorities in both Ramallah and Jerusalem, and inspect the conditions in the occupied territories. The Committee requested the IPU governing bodies to give their approval in principle to the mission and to the establishment of a budgetary provision for that purpose once the details had been finalized.

3. Committee to Promote Respect for International Humanitarian Law

The Committee to Promote Respect for International Humanitarian Law met on 2 May 2007. The sitting was chaired by Mr. J.-K. Yoo (Republic of Korea). The International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) were also represented.

The Committee discussed follow-up on the resolution adopted at the 115th Assembly (held in Geneva in 2006) on missing persons. It agreed to begin work, as recommended in the resolution, on the production of a handbook for parliamentarians on missing persons. The Committee also agreed to

monitor follow-up by Member Parliaments to the resolution and decided to submit to Members a short questionnaire, before the end of the year, on the initiatives they had taken.

The Committee welcomed the adoption by the United Nations General Assembly in December 2006 of the International Convention for the Protection of All Persons from Enforced Disappearance. It called on Members to promote the Convention's signature and ratification in their respective parliaments and to support speedy accession.

The Committee welcomed the publication in four new languages (Arabic, Bahasa Indonesian, Korean and Russian) of the IPU-UNHCR *Handbook for parliamentarians on statelessness and citizenship*. The Greek, Hungarian, Portuguese, Spanish, Slovenian and Slovak versions were currently being prepared. The Committee encouraged other parliaments to take similar initiatives and make use of the Handbook.

The Committee was briefed by UNHCR on recent developments with regard to nationality and statelessness. Several countries, especially in the Arab world, had recently adopted laws allowing women to transmit their nationality to their children. Others had launched media campaigns and were working more closely with civil society organizations. UNHCR had organized seminars on preventing statelessness in several countries.

The Committee was briefed on recent developments related to refugee protection. Although the total number of refugees had fallen by 30 per cent over the past year, the plight of the 8.4 million refugees worldwide remained a matter of concern. UNHCR informed the Committee that the international conference organized in Geneva in April 2006 had called for a sustained, comprehensive and coordinated international response to the humanitarian crisis in Iraq. The Committee also discussed the situation in Darfur, where, according to UNHCR, some 2 million people had been displaced by the violence. UNHCR had difficulty in obtaining access to 400,000 of them because of the insecure environment. Improved security was essential if humanitarian workers were to do their job.

Regarding the elimination of anti-personnel landmines, the Committee welcomed the fact that a greater number of States had become party to the

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, including most recently Brunei Darussalam and Indonesia. International response had also gone a step further: humanitarian anti-mine action had become one of the principal emergency responses in the aftermath of armed conflict. Countries had made considerable contributions to clearance operations in many regions of the world. Military and peacekeeping forces had also begun to play an important role in preventing and mitigating the impact of landmines.

Regarding explosive remnants of war (ERW), the Committee recalled that the Protocol on Explosive Remnants of War (Protocol V to the United Nations Convention on Certain Conventional Weapons (CCW)) had been ratified by relatively few States. It urged all Members to check whether their State was party to both instruments and, if need be, to take all necessary steps to ensure prompt ratification. Information on the ratification status of all treaties of international humanitarian law could be found on the ICRC website: <http://www.icrc.org/ihl>.

Lastly, the Committee discussed its work over the past few years and considered how to improve its activities. It strongly recommended that it no longer be composed of members of the Bureau of the Third Standing Committee, as the Bureau and the Committee had different mandates and objectives. The Committee recommended that its members be elected separately.

4. Group of Facilitators for Cyprus

On 4 May 2007, the Group of Facilitators for Cyprus, Mr. D. Conway (United Kingdom) and Mr. F. Gutzwiller (Switzerland) arranged for a dialogue between the representatives of the Greek Cypriot political parties attending the Assembly as delegates of the House of Representatives of Cyprus and representatives of the Turkish Cypriot political parties. It was the third time that both sides had met under IPU auspices. Previous meetings had been held in Marrakech in 2002, and in Manila in 2005.

The meeting was attended by representatives of five political parties, three Greek Cypriot and two Turkish Cypriot.

The Group worked in a spirit of dialogue and openness and all who attended were able to express themselves in a climate of calm and mutual

understanding that helped ensure a useful exchange of views and opinions.

The meeting concluded that there was a need for a commitment on the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions. Furthermore, the 8 July 2006 agreement should be implemented, in particular through the immediate creation of bi-communal working groups and technical committees in order to prepare the ground for full-fledged negotiations leading to a comprehensive and durable settlement.

The Facilitators agreed to meet again with the parties during the 2008 Assembly of the IPU, to review the situation in the country.

5. Gender Partnership Group

The Gender Partnership Group held its 19th session on 27 and 28 April 2007. The participants were Mr. J. Austin (United Kingdom), Ms. M. Mensah-Williams (Namibia), Ms. K. Serrano Puig (Cuba) and Mr. Y. Yatsu (Japan). Mr. J. Austin acted as moderator.

The Group studied the composition of the delegations attending the 116th IPU Assembly in Nusa Dua. As at 3 May 2007, out of the 588 parliamentarians attending the 116th IPU Assembly, 156 (26.5 per cent) were women. That figure represented a substantial drop compared with the Assemblies held in Geneva in October 2006, where 30.5 per cent of MPs were women and in Nairobi in May 2006, where women accounted for 28.4 per cent of all parliamentarians present.

Of the 111 delegations attending the 116th Assembly, the vast majority (103) were composed of more than one delegate. Of those, 15 (14 per cent) were all-male, significantly higher than the 11 (9.4 per cent) all-male delegations in attendance at the Assembly in Geneva. Those delegations were from the parliaments of Cyprus, Estonia, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Malta, Mongolia, Peru, Qatar, Russian Federation, Saudi Arabia, Slovenia and Somalia. The Group expressed its concern at the growing number of all-male delegations. It recommended that the IPU Secretary General continue to write to Members announcing no-women (or no-men) delegations, and that the need to have representatives of both sexes be recalled in invitations to IPU Assemblies.

The Group further took note of the fact that women represented between 20 and 40 per cent of the majority of delegations. Forty delegations with three or more delegates only had one woman delegate. The Group concluded from that data that the 116th Assembly was attended by large delegations within which women were not always well represented. The Group expressed concern that the statutory requirement that Members include male and female parliamentarians in their delegations had in most cases been paid no more than lip service. It called on parliaments to strive for equal representation in their delegations and send increasingly gender-balanced delegations to Assemblies. A first objective would be to encourage delegations comprising four or more members to include at least two women. The Group will continue to study the situation, collect more disaggregated data, and discuss how to encourage gender-balanced delegations.

At the 116th Assembly, the Group studied the 2006 financial report and noted with satisfaction that most of its requests to include gender-specific data had been met. It nevertheless felt that the analysis of the IPU's mainstream activities in terms of their gender impact still needed to be improved, and therefore agreed to start developing guidelines to help IPU Members hone their analyses of activities from a gender perspective. The Group took note with satisfaction that the Secretariat of the IPU was now composed of a majority of women within the Professional and General Service categories. Efforts still needed to be made, however, with regard to the number of women in senior positions.

The Group continued to debate the progress made in countries where parliaments did not have women members, and mechanisms for assisting those parliaments in any way possible, if they so desired. As at 29 April 2007, nine countries had no women in their national parliaments: Federated States of Micronesia, Kyrgyzstan, Nauru, Palau, Qatar, Saint Kitts and Nevis, Saudi Arabia, Solomon Islands and Tuvalu. Progress was noted in the Arab countries with the recent election of women to the Parliaments of Bahrain and the United Arab Emirates. The Parliament of the United Arab Emirates, which had progressed from 0 to 22.5 per cent of women members after the elections held in December 2006, was to be particularly commended.

Regarding the Pacific Islands, the other region where women's participation remained weak, the Group had an interesting meeting with the delegation of Palau. It felt confident that more women would be elected to that parliament soon.

Lastly, the Group invited men and women parliamentarians to respond to the IPU questionnaire on *Equality in Politics*, which can be downloaded from the following website: <http://ipu.transmachina.net>.

Other events

1. Panel discussion on *Violence against children: Making schools safe for children*

A panel discussion on *Making schools safe for children* was held on 2 May 2007 at the behest of women parliamentarians. Organized in cooperation with UNICEF, it was very well attended and generated lively debate. Keynote speakers included actress and UNICEF spokesperson, Ms. S. Jones, Chilean Senator J.P. Letelier, the Deputy Speaker of the South African National Assembly, Ms. G. Mahlangu-Nkabinde, the Children's Commissioner of New Zealand, Dr. C. Kiro, and Senior Director, Asia Pacific Microsoft, Ms. K. Bostick. The panel was chaired by Ms. A. Sondakk, member of parliament from Indonesia.

Delegates noted that millions of children spent more time in the care of adults in educational settings than anywhere else outside their homes. Violence in schools may be physical or psychological. Violence at the hands of teachers and other school staff included corporal punishment and other cruel and humiliating forms of punishment or treatment, sexual abuse, sexual harassment and bullying. The forms of violence perpetrated by children included bullying, sexual abuse, schoolyard fighting, gang violence and armed assault. Technology constituted a new vector of violence against children.

The panel addressed the subject of violence at school from several angles, emphasizing the key role of parents, educators, lawmakers and the media in preventing it. Violence against children was a universal phenomenon, irrespective of social class, development, wealth, race, culture, etc. Violence did not originate in schools, but rather reflected the dynamics within the home and within society at large.

Participants raised a number of salient points, namely:

- The need to educate and empower families and children: children are often regarded as objects and not subjects of rights.

- The need for men and women alike to feel concerned about violence against children, which should therefore not be labelled a "women's" issue.
- The need for partnerships across borders and between key actors in society, and especially with the private sector. It is also important to create cross-party networks at the national level and to continue parliamentary debates and action at the regional and international levels.
- The need for strong legislation and effective implementation: legislation is not enough. Existing laws must be implemented. Political determination and appropriate training of teachers are crucial to implementation. Good practices do exist; the IPU must work together with UNICEF to make them known and accessible via its website.
- The long-term need to change attitudes and behaviour: greater accountability is required by the media, which often creates and perpetuates a culture of violence and reinforces negative stereotypes, such as those related to gender, and that may indirectly encourage violence.

2. Panel discussion on *Global warming: Ten years after Kyoto*

A panel discussion on *Global warming: Ten years after Kyoto* was held in the afternoon of 2 May. The moderator and lead panellist was Mr. E. Salim, former environment minister of Indonesia. Other panellists were Mr. J. Zillman, former President of the World Meteorological Organization (WMO), Ms. E. Melisa, International Climate Policy Adviser, World Wildlife Fund (WWF), Indonesia, and Mr. Y. Yatsu, MP, President of the Global Legislators Organization for a Balanced Environment (GLOBE), Japan.

The panel provided a forum for a lively debate on the environmental and economic repercussions of climate change, and policy options to respond to the challenge. Some of the recommendations voiced by the parliamentarians were echoed in the Assembly President's declaration on the same subject that was subsequently adopted by the Assembly (see page 42).

3. Special event on citizenship and statelessness

A special IPU-UNHCR event on citizenship and statelessness took place on 2 May. The event served to present the main aspects of the recently adopted Indonesian Citizenship Act, which in many ways represented an important step forward for

women and citizens in Indonesia and set an example of good practice for countries facing similar challenges.

After Ms. T.I.L. Soetrisno, MP (Indonesia) introduced the Act, Ms. S. Supramaniam, from UNHCR, spoke about recent trends with regard to nationality and statelessness, including legislation on the transmission of nationality by women, legislative initiatives to reduce the number of cases of statelessness and the role of parliamentarians.

The event highlighted recent progress in several Arab countries with regard to mother-to-child transmission of nationality. The universal registration of births was underscored as being key to preventing statelessness.

Other activities

1. Launch of a new handbook for parliamentarians: *Eliminating Violence against Children*

The English version of *Eliminating Violence against Children: A Handbook for Parliamentarians* was launched on 2 May during the panel discussion on *Making schools safe for children* and at a subsequent press conference. The launch took place in the presence of UNICEF Deputy Executive Director, Mr. T. Niwa.

Jointly produced by the IPU and UNICEF, the Handbook provides recommendations and examples of good practices to enable parliamentarians to follow up the recent United Nations Secretary-General's Study on Violence against Children.

The French and Spanish versions of the Handbook will be made available in the coming months. At the launch, parliamentarians were encouraged to make use of the Handbook, disseminate it in parliament and translate it into national languages. At the close of the Assembly, three parliaments pledged to translate it into Arabic, Bahasa Indonesian and Russian.

2. Launch of a new IPU publication entitled *Missing pieces: A guide for reducing gun violence through parliamentary action*

As part of its series of Handbooks for Parliamentarians, the IPU in conjunction with the Geneva-based Centre for Humanitarian Dialogue

(HD Centre) jointly produced a new publication entitled *Missing pieces: a guide for reducing gun violence through parliamentary action*. The Handbook was formally launched on 30 April, during the opening sitting of the First Standing Committee on Peace and International Security. Following a brief presentation by the HD Centre, several delegations took the floor to voice their appreciation and call for all parliaments to make use of this important tool in their ongoing parliamentary activities.

The publication follows the adoption by the 114th IPU Assembly (Nairobi, 2006) of a resolution on *The role of parliaments in strengthening the control of trafficking in small arms and light weapons and their ammunition*. It looks at international commitments, identifies good practices and model legislation, and ultimately guides and inspires parliamentary action in this crucial area.

3. UNICEF-IPU field trip to Lombok, Indonesia, to visit child protection projects

Eighteen members of parliament from Australia, Canada, Egypt, Germany, Iceland, Indonesia, Italy, Mexico, Monaco, South Africa and Uruguay made a field trip to Nusa Tenggara Barat, on the island of Lombok, on 2 May. They were accompanied by the Deputy Executive Director of UNICEF, Mr. T. Niwa, and several UNICEF and IPU staff.

Organized by UNICEF, in cooperation with the IPU, the field trip showcased a number of child protection projects, such as a community-based facility for pre-natal and post-natal care, a village maternity post to help mothers give birth, an experimental elementary school mixing formal with informal education methods, a community centre run by children to provide support to victims of child abuse and violence, and a special police unit equipped to spot cases of child violence and take remedial action.

The field visit was organized within the framework of IPU and UNICEF's joint activities on child protection issues. It served to complement the panel on *Making schools safe for children* and the launch of the IPU-UNICEF Handbook on *Eliminating Violence against Children*.

An important by-product of the trip was a short documentary video. The video was presented at the

closing session of the Assembly, along with a report on the trip, by Ms. K. Hull (Australia).

4. Exhibition: *The plight of imprisoned parliamentarians-elect in Myanmar*

At the request of the Committee on the Human Rights of Parliamentarians, an exhibition was set up in the entrance hall of the Bali International Conference Centre to give a face to and tell the story of each of the twelve parliamentarians-elect in Myanmar who continue to languish in prison. The exhibition also made an appeal for increased parliamentary action to help effect change in Myanmar. It was officially opened on 29 April by the President of the Committee, Senator F. Drilon of the Philippines, and Mr. A. Laksono, Speaker of the House of Representatives of Indonesia.

Elections and appointments

1. Office of President of the 116th Assembly of the Inter-Parliamentary Union

Mr. A. Laksono, Speaker of the House of Representatives of Indonesia, was elected President of the Assembly.

2. Executive Committee

Mr. H. Fortes (Brazil) was elected to the Executive Committee until October 2007, to complete the term of office of Mr. J. Jorge (Brazil), who is no longer a member of parliament.

3. Bureaux of the Standing Committees

Standing Committee on Peace and International Security

President

Mr. T. Boa (Côte d'Ivoire)
(*African Group*)

First Vice-President

Mr. S.P. Morin (Indonesia)
(*Asia-Pacific Group*)

Vice-Presidents

African Group

Mr. Z. Madasa (South Africa) – substitute

Arab Group

Mr. B. Boutouiga (Algeria) – titular

Mr. T. Saad (Tunisia) - substitute

Asia-Pacific Group

Mr. J.D. Seelam (India) – substitute

Twelve Plus Group

Lord J. Morris of Aberavon (United Kingdom) – titular

Mr. R. Podgorean (Romania) – substitute

Eurasia Group

Mr. V. Likhachev (Russian Federation) – titular

Mr. V. Popov (Belarus) – substitute

Latin American Group

Mr. R.E. Barrios Flores (Guatemala) – titular

Mr. A. Breccia (Uruguay) - substitute

Standing Committee on Sustainable Development, Finance and Trade

President

Mr. P. Martin-Lalande (France)

(*Twelve Plus Group*)

First Vice-President

Mr. O. Abu Ghararah (Saudi Arabia)

(*Arab Group*)

Vice-Presidents

African Group

Ms. N. Schimming-Chase (Namibia) – titular
Mr. E. El-Tigani (Sudan) – substitute

Arab Group

Mr. M. El Said (Egypt) – substitute

Asia-Pacific Group

Ms. S. Tioulong (Cambodia) – titular
Mr. H.G. Chapman (Australia) – substitute

Twelve Plus Group

Mr. F. Notari (Monaco) – substitute

Eurasia Group

Mr. A. Fomenko (Russian Federation) – titular
Mr. B.Z. Zhambalimbuev (Russian Federation) -
substitute

Latin American Group

Mr. A. Lins (Brazil) – titular
Mr. R. Machuca (El Salvador) – substitute

Standing Committee on Democracy and Human Rights

President

Mr. E. Rodriguez Zavaleta (Peru)
(*Latin American Group*)

First Vice-President

Mr. Y. Zhumabayev (Kazakhstan)
(*Eurasia Group*)

Vice-Presidents

African Group

Mr. A.K. Bagbin (Ghana) – titular
Ms. M.G. Chetima (Niger) - substitute

Arab Group

Mr. Z. Azmy (Egypt) – titular
Mr. J. Fairouz (Bahrain) – substitute

Asia-Pacific Group

Mr. C.S. Atwal (India) – titular
Mr. T.J. Wan Junaidi (Malaysia) - substitute

Twelve Plus Group

Ms. R.M. Albernaz (Portugal) – titular
Mr. J. Carter (New Zealand) – substitute

Eurasia Group

Mr. A. Felaliev (Tajikistan) – substitute

Latin American Group

Mr. D. Cortez (Panama) – substitute

4. Rapporteurs of the Standing Committees to the 118th Assembly

Standing Committee on Peace and International Security

Mr. L.M. Suklabaidya (India)
Ms. H. Mgabadeli (South Africa)
Lord Morris of Aberavon (United Kingdom)

Standing Committee on Sustainable Development, Finance and Trade

Mr. E.P.B. Quenum (Benin)
Mr. F.-X. De Donnea (Belgium)

Standing Committee on Democracy and Human Rights

Mr. A. Dismore (United Kingdom)
Mr. C. Camacho (Mexico)

5. Committee on the Human Rights of Parliamentarians

Mr. A.Q. Pimentel Jr. (Philippines) was elected titular member, to serve until his term of office as a senator expires in 2010.

Mr. P. Mahoux (Belgium) was elected titular member for a five-year term of office ending in April 2012.

Mr. N. Ávila Contreras (Chile) was elected substitute member for a five-year term of office ending in April 2012.

Ms. A. Boumediene-Thiery (France) was elected substitute member for a five-year term of office ending in April 2012.

6. Committee on Middle East Questions

Ms. A. Clywd (United Kingdom) was elected substitute member for a four-year term of office ending in April 2011.

Mr. L.H. Ishaq (Indonesia) was elected substitute member for a four-year term of office ending in April 2011.

Mr. R. Salles (France) was elected substitute member for a four-year term of office ending in April 2011.

7. Group of Facilitators for Cyprus

Ms. S.E. Greiss (Egypt) was elected to replace Ms. F. Al-Refaie (Egypt), who is no longer a member of parliament.

8. Coordinating Committee of the Meeting of Women Parliamentarians

Ms. A. Joaquín Coldwell (Mexico), regional substitute member, was elected titular member to replace Ms. M.V. Matta (Venezuela), who is no longer a member of parliament. Ms. A. Sanz (Venezuela) was elected substitute member to fill the vacancy left by Ms. Joaquín Coldwell.

Ms. L. Changwe (Zambia) was elected titular member to replace Ms. R.C. Banda (Zambia), who is no longer a member of parliament.

Membership of the Inter-Parliamentary Union *

Members (147)

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

Associate Members (7)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Latin American Parliament, Parliament of the Economic Community of West African States, and the Parliamentary Assembly of the Council of Europe.

* At the closure of the 116th Assembly

Agenda, Resolutions and Decisions of the 116th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 116th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world
4. Ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world
(Standing Committee on Peace and International Security)
5. Job creation and employment security in the era of globalization
(Standing Committee on Sustainable Development, Finance and Trade)
6. Promoting diversity and equal rights for all through universal democratic and electoral standards
(Standing Committee on Democracy and Human Rights)
7. Approval of the subject items for the 118th Assembly and appointment of the Rapporteurs
8. International cooperation to combat terrorism, its root causes and its financing, including cross-border funding

ENSURING RESPECT FOR AND PEACEFUL CO-EXISTENCE BETWEEN ALL RELIGIOUS COMMUNITIES AND BELIEFS IN A GLOBALIZED WORLD

Resolution adopted by consensus by the 116th IPU Assembly (Nusa Dua, Bali, 4 May 2007)*

The 116th Assembly of the Inter-Parliamentary Union,

Affirming that tolerance, recognition and acceptance of cultural, ethnic, religious and linguistic diversity, and dialogue among and within civilizations are essential for respect, peaceful co-existence and cooperation among individuals and people in their diversity of belief, culture and language, and that differences within and between societies should be neither feared nor repressed, but rather cherished as a precious asset of humanity,

Underlining the importance of promoting understanding, tolerance, mutual respect and friendship among human beings in their diversity of religion, belief, culture and language, and *recalling* the inherent dignity and the equal and inalienable human rights and fundamental freedoms of all members of the human family, universal respect for which all States have an obligation to observe, protect and encourage,

Recognizing that all religions have made valuable contributions to civilization and that there are common values shared by all humankind,

Recalling the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, in particular the rights to freedom of thought, conscience, religion and belief, and in Article 18 of the International Covenant on Civil and Political Rights,

Further recalling the Global Agenda for Dialogue among Civilizations and the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization (UNESCO), as well as the principles contained therein,

Welcoming the entry into force, on 18 March 2007, of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions,

Recalling that the IPU, through the resolutions it adopted at the 102nd (Berlin, 1999) and 103rd (Amman, 2000) Inter-Parliamentary Conferences and at the 110th IPU Assembly (Mexico City, 2004), has inter alia resolved to promote dialogue among civilizations and cultures, has emphasized the potential contribution of parliaments to the peaceful co-existence of ethnic, cultural and religious minorities and to international reconciliation, and has called upon all States to adopt appropriate measures to ensure mutual respect and cooperation among ethnic, cultural and religious communities,

Recalling the adoption of the 2005 United Nations World Summit Outcome, which acknowledges the importance of respect and understanding for religious and cultural diversity throughout the world,

Welcoming all national, regional and international initiatives which seek to establish or enrich reciprocal knowledge, interfaith dialogue and mutual respect,

Commending the valuable contribution made by initiatives such as the United Nations Alliance of Civilizations, the Bali Declaration on Building Interfaith Harmony within the International

* The Arab Group expressed a reservation on operative paragraph 5.

Community, the Congress of Leaders of World and Traditional Religions, the Dialogue among Civilizations and Cultures, the Strategy of Enlightened Moderation, the Informal Meeting of Leaders on Interfaith Dialogue and Cooperation for Peace and the Islam-Christianity Dialogue, which are all mutually inclusive, reinforcing and interrelated,

Recognizing that religions often play a central role in society in terms of their contribution to shaping social and family organizations and internalizing fundamental values that can and must help build a more tolerant and respectful society,

Recognizing that interfaith dialogue and understanding, including the awareness of differences and commonalities among peoples and civilizations, contribute to the peaceful resolution of conflicts and disputes, reduce the potential for animosity, clashes or violence and enable people to perceive ethnic, cultural or religious diversity as a source of cultural enrichment,

Emphasizing that interfaith dialogue should focus on what religions have in common instead of what divides them, and serve to strengthen relations between cultures and civilizations and resolve practical problems, while at the same time avoiding the entrenchment, or even creation, of artificial ethnic, cultural or religious identities or fault lines within and between societies,

Stressing that the focus on dialogue between civilizations and cultures must not be invoked to justify discriminatory laws and practices within cultures and civilizations, especially regarding women, children and the elderly, and that respect and tolerance for other cultures and civilizations must always be rooted in the overarching principle of respect for the human rights protecting every human being, regardless of sex, race, religion or political affiliation,

Emphasizing, therefore, the need, at all levels of society and among nations, to strengthen freedom, justice, respect for human rights, democracy, tolerance, solidarity, cooperation, pluralism, respect for diversity of culture and religion or belief, dialogue and understanding, which are important elements for preserving and consolidating peace and security at the national, regional and international levels,

Alarmed by the reappearance of religious extremism and xenophobic expressions worldwide and *noting* that interfaith dialogue and religious freedom are effective means of fighting the scourge of intolerance,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Alarmed that instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, are on the increase in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms, such as the freedom of thought, conscience and religion, and *recalling* that the use of violence in the name of religion can never be justified,

Alarmed by attempts to attribute acts of terrorism to any religion,

Condemning any display of xenophobia, racism and intolerance towards immigrants and ethnic, cultural and religious minorities, and *emphasizing* that combating hatred, prejudice, intolerance and stereotyping on the basis of religion or culture represents a significant global challenge that requires further action,

Recalling that parliament is the institution that embodies par excellence the diverse attributes and opinions of society and reflects and channels this diversity in the political process, and that its mission is to defuse tensions with the aim of strengthening social cohesion and solidarity,

Underscoring the particular obligation of parliaments and their members to defend and promote the rights of persons belonging to ethnic, cultural and religious minorities, thereby creating a society in which every individual enjoys all civil, political, economic, social and cultural rights, in particular freedom of worship and the right to freely practice a religion, under democratic principles and conditions,

Convinced that parliaments can help facilitate understanding and cooperation among States and peoples and promote dialogue, tolerance, mutual respect and understanding among civilizations, thus helping to prevent and counter armed conflicts and terrorism,

Recalling that, according to its Statutes, one of the purposes of the IPU is to work towards peace and cooperation among peoples, and *recognizing* the significant role that the IPU can play in enhancing interaction between societies and peoples and promoting dialogue among different civilizations,

Further underscoring the growing role played by the press, in particular the global media (satellite television channels and the Internet) in shaping the image that the members of different civilizations and religious communities have of each other,

Reiterating that freedom of expression and freedom of the press are, as undeniable fundamental rights, two pillars of democracy, two long-awaited freedoms for which societies and individuals have long fought against tyranny and oppression,

Reaffirming that freedom of expression should be exercised in such a way as not to incite hatred, racism, xenophobia or human rights violations,

Stressing the crucial role of education in promoting a better understanding of other cultures and civilizations, a spirit of tolerance and the principle of non-discrimination towards all persons,

A. Role of parliaments in ensuring respect for and peaceful co-existence between all religious communities and beliefs on the national level

1. *Calls on* parliaments and their members to use all means available to them to promote peaceful co-existence and constructive cooperation between different communities and to prevent any unfavourable or discriminatory treatment arising from their belonging to an ethnic, cultural or religious group, in a spirit of tolerance and dialogue;
2. *Acknowledges* that mutual respect and cooperation among ethnic, cultural and religious communities are expressed, for the most part, not in special laws but, more effectively, in the framework of a constitution guaranteeing democracy, respect for human rights, individual freedoms, including religious freedom, and the peaceful co-existence of ethnic and religious groups and minorities;
3. *Calls on* parliaments therefore to take effective measures to prevent and eliminate discrimination on the grounds of religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life, to make all efforts to enact legislation prohibiting such discrimination and to repeal any existing discriminatory laws, and to take all appropriate measures to combat intolerance on the grounds of religion or belief;

4. *Urges* all parliaments to take effective measures to combat incitement to, or acts of, violence, intimidation and coercion motivated by hatred and intolerance based on culture, religion or belief, which may cause discord and disharmony within and among religious and cultural communities, in compliance with relevant international obligations;
5. *Reaffirms* that whether or not people profess a religion is a matter of personal choice and therefore *calls on* parliaments to ensure that such a choice is not penalized and, in particular, is not punishable by law;
6. *Calls on* all parliaments and their members to take appropriate measures so that the national political and legal systems reflect the multicultural diversity of society;
7. *Stresses* that democratic political institutions are a goal, and that hence organizations of all kinds should extend and promote the use of more participatory practices and avoid the marginalization and exclusion of, and discrimination against, specific sectors of society;
8. *Encourages* parliaments to ensure, as appropriate, that, in the course of their official duties, members of law enforcement bodies and the military, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs, and that the necessary and appropriate education or training is provided;
9. *Urges* parliaments to ensure that international and regional agreements to preserve the identity of ethnic, cultural and religious minorities are ratified or signed by any States which have not yet done so, and to supervise their effective implementation;
10. *Urges* parliaments to adopt political measures and enact legislation aimed at building the capacity to accept diversity among members of different social communities;
11. *Calls on* parliaments to ensure that religious and cultural sites are fully respected and protected in compliance with international obligations and in accordance with their national legislation, and to adopt adequate measures aimed at preventing acts or threats of damage to and destruction of these sites;
12. *Invites* parliaments to take effective measures to protect freedom of the press and freedom of expression, and *calls on* parliaments to enact legislation which promotes the ethical responsibility that goes with these freedoms, particularly not to incite hatred, racism, xenophobia and human rights violations;
13. *Calls on* parliaments, as appropriate, to promote policies designed to nurture understanding, tolerance, mutual respect and friendship among human beings in their diversity of religion, belief, culture and language, and to mainstream the gender perspective in these policies, in recognition that education at all levels is one of the principal means of building a culture of peace;

B. Role of parliaments in ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world

14. *Recognizes* that respect for religious and cultural diversity and dialogue between different religions and cultures in an increasingly globalized world promotes enhanced

understanding among religions, cultures and civilizations and contributes to international cooperation, peace and security;

15. *Acknowledges* that respect for the diversity of religions and cultures, tolerance, dialogue and cooperation in a climate of mutual trust and understanding can serve to combat ideologies and practices based on discrimination, intolerance and hatred and help to reinforce world peace, social justice and friendship among peoples;
16. *Also recognizes* that, despite the intolerance and conflicts that are dividing countries and regions and constitute a growing threat to peace, all religions, cultures and civilizations share a common set of universal values and can all contribute to the enrichment of humankind;
17. *Welcomes*, therefore, the efforts of States, relevant bodies within the United Nations system, other intergovernmental organizations, civil society, including faith-based and other non-governmental organizations, and the media to develop a culture of peace and promote understanding and tolerance among human beings in their diversity of culture, religion, belief and language, and *encourages* them to continue such efforts, including by promoting interfaith and intercultural interaction within and among societies through, inter alia, congresses, conferences, seminars, workshops, research work and related processes;
18. *Calls on* parliaments to take all necessary action to combat incitement to or acts of violence, intimidation and coercion motivated by hatred and intolerance based on culture, religion or belief, which may cause discord and disharmony within and among societies globally, in compliance with relevant international obligations;
19. *Invites* national parliaments and parliamentarians to take an active part in the programmes of the United Nations and UNESCO for dialogue among civilizations and cultures and to encourage their governments to contribute to such programmes, in particular to the implementation of the recommendations contained in the report of the High-Level Group of the Alliance of Civilizations;
20. *Invites* parliaments to enact legislation to counter the dissemination, in the media and via the Internet, of hate messages based on culture, religion or belief;

C. Role of inter-parliamentary cooperation in ensuring respect for and peaceful co-existence between all religious communities and beliefs in a globalized world

21. *Expresses* the need for a more intensive inter-parliamentary exchange of information and experience in respect of the implementation of effective measures in this field, and *stresses* the supportive role played by the IPU;
22. *Urges* parliaments and parliamentarians to establish and strengthen parliamentary dialogue among civilizations and cultures, within the framework of the IPU and the various inter-parliamentary assemblies they participate in, and through bilateral initiatives such as the establishment of inter-parliamentary friendship groups;
23. *Recommends* that the IPU Secretariat and national parliaments, in coordination with the United Nations Secretariat, UNESCO and other relevant organizations, contribute to the preparation of an international instrument for the implementation of all the provisions of this resolution, as adopted by the 116th IPU Assembly.

JOB CREATION AND EMPLOYMENT SECURITY IN THE ERA OF GLOBALIZATION

Resolution adopted unanimously by the 116th Assembly (Nusa Dua, Bali, 4 May 2007)

The 116th Assembly of the Inter-Parliamentary Union,

Recalling the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966),

Mindful of the outcome of the World Summit for Social Development (Copenhagen, 1995), which adopted a Declaration and a Programme of Action constituting the basic framework for the promotion of social development for all at the national and international levels,

Conscious of the need to uphold and defend basic human rights, the rule of law and universal access to education, which are vital to social and economic development, as stipulated in the Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Organization (ILO) in 1998,

Recalling the United Nations Global Compact, launched in 2000, the United Nations Millennium Development Goals, adopted in 2000, and the report, "Investing in Development", published by the United Nations Millennium Project in 2005, and *recognizing* that the creation of jobs, decent work and employment security are key to the attainment of the Millennium Development Goals,

Recalling that at the World Summit 2005 Heads of States and government resolved to make the goals of full and productive employment and decent work for all, including for women and young people, a central objective of their national and international macro-economic policies and poverty reduction strategies, and also *recalling* the World Summit's commitment to ensure full respect for the fundamental principles and rights at work,

Further recalling the resolutions of the IPU, in particular those adopted by the 98th Inter-Parliamentary Conference (Cairo, September 1997) on employment in a globalizing world, the 107th Inter-Parliamentary Conference (Marrakech, March 2002) on the role of parliaments in developing public policy in an era of globalization, multilateral institutions and international trade agreements, and the 109th IPU Assembly (Geneva, October 2003) on the contribution of new information and communication technologies to good governance, the improvement of parliamentary democracy and the management of globalization, and *welcoming* the new IPU/ILO programme of cooperation,

Recalling the report, "A Fair Globalization: Creating Opportunities for All", drawn up by the World Commission on the Social Dimension of Globalization (ILO, 2004), and the Ministerial Declaration on Employment and Decent Work for All adopted at the High-level Segment of the United Nations Economic and Social Council in July 2006,

Recognizing ILO's unique role and competence, as recalled in the Ministerial Declaration on Employment and Decent Work for All, in bringing about the realization of decent work for all,

Recalling the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003), and *recognizing* the effects of international migration on millions of workers worldwide,

Recognizing that, while many countries have adhered to the ILO Convention on the Worst Forms of Child Labour, by which they undertake to reinforce legislation prohibiting child labour, the latter is in fact on the rise and continues to be one of the biggest scourges of society,

Noting that, according to data published by ILO between 2002 and 2006 in studies, conventions and reports on international events:

- (a) the global labour force continues to grow, with some 3 billion people currently employed or seeking employment;
- (b) about 80 per cent of the global labour force is in developing countries, which means that 430 million jobs will have to be created over the next 10 years, or 43 million jobs annually, in these countries alone;
- (c) the number of unemployed in developing countries, the majority of them women, grew from 157 million in 1995 to an unprecedented 195.2 million in 2006, with the Middle East and North Africa having the world's highest unemployment rate, 12.2 per cent in 2006, followed by sub-Saharan Africa at 9.8 per cent;
- (d) despite the many obstacles they have to overcome in the labour market, women make up 40 per cent of today's global labour force, with the overall number of women workers having increased from almost 1 billion to 1.22 billion between 1991 and 2005;
- (e) between now and 2020, the impact of HIV/AIDS on persons of working age could result in losses of up to US\$ 270 billion in the 41 countries most affected;
- (f) unemployment has risen globally by over 20 per cent in the past ten years, with unemployment among the young (86.9 million) rising from 12 to 13.7 per cent, or 44 per cent of all unemployed globally, and with young people in developing countries being 3.3 times more likely to be unemployed than adults in 2005, compared to 2.3 times in developed economies;
- (g) even though the overall number of child labourers has fallen by 11 per cent in the last four years, nearly 218 million children went to work rather than attending school in 2004;
- (h) the population pyramid has changed considerably in recent years, with the proportion of persons over the age of 60 and of working men and women over the age of 50 growing steadily on a global scale;
- (i) the percentage of workers employed in the services sector rose from 34.3 per cent in 1995 to 40 per cent in 2006, thus exceeding, for the first time, that of the agricultural sector;
- (j) the number of workers affected by violations of trade union rights remains at an unacceptable level,

Noting that people with disabilities, and especially women with disabilities, face multiple layers of disadvantage in accessing the labour market, such as prejudice and lack of education, and that 80 per cent of people with disabilities are unemployed; *further noting* that unemployment among people with disabilities has knock-on effects for their carers, who are predominantly women and girls,

Convinced that public opinion is divided on globalization, which has brought about unprecedented change in the lifestyles of individuals, families and whole societies, and that innovative approaches are required to conduct a comprehensive assessment of the phenomenon's repercussions on social, economic and cultural development and its differential impact on women and men,

Convinced that trade regimes negotiated by international financial institutions such as the World Trade Organization (WTO), the International Monetary Fund (IMF) and the World Bank have in certain instances held back economic growth, resulting in significant job losses and unemployment, particularly in developing countries,

Mindful at the same time that fair globalization has the potential to promote economic growth and efficiency while advancing human development and prosperity,

Convinced that, for globalization to be fair, it must imply a more just distribution of its advantages,

Stressing the need for good governance to promote economic growth,

Noting that the debate about the effects of globalization on decent work tends to polarize along geographic and political lines rather than along living and working conditions or social and family roots,

Recognizing that lack of understanding of the driving forces of globalization and of its impact on labour markets complicates the search for adequate responses to the political challenges it poses nationally and internationally,

Conscious of the "brain drain" phenomenon involving the migration of skilled labour from developing to developed countries and the negative impact it has had on economic growth in developing countries,

Conscious of the breathtaking speed at which the process of globalization is affecting labour markets, in particular with regard to job creation and conditions of employment in both industrialized and developing countries,

Convinced that poverty reduction, compulsory State-provided and financed education until at least 16 years of age, the provision of full and productive employment and decent work should be central objectives of the long-term national development policies of all countries,

Conscious that the concept of work as a source of dignity has been devalued, the leading school of economic thought viewing labour as merely a factor of production and taking scant account of the value of work for individual human beings, their families, communities and society at large,

Concerned that globalization risks being accompanied by a process of polarization whereby some people, countries and companies reap the benefits in terms of increased markets, job creation,

growth and further progress, while others bear the brunt in terms of limited competitiveness, job loss and impoverishment,

Noting that increased international competitiveness has led labour markets in many countries to evolve in the direction of greater flexibility and wider application of non-standard conditions of employment (temporary and part-time work, fixed-term contracts, etc.) which are not necessarily covered by labour legislation and social security norms, thus exposing workers to additional risks and disadvantages,

Also noting that the phenomenon of increased labour market flexibility can contribute to the insecurity and social marginalization of substantial portions of the population and that it is therefore necessary to improve employment security in all sectors of the national economy,

Convinced of the importance of striking a balance between the need for employers to exercise flexibility in workforce management, on the one hand, and the legitimate right of employees to freedom of association and the right to collective bargaining, job security, safe and healthy work conditions, access to vocational training and social protection, on the other, and *recognizing* that parliaments have an extremely important role to play in this respect,

Persuaded that, to meet the challenges of globalization while providing effective protection of employees' rights and duties, labour laws and their enforcement should be regularly reviewed, and *recognizing* that parliaments have an extremely important role to play in this respect,

Stressing the need for proactive labour market policies and targeted job-creation measures that enhance the prospects for better jobs and productive employment for all, and the need to create an enabling environment for entrepreneurship and private sector development, especially through small and medium-sized enterprises (SMEs) and cooperatives,

Stressing the need to develop both the public and the private sectors of the economy and to use the potential of international fair trade and foreign direct investment to create jobs and improve the performance of labour markets,

Convinced that education is a potentially liberating force and a fundamental tool for the professional development of women and men, and that it is therefore imperative to promote a well-planned link, in particular between higher education and labour market needs and demands,

Emphasizing that, to stay competitive in an increasingly knowledge-based economy and in the era of globalization, employees and the unemployed should have access to ongoing education and vocational training,

Persuaded that policies for the control and management of immigration must be coordinated with adequate policies for social integration, education and professional training to prevent spontaneous immigration from combining with illegitimate interests to force labour costs below the legal limits, and to avoid the formation of unskilled and underpaid labour ghettos and instances of modern slavery,

Mindful of the essential role of the social partners in promoting dialogue and curbing the harmful effects of labour market flexibility,

Alarmed at the increase in prostitution, forced labour and the global phenomenon of trafficking of women and girls, and *recognizing* that coordinated efforts are needed to ensure that women are protected from all kinds of sexual exploitation, including when masked as bogus job offers,

Aware that trade unions are deeply interested in preserving the potential benefits of fair globalization and in making use of faster economic growth and higher employment opportunities, coupled with the advantages of stability that come with economic interdependence,

Convinced that respect for human rights, including core labour standards, should be an essential part of the broader international agenda,

Emphasizing the need to uphold participatory democracy, strengthen the rule of law and promote respect for and fulfillment of international standards in the field of human rights and fundamental freedoms, including the right to decent work and the right to development,

Also emphasizing the need to provide social safety nets for different categories of workers who are confronted with employment difficulties as a direct or indirect consequence of globalization, especially in the informal sector,

Further emphasizing the role played by parliaments and their members in extending the benefits of fair globalization to developing countries, to ensure that their populations enjoy greater social justice, economic prosperity, stability, employment security, and social protection,

1. *Urges* parliaments to promulgate laws that favour employment growth and to exert pressure on governments, employers, trade unions and other stakeholders to place job creation and decent work at the centre of national policy agendas and to pursue the creation of an environment conducive to the balanced development of both rural and urban areas;
2. *Also urges* governments, with trade unions, employers, other social partners and ILO, to pay closer attention to the social and gender-related impact of globalization, focusing in particular on job creation and improvement of work conditions, and to ensure that women and men receive equal pay for equal work;
3. *Encourages* the development of policies that serve to change cultural attitudes with regard to women's place in the labour market and within the management of enterprises;
4. *Calls* on States to establish systems that enable all persons to have the opportunity to receive an education and vocational training appropriate to their individual needs;
5. *Calls on* governments to fight against the precariousness of labour conditions and *urges* them to conclude bilateral, regional and multilateral agreements that provide legal protection and ensure better treatment for all workers;
6. *Calls upon* States that have not ratified the United Nations Convention on the Protection of All Migrant Workers and Members of Their Families to do so, and *urges* parliaments to establish regulations that provide better treatment and protection for all migrant workers, including women;

7. *Urges* governments and parliaments to combat discrimination based on sex, age, religion, ethnicity or health, including pregnancy, as well as all forms of exploitative work, such as bonded labour, forced labour, the worst forms of child labour, human trafficking and forced prostitution, and other slavery-like practices;
8. *Urges* governments not to enter into any precarious or informal labour contracts with their staff, and to support alternative modes of organization and collective bargaining, setting an example for the community;
9. *Calls on* the international community to ensure more equal access to the benefits of globalization for all countries and groups of population, removing discrimination based on age or sex and levelling out the enormous disparities and irregularities that exist in terms of access to means of livelihood and social protection;
10. *Urges* governments to collect and analyze employment data disaggregated by sex, age, ethnicity and religion, in order to assess the different impacts of the globalized labour market;
11. *Draws the attention* of parliaments and governments to the fact that, difficult as it may be, job security, safety and health at work should not suffer in the face of increasing labour market flexibility;
12. *Encourages* all social partners, including employers' and employees' organizations, to engage in effective and inclusive social dialogue aimed at identifying policy tools and operational procedures for creating more jobs, reducing unemployment, and improving employability through skills development;
13. *Encourages* governments to create a propitious environment for women's associations, so as to assist women in gaining skills to become entrepreneurs;
14. *Encourages* parliaments to support the entry into force of the United Nations Convention on the Rights of Persons with Disabilities and the implementation of its provisions relating to work and employment;
15. *Calls on* governments to enhance development, reduce poverty and inequality within and between countries, narrow the educational gap between countries and sustain the transformations resulting from new information and communication technologies (ICT);
16. *Recommends* that more training and skills development be provided, in particular to women, in the field of ICT, organizational skills in management and financial systems, and *further recommends* that training and educational curricula be better tailored to respond to labour market needs;
17. *Recommends* that priority in terms of public and foreign investment be given to labour-intensive infrastructure projects that provide massive employment for the poor and are located in poor areas;
18. *Also recommends* that a strict balance be observed between the interests of the private and the public sectors in terms of ensuring sustainable productivity growth and improved economic competitiveness, as well as social stability, equality for all, respect for workers'

rights and equality of opportunities between men and women, and that unpaid work performed within the domestic sphere, primarily by women, be taken into account in policy-making;

19. *Calls on* corporations to follow the principles of corporate social responsibility;
20. *Urges* governments and financial institutions to support and promote self-employment and medium, small and micro enterprises in both urban and rural informal sectors; while giving particular attention to measures that promote women's self-employment and entrepreneurship, such as micro finance; and *urges* international organizations to help the developing countries build the social and financial framework needed to enhance local entrepreneurship;
21. *Urges* governments and parliaments to see to it that labour legislation continuously provides opportunities for enterprise development and jobs expansion, and ensures adequate social protection for employees in an environment conducive to sustainable development;
22. *Urges* parliaments to review all relevant laws and regulations to ensure that they do not discriminate against women, including property rights laws to ensure that women enjoy the right to inherit land, capital and other assets, all of which constitute important sources of business financing as well as unemployment insurance;
23. *Urges* parliaments to legislate working conditions that enable men and women to balance work and family responsibilities, *recommends* that child-care services and paid maternity leave be provided for women in the workforce, and *further encourages* the introduction of paternity leave to help parents balance family and work-related obligations;
24. *Calls on* governments to implement the recommendations of the report, "A Fair Globalization: Creating Opportunities for All", drawn up by the World Commission on the Social Dimension of Globalization;
25. *Calls on* governments to bring the Doha Round of the WTO to a successful conclusion in order to facilitate fair trade as the motor for generating employment in the developing countries;
26. *Invites* the IPU to conduct a general study of how parliaments address the impact of globalization in their respective countries, including an assessment of the role of parliaments in promoting decent work for all, and *recommends* that the IPU facilitate the identification and exchange of best practices relating to parliamentary action in this area;
27. *Proposes* that governments draw up strategies and put together campaigns to prevent and eliminate the physical and psychological violence in the workplace that, as emphasized in the recommendations of the 114th IPU Assembly, has become a worldwide phenomenon affecting women in particular;
28. *Calls for* greater coherence between programmes and policies aimed at attaining the objective of decent work, and *invites* governments and the social partners to incorporate these recommendations into their national strategies with a view to bringing about a meaningful change in people's lives, in keeping with the priorities, policies and customs of every country.

PROMOTING DIVERSITY AND EQUAL RIGHTS FOR ALL THROUGH UNIVERSAL DEMOCRATIC AND ELECTORAL STANDARDS

*Resolution adopted unanimously by the 116th IPU Assembly
(Nusa Dua, Bali, 4 May 2007)*

The 116th Assembly of the Inter-Parliamentary Union,

Convinced that diversity and equal rights for all can be protected and promoted through universal democratic standards, including free and fair elections,

Further convinced that universal democratic electoral standards are an effective guarantee of diversity and equality rights,

Believing that protection of diversity by means of scrupulously framed laws that guarantee equality of basic rights is the *sine qua non* condition for democratic and parliamentary polity,

Convinced of the economic and social benefits of strengthening political and electoral rights,

Recognizing that all individuals belonging to different religious, ethnic and cultural segments of society have an equal right to participate in the process of development and to enjoy the fair distribution of benefits resulting from development,

Reaffirming that all individuals are equal in society and have the right to participate in all aspects of the electoral process of their country, and thus to express their free will irrespective of race, colour, language, political or other opinion, national or social origin, property, disability, birth, creed, religion, gender, ethnic group or other status,

Aware of the continuous need to ensure that women enjoy their political rights in parity with men, such as the right to vote, to be elected and to assume strategic roles in their country's decision-making processes,

Acknowledging the role played by the United Nations, the Inter-Parliamentary Union and national parliaments in promoting equality and diversity,

Further recognizing the concepts and ideals of diversity and equality as enshrined in international instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and Convention No. 169 of the International Labour Organization (ILO), concerning indigenous and tribal peoples in independent countries, the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Declaration on Race and Racial Prejudice and other core international human rights instruments upholding the right to take part in public affairs, to vote and to be elected at genuine periodic elections without discrimination,

Recalling the relevant resolutions of the IPU,

Recalling the Declaration on Criteria for Free and Fair Elections adopted by the 91st Inter-Parliamentary Council (Paris, 1994) and the Universal Declaration on Democracy adopted by the 98th Inter-Parliamentary Council (Cairo, 1997),

Emphasizing that, as long as the principle of democracy is enshrined in laws that ensure respect for universal standards of equality in political and electoral rights, it may be applied differently, according to the culture, history and constitution of each nation,

1. *Urges* governments and parliaments not yet having done so to implement in earnest the international treaties they have ratified with respect to promoting diversity and universal equality;
2. *Invites* parliaments and governments to pursue their efforts to fulfil the objectives set out in the IPU Universal Declaration on Democracy, in particular:
 - Ensure that there is a genuine partnership between men and women in the conduct of public affairs;
 - Fully respect human rights, as defined in the relevant international conventions;
 - Ensure that parliament is representative of all components of society;
 - Provide parliament with the requisite means to express the will of the people by legislating and overseeing government action;
 - Hold fair elections at regular intervals, on the basis of universal, equal and secret suffrage, thus enabling the people's will to be expressed;
 - Ensure compliance with civil and political rights, such as the rights to vote and to be elected, the rights to freedom of expression and assembly, the right to have access to information and the right to organize political parties and carry out political activities;
 - Regulate party activities, funding and ethics in an impartial manner;
 - Regulate individual participation in democratic processes and public life impartially, in order to avoid any discrimination or the risk of intimidation by State and non-State actors;
 - Ensure access by all to administrative and judicial remedies and guarantee respect for administrative and judicial decisions;
 - Pledge to satisfy the economic and social needs of society's most disadvantaged, thus ensuring their full integration in the democratic process;
 - Accommodate the participation of all people in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance;
 - Foster decentralized government and administration;

3. *Calls upon* governments and parliaments to ensure that countries give all individuals, in accordance with international obligations, equal opportunities to participate in the electoral process, and to encourage civil society, cooperate with it and promote its active involvement in the electoral process;
4. *Calls upon* governments to include parliamentarians in election observer missions and encourages parliaments to send independent election observer missions to other countries;
5. *Urges* national parliaments, parliamentarians and the IPU to heighten people's awareness about the exercise of their rights and duties in a democracy;
6. *Encourages* parliaments and parliamentary bodies such as committees to promote, monitor and evaluate the participation of minority groups and vulnerable members of society in the electoral process;
7. *Calls upon* governments and parliaments to ensure strict compliance with the 1994 IPU Declaration on Criteria for Free and Fair Elections;
8. *Urges* governments to provide a level playing field and give equal opportunities to all candidates and political parties taking part in the democratic and electoral process, and to give them fair access to the media;
9. *Calls upon* parliaments and governments to ensure transparency in election funding and expenditure;
10. *Calls upon* parliaments to enact legislation to ensure the security and freedom that are conducive to a free, fair, transparent and peaceful multi-party election process that is free of violence, undue influence and corruption, and to ensure free and secret suffrage;
11. *Urges* governments and parliaments to take active measures, namely to provide access to information and voters lists, with a view to enabling all individuals to participate in the electoral process without pressure of any kind;
12. *Urges* parliaments to prevent interference by foreign governments in other countries' elections and democratic processes, and *stresses* the responsibility of the international community to ensure respect for the outcome of free and fair elections.

INTERNATIONAL COOPERATION TO COMBAT TERRORISM, ITS ROOT CAUSES AND ITS FINANCING, INCLUDING CROSS-BORDER FUNDING

Resolution adopted without a vote by the 116th IPU Assembly
(Nusa Dua, Bali, 4 May 2007)*

The 116th Assembly of the Inter-Parliamentary Union,

Recalling the resolutions on combating terrorism adopted by the United Nations General Assembly, by the United Nations Security Council, in particular resolutions 1700 (2006) and 1723 (2006), and by the IPU at its 108th (Santiago de Chile, 2003), 111th (Geneva, 2004) and 115th Assemblies (Geneva, 2006),

Reiterating its strong condemnation of terrorism in all its forms and manifestations, as it constitutes one of the most serious threats to international peace and security,

Welcoming all international efforts conducted under United Nations auspices to counter and combat terrorism, including measures to prevent, combat and eliminate financing of terrorism and cross-border funding,

Reaffirming the fundamental importance of multilateralism and international cooperation, as well as the central role of the United Nations, in combating terrorism, its root causes and its financing, including cross-border funding,

Stressing the need to create conditions conducive to the elimination of terrorism,

Noting that providing illicit funds allows and enables terrorist organizations and terrorists to carry out attacks, procure arms and ammunition, provide monetary support to other terrorists and attract recruits for terrorist activities,

Believing that terrorism constitutes a gross violation of human rights, in particular the right to freedom and security, as well as an obstacle to the free functioning of institutions and socio-economic development, as its aim is to destabilize States,

Determined to take the measures listed below, and *reaffirming* that the defence and protection of human rights for all and primacy of the law are key components of the struggle against terrorism, and that effectively fighting terrorism and protecting human rights are not conflicting but rather complementary and synergistic objectives,

Reaffirming that the States must ensure that all measures taken to combat terrorism are in line with their obligations under international law, in particular international human rights law,

* The delegations of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia and the United Kingdom declared that they would not participate in the proceedings relating to the resolution as they considered its adoption in contravention to the rules. The delegation of the Republic of Korea said that it was taking the same position. The delegation of Japan indicated its opposition to the resolution.

international refugee law and international humanitarian law, and *underscoring* the need to uphold and protect the rights of the victims of terrorist acts,

Convinced that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Recalling further the demand made by the 115th IPU Assembly that all States must prevent banks, organizations or other entities within their territories or jurisdiction from funding or encouraging terrorist activities or lending any kind of support to terrorists or terrorist organizations,

Affirming the important role of parliaments in facilitating government efforts to combat terrorism, its root causes and its financing, including cross-border funding,

Deeply concerned that some terrorist groups are known to be receiving funds directly from sponsoring States, and that such groups receive funds through non-traditional channels,

Alarmed that the continued presence of foreign forces in Iraq has further worsened social, political and economic conditions, created fertile ground for the growth of terrorism and caused ethnic conflicts in Iraq which may have spilled over to the region and the rest of the world,

Reaffirming also that the United Nations must assume a leading role in helping Iraq to promote national reconciliation, peace, democracy and cooperation in that country, including in respect of the withdrawal of foreign forces,

1. *Reiterates* its condemnation of acts of terrorism in all their forms and manifestations, as they constitute one of the most serious threats to international peace and security;
2. *Calls upon* States to adhere to all relevant United Nations resolutions, conventions and international agreements and to initiate measures to prevent, combat and eliminate terrorism in all its manifestations and forms;
3. *Encourages* all national parliaments to strengthen their legal systems, in accordance with the International Convention for the Suppression of the Financing of Terrorism, which was adopted by the United Nations General Assembly in December 1999;
4. *Emphasizes* the need for States to take all essential steps to block funding for and discourage terrorist activities, and not to lend any kind of support, moral or material, to terrorists or terrorist organizations in their territories;
5. *Encourages* governments to strengthen existing counter-terrorism cooperation, enhance cooperation on law enforcement, intelligence, legal frameworks and prevention of transborder terrorist movements, counter radicalization and prevent terrorist access to chemical, biological, radiological and nuclear weapons;
6. *Renews* its commitment to encourage governments to meet the terrorist threat with coordinated and targeted policies and measures, at the national, sub-regional, regional and global levels, particularly in the key areas of law enforcement, information sharing and strengthening legal frameworks;

7. *Urges* governments, regional organizations and other multilateral organizations to promote understanding between and within faiths, cultures and civilizations through dialogue;
8. *Expresses deep concern* at the continued escalation of violence and terrorist attacks in Iraq, in particular against innocent civilians; *strongly condemns* these attacks and *reaffirms* its full support for Iraq in countering terrorist activities;
9. *Stresses* the importance of establishing a propitious environment for countering the spread of terrorism in Iraq;
10. *Reiterates* the need immediately to promote national reconciliation in Iraq;
11. *Further strongly demands* the immediate withdrawal of all foreign forces currently in Iraq, and *calls for*, where necessary, the deployment of a peace-keeping force under the auspices of the United Nations to which Muslim countries may contribute;
12. *Recognizes* that more individual and collective efforts are needed to address violence, terrorist propaganda and other vectors of terrorism; in this regard, *stresses* the need to develop strategies to counter incitement to terrorism and to help religious, community and other leaders counter the extremist ideologies and propaganda used by terrorist groups to justify their violent acts;
13. *Recognizes also* the need to strengthen the voice of moderation, inter alia through dialogue and cooperation among and between religious leaders, academics, media practitioners and other community leaders;
14. *Encourages* parliamentarians to facilitate the national legislative process for ratifying existing international conventions on terrorism;
15. *Emphasizes* the urgent need to establish effective legal, regulatory and administrative frameworks, in each State, for combating money-laundering and financing of terrorism;
16. *Calls upon* States to establish close cooperation in combating terrorism and its cross-border funding, particularly by having organizations in charge of the supervision and control of banks and financial institutions exchange information, in accordance with their respective legislation;
17. *Urges* States to establish close judicial cooperation in investigations, proceedings, extraditions, inquiries, international rogatory commissions on money-laundering and funding of terrorism, in accordance with the relevant bilateral and multilateral agreements and with their respective domestic legislation;
18. *Stresses* the need for greater cooperation and coordination among international organizations such as the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and Interpol, to assist the States in complying with international norms and obligations to combat money-laundering as a means of financing terrorism;

19. *Also urges* the international organizations to provide any assistance the States may require in implementing the comprehensive international standards embodied in the Financial Action Task Force (FATF) recommendations on money-laundering and terrorist financing;
20. *Calls upon* all parliaments to prevail upon their respective governments to use law enforcement tools effectively to prevent, investigate and prosecute terrorist financiers and dismantle terrorist funding networks on their respective territories;
21. *Further calls upon* parliaments to influence their respective governments to implement the measures set out in United Nations Security Council resolutions 1267 (1999) and 1373 (2001) to effectively eliminate terrorist financing;
22. *Strongly recommends* that the Comprehensive Convention on International Terrorism be rapidly concluded by the United Nations General Assembly, so as effectively to close the channels through which terrorist activities are funded;
23. *Recognizes* the need for governments to deal with transborder movements of individuals, weapons, funds and other related materials involved in terrorist operations and their supporting activities.

Reports, Decisions, Resolutions and other texts

DECLARATION OF THE PRESIDENT OF THE ASSEMBLY ON CLIMATE CHANGE ENDORSED BY THE 116th IPU ASSEMBLY

We are deeply concerned at the growing body of scientific evidence on the probable adverse impact of climate change. The developing countries are likely to suffer most because they lack the capacity to cope with natural disasters, and they will continue to pay a heavy toll in casualties and destroyed infrastructure. Their efforts to achieve the Millennium Development Goals are also bound to be frustrated.

We are likewise concerned that many pledges to take measures to forestall or mitigate the effects of climate change remain unfulfilled. We reiterate our firm support for the Kyoto Protocol, especially as expressed in our resolution, *Ten years after Rio: Global degradation of the environment and parliamentary support for the Kyoto Protocol* (Marrakech, 2002).

We call on our parliaments to do all they can to reinforce climate change policy and legislation and to enhance international cooperation on the basis of common but differentiated responsibilities, with a view to achieving the ultimate objectives of the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

We also call on our parliaments to foster increased community understanding of the threat of climate change and the action needed to avert dangerous human interferences in the climate system.

We urge the 13th Conference of the Parties to the Convention and the Third Meeting of the Parties to the Protocol, convening in Bali in December 2007, to formulate a feasible road map for long-term cooperation on the implementation of the Convention and for further negotiations on the comprehensive measures required to ensure continuity beyond the Protocol's first commitment period.

We pledge to raise the issue of climate change in our respective parliaments and address questions to concerned ministers regarding their preparation for the Bali meetings, and to report back to the IPU on the results thereof. Specifically, we wish to see progress in the area of avoidance of deforestation, financial mechanisms, and the transfer of appropriate and environmentally sound technology.

COOPERATION WITH THE UNITED NATIONS SYSTEM

List of activities from 16 October 2006 to 29 April 2007

*Noted by the IPU Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)*

United Nations

- Resolution on cooperation between the IPU and the United Nations adopted by consensus and with 133 signatures of support on the floor of the General Assembly on 20 October. The resolution makes strides in consolidating the relationship between the two Organizations by: promoting future Parliamentary Hearings as *joint UN-IPU* events; inviting IPU to play a role in a reformed Economic and Social Council (ECOSOC); and calling for more operational and policy coordination at the level of the UN Chief Executives Board.
- Circulation of resolutions from the 115th IPU Assembly to the General Assembly, in all six official languages of the United Nations, with access from both IPU and UN websites.

- IPU statements delivered before the General Assembly or its subsidiary bodies on: strengthening the United Nations system and revitalization of the General Assembly, human rights, the administration of justice, women, sustainable development and green budgets, employment and decent work, international trade and development, information technology and parliaments.
- Annual Parliamentary Hearing (13-14 November) on *Conflict prevention and peace building: Reinforcing the key role of the United Nations*. The conclusions of the meeting were transmitted to the General Assembly as an official UN document. In addition to some 200 MPs, the meeting attracted a large number of ambassadors and other representatives from permanent missions in New York and the UN Secretariat.
- IPU was included in the select group of member States and international organizations guiding the work of the United Nations Peace-building Commission (PBC). IPU attended and addressed a number of PBC briefings and formal discussions, drawing attention to the need to consolidate the institution of parliament as a key component of the peace-building exercise. Working modalities for cooperation with the Parliaments of Burundi and Sierra Leone are currently in the process of being established.
- Funding secured from the United Nations Democracy Fund (UNDEF) for two parliamentary projects: one in support of women legislators in Burundi, a second regional project for Africa aimed at mainstreaming international human rights commitments into the work of parliament.
- Parliamentary Meeting at the Sixth International Conference on New and Restored Democracies (29 October – 1 November, Doha, Qatar), followed by a meeting to chart the future course of the ICNRD process in Stockholm, Sweden, on 13-14 March. The Parliamentary Declaration and Plan of Action issuing from Doha provided the basis for further cooperation with specialized departments and funds of the UN.
- Frequent consultations with the President of ECOSOC and the Department for Economic and Social Affairs (DESA) on the reform of ECOSOC, and ways in which IPU may be more actively involved with that body to support the MDGs and the overall development agenda.
- Cooperation with DESA continued regarding the work of the Rome-based Global Centre for ICT in Parliaments. The IPU and the Centre worked together to provide support to an international conference organized by the Italian Chamber of Deputies on the theme of "the policy making role of parliaments in the development of the information society" (3-4 March, Rome, Italy). IPU also addressed the Global Forum for Inclusive Information and Communications Technologies at UN Headquarters in New York (26 March).
- Work in progress – in cooperation with DESA and the Office of the High Commissioner for Human Rights (OHCHR) – towards producing a joint handbook for parliamentarians on the new Convention on the Rights of Persons with Disabilities.
- In follow-up to the parliamentary meeting at the Mid-term Review of the Brussels Programme of Action on the Least Developed Countries (New York, September 2006), the IPU and the UN High Representative for the Least Developed Countries (OHRLS) have developed a joint project proposal for the establishment of parliamentary support groups in the Least Developed Countries. Ten pilot projects are proposed at the initial stage, with several parliaments having already expressed an interest to join.
- Third Meeting of Women Speakers, held on the occasion of the 51st Commission on the Status of Women. They discussed their role in protecting and empowering the girl child and the next generation of women leaders.
- Early contacts established with the new Secretary-General, Mr. Ban Ki-moon, and his new cabinet of high-level officials.

UNDAW (UN Division for the Advancement of Women) and UNIFEM

- Joint one-day parliamentary meeting on the occasion of the 51st Commission on the Status of Women (1 March), on the question of combating violence against the girl child. The event also served as background to the release of the new IPU statistics on women in politics for the year 2006.
- The IPU Secretary General participated as a panelist in the Thematic Debate of the General Assembly on the Empowerment of Women (6-7 March). The IPU was also represented by the President of the Senate of Colombia at the UN high-level event marking International Women's Day (8 March).
- Creation of iKNOW Politics, the International Knowledge Network of Women in Politics, as an online facility seeking to assist and promote women in politics (www.iKNOWpolitics.org). Jointly operated by IPU, UNIFEM, UNDP, NDI, and IDEA, the new facility was launched at an event held at the United Nations (28 February, New York) in the presence of high-level officials and the Speaker of the Parliament of Jamaica.

UNDP

- Parliamentary assistance projects were initiated or advanced with UNDP support in the following countries: Afghanistan, Algeria, Burundi, Democratic Republic of the Congo, Iraq and Pakistan.
- IPU participated in the UNDP Annual Global Democratic Governance Practice Meeting in Montauk, New York (9-13 October 2006).
- IPU initiated talks with UNDP (Bureau for Development Policy, Democratic Governance Group) on the production of a major new study on the representation of minorities in parliaments. A two-day preparatory meeting on the subject was held at IPU headquarters on 19 and 20 March.
- Organization of a regional seminar for Arab parliaments on rules of procedure (Rabat, 28-29 March 2007).

OHCHR

- Translation into Spanish and Arabic of the Handbook for parliamentarians on human rights.
- The IPU Secretary General spoke at the high-level segment of the 4th session of the Human Rights Council (March) and at the meeting of National Human Rights Institutions, organized during that session.

UNICEF

- Work continued on the production of a new joint Handbook for Parliamentarians on violence against children. The handbook will be launched at the 116th Assembly in Nusa Dua, during the panel on "Making schools safe for children".

UNITAR

- Preparations got underway for a seminar for the Asian region on sustainable development in Vientiane, Laos, in November 2007.
- Initiated work on a new handbook for parliamentarians in the field of international environmental law and sustainable development as part of the on-going capacity building programme for parliamentarians.

ILO

- A joint IPU-ILO briefing of members of parliament attending the 45th Commission for Social Development was held on 8 February. The briefing (25 MPs from a dozen countries) focused on the meaning and objectives of the "full employment and decent work" agenda. It opened the way to more joint activities between the two organizations in the context of the cooperation programme adopted at the 115th Assembly.

UNAIDS

- The second meeting of the IPU's Advisory Group on HIV/AIDS, which includes representatives from UNDP and UNAIDS, took place at IPU headquarters in March.

World Trade Organization (WTO)

- The annual 2006 session of the Parliamentary Conference on the World Trade Organization (WTO) was a milestone event enhancing the role of the Conference as a de facto parliamentary dimension of the WTO. The session was held in Geneva on 1 and 2 December 2006 and was attended by 420 delegates from 73 countries and 10 international organizations, including some 210 members of parliament. Also present were government representatives of 43 sovereign States that are members of the WTO. Among the highlights of the session were a hearing with the WTO Director-General Mr. P. Lamy and a dialogue with Trade Ministers of G5 countries.

UNITED NATIONS



NATIONS UNIES

THE SECRETARY-GENERAL

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MESSAGE TO THE 116th ASSEMBLY OF THE INTER-PARLIAMENTARY UNION

Nusa Dua, Bali, 29 April 2007

*Delivered by Mr. Shafqat Kakakhel, Deputy Executive Director
of the UN Environment Programme*

The Inter-Parliamentary Union and the United Nations are natural and productive partners. This partnership was strengthened when the General Assembly granted observer status to the IPU in 2002, and again at the 2005 World Summit, when world leaders called for stronger cooperation between our organizations. And in October 2006, the General Assembly adopted a resolution calling for closer ties and active cooperation in a number of vital areas.

Clearly, national parliaments can play a critical role in strengthening the work of the United Nations, and I welcome efforts to build a more strategic partnership. The recent cooperation agreement between the UN Democracy Fund and the IPU is an encouraging step. I look forward to further strengthening your collaboration with the Peacebuilding Commission, and establishing close cooperation with the Human Rights Council. I also count on your active engagement as the Economic and Social Council carries out its new functions. Indeed, the parliamentary "voice", and the experience of national parliaments in political dialogue, will be critical to ensuring that these institutional innovations get off to a strong start.

You gather to consider some of the leading challenges facing the international community. Among my immediate priorities are ending the tragedy in Darfur, advancing peace in the Middle East and resolving the situation in Kosovo. This year will also be critical for the Millennium Development Goals, as it marks the

midpoint between their adoption and the target date of 2015. Concerted action will be essential this year if we hope to achieve the Goals.

Climate change is also one of my main priorities, and is a matter of urgency that requires sustained, concerted, high-level attention. I therefore very much welcome your focus on global warming at this assembly. As stated by the Intergovernmental Panel on Climate Change, the science is clear: man-induced climate change is a proven reality. Dramatic changes are already visible, and the impacts are increasingly severe. Moreover, global warming not only has environmental consequences, but also serious social, economic and even security implications, making it an all-encompassing threat.

At long last, the issue is rising on the political agenda, and several countries have taken initiatives. National action needs a strong global framework to ensure coherent and effective responses. The UN Climate Change Conference to be held in Bali in December will be critical to delivering a long-term global response. Broad global agreement on some guiding principles during this year can pave the way for the Bali conference to initiate work on the package that is required to bring all relevant aspects of the problem together. Aspects covered in those principles could include the need for deep emission cuts by industrialized countries and for further engagement of developing countries, while recognizing that developing countries require incentives to limit emissions and assistance for adaptation. All of this could be tied together by a strengthened carbon market, which offers an opportunity to reduce the cost of emission reductions and to mobilize funds.

We will also need stronger public-private partnerships, and major push to accelerate technological innovation, make existing renewable technologies economically viable and promote a rapid diffusion of technology. With demand for energy expected to rise dramatically, the world will need to make much greater use of cleaner technologies and energy efficiency so that growth and the fight against climate change can proceed hand in hand.

The cost of inaction far outweighs the cost of action. Parliaments have a contribution to make in ensuring that the necessary resources are made available. But of course, your role goes well beyond that. Your legislative role is especially important, since in your hands lies considerable power to forge the laws, guidelines, frameworks and incentives that will allow business, industry and other actors to play their part in achieving deep and necessary emissions cuts. Every single person on earth will be affected by climate change. As representatives of those people, you will help define your country's national and global engagement on this challenge.

The United Nations, for its part, will continue its varied engagement: as problem-solver, as a broker of agreements, and as a partner in helping to establish and administer the various mechanisms – the Framework Convention, Kyoto Protocol, Clean Development Mechanism and carbon trading markets -- that have been created to respond. Earlier this month, the Security Council held an open debate on energy, security and climate. The United Nations will also need your support to help build the trust between all players that is needed to advance.

I look forward to working closely with you on this and other matters of common concern. The IPU plays an important role in channelling the political and technical expertise of national parliaments into the multilateral arena. I shall remain personally engaged and accessible. I will also count on your support, since my efforts cannot achieve their intended purpose without your commitment. In that spirit, please accept my best wishes for a successful assembly.

DECLARATION OF THE ANNUAL SESSION OF THE PARLIAMENTARY CONFERENCE ON THE WTO

Adopted by consensus on 2 December 2006

1. We, parliamentarians gathered in Geneva for the annual session of the Parliamentary Conference on the WTO, are gravely concerned at the prospect of a real failure of the Doha Round of trade negotiations.

Despite the promise of more flexibility, major parties to the negotiations have shown little of it and the talks in the key areas of agriculture and non-agricultural market access have not progressed since the Hong Kong Ministerial Conference. This is a wake-up call for all political decision-makers, not least those of us who, as members of parliament representing the interests of the people, have the duty to oversee government action in the field of international trade and promote fairness of trade liberalization.

2. We reiterate our full commitment to the multilateral approach to trade policy and our belief in the central role of the WTO as the guarantor of a rules-based global trading system.

3. A prolonged suspension of the Doha talks would have a lasting negative effect on the entire multilateral trading system and may result in a proliferation of bilateral and regional trade agreements which often put poorer countries in a disadvantaged position. If efforts to revive the negotiations are not successful, the losses incurred would be immense, both economically and politically. Among the first to be adversely affected would be the least developed countries (LDCs), including cotton-exporting countries in Africa. In this regard, we welcome the decision of the informal Trade Negotiations Committee meeting of 16 November to engage in a soft resumption of the negotiations.

4. We call for a strong commitment on the part of all major players in the trade negotiations, including the European Union, the United States and the G20 parties, and urge them to reach a balanced agreement on all main negotiation topics of the Doha Round, while placing special emphasis on the need to ensure meaningful and sustainable economic gains for developing countries and in particular for the least developed countries. An agreement on specific quantifiable commitments on agriculture, where trade-distorting practices are particularly widespread, is fundamental for the overall progress in negotiations. As early shoots of neo-protectionism are already in sight, with influential protectionist lobbies being very active we emphasize the need for the parliamentary community to address this problem as a matter of priority. We also underline that, in order to fully implement the Doha mandate, the positive achievements of the negotiation must be preserved and offers made to date on various elements of the negotiating agenda should form the basis of the continuation of negotiation, bearing in mind that the market access process should be accompanied by measures to provide adequate information to consumers.

5. Keeping the focus on development is of paramount importance, particularly in order to contribute to the achievement of the Millennium Development Goals. We welcome the endorsement by the WTO General Council of "Aid for Trade" recommendations on 10 October 2006 and urge all concerned parties to engage actively in their implementation. We also call on both developed and developing WTO member countries to create more favourable trading conditions for the LDCs, without awaiting the resumption of negotiations. The following areas deserve special attention: cotton; trade facilitation including improvement of infrastructure and of procedures and modalities of transactions; granting of duty-free and quota-free access for products originating from LDCs, such as the "Everything But Arms" initiative of the European Union and other relevant initiatives; real technical assistance and capacity-building measures. We call for a refocusing of policy on the needs and interests of developing countries as the starting point for the resumptions of talks.

6. In the absence of a successful conclusion of the Round, there is a risk that WTO Members would try to achieve through litigation what could not be achieved through negotiations. The WTO dispute settlement system serves as a guarantee that violations by any country - no matter how big - are no longer beyond the reach of other Members. Therefore, it is important to ensure that the resources of the existing system are suited to the accelerated growth in the number of commercial conflicts referred to the WTO dispute-settlement procedures.

7. More than ever, the WTO is faced with organizational and institutional challenges. Before long, it will need to engage in institutional reform aimed at improving its functioning, and enhancing its accountability and democratic legitimacy. We are convinced that the negotiations process should be based on a bottom-up, transparent and inclusive approach. Consensus must be preserved as a cornerstone of WTO decision-making. It would be inconceivable to impose on any country trade policies that undermine its development. Moreover, we call for greater coherence between the objectives and rules of the WTO and the commitments made under other international conventions and agreements.

8. The current pause in negotiations should be used for reflection on ways of improving conditions for future talks. It would be particularly important to look at the usefulness of negotiation modalities based on trade-offs between the vastly different negotiation baskets. Under the present system, delegations often wait for the last possible moment to make their offers, which makes it difficult to calculate benefits prior to the conclusion of agreements.

9. We reiterate our commitment to provide a strong and effective parliamentary dimension to the WTO along the lines of earlier declarations adopted by our Conference. As part of this ongoing effort, we believe it is crucial for parliaments to exercise ever more vigorously and effectively their constitutional functions of oversight and control of government action in the area of international trade. Greater attention should be paid to trade-related capacity-building measures targeted at parliaments of developing countries in order to create equal possibilities of participation.

WORK PROGRAMME FOR THE SECOND ASSEMBLY OF THE YEAR

*Approved by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 30 April 2007)*

1. The IPU President's Working Group on Reform proposed to change the format of IPU Assemblies. The first Assembly of the year should become the one major political event of the Organization, and the second Assembly should include a longer meeting of the Governing Council and the necessary machinery to address a major political issue. The present document accompanies the timetable (hereafter) that has been drawn up for a modified second Assembly.

2. The Executive Committee suggests that the Assembly be held with the new format on a trial basis. If the experiment proves to be a success, the necessary statutory amendments will be put to the Governing Bodies in 2008.

3. The basic features of the new timetable are the following:

- (a) The Governing Council will meet for a longer duration involving three sittings. It is essential that IPU Members have more opportunity to comment on the policy and programme of the organization and to hold its officers to account. This may be achieved by assigning more time to the second session of the Governing Council which, among other duties, approves the programme and budget for IPU activities.
- (b) The Standing Committees will not meet in plenary. There will however be one morning session set aside for the rapporteurs to present the reports under preparation for the following Assembly. Experts on the different subjects will also be present to offer suggestions, and the members will have an opportunity to comment on the reports midway in the process and thus widen the consensus base of the final document.
- (c) In the place of the Standing Committee meetings, a Committee on the United Nations will meet. This proposed UN Committee is the subject of a separate paper (see page 50). The new Committee will be a subsidiary body of the Assembly.
- (d) The Committee on the United Nations will meet for two full days and hold a short meeting on the third morning for the adoption of its outcome document. All or part of the second day will be set aside for the work of a drafting committee.
- (e) The Assembly will select and debate an emergency item on the first afternoon, and a drafting committee will meet the following morning. All votes relating to the emergency item will be governed by the traditional weighted system under the Assembly rules.
- (f) There will be one panel discussion during the meeting in Geneva, to be held on the afternoon of the second day.

(g) The second statutory session will last three days. The subsidiary bodies of the Governing Council that traditionally convene in Geneva will continue to meet, namely, the Committee on the Human Rights of Parliamentarians, the Coordinating Committee of the Meeting of Women Parliamentarians and the Committee on Middle East Questions.

4. As regards participation, each parliament will be expected to send three delegates to the sessions of the Governing Council. Those delegates would also attend meetings, as applicable, of the Bureaux and other bodies. In addition, each parliament will nominate two members to participate in the meetings of the Committee on the United Nations, who should be members of parliamentary committees that deal with United Nations affairs. While all parliaments will thus be able to send a full delegation of five members, in keeping with the Rules, parliaments from countries with a higher population will be entitled to seven delegates.

PROPOSED TIMETABLE FOR THE SECOND ASSEMBLY OF THE YEAR*

<p>Day 1 - Monday 8 October</p> <p>08.00-09.00 Steering Committee</p> <p>09.30-11.00 Governing Council</p> <p>09.30-13.00 Committee on the Human Rights of Parliamentarians</p> <p>11.00-13.00 Opening of Assembly and adoption of emergency item</p> <p>15.00-18.00 Assembly debate on emergency item</p> <p>Day 2 - Tuesday 9 October</p> <p>09.30-13.00 Drafting committee emergency item</p> <p>09.30-13.00 Standing Committees: presentation by co-rapporteurs of draft reports for 118th Assembly – presentation by experts</p> <p>14.00-16.00 Panel discussion</p> <p>15.00-18.00 Committee on the Human Rights of Parliamentarians</p> <p>16.30-18.00 Governing Council</p> <p>Day 3 - Wednesday 10 October</p> <p>09.00-10.30 Executive Committee</p> <p>11.30-13.00 Governing Council</p> <p>14.00-16.00 Governing Council</p> <p>16.00-17.30 Assembly closing session</p>	<p>Day 1 - Monday 8 October</p> <p>09.30-13.00 UN Committee plenary</p> <p>15.00-18.00 UN Committee plenary</p> <p>Day 2 - Tuesday 9 October</p> <p>09.30-13.00 UN Committee plenary or drafting committee</p> <p>15.00-18.00 UN Committee drafting committee</p> <p>Day 3 - Wednesday 10 October</p> <p>09.30-13.00 UN Committee close of debate and adoption of outcome document</p>
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* As is traditionally the case at the second Assembly of the year, during the three days preceding the Assembly, the following bodies will meet: Executive Committee, Gender Partnership Group, Committee on the Human Rights of Parliamentarians, Coordinating Committee of Women Parliamentarians and Committee on Middle East Questions.

COMPOSITION, MANDATE AND WORKING METHODS OF THE COMMITTEE ON UNITED NATIONS AFFAIRS

*Approved by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 30 April 2007)*

Background

1. The greater part of the work done in the Inter-Parliamentary Union relates to the activities of the United Nations. The IPU Assembly and Standing Committees debate issues that are high on the UN agenda, as do other IPU conferences. Moreover, almost every IPU programme and project is carried out in conjunction with different bodies within the UN system.
2. Underpinning all these activities is the constantly evolving relationship that the IPU enjoys with the United Nations. In recent years, this relationship has built upon the Millennium Declaration, the IPU accession to observer status in 2002, and the 2005 World Summit Outcome. The two Conferences of Speakers of Parliament have lent the highest possible parliamentary authority to defining the substance of the relationship.
3. The United Nations relations with the IPU are in a period of change, both because interest in a bolder parliamentary dimension to UN activities is growing, and because the UN itself is going through a time of reform. Two of its new institutions, the Peacebuilding Commission and the Democracy Fund, have begun collaborative work with the IPU. The organization also begins the year 2007 under the leadership of a new Secretary-General.
4. Despite this commendable record, Members of the IPU are clearly not satisfied with the current situation. The President's Working Group on Reform has suggested that there is a need for a more substantive and equitable working relationship. The latest United Nations General Assembly resolution on UN/IPU cooperation points in the same direction, calling for closer cooperation between the two organizations, strengthened contribution by the IPU to the UN General Assembly, its Economic and Social Council and the newly established bodies such as the Human Rights Council and the Peacebuilding Commission, the further development of the annual parliamentary hearing and similar meetings as joint UN/IPU events, and closer involvement of the IPU in the elaboration of United Nations system-wide strategies.
5. Against this backdrop, it may seem surprising that there is no IPU statutory body that is specifically tasked with overseeing UN/IPU relations. The proposal to establish an IPU Committee on United Nations Affairs seeks to remedy this situation.

Composition

6. There is considerable interest in the establishment of a Committee on United Nations Affairs and reactions to the proposal both from within and outside the organization have been overwhelmingly supportive. It is therefore suggested that all IPU Members be invited to participate in the work of the Committee.
7. It is essential for the IPU's relationship with the United Nations that those members of parliament who deal with United Nations matters in their daily work in their parliaments also represent them on the new Committee. Only in this manner will this new structure serve to strengthen cooperation between the United Nations and national parliaments as envisaged by the heads of State and government in 2000 and 2005.
8. In order to ensure that the wide variety of political views in parliament is also reflected in the work of the Committee, it is proposed that all IPU Member Parliaments be represented on the Committee with at least two delegates, representing the majority and the opposition in parliament.

Mandate

9. It is important to state at the outset that the new Committee should not duplicate work already being performed by other IPU bodies. In other words, its brief would not include the wide range of substantive and topical issues that would normally appear on the agendas of the three Standing Committees. Its mandate would focus on the policy areas outlined below.

10. The United Nations Summits of 2000 and 2005 both called for strengthened cooperation between the United Nations and national parliaments. Both looked to the IPU as the driving force behind this objective. The two Conferences of Speakers of Parliament made specific proposals on this subject. The Committee on United Nations Affairs would therefore become the primary body responsible for monitoring the compliance with these recommendations, seeing how they are being fulfilled in practice, and making proposals on how to realise them more successfully. In so doing, the Committee would both submit recommendations for the consideration of the United Nations and keep the IPU's own relationship with the United Nations under review, making recommendations to the Union's governing bodies for its improvement.

11. The 2006 United Nations General Assembly resolution on UN/IPU cooperation also put forward some challenging proposals. One of them refers to the preparation of system-wide strategies for consideration by the United Nations "with a view to ensuring greater and more coherent support by parliaments to the work of the United Nations". Obviously, the new Committee would become the deliberative centre for forging these new strategies with the United Nations.

12. It is also suggested that the Committee examine and make suggestions for better structured cooperation with the United Nations by official regional parliamentary organizations and assemblies.

13. Meanwhile, recent UN General Assembly resolutions have called attention to the need for parliamentary input in the areas of the revitalization of the United Nations General Assembly and the new functions of the Economic and Social Council. Both matters should be on the agenda of the Committee.

14. Of equal importance to the foregoing duties, the Committee would also be called upon to take a close look at the overall working of the United Nations system, examining its functioning from the parliamentary standpoint. The kind of enlightened criticism that parliaments are uniquely equipped to offer should be seen as a valuable contribution to the reform thrust that is under way at the United Nations. There have been a number of proposals to reform the United Nations over recent years, the most recent being the report by the High Level Panel on System-wide Coherence, which has submitted a number of recommendations on how to improve United Nations system-wide coherence across the various development and humanitarian-related agencies. If acted upon, the recommendations, would bring considerable benefits to the United Nations and its Member States.

15. By the same token, the Committee should also address financial issues relevant to the functioning of the UN System. This does not only mean examining the funding of the United Nations but also scrutinizing the use the Organization makes of the funds, a task for which parliaments have undisputed legitimacy. Alternatively, the former aspect could be conceived more broadly as development cooperation (or financing for development) in order to place the issue in its proper context.

Working methods

16. The Executive Committee suggests that the Committee be set up by the IPU Governing Council and that it report to the Council.

17. The Committee would need to draft its rules of procedure on the basis of those established for similar bodies. Pending further clarification, it is suggested that the Committee meet initially once a year in plenary session.

18. The Committee will need to have a source of substantive input to inform its discussions. This could be provided by establishing a subsidiary committee or core group, which would report to it, made up of parliamentarians whose expertise in the field would be attested by their membership of foreign relations or other committees that deal with United Nations affairs. The Committee may decide to establish more than one core group, depending on how it decides to organize the work.

19. The members of the core group(s) would need to inform themselves on the issues they will address by visiting United Nations offices and attending meetings in New York and elsewhere, and by seeing UN operations being conducted in different locations. Availability to travel would therefore be essential. Secretarial support would be provided by the IPU Secretariat.

20. The Executive Committee entrusts the President of the IPU with the task of consulting the six geopolitical groups with a view to constituting a core group which would convene to prepare for the first meeting of the plenary Committee on United Nations Affairs.

Future meetings and other activities

*Approved by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)*

Regional seminar on reconciliation	LA PAZ (Bolivia) 8-9 June 2007
15 th session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA 14-15 June 2007
Parliamentary Forum on the occasion of the 7 th Global Forum on Reinventing Government	VIENNA (Austria) 25 June 2007
Regional seminar on child protection – South Asia	ISLAMABAD (Pakistan) 27-29 June 2007
Capacity-building workshop on the occasion of the 7 th Global Forum on Reinventing Government	VIENNA (Austria) 28-29 June 2007
118 th session of the Committee on the Human Rights of Parliamentarians	GENEVA 23-26 July 2007
Regional conference for women parliamentarians of the GCC States	(Venue to be decided) Second half of 2007
Regional seminar for parliaments in southern Africa on security sector reform	(Venue to be decided) Second half of 2007
Regional seminar on parliament, budget and gender, for European and Central Asian parliaments	(Venue to be decided) Second half of 2007
Regional seminar for parliaments in French-speaking Africa on the UN human rights treaty body system	(Venue to be decided) Second half of 2007
117 th Assembly and Related Meetings	GENEVA 8-10 October 2007

Parliamentary seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 11 October 2007
Seminar for parliamentary human rights bodies	GENEVA 24-26 October 2007
Annual Parliamentary Hearing at the United Nations	NEW YORK October/November 2007
16 th session of the Steering Committee of the Parliamentary Conference on the WTO	GENEVA End of October 2007
Regional capacity-building seminar for Asian parliaments on sustainable development	VIENTIANE (Lao People's Democratic Republic) October/November 2007
Meeting of parliamentary bodies dealing with the status of women and gender equality	GENEVA November 2007
Global meeting on HIV/AIDS	(Venue to be decided) November/December 2007
Information seminar on the structure and functioning of the IPU (for English-speaking participants)	GENEVA November/December 2007
World e-parliament conference: Challenges and benefits of ICT in parliamentary processes	(Venue to be decided) November/December 2007
118 th Assembly and Related Meetings	CAPE TOWN (South Africa) 13-18 April 2008

Invitations received for future Assemblies

ADDIS ABABA (Ethiopia)

CARACAS (Venezuela)

SUBJECT ITEMS FOR THE 118th ASSEMBLY
(Cape Town, South Africa, 13-18 April 2008)

*Approved by the 116th IPU Assembly
(Nusa Dua, Bali, 4 May 2007)*

1. The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy
(Standing Committee on Peace and International Security)
2. Parliamentary oversight of State policies on foreign aid
(Standing Committee on Sustainable Development, Finance and Trade)
3. Migrant workers, people trafficking, xenophobia and human rights
(Standing Committee on Democracy and Human Rights)

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 117th ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)*

Palestine

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

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

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

Pan-African Parliament (PAP)

Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)

Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)

Parliamentary Assembly of the Union of Belarus and the Russian Federation

Parliamentary Association for Euro-Arab Co-operation (PAEAC)

Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)

Southern African Development Community (SADC) Parliamentary Forum

Transitional Arab Parliament (TAP)

Centrist Democrat International (CDI)

Amnesty International

International Committee of the Red Cross (ICRC)

International Federation of Red Cross and Red Crescent Societies (IFRC)

World Federation of United Nations Associations (WFUNA)

Resolutions concerning the Human Rights of Parliamentarians

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

Resolution adopted by consensus by the IPU Governing Council at its 180th session*
(Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh killed in a grenade attack in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the meeting the Committee's Chairman had with the Speaker of the Parliament of Bangladesh during the 116th IPU Assembly, and *taking into account* the information provided by Mr. Kibria's family on 13 March 2007,

Recalling the following: when the investigation into the grenade attack of 27 January 2006, which had led to the arrest of eight suspects, was closed in April 2005, the lawyer for Mr. Kibria's family submitted an application for further investigation, as the family considered the investigation to have been altogether incomplete; the application was dismissed, as were appeals against that decision; on 14 May 2006, the Dhaka High Court Division of the Supreme Court of Bangladesh issued a ruling in which it called "upon the State to show cause as to why the rejection of the application for further investigation should not be set aside" and, pending disposal of the ruling, stayed all further proceedings; the State lodged an appeal against the ruling; on 26 January 2006, the Dhaka High Court Division of the Supreme Court of Bangladesh directed the lower court to allow four of the suspects (Shahed Ali, Joynal Abedin Momen, Zamri Ali and Tajul Islam) "to file application before the trial court for retraction of their confessions",

Recalling further that, when the previous Government's term of office expired on 27 October 2006, a caretaker government was put in place and elections called for 22 January 2007, and that, following strong protests against the way in which they had been prepared, the elections were postponed and a new caretaker government put in place which has embarked on a process of fighting corruption at all levels, leading to the arrest of a number of former senior government officials,

Considering that on 7 March 2007 the judge in charge of the case decided to reopen the investigation owing to new leads that have emerged,

1. *Notes with satisfaction* the reopening of the investigation in this case, and *would appreciate* being kept informed of the progress made;
2. *Trusts* that a full, effective and thorough inquiry will now be carried out in order to bring to justice as soon as possible both the perpetrators and the instigators of this crime;
3. *Maintains* its decision to send an observer to the trial to take place upon completion of the investigation;
4. *Requests* the Secretary General to inform the Chief Adviser of the Caretaker Government, the Speaker and Mr. Kibria's family accordingly;

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

5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE NO. BGL/15 - SHEIKH HASINA - BANGLADESH

Resolution adopted by consensus by the IPU Governing Council at its 180th session *
(Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, a former member of the National Parliament of Bangladesh, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the meeting the Committee's Chairman had with the Speaker of the Parliament of Bangladesh during the 116th IPU Assembly, and *taking into account* the information provided by the source on 12 April 2007,

Recalling that Sheikh Hasina, then Leader of the Opposition was the target of a grenade attack during a rally of the Awami League held on 21 August 2004 in the centre of Dhaka; the attack left her with a permanent hearing disability, took the lives of 25 people and left hundreds maimed for life; seven other members of parliament suffered shrapnel injuries; the attack involved the explosion of a dozen Arges grenades and happened in broad daylight in the presence of over 300 policemen and scores of government intelligence and surveillance agents; 20 persons were arrested in connection with this case, but 17 have been released on bail as the Criminal Investigation Department found them to have no links with the attacks; the remaining three remain in custody and made confessional statements that some 18 people were involved in the grenade attack and gave the names of 11 of them, whom the police are said to be trying to track down,

Considering that, in a meeting it held on 22 August 2004, the Bangladesh Supreme Court Bar Association established an inquiry committee into the attack which concluded that "given the scale and magnitude of the attack, its execution and the special get-away by the assailants, it is clear beyond doubt that it was a pre-planned attack, carried out on the basis of a carefully prepared plan, targeting the Leader of the Opposition and other leaders and persons attending the rally",

Recalling further that, when the previous government's term of office expired on 27 October 2006, a caretaker government was put in place and elections called for 22 January 2007 and that, following strong protests against the way in which they had been prepared, the elections were postponed and a new caretaker government put in place which has embarked on a process of fighting corruption at all levels, leading to the arrest of a number of former senior government officials,

Considering that in March 2007 the second caretaker government registered the case with the Home Ministry's monitoring cell for proper investigation and quick disposal, and that the case was indeed given due priority by the monitoring cell,

1. *Notes with satisfaction* the long overdue prioritization of this case by the competent authorities, and *would appreciate* being kept informed of the progress made in the investigation;
2. *Trusts* that a full, effective and thorough inquiry will be carried out so as to bring to justice as soon as possible both the perpetrators and the instigators of this crime of special magnitude;

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

3. *Requests* the Secretary General to inform the Chief Adviser of the Caretaker Government and the Speaker accordingly;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE NO. BLS/05 - VICTOR GONCHAR - BELARUS

***Resolution adopted by consensus by the IPU Governing Council at its 180th session *
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of a report from the Prosecutor General's Office, dated 28 March 2007, conveyed to the Committee by the Belarusian delegation to the 116th Assembly,

Recalling that Mr. Victor Gonchar, then Deputy Speaker of the 13th Supreme Soviet, disappeared together with his friend Anatoly Krasovsky on 16 September 1999 after visiting a sauna and has not reappeared since; an investigation for intentional homicide (Art. 101 of the Criminal Code as amended in 1960) was instituted and the results so far indicate that Mr. Krasovsky's car was stopped on leaving the sauna and that both men were abducted by unidentified persons and taken to an undisclosed location; the parliamentary authorities have consistently reported that all available leads have been followed, even those suggested by newspaper reports and other sources; however, the authorities have rejected as totally unfounded the detailed information contained in the report on disappearances for allegedly political reasons in Belarus, made public by the Parliamentary Assembly of the Council of Europe (PACE) in February 2004 (Pourgourides report); the PACE Rapporteur had concluded that the information gathered led him "to believe that steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior State officials may themselves be involved in these disappearances",

Recalling that the Belarusian authorities have conveyed two documents prepared by the Office of the Prosecutor General setting out the reasons for their rejection of the Pourgourides report, and *noting* that the Committee has forwarded both documents to Mr. Pourgourides for any observations he may have,

Recalling further that, at the hearing the Committee held with the Chairman of the Standing Committee on National Security and International Affairs of the Council of the Republic during the 115th Assembly (October 2006), he affirmed that none of the possible reasons - political, economic or personal - for the disappearance had been ruled out so far and that, although Mr. Gonchar and Mr. Krasovsky had clearly been abducted, it was unclear whether the target had been Mr. Gonchar or Mr. Krasovsky, as the latter had business-related problems and his wife, now living in the United States, had refused to appear for the investigation,

Considering that, in response to this, Mr. Krasovsky's wife stated that she had never received any invitation to testify, let alone refused to do so, and that she had fully cooperated with the first Prosecutor General in the case, but that his successor had declined to meet her and her lawyer,

Considering lastly that, in his report, the Prosecutor General confirms information provided earlier, and that the investigation has been extended to 24 June 2007,

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

1. *Thanks* the parliamentary authorities for the information provided;
2. *Notes* that, contrary to what the authorities affirm, Mrs. Krasovsky has never refused to testify and has cooperated with the prosecutor, and *would appreciate* receiving clarification in this respect from the authorities;
3. *Awaits with interest* Mr. Pourgourides's comments on the document provided by the Belarusian authorities;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

BURUNDI

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the information provided by the Speaker of the Senate and Mr. Ndiokubwayo, a member of the Burundian delegation, at the hearing held on the occasion of the 116th IPU Assembly,

Recalling that the parliamentarians concerned were killed in 1994, 1995, 1996, 1997 and 1999 against the background of a sustained period of internal conflict that affected Burundi; that only in the case of Mr. Gisabwamana was the perpetrator - a military officer - identified and brought to justice, although the victim's family has received no reparation,

Recalling that the National Assembly set up a parliamentary working group to continue the work of its predecessor set up in 2003, with a view to examining, together with the competent authorities, cases of human rights violations affecting members of the parliament of Burundi, including how best to reactivate the investigation into the cases in question,

Taking account of the minutes of the first meeting of the new working group, which was held on 26 October 2006, as transmitted by the parliamentary authorities and the Secretary of the group,

Considering that, according to those minutes, the group established the following strategies: (i) to ask the Public Prosecutor's Office to reopen the files in order to avoid the statute of limitations, the expiry date being seven years after termination of the proceedings; (ii) to ask the Ministry of Justice to assign the magistrates to the cases, given that most of the examining magistrates had changed positions; (iii) to ensure that the old files were not overshadowed by more recent cases; (iv) to approach the victims' families and the families' friends in order to obtain key information from reliable sources; the group concluded by recommending that the Chairperson request an appointment with the Minister of Justice for a first working session,

Considering that since then the working group has been unable to make progress following a change of leadership in the ruling party, which produced a change of composition of the National Assembly's Bureau whereby the Chairperson of the working group became President of the National Assembly; that, in his new capacity, the President of the National Assembly remains committed to helping the working group to carry out its mandate, and intends to ensure that, once parliament convenes again in June 2007, the group will have a new Chairperson and receive all the documents needed,

Considering that local reconciliation initiatives are well under way and that negotiations between the Burundian authorities and the United Nations are still pending on the establishment of the National Truth and Reconciliation Commission and the Special Criminal Chamber as part of the Burundian judicial system, and on their precise relationship and powers,

1. *Thanks* the President of the Senate for his cooperation and the valuable information he provided;
2. *Recognizes* that the murders of the parliamentarians took place in a general context of violent conflict which took many lives and that the Burundian authorities face daunting challenges in healing the wounds of the past and fostering reconciliation;
3. *Appreciates* the express commitment of the authorities to firmly basing their efforts in this regard on the principles of truth and justice;
4. *Trusts* that the National Truth and Reconciliation Commission and the Special Criminal Chamber will be established in due course and start their mission in the pursuit of truth and justice; *would appreciate* being kept informed of any developments in this regard;
5. *Is convinced* that the parliamentary working group can be of great assistance in paving the way for the work of these institutions in the cases on hand; *is pleased* that the parliamentary authorities intend to provide it with all the necessary assistance and support so that it can soon become fully effective; *trusts* that the working group will shortly meet the Minister of Justice to discuss and further the implementation of the proposed strategies; *would appreciate* being kept informed in this regard;
6. *Requests* the Secretary General to inform the parliamentary authorities and the sources accordingly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE NO. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Norbert Ndiwokubwayo, a member of the parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the information provided by the Speaker of the Senate and the parliamentarian concerned himself, Mr. Ndiwokubwayo, a member of the Burundian delegation, at the hearing held on the occasion of the 116th IPU Assembly,

Recalling that Mr. Ndiwokubwayo was the target of two attempts on his life, in September 1994 and again in December 1995, against the background of a sustained period of internal conflict that affected Burundi; that one of the persons suspected of the September 1994 attempt, which left him badly injured, has reportedly since been apprehended, albeit in connection with another crime,

Recalling that the National Assembly set up a parliamentary working group to continue the work of its predecessor created in 2003, with a view to examining cases of human rights violation of members of the parliament of Burundi, including the case in question,

Taking account of the minutes of the first meeting of the new working group, which was held on 26 October 2006, as transmitted by the parliamentary authorities and the Secretary of the working group,

Considering that, according to those minutes, the group established the following strategies: (i) to ask the Public Prosecutor's Office to reopen the files in order to avoid the statute of limitations, the expiry date being seven years after termination of the proceedings; (ii) to ask the Ministry of Justice to assign the magistrates to the cases, given that most of the examining magistrates had changed positions; (iii) to ensure that the old files were not overshadowed by more recent cases; (iv) to approach the victims' families and the families' friends in order to obtain key information from reliable sources; the group concluded by recommending that the Chairperson request an appointment with the Minister of Justice for a first working session,

Considering that since then the working group has been unable to make progress following a change of leadership in the ruling party, which produced a change of composition of the National Assembly's Bureau whereby the Chairperson of the working group became President of the National Assembly; that, in his new capacity, the President of the National Assembly remains committed to helping the working group to carry out its mandate, and intends to ensure that, once parliament convenes again in June 2007, the group will have a new Chairperson and receive all the documents needed,

Considering that local reconciliation initiatives are well under way and that negotiations between the Burundian authorities and the United Nations are still pending on the establishment of the National Truth and Reconciliation Commission and the Special Criminal Chamber as part of the Burundian judicial system, and on their precise relationship and powers,

1. *Thanks* the President of the Senate for his cooperation and for the valuable information he provided;
2. *Recognizes* that the attempts on Mr. Ndiwokubwayo's life took place in a generalized context of violent conflict which took many lives and that the Burundian authorities face daunting challenges in healing the wounds of the past and fostering reconciliation;
3. *Appreciates* the express commitment of the authorities to firmly basing their efforts in this regard on the principles of truth and justice;
4. *Trusts* that the National Truth and Reconciliation Commission and the Special Criminal Chamber will be established in due course and start their mission in the pursuit of truth and justice; *would appreciate* being kept informed of any developments in this regard;
5. *Is convinced* that the parliamentary working group can be of great assistance in paving the way for the work of these institutions in the case on hand; *is pleased* that the parliamentary authorities intend to provide it with all the necessary assistance and support so that it can soon become fully effective; *trusts* that the working group will shortly meet the Minister of Justice to discuss and further the implementation of the proposed strategies; *would appreciate* being kept informed in this regard;

6. *Requests* the Secretary General to inform the parliamentary authorities and the sources accordingly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the assassination of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, all of whom were members of the parliament of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the communications from the Prosecutor General's Office dated 27 March 2007 and 30 October and 28 December 2006, and from the Human Rights Unit of the Attorney General's Office dated 15 January 2007; *taking account also* of the information provided by one of the sources on 15 January 2007,

Recalling the following information regarding the judicial proceedings concerning the murder of the parliamentarians concerned, as confirmed by the latest report of the Attorney General's Office:

- in January 2001, the conviction and sentencing of two non-commissioned officers to 43 years' imprisonment each for the murder of Mr. Cepeda was upheld on appeal; however, paramilitary group leader Carlos Castaño was acquitted, even though he had unambiguously acknowledged responsibility in the book *My Confession* and in live radio and written press interviews; Mr. Cepeda's family lodged a petition regarding his acquittal with the Inter-American Commission on Human Rights, which in December 2005 agreed to consider the merits of the case forthwith;
- investigations in the cases of Mr. Jiménez, Mr. Vargas, Mr. Posada and Mr. Valencia have been abandoned or have produced no tangible results;
- Mr. Castaño was found guilty in absentia of the murder of Mr. Jaramillo in November 2001, but was never arrested for this crime and disappeared in mid-April 2004,

Considering that Mr. Castaño's remains have since been found in a shallow grave in the department of Córdoba,

Recalling the following: pursuant to a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including the parliamentarians concerned, an amicable settlement procedure has been pursued since 1999 before the Inter-American Commission on Human Rights, with the express support of the authorities; several working groups set up to examine human rights violations perpetrated against members of the party have produced no tangible results,

Considering in this regard the following: (i) while the Prosecutor General (Procurador General) through Resolution 335 of 9 November 2001 set up a Special Commission to deal with the *Unión Patriótica* case and while this Commission initiated 144 disciplinary investigations for the period 1985-2001, five of which resulted in trial proceedings, the other authorities have apparently from the

outset demonstrated a lack of political will effectively to address the concerns of the case, as shown by their refusal to set up a group of attorneys general to ensure proper follow-up in criminal matters; (ii) the frequency with which members and survivors of the *Unión Patriótica* have been assassinated, attacked and harassed has remained extremely high throughout the procedure; (iii) one of the advertisements in the President's 2006 re-election campaign showed a former member of the *Unión Patriótica* justifying the killing of members of the party and calling for a continued fight against them, which prompted the Inter-American Commission on Human Rights and the Colombian Constitutional Court to ask for a rectification and for apologies to be made to the persons concerned; it would seem, however, that no such action has been taken by the authorities; *considering also* in this regard the Prosecutor General's written appeal of 4 July 2006 to the President of Colombia asking him to do everything in his power to ensure that the amicable settlement procedure does not break down,

Considering that, in the light of the above, the petitioners no longer wished to pursue the amicable settlement procedure and requested the Inter-American Commission on Human Rights to examine the merits of their case, and that a first hearing was scheduled for February 2007,

Noting that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights states that "substantial efforts are still needed to overcome impunity" and that she "strongly hopes that the implementation of the policy of combating impunity will lead to concrete results in the investigation and punishment of human rights violations",

1. *Thanks* the Prosecutor General and the Attorney General for the extensive information provided;
2. *Reiterates* that it is the fundamental duty of any State to protect the lives of its citizens and that this obligation also stems from the Inter-American Convention on Human Rights and other human rights treaties to which Colombia is a party;
3. *Reaffirms* that the pending proceedings in the *Unión Patriótica* case before the Inter-American Commission do not release the Colombian authorities from their obligation to make a determined effort to hold perpetrators of human rights abuses to account and to provide victims and their families with reparation; *urges* the authorities to do so without further delay;
4. *Stresses* that, by effectively fulfilling its oversight role, the Colombian Congress can help to ensure that such a determined effort is indeed made; *deplores* in this respect the prolonged absence of information on any action taken by the Congress in this case, and *fears* that this may denote a lack of interest on its part to see that justice is done in this case; *urges* it therefore to do everything in its power to help ensure that Colombia's human rights obligations are complied with fully and rapidly;
5. *Sincerely hopes* that, since more than ten years have elapsed since the original petition was lodged with the Inter-American Commission on Human Rights, the *Unión Patriótica* case is dealt with as a matter of priority so that a ruling on the merits can be announced as early as possible; *would greatly appreciate* being kept informed of the proceedings, as well as with respect to the case of Mr. Cepeda;
6. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

Resolution adopted unanimously by the IPU Governing Council at its 180th session

(Nusa Dua, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Hernán Motta Motta of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the communications from the Prosecutor General's Office dated 27 March 2007 and 30 October and 28 December 2006, and from the Human Rights Unit of the Attorney General's Office dated 15 January 2007; *taking account also* of the information provided by one of the sources on 15 January 2007,

Recalling that Mr. Motta, a member of the *Unión Patriótica* (Patriotic Union) party, was on a hit list drawn up by the paramilitary group led by Mr. Carlos Castaño Gil, that Mr. Motta received death threats which forced him into exile in October 1997, and that the investigations were discontinued in mid-2001 without yielding any result; *considering* that Mr. Castaño disappeared in mid-April 2004 and that his remains have since been found in a shallow grave in the department of Córdoba,

Recalling the following: pursuant to a petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including the parliamentarians concerned, an amicable settlement procedure has been pursued since 1999 before the Inter-American Commission on Human Rights, with the express support of the authorities; several working groups set up to examine human rights violations perpetrated against members of the party have produced no tangible results,

Considering in this regard the following: (i) while the Prosecutor General (Procurador General) through Resolution 335 of 9 November 2001 set up a Special Commission to deal with the *Unión Patriótica* case, and while this Commission initiated 144 disciplinary investigations for the period 1985-2001, five of which resulted in trial proceedings, the other authorities have apparently from the outset demonstrated a lack of political will effectively to address the concerns of the case, as shown by their refusal to set up a group of attorneys general to ensure proper follow-up in criminal matters; (ii) the frequency with which members and survivors of the *Unión Patriótica* have been assassinated, attacked and harassed has remained extremely high throughout the procedure; (iii) one of the advertisements in the President's 2006 re-election campaign showed a former member of the *Unión Patriótica* justifying the killing of members of the party and calling for a continued fight against them, which prompted the Inter-American Commission on Human Rights and the Colombian Constitutional Court to ask for a rectification and for apologies to be made to the persons concerned; it would seem, however, that no such action has been taken by the authorities; *considering also* in this regard the Prosecutor General's written appeal of 4 July 2006 to the President of Colombia asking him to do everything in his power to ensure that the amicable settlement procedure does not break down,

Considering that, in the light of the above, the petitioners no longer wished to pursue the amicable settlement procedure and requested the Inter-American Commission on Human Rights to examine the merits of their case, and that a first hearing was scheduled for February 2007,

Noting that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights states that "substantial efforts are still needed to overcome impunity" and that she "strongly hopes that the implementation of the policy of combating impunity will lead to concrete results in the investigation and punishment of human rights violations",

1. *Thanks* the Prosecutor General and the Attorney General for the extensive information provided;

2. *Reiterates* that it is the fundamental duty of any State to protect the lives of its citizens and that this obligation also stems from the Inter-American Convention on Human Rights and other human rights treaties to which Colombia is a party;
 3. *Reaffirms* that the pending proceedings in the *Unión Patriótica* case before the Inter-American Commission do not release the Colombian authorities from their obligation to make a determined effort to hold perpetrators of human rights abuses to account and to provide victims and their families with reparation; *urges* the authorities to do so without further delay;
 4. *Stresses* that, by effectively fulfilling its oversight role, the Colombian Congress can help to ensure that such a determined effort is indeed made; *deplores* in this respect the prolonged absence of information on any action taken by the Congress in this case, and *fears* that this may denote a lack of interest on its part to see that justice is done in this case; *urges* it therefore to do everything in its power to help ensure that Colombia's human rights obligations are complied with fully and rapidly;
 5. *Sincerely hopes* that, since more than ten years have elapsed since the original petition was lodged with the Inter-American Commission on Human Rights, the *Unión Patriótica* case is dealt with as a matter of priority so that a ruling on the merits can be announced as early as possible; *would greatly appreciate* being kept informed of the proceedings;
 6. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
 7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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CASE NO. CO/121 - PIEDAD CORDOBA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the communications from the Prosecutor General's Office dated 30 October and 28 December 2006 and from the Human Rights Unit of the Attorney General's Office dated 15 January 2007; *taking account also* of the information provided by one of the sources on 15 January 2007,

Considering the following information on file regarding the crimes committed against Ms. Córdoba and the ensuing legal proceedings:

- Senator Córdoba was kidnapped and held by the *Autodefensas Unidas de Colombia* (AUC), a paramilitary group, between 21 May and 4 June 1999; its then leader, Mr. Carlos Castaño Gil, was formally charged on 9 November 2004 with instigating the kidnapping; Mr. Castaño had meanwhile disappeared in mid-April 2004; since then his remains have been found in a shallow grave in the department of Córdoba and an official death certificate has been added to the file; a public hearing was scheduled for 12 February 2007 in this case;
- in relation to the same kidnapping, an arrest warrant was issued on 26 June 2002 for Mr. Iván Roberto Duque Gaviria, alias Ernesto Báez, who is one of the representatives of

the paramilitary groups in the negotiations with the authorities and is currently held in the high security prison of Itagui; he was heard on 12 June 2006 as part the preliminary proceedings in this case; on 13 July 2006 the Attorney General confirmed the detention order served on him;

- Ms. Córdoba was the target of an attempt on her life in January 2003; the Attorney General adopted precautionary measures on 18 September 2003 against three persons, who were acquitted on 5 March 2005 by the Third Criminal Court of the Medellín Circuit; on 26 October 2006, a stay of proceedings was ordered because the period mentioned in Article 325 of the Criminal Code of Procedure had lapsed; while the report from the Attorney General's Office of 8 February 2006 makes reference to a fourth person, namely the same Iván Roberto Duque Gaviria, alias Ernesto Báez, referred to above and states that he was declared absent in this case, the Office's latest report includes no particulars of his situation,

Noting that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights states that "substantial efforts are still needed to overcome impunity" and that she "strongly hopes that the implementation of the policy of combating impunity will lead to concrete results in the investigation and punishment of human rights violations",

1. *Thanks* the Attorney General for the extensive information provided;
2. *Notes* that one of the presumed culprits in the kidnapping of Ms. Córdoba is at the disposal of the authorities, *trusts* that the necessary measures are being taken for him to stand trial in this case, and *would appreciate* receiving confirmation of this together with clarification of his legal status in the investigation into the January 2003 attempt on Ms. Córdoba's life;
3. *Trusts* that the authorities have ensured that she is provided with an effective security detail, and *would appreciate* receiving information in this regard;
4. *Reaffirms* that any security arrangement is bound to fail if those behind the threats can carry on making them and ultimately act on them without fear of being apprehended and held to account, *is deeply concerned* that none of the culprits of the latest threats appear to have been brought to justice, and *calls on* the authorities to pursue this matter with the utmost urgency;
5. *Deplores* the prolonged absence of any information from Congress regarding fulfilment of its oversight function in order to ensure that justice is done in this case and that Senator Córdoba enjoys the necessary protection, and *reiterates* its wish to receive information in this regard;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all former members of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

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

Recalling that FARC provided proof in September 2006 that their hostages, including the above former parliamentarians, were alive, and that on 28 September 2006 President Uribe accepted FARC's demand that two municipalities in the south-west of the country be demilitarized to permit a humanitarian exchange of the hostages for FARC rebels; on 19 October 2006, a car bomb exploded in a military installation in Bogotá, responsibility for which has not been claimed by anyone or been established by the authorities, whereupon President Uribe ruled out any immediate consultations regarding such an exchange,

Noting that, taking advantage of an exchange of fire between the military and FARC in early January 2007, Mr. Fernando Araújo managed to escape from the captivity in which he had been held by FARC since 2000 and to find his way out of the jungle after a five-day trek, and that the authorities claim that they freed Mr. Araújo, though the latter has reportedly stated that he escaped in the tumult caused by the exchange of fire between the military and FARC; *noting also* that while, despite opposition from the families, the Colombian Government has publicly stated its intention to free the FARC-held hostages by force, it has also authorized family members to engage in direct contacts with FARC in order to end their captivity and has asked the international commission, composed of representatives of France, Spain and Switzerland, to act in this regard,

Recalling the failed attempt of May 2003 by the authorities to secure the release of hostages through military action, which cost 10 of them their lives,

Noting that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights "urges that progress be made in dialogues and negotiations between the Government and the illegal armed groups, in order to overcome the internal armed conflict and achieve lasting peace", while urging "the illegal armed groups to free their hostages immediately and unconditionally",

1. *Remains deeply concerned* at the continuing captivity of the six parliamentarians, some for more than six years;
2. *Urges* the Colombian Government and FARC to act with the necessary resolve to start and pursue negotiations without delay for the sake of an early humanitarian agreement; and *reaffirms* in this regard its conviction that lasting solutions can only come about through negotiation;
3. *Deeply regrets* the prolonged absence of any information on action taken by the Colombian Congress in this case; and *fears* that this may denote a lack of interest on its part to play its important role in promoting the conclusion of an agreement and in monitoring any consultations to this end; *renews its call* on the Congress to make every effort to this end, in particular by establishing a parliamentary body for this purpose and giving it effective terms

of reference and adequate resources, and *would appreciate* receiving the observations of the parliamentary authorities in this respect;

4. *Recalls* that taking captive persons who play no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC immediately and unconditionally to release their civilian hostages and to refrain from the unlawful practice of kidnapping;
5. *Requests* the Secretary General to inform the authorities and the source accordingly;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling that Mr. Lozano was convicted and given a heavy prison sentence as a result of fundamentally flawed proceedings without being afforded the possibility of challenging them on appeal,

Recalling that: in 2001 Mr. Lozano brought his case before the Inter-American Commission on Human Rights; the Executive Secretary of the Commission, which at first considered Mr. Lozano's petition inadmissible, subsequently stated in August 2002 that it would be re-examined in the light of the Commission's jurisprudence, although no information has since been forthcoming on any such action; despite assurances that the case would be raised at the Commission's 125th session in July 2006, it was not considered on that occasion; *noting* that, although the Commission has since held its 126th session (16 to 27 October 2006) and 127th session (26 February to 9 March 2007), no information has been forthcoming on Mr. Lozano's case,

1. *Reasserts its conviction* that full and swift consideration of Mr. Lozano's case by the Inter-American Commission on Human Rights is crucial to helping effectively to address the wrong he sustained and to increasing the likelihood of his being afforded appropriate redress by the Colombian authorities;
2. *Infers* from the lack of any information in this regard that, more than three and a half years after assurances were first given that a re-examination would take place, the Inter-American Commission has yet to re-examine Mr. Lozano's case;
3. *Earnestly hopes* that the Commission will soon rule on the merits of the case; and *anxiously awaits* information on developments in this regard;
4. *Requests* the Secretary General to follow up the matter with the Commission, and to inform the competent Colombian authorities and Mr. Lozano accordingly;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

Resolution adopted unanimously by the IPU Governing Council at its 180th session

(Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the communications from the Prosecutor General's Office dated 27 March 2007 and 30 October and 28 December 2006, and from the Human Rights Unit of the Attorney General's Office dated 15 January 2007; *taking account also* of the information provided by one of the sources on 15 January 2007,

Recalling that Mr. Petro has repeatedly received death threats from paramilitary groups over a long period,

Considering the latest reports from the Attorney General's Office and from the Prosecutor General's Office on action taken in response to these threats:

- The investigation into the threats made in September 2001 was wound up when the statute of limitations expired, after it had been concluded that there was insufficient information on file to conclude that a crime had been committed; in this regard, the authorities highlighted Mr. Petro's failure to provide the further evidence he had undertaken to submit; he was informed that the investigation had been wound up and did not oppose that decision, which became final on 16 February 2006;
- The Commander of the *Bloque Tolima* of the United Self-Defence Forces of Colombia (AUC), demobilized on 22 October 2005, was identified as a suspect regarding the threats against Mr. Petro; the investigation by the Attorney General's Office has been at the preliminary stage since 2004; on 22 January and 12 February 2007, the Commander was heard in Court; the prosecuting authorities had requested further evidence-taking;
- The Prosecutor General's Office examined Mr. Petro's complaint regarding the failure to allocate him an armoured vehicle while other Congress members had more than one, but dismissed it on 12 February 2007,

Recalling that the Law on Peace and Justice (No. 975 of 2005) has been heavily criticized by human rights organizations and the international community for its leniency towards human rights abusers among illegal armed groups, and that, although the Government amended certain provisions following the Constitutional Court ruling of 18 May 2006 (C-370) rejecting several provisions of the Law, fundamental flaws are said to remain,

Considering that Mr. Petro has been a staunch and vocal critic of the Law on Peace and Justice (No. 975 of 2005) and has publicly denounced the infiltration of paramilitary groups into the political arena, and that he recently again received death threats,

Noting that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights states that "substantial efforts are still needed to overcome impunity" and that she "strongly hopes that the implementation of the policy of combating impunity will lead to concrete results in the investigation and punishment of human rights violations",

1. *Thanks* the Attorney General and the Prosecutor General for the extensive information provided;
2. *Expresses deep concern* at the latest death threats against Mr. Petro; *urges* the authorities to do everything in their power to identify and bring to justice the culprits as a matter of urgency since this is the only means of effectively preventing such threats and their

- execution in the future; *would appreciate* receiving information on steps taken in this regard;
3. *Trusts* that the authorities have provided Mr. Petro with an effective security detail, and *wishes to ascertain* the measures involved;
 4. *Notes* that one of the alleged authors of a previous death threat has been identified and is at the disposal of the authorities; *trusts* that he will be tried without delay and, if found guilty, be punished in accordance with the law;
 5. *Reaffirms* that the Colombian Congress has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation; *is confident* that the parliamentary authorities are closely following Mr. Petro's situation to ensure due administration of justice in his case and adequate protection for him; nevertheless *deeply regrets* the prolonged absence of any information on action taken in this regard;
 6. *Requests* the Secretary General to inform the authorities and the source accordingly;
 7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member, respectively, of the National Congress of Ecuador, who were murdered on 17 February 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the letter from the Attorney General's Office, dated 9 March 2007, and of the information provided by Amnesty International on 13 March 2007,

Recalling the following: on 20 December 2005, after protracted criminal proceedings, Mr. Freddy Contreras Luna was sentenced to 16 years in prison for the murder of Mr. Hurtado and Mr. Tapia and their legislative assistant and that he started serving the sentence on 20 January 2005; proceedings were suspended against the other five co-accused, Mr. Washington Fernando Aguirre, Mr. Cristián Steven Ponce, Mr. Sergey Merino, Mr. Martínez Arbeláez (alias "Milanta" or "Skipper Germán Sánchez") and Mr. Gil Ayerve (alias "Henry"), who at the time remained at large; an appeal against the ruling is pending and was assigned, on 11 September 2006, to the Third Criminal Chamber of the Supreme Court for consideration,

Noting that, according to the Attorney General's Office, information about the steps taken by the authorities to apprehend the five co-accused has been sought from the competent authorities but not as yet received; *considering* in this respect that, according to the information provided by Amnesty International, Christian Steven Ponce was detained in the United States and has been extradited to Ecuador,

Recalling that the adviser to the Special Commission of Inquiry set up by the Government in 1999 to help establish the facts of the case, Mr. Andocilla, also a member of parliament, was attacked on 22 February 2002, the day after he submitted the Commission's report to Congress,

1. *Thanks* the authorities for their cooperation;
2. *Notes with satisfaction* that one of the co-accused has been apprehended and extradited to Ecuador and *is confident* that he is now standing trial; *would appreciate* receiving information in this respect;
3. *Reaffirms* that this case cannot be fully elucidated and justice done so long as all the persons indicted as the masterminds and perpetrators of the murder remain at large and proceedings against them suspended as a result; *awaits* therefore with interest the information on the steps taken to apprehend the remaining four accused which the authorities have undertaken to provide;
4. *Wishes to ascertain* the stage reached in the appeal proceedings pending before the Supreme Court;
5. *Reiterates* its wish to ascertain what progress has been made in the investigation into the attack, almost five years ago, on Mr. Andocilla;
6. *Requests* the Committee's delegation, in the context of its mission regarding Cases EC/11 - EC/67, also to gather as detailed information as possible on this case from the parties concerned;
7. *Requests* the Secretary General to inform the competent authorities and the sources accordingly;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

ECUADOR

CASE N° EC/11 - F. AGUIRRE CORDERO
CASE N° EC/12 - A. ÁLVAREZ MORENO
CASE N° EC/13 - F. ALARCÓN SÁENZ
CASE N° EC/14 - N. MACÍAS
CASE N° EC/15 - R. AUQUILLA ORTEGA
CASE N° EC/16 - A. E. AZUERO RODAS
CASE N° EC/17 - E. A. BAUTISTA QUIJE
CASE N° EC/18 - R. V. BORJA JONES
CASE N° EC/19 - S. G. BORJA BONILLA
CASE N° EC/20 - F. G. BRAVO BRAVO
CASE N° EC/21 - M. L. BURNEO ÁLVAREZ
CASE N° EC/22 - J. C. CARMIGNIANI GARCÉS
CASE N° EC/23 - J. H. CARRASCAL CHIQUITO
CASE N° EC/24 - L. O. CEDEÑO ROSADO
CASE N° EC/25 - F. A. COBO MONTALVO
CASE N° EC/26 - E. G. CHÁVEZ VARGAS
CASE N° EC/27 - L. A. CHICA ARTEAGA
CASE N° EC/28 - P. DEL CIOPPO ARANGUNDI
CASE N° EC/29 - M. S. DIAB AGUILAR
CASE N° EC/30 - J. DURÁN MACKLIFF
CASE N° EC/31 - E. B. ESPÍN CÁRDENAS
CASE N° EC/32 - L. E. FERNÁNDEZ CEVALLOS
CASE N° EC/33 - P. FIERRO OVIEDO
CASE N° EC/34 - O. P. FLORES MANZANO

CASE N° EC/40 - F. J. JALIL SALMÓN
CASE N° EC/41 - J. C. LÓPEZ FERNANDO
CASE N° EC/42 - C. LARREÁTEGUI NARDI
CASE N° EC/43 - I. G. MARCILLO ZABALA
CASE N° EC/44 - M. MÁRQUEZ GUTIÉRREZ
CASE N° EC/45 - C. R. MAYA MONTESDEOCA
CASE N° EC/46 - J. I. MEJÍA ORBE
CASE N° EC/47 - E. MONTAÑO CORTEZ
CASE N° EC/48 - L. U. MORALES SOLÍS
CASE N° EC/49 - T. A. MOSCOL CONTRERAS
CASE N° EC/50 - B. L. NICOLALDE CORDERO
CASE N° EC/51 - A. L. NOBOA YCAZA
CASE N° EC/52 - X. E. NÚÑEZ PAZMIÑO
CASE N° EC/53 - C. G. OBACO DÍAZ
CASE N° EC/54 - L. A. PACHALA POMA
CASE N° EC/55 - J. F. PÉREZ INTRIAGO
CASE N° EC/56 - M. X. PONCE CARTWRIGHT
CASE N° EC/57 - H. L. ROMERO CORONEL
CASE N° EC/58 - W. F. ROMO CARPIO
CASE N° EC/59 - G. M. SALTOS ESPINOZA
CASE N° EC/60 - G. R. SALTOS FUENTES
CASE N° EC/61 - M. L. SÁNCHEZ CIFUENTES
CASE N° EC/62 - S. E. SÁNCHEZ CAMPOS
CASE N° EC/63 - A. SERRANO VALLADARES

CASE N° EC/35 - A. G. GALLARDO ZAVALA
CASE N° EC/36 - M. V. GRANIZO CASCO
CASE N° EC/37 - A. X. HARB VITERI
CASE N° EC/38 - O. IBARRA SARMIENTO
CASE N° EC/39 - J. E. ITURRALDE MAYA

CASE N° EC/64 - L. F. TAPIA LONBEIDA
CASE N° EC/65 - L. F. TORRES TORRES
CASE N° EC/66 - W. VALLEJO GARAY
CASE N° EC/67 - N. VITERI JIMÉNEZ

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of 57 members of the Parliament of Ecuador, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/180/12(b)-R.1),

Considering the following information on file:

- President Rafael Correa of Ecuador took office on 15 January 2007 on the main platform of setting up a Constituent Assembly with full powers, including the power to dissolve the Congress elected in October 2006, for the purpose of rewriting the Constitution of Ecuador; while Congress agreed to holding a referendum on the issue of setting up a Constitutional Assembly, it refused to empower the Constituent Assembly to dissolve the Congress, and a vote to this effect was adopted on 13 February 2007.
- However, on 1 March 2007 the Supreme Electoral Court (TSE), presided over by Mr. Jorge Acosta Cisneros, called a referendum for 15 April 2007 on the establishment of a Constituent Assembly (AC), with full powers, for the purpose of rewriting the Constitution.
- On 6 March 2007, Congress members belonging to the *Partido Sociedad Patriótica* and others, together totalling 57 members of the 100-member Congress, voted to dismiss Mr. Acosta as President and Member of the TSE since it was felt that he no longer represented their views, and designated Mr. Alejandro Cepeda Estupiñán to take his place. The 57 Congress members affirm that, in line with Article 209 of the Constitution, the seven members of the TSE are designated not in their individual capacity but as representatives of the political parties obtaining the highest number of votes in the last elections, and that they were therefore entitled to revoke Mr. Acosta, the member designated by the *Partido Sociedad Patriótica*. In addition, the source stresses that, under the Constitution (Art. 130.8), Congress is competent to oversee the functioning and action of the TSE.
- On 7 March 2007 Mr. Acosta, together with three other TSE members, declared the decision of Congress unlawful and revoked the mandate of the 57 Congress members, affirming that they had interfered with the functioning of the TSE, and debarred them for one year from participating in political life, which decision, according to the source, falls outside the TSE's remit.
- In this regard the source puts forward the following arguments:
 - (a) Article 155 of the Constitution on the strength of which their mandate was revoked is only applicable to certain specific categories of persons not including members of Congress. There is no other norm in Ecuadorian law under which the TSE could claim such authority.

- (b) Members of Congress may lose their mandate solely through a vote by Congress after a procedure before the *Comité de Excusas y Calificaciones* (Privileges Committee), under Article 3 of the Code of Ethics of the Legislature and Article 136 of the Constitution.
 - (c) Even if the TSE was competent to sanction them, their right to defend themselves should have been respected, which was not the case as they had not even been informed of the impending decision nor been heard by the TSE.
 - (d) Even if the Congress members had illegally interfered with the TSE, Article 143 of the Organic Election Law would apply, whereby it is the Supreme Court which is competent to apply sanctions to such members in the event of violations of an electoral nature.
 - (e) Since the resolution was voted on in Congress by a show of hands, the names of those who voted in favour had not been registered officially. The decision by the TSE to exclude 57 Congress members was based on an arbitrary list including some who had actually voted against the resolution and others who were not in Ecuador that day.
 - (f) Lastly, the Congress members point out that the TSE decision was taken by three incumbent members, a minority, not the requisite minimum of four.
- The Government subsequently prevented the newly designated member of the TSE, Mr. Cepeda, from taking up his seat in the TSE and ordered considerable police forces to prevent the 57 dismissed Congress members, who had meanwhile been replaced by their substitutes elected at the same time in the October 2006 legislative elections, from entering the parliamentary premises. Some of the dismissed Congress members have since reportedly been ill-treated by the police and by other groups supporting the Government, and the property of some was reportedly damaged, without any action being taken by the authorities.
 - On 27 March 2007, in response to an *amparo* action by an Ecuadorian citizen, Mr. José Miguel Zurita, against the revocation of the mandate of the 57 Congress members, the Judge of the Fifteenth Penal Chamber of Guayas province granted the request and left the TSE resolution without effect. Three of the 57 Congress members who attended the court hearing were reportedly almost lynched as they entered and left the court building. However, after that decision, the reinstated Congress members were still prevented from entering Congress, and decided to meet elsewhere to continue their work. Since then, the TSE has reportedly revoked that Judge and threatened to do likewise with any other judge deciding to grant a similar *amparo* action.
 - On 23 April 2007 the Constitutional Court delivered a final ruling annulling the revocation of the mandates of 50 Congress members (the other seven not having signed the *amparo* action that was the basis of its ruling), concluding that it had been illegal, one of the grounds being that the Constitution of Ecuador stipulates that Congress members cannot be held responsible civilly or criminally for votes cast and opinions expressed in the exercise of their functions. On 24 April 2007, Congress decided to dismiss the judges of the Constitutional Court on the grounds that their terms had expired in January 2007 and that as a result its ruling was invalid.
 - On that same day, on the basis of a complaint from a group of Congress members, the Attorney General issued a detention order for 24 of the reinstated Congress members on the basis of accusations that they had unlawfully continued exercising their functions and had violated the legal security of the State (*atentado contra la seguridad jurídica del estado*), after which four of them immediately left to seek refuge in Colombia and others went into hiding in Ecuador. The President of Ecuador has since publicly stated that the detention order was inappropriate; however, the group of Congress members behind the complaint does not wish to withdraw it,

Bearing in mind that Ecuador has ratified the International Covenant on Civil and Political Rights (ICCPR) and is also a party to the American Convention on Human Rights (ACHR), both of which guarantee respect for the right to freedom of expression, a right also expressly protected under the Constitution of Ecuador by its Article 23(9); moreover, that its Article 137 expressly provides that Congress members cannot be held responsible civilly or criminally for votes cast and opinions expressed in the exercise of their functions,

1. *Expresses alarm* at the revocation of the parliamentary mandate of 57 members of the Ecuadorian Congress for a vote cast in parliament and for having exercised their freedom of expression, as acknowledged by the Constitutional Court's ruling, as a result of which over half of the Ecuadorian electorate has been left without its first choice of representation;
2. *Stresses* that parliamentary immunity for opinions expressed and votes cast in parliament is a cornerstone of representative democracy and firmly protected in parliaments the world over, shielding members of parliament from any judicial or other proceedings for any vote cast and opinion expressed in the exercise of their parliamentary mandate;
3. *Affirms* that the revocation of a parliamentary mandate is a serious measure which irrevocably deprives a member of parliament of the possibility of carrying out the mandate entrusted to him or her, and that it must therefore be taken in strict accordance with the law;
4. *Is deeply concerned* therefore that, despite an unequivocal ruling by the highest judicial authority in Ecuador that the revocation was unlawful, the Congress members have been prevented from taking their seats;
5. *Is also deeply concerned* that 24 of the reinstated Congress members have since been subjected to a detention order which, in the light of the Constitutional Court's ruling, cannot have any legal basis;
6. *Notes with deep concern* allegations of attacks on the parliamentarians in question and of the lack of any steps by the authorities to look into them; *calls on* the authorities to investigate any such allegation and complaint and to prevent any recurrence thereof, as is their duty, and *would appreciate* receiving information in this regard;
7. *Considers* that the magnitude, ramifications and complexity of the case warrant an on-site mission to Ecuador as soon as possible in order to gather further information, to ascertain the views of all the competent authorities and the parliamentarians concerned, and to pursue possible avenues towards a satisfactory settlement of the case;
8. *Requests* the Secretary General to seek the approval of the authorities for the mission to take place as soon as possible;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007), in the light of the information gathered by the on-site mission.

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE
GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELISSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED
SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Parliament of Eritrea, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling the following: the former parliamentarians concerned have been held incommunicado since their arrest on 18 September 2001 and have been neither officially charged nor brought before a judge; their arrest followed the publication of an open letter in which they called for democratic reform; the authorities, which accuse them inter alia of conspiring and attempting to overthrow the government, have provided different arguments for not bringing them before a court of law: on the one hand they stated that they could only be taken to court once the peace process was concluded since a trial might hamper the peace process owing to sensitive information that might be revealed; on the other hand they stated that they had been unable to bring them before a court because of the deficient nature of the criminal justice system in Eritrea, and that they did not "throw away or stash the matter indefinitely",

Recalling further that, in a decision on this case adopted at its 34th ordinary session (November 2003), the African Commission on Human and Peoples' Rights found the State of Eritrea to be in breach of Articles 2 (entitlement without discrimination to the enjoyment of human rights enshrined in the Charter), 6(right to liberty and security of person), 7(1) (right to a fair trial) and 9(2) (right to freedom of expression) of the African Charter on Human and Peoples' Rights; the Commission urged the Government of Eritrea to order the immediate release of the 11 detainees and recommended that they be granted compensation; the decision was included in the Commission's Seventeenth Annual Activity Report and endorsed by the 4th Ordinary Session of the Assembly of the African Union (Abuja, 2005),

1. *Condemns* the continuing incommunicado detention of the former parliamentarians concerned, as it constitutes a gross violation of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights, to which Eritrea is a party;
2. *Reaffirms* that no argument whatsoever can justify such violations, and once again *urges* the authorities to release the former parliamentarians concerned forthwith;
3. *Appeals* to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power to ensure compliance with the decision of the African Commission on Human and Peoples' Rights in this case, and *believes* that they have a particular interest in ensuring that decisions of the African Commission are indeed applied;
4. *Solemnly calls upon* all member parliaments to intervene in favour of the release of the parliamentarians concerned;
5. *Reiterates its wish* to conduct an on-site visit since it remains convinced that such a visit would help solve this case, and *requests* the Secretary General to pursue his efforts to this end;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

Resolution adopted unanimously by the IPU Governing Council at its 180th session

(Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Miguel Angel Pavón Salazar of Honduras, who was murdered in January 1988, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling that one of the suspects of Mr. Pavón's murder died during Hurricane Mitch and the other, Mr. Jaime Rosales, was extradited from the United States in August 2003; he was acquitted of the murder at first instance, but the judgment was quashed on appeal and he was sentenced to 20 years' imprisonment; an application for judicial review of that judgment is still pending before the Supreme Court,

1. *Notes* that no information has been provided as to any decision the Supreme Court may meanwhile have taken on that application challenging the conviction of Mr. Rosales;
2. *Requests* the Secretary General once again to contact the competent authorities and the source with a view to obtaining that information;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE NO. LEB/01 - GIBRAN TUENI - LEBANON

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gibran Tueni, a member of the National Assembly of Lebanon, managing editor of *an-Nahar* newspaper and an outspoken critic of the Syrian Arab Republic and its allies in Lebanon, who was killed in a car bomb attack on 12 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the Committee's meeting with the leader of the Lebanese delegation to the 116th Assembly and of the information he provided,

Recalling that, in its resolution 1644 (2005), the United Nations Security Council authorized the International Independent Investigation Commission entrusted with investigating Prime Minister Hariri's murder to devote part of its capacity to the task of extending technical assistance to the Lebanese authorities with regard to 14 cases of assassination attempts, assassinations and bomb attacks carried out in Lebanon since 1 October 2004, including the murder of Mr. Tueni,

Considering that the International Independent Investigation Commission's fifth report of 25 September 2006 (S/2006/760) states that its work on these cases "is beginning to produce links notably in identifying potential conjoining motives" and that "establishing the depth, breadth and nature of those links to an evidential standard is an investigation priority over the next months"; *considering* also that, according to the leader of the Lebanese delegation, the results of the investigation were initially scheduled to be published in June 2007, but that the Security Council, at the request of the Lebanese authorities, has extended this period for one year,

Recalling that soon after Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor; on 15 June 2006 the Minister of Justice, with the

approval of the Supreme Judicial Council, designated Mr. Jihad Alwadi as the investigating judge in the case; *considering* that, according to the leader of the Lebanese delegation, the national investigating authorities are closely cooperating with the international investigation, which has precedence over the national investigation,

Considering that, on 21 November 2006, the United Nations Security Council expressed support for the establishment of an international tribunal for Lebanon that would have concurrent jurisdiction with the national courts, and would try those alleged to be responsible for Mr. Hariri's assassination and for any other attacks since October 2004 which are "connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005"; *considering* that, according to the leader of the Lebanese delegation, everyone in Lebanon and all political parties are in favour of establishing such a tribunal,

Bearing in mind in this respect the current political deadlock in Lebanon preventing the Parliament from sitting and from taking any decision with regard to the establishment of the tribunal,

1. *Thanks* the leader of the Lebanese delegation for the information he provided;
2. *Notes* the progress being made in the investigation by the International Independent Investigation Commission, and *trusts* that the Lebanese investigating authorities will continue to assist it in any way so as to identify as quickly as possible those responsible for the murder of Mr. Tueni;
3. *Calls on* the National Assembly to make every effort to contribute to settling the present crisis so as to remove obstacles to the national decision-making process regarding the international tribunal for Lebanon;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted by consensus by the IPU Governing Council at its 180th session* (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the comments made by the Malaysian delegation to the 115th IPU Assembly (Geneva, October 2006) on the resolution adopted at its 177th session (October 2005) and of the observations on the pardon procedure provided on 15 January 2006 by Mr. Ibrahim's defence counsel,

Noting the following:

- in its comments, the delegation sought first to demonstrate that Mr. Ibrahim had been convicted of abuse of power for reasons unrelated to the sodomy charge and that the Federal Court had acquitted Mr. Ibrahim on the sodomy charge, not because it had

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

concluded that no criminal act had taken place, but mainly because of the prosecution's failure to prove the actual date of commission of such act and because it had found that the victim in the case was an accomplice having participated in the act; corroborative evidence was therefore needed to support the victim's complaints;

- the comments further sought to establish that for Mr. Ibrahim to be granted a pardon, he himself had to submit a pardon petition; according to the delegation, the applicable law was the 2000 Prison Regulations, Articles 54, 113 and 114 of which specify the situations in which pardon proceedings can be instituted; only Regulation 113, which stipulates that a prisoner or a member of his family may petition the King on the subject of his conviction or sentence as soon as practicable after his conviction, was applicable in this case and consequently Mr. Ibrahim had himself to submit a pardon petition; the group of Malaysian citizens which had submitted a pardon petition on his behalf in May 2005 had no *locus standi* in that respect;
- finally, the comments sought to demonstrate that the Prime Minister had no role to play in the pardon procedure since he was not a member of the Pardon Board,

Considering that,

- on the question of pardon, according to Mr. Ibrahim's defence counsel, the 2000 Prison Regulations do not apply in this case since Mr. Ibrahim was sentenced in April 1999 and the Prison Regulations entered into force only on 1 September 2000; that, moreover, Regulations 54, 113 and 114 do not apply to Mr. Ibrahim since they concern only prisoners and that, consequently, there is nothing in the law to prevent a third party from submitting a pardon petition;
- on the role of the Prime Minister, Article 40 of the Constitution provides that he shall act on the advice of the Cabinet or a Minister acting under the general authority of the Cabinet unless otherwise stipulated, and Article 42 of the Constitution, which deals with the power to pardon, stipulates that the King is empowered to grant pardons, reprieves and respites in respect of all offences which have been tried by court martial and all offences committed in the Federal territories of Kuala Lumpur and Labuan and provides for no exception to Article 40,

Noting lastly that Mr. Ibrahim does not wish to submit a pardon petition since this would be tantamount to an admission of guilt, and that he has brought a defamation lawsuit against the former Prime Minister, Dr. Mahathir, for the statements he made during the judicial proceedings against him,

1. *Notes that there is nothing to alter its firm belief that Mr. Ibrahim's trials and conviction were based on a presumption of guilt, and that he should therefore be granted a pardon so as to enable him once again fully to participate in the political life of his country;*
2. *Reiterates therefore its full support of a pardon for Mr. Anwar Ibrahim;*
3. *Requests the Secretary General to inform His Majesty the King and all other competent authorities, as well as Mr. Ibrahim, accordingly;*
4. *Requests the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).*

CASE NO. MON/01 - ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the meeting the Committee had with the Mongolian delegation during the 116th Assembly and the information provided by it on the occasion,

Recalling the following:

- the IPU has always encouraged the Parliament of Mongolia to set up a working group to follow the investigation into the murder of Mr. Zorig, which almost 10 years after the crime has not produced any tangible results, and it offered its assistance in identifying the needed expertise in criminology; at the suggestion of the Mongolian authorities, the parliaments of Germany, Japan and the United Kingdom were contacted and favourable replies received from them; they specified, however, that an official letter had to be sent by the Mongolian Government to the competent authorities in the respective countries;
- on 8 August 2006, the Speaker of the State Great Hural set up a working group "to study the process of investigation and to provide the necessary support" to the investigation into the murder of Mr. Zorig; during a meeting with the working group on 3 October 2005, the General Police Department and the General Intelligence Agency submitted a list of investigative actions for which assistance and expert advice would be required;
- by letter of 15 January 2007, the Minister of Justice and Home Affairs informed the Committee in detail of the kind of assistance required,

Considering that in April 2007 the Prime Minister of Mongolia sent an official request for assistance with the investigation to the Prime Ministers of Germany, Japan and the United Kingdom,

1. *Thanks* the Mongolian delegation for the information provided;
2. *Is pleased* to note that the required official letter regarding the requested assistance with the investigation has now been sent by the Prime Minister of Mongolia, and *sincerely hopes* that an answer will be received as quickly as possible from the authorities of the countries in question; *requests* the parliaments of Germany, Japan and the United Kingdom to follow the matter up with the competent authorities in their countries;
3. *Would appreciate* receiving a copy of the Prime Minister's letters to his counterparts;
4. *Requests* the Secretary General to inform the parties concerned accordingly;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE NO. MYN/04 - KHIN MAUNG SWE
CASE NO. MYN/13 - SAW NAING NAING
CASE NO. MYN/35 - SAW HLAING
CASE NO. MYN/60 - ZAW MYINT MAUNG
CASE NO. MYN/104 - KYAW KHIN
CASE NO. MYN/118 - THAN NYEIN

CASE NO. MYN/119 - MAY WIN MYINT
CASE NO. MYN/215 - AUNG SOE MYINT
CASE NO. MYN/236 - KHUN HTUN OO
CASE NO. MYN/237 - KYAW SAN
CASE NO. MYN/238 - KYAW MIN
CASE No. MYN/241 - KHIN MAUNG WIN

Parliamentarians who died in custody:

CASE NO. MYN/53 - HLA THAN

CASE NO. MYN/55 - TIN MAUNG WIN

CASE NO. MYN/72 - SAW WIN

CASE NO. MYN/83 - KYAW MIN

CASE NO. MYN/131 - HLA KHIN

CASE NO. MYN/132 - AUN MIN

Parliamentarians who were assassinated:

CASE NO. MYN/66 - WIN KO

CASE NO. MYN/67 - HLA PE

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the extensive information provided by the sources,

Recalling its long-standing concerns regarding (i) the complete disregard of the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats, (ii) the continuous elimination from the political process of a large number of parliamentarians-elect by various means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards, and pressure to resign from the NLD and so relinquish their status as elected members of parliament, and (iii) the reconvening of the National Convention on the basis of the same detailed blueprint for a unitary, military-dominated State which had guided the Convention when it was first set up in 1993, and *considering* in this respect that the government intends to have the National Convention complete its work in 2007, which, should this be the case, would mean the constitutional perpetuation of the leading role of the Myanmar Armed Forces,

Considering that the health of parliamentarians-elect Dr. May Win Myint, Dr. Than Nyein and U Kyaw San remains highly precarious and will deteriorate further if they do not receive urgent medical care; that in November 2006 the authorities ordered the International Committee of the Red Cross (ICRC) to close its five field offices; that while the Government was reconsidering its decision, in March 2007 the ICRC indeed closed two of its offices owing to severe restrictions imposed by the authorities and was considering whether to keep the remaining offices open,

Considering that the detention of Dr. Than Nyein and Dr. May Win Myint was again extended for a year, under the 1975 State Protection Law, whereby political prisoners can be detained, without ever being presented in court, without the right to know why they are being detained or to contest their detention,

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

Considering that, according to the United Nations Special Rapporteur on the situation of human rights in Myanmar, in his report (A/HRC/4/14) dated 12 February 2007, "The current

administration has not yet demonstrated any willingness to concede any space for the promised move towards democratization. Any voice questioning the existing policies and practices has been harshly suppressed."

Recalling the many parliamentary initiatives throughout the world in favour of the parliamentarians-elect and the promotion of democracy in Myanmar, in particular the work of the ASEAN Inter-Parliamentary Caucus on Myanmar; *noting* the meeting it co-organized on 29 April 2007 in Nusa Dua during the 116th IPU Assembly, under the joint sponsorship of the Indonesian and Norwegian delegations,

Noting also that at the 116th IPU Assembly the Committee staged an exhibition giving a face to and telling the story of each of the 12 parliamentarians-elect,

Recalling that the United Nations Security Council was informally briefed on the situation in Myanmar for the first time in December 2005 and that this question was placed on the agenda of the Security Council meeting of 29 September 2006; *considering* that, on 12 January 2007, the Security Council considered a draft resolution calling on Myanmar to release all political prisoners, begin widespread dialogue and end its military attacks and human rights abuses against ethnic minorities, that the draft was put to the vote on 12 January 2007 and received nine votes in favour, and that China and the Russian Federation prevented its adoption by issuing vetoes, though not without emphasizing that serious problems existed in Myanmar,

1. *Condemns* the continuation of the deliberate policy of the authorities of Myanmar to deprive its people of their right to be represented by persons of their own choosing, as guaranteed under Article 21 of the Universal Declaration of Human Rights;
2. *Reaffirms* that the National Convention, in its present form, has no other purpose than to prolong and legitimize military rule and that any document adopted by it will be illegitimate, contemptuous as it will be of the democratic values to which the people of Myanmar aspire;
3. *Is alarmed* that the detention of Dr. Than Nyein and Dr. May Win Myint has again been extended on the basis of iniquitous legal provisions, and at the continuing failure of the authorities to provide or allow Dr. Than Nyein, Dr. May Win Myint and U Kyaw San the medical treatment they require, thus putting their health at risk; *urges* the authorities to release them forthwith;
4. *Stresses once again* that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
5. *Deplores* the lack of any willingness on the part of the authorities to address these long-standing concerns; *urges them once again* to release the 12 parliamentarians-elect still imprisoned forthwith, and to engage in a genuine dialogue with those elected in the 1990 elections and with the ethnic leaders, and to give serious consideration to the proposal made by the NLD;
6. *Appreciates* the efforts made by parliaments and their members to help bring about respect for democratic principles in Myanmar, *takes note of* the latest developments at the Security Council, and *appeals to* the parliaments of the countries which are members of the Security Council to press their governments to ensure full and continuing consideration of the situation in Myanmar by the Security Council;
7. *Calls once again* on the Member Parliaments of the IPU, in particular those of China and India as neighbouring countries, of ASEAN and of the European Union to pursue and

strengthen their national, regional and joint initiatives in favour of the parliamentarians-elect and in support of respect for democratic principles in Myanmar;

8. *Requests* the Secretary General to convey this resolution to the authorities and to all other parties concerned;
 9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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CASE NO. PAK/08 - ASIF ALI ZARDARI - PAKISTAN

***Resolution adopted by consensus by the IPU Governing Council at its 180th session *
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Asif Ali Zardari of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the information provided by members of the Pakistani delegation at the hearing held on the occasion of the 116th IPU Assembly,

Recalling the following:

- Mr. Zardari was tortured during the night of 17 May 1999 and again on 19 May 1999 while in the custody of the Central Investigation Agency, Civil Line; a judicial investigation was launched which concluded in August 1999 that the injuries were not self-inflicted but the result of severe ill-treatment; however, no further action was taken; Mr. Zardari subsequently filed a complaint against the police officers concerned, and it was only by order of the court that a First Information Report (FIR) was registered on 9 February 2005; however, the ensuing police investigation being to no avail, the court dismissed the case on 13 September 2006 and acquitted the police officers concerned for want of evidence; an appeal against the acquittal is said to be pending before the High Court of Sindh in Karachi; the authorities have stated on several occasions in the past that the lack of results in the investigation and proceedings was due to Mr. Zardari's lack of cooperation; in this regard, the Pakistani delegation to the 116th Assembly affirmed that Mr. Zardari had failed to name the alleged culprits;
 - Several long-standing criminal and accountability cases are pending against Mr. Zardari, most of which have remained at a standstill; some of the cases were initiated or reactivated in recent years just when his release appeared imminent; Mr. Zardari was granted bail in all cases and, his name having been struck off the Exit Control List in December 2004, he was able to travel abroad for medical treatment, and has since remained abroad,
1. *Deplores* the failure of the authorities to comply with their duty to identify and bring to justice the law enforcement officials responsible for Mr. Zardari's torture eight years ago, although knowledge of the exact date, time and place of the crime should have permitted rapid identification of the officers on duty at the time; *points out* that these officers may still be on duty and practice torture with complete impunity;

* The delegation of Pakistan protested the following words in paragraph 2 "Pakistan is responsible for a grave human rights violations and for encouraging torture, a state of affairs which it condemns",

2. *Affirms* that by failing to institute a proper investigation into Mr. Zardari's torture, Pakistan is responsible for a grave human rights violation and for encouraging torture, a state of affairs which it condemns; *urges* the Parliament to avail itself of its oversight function and to look into these serious matters so as to ensure that the absolute prohibition of torture under international law is fully respected;
 3. *Affirms* that the excessive length of proceedings which have been pending against Mr. Zardari since 1996 is an infringement of the fundamental principle that justice delayed is justice denied; *deploras* this state of affairs; likewise *believes* that Parliament should assume its responsibilities and take the necessary measures to ensure due administration of justice avoiding the recurrence of such delays in criminal proceedings;
 4. *Notes* that Mr. Zardari is at present living abroad and that it has vainly pursued all avenues for a satisfactory settlement of this case, and *decides* to close the case while reserving the right to reopen it should any developments so warrant.
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CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Makhdoom Javed Hashmi, a member of the National Assembly of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the hearing the Committee held during the 116th Assembly with members of the Pakistani delegation and of the information they provided,

Recalling the following: Mr. Hashmi, leader of the Alliance for the Restoration of Democracy, was arrested on 29 October 2003 on the grounds that he had, during a press conference in the National Assembly cafeteria, shown an allegedly forged letter written in the name of Pakistani army officers, bearing the stamp of the Army General headquarters and criticizing the army and its leadership; a case was filed against him upon the complaint of a Mr. Kurshid Ahmed, a retired army officer; at the close of the trial which was held inside prison, he was found guilty on all charges (defaming the Government and the army, forgery and incitement to forgery) and sentenced on 12 April 2004 to a 23-year prison term which, as the sentences run concurrently, amounts to seven years of imprisonment,

Considering that, according to the Pakistani delegation, Mr. Hashmi's trial was initially held in open court in Islamabad; at the second or third hearing, a number of Mr. Hashmi's supporters ransacked the court and the judge had to run away in fear of his life; the Government consequently decided to hold the trial inside Adyala jail in Rawalpindi; according to the delegation, lawyers can be present at such trials as can the media if appropriate security measures are taken; *recalling* that, according to the information provided by the Pakistani delegation during the 111th Assembly (April 2004), the decision to shift the trial to Adyala prison was taken to ensure Mr. Hashmi's own security; *noting* also that, according to Mr. Hashmi's lawyer, the trial was in fact held in camera as only the daughter and two brothers of Mr. Hashmi were allowed to attend the proceedings; an appeal against the holding of the trial inside the prison was filed but not heard and hence became moot,

Recalling that an application for suspension of sentence was dismissed on 24 February 2005 by a single judge of Lahore High Court, a decision upheld on 9 October 2006 by the Supreme Court; *considering* that, according to Mr. Hashmi's lawyer, the decision is fundamentally flawed, for which

reason a review application was filed on 4 December 2006, which has not yet been heard although it should normally have been heard within four weeks of its filing,

Considering that in April 2004 Mr. Hashmi lodged an appeal against the judgment which has not as yet been set for hearing; *recalling* in this respect that, according to the information provided by a member of the Pakistani delegation to the 115th IPU Assembly (Geneva, October 2006), the appeal court was expected to rule on the appeal in the ensuing months and that appeals were normally heard within two years, but that, according to information provided by the Pakistani delegation during the 114th Assembly (Nairobi, May 2006), appeals could take up to seven years; *considering* that, at the hearing held during the 116th Assembly, the Pakistani delegation stated that Mr. Hashmi had failed to file an application for early hearing,

Recalling further the differing information that has been provided by the authorities and the sources of information as to Mr. Hashmi's conditions of detention and access to medical treatment; *noting* that, while the sources have affirmed that Mr. Hashmi is only afforded C-class standards, the Pakistani delegation reiterated that Mr. Hashmi was provided with A-class facilities, had two servants, received two visits a week from his family, which also provided him with food, and that he received medical treatment outside prison,

Recalling that, according to the source, had Mr. Hashmi been granted the usual remissions granted on such occasions as Eid, Independence Day and Republic Day, he would already have been released; *noting* that, according to the Pakistani delegation, the rule that remissions were given to every convict was amended three years ago and certain categories of convicts may now be denied remissions, which usually amount to 1.5 months per year,

Recalling lastly that the Speaker of the National Assembly rejected its request for the Committee to conduct an on-site mission regarding Mr. Hashmi on the grounds that Parliament could not discuss matters which were *sub judice* and that prisons were a provincial matter and neither the National Assembly nor the Federal Government was supposed to interfere in the administrative matters of the Provincial Government,

1. *Thanks* the Pakistani delegation for the information it provided;
2. *Reiterates its concerns* at how justice has been and is being administered in Mr. Hashmi's case; *stresses* in particular that a trial held inside prison can hardly be regarded as compatible with the basic requirement of a public trial; nor can an appeal that has been pending for three years without a single hearing having been scheduled meet the requirement of a trial without undue delay; *points out* that such delays may render moot legal redress, as was the case of Mr. Hashmi's appeal against the holding of his trial inside prison;
3. *Hopes* therefore that Mr. Hashmi's application for review of the Supreme Court decision regarding his application for suspension of sentence, in addition to his appeal against the judgment, will be heard without further delay;
4. *Is unclear* regarding entitlements to remission and *would appreciate* clarification in this respect;
5. *Remains concerned*, in the light of the differing information before it, at Mr. Hashmi's conditions of detention and state of health;
6. *Reiterates therefore its wish* to carry out an on-site mission and *stresses* that the mission is in no way intended to interfere in judicial processes but to ascertain first-hand Mr. Hashmi's conditions of detention and state of health;
7. *Consequently calls on* the Speaker to reconsider his earlier decision and to use his good offices with the Federal Government, as it is firmly convinced that an on-site visit would significantly contribute to a satisfactory settlement of this case;
8. *Requests* the Secretary General to inform the authorities and the sources accordingly;

9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Referring also to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman,

Recalling that Mr. Barghouti was sentenced on 6 June 2004 by the Tel Aviv District Court, whose jurisdiction he did not recognize, to five life sentences and two 20-year prison terms, which he is currently serving in an Israeli prison,

1. *Fails to understand* why the Speaker of the Knesset has not replied to its repeated requests for a Committee member to visit Mr. Barghouti;
2. *Requests* the Secretary General to continue to raise this matter with the Speaker and other Israeli authorities; *sincerely hopes* that such a visit will be authorized, and *reiterates* that it would just be treated as a private visit signifying parliamentary solidarity;
3. *Reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
4. *Reaffirms further*, in the light of the expert report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hussam Khader, a former member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006); *referring* further to the report of the IPU observer, Mr. Simon Foreman, on Mr. Khader's trial submitted at its 177th session (October 2005),

Taking account of the information provided by one of the sources on 27 April 2007,

Recalling the following:

- Mr. Hussam Khader was arrested on 17 March 2003 at his home in Balata refugee camp by the Israeli Defence Forces and was charged with (a) performance of a service for an unauthorized organization, (b) an attempt wilfully to cause death, and (c) failure to prevent three offences; at the court hearing of 4 September 2005, at which an IPU trial observer was present, Mr. Khader, on the basis of a plea bargain, confessed to three of the charges as amended (performance of a service for an unlawful association, provision of implements for the execution of a felony, and failure to prevent an offence), none of which signify any personal involvement in violent acts; the Military Court of Samaria convicted him accordingly; a plea bargain was also reached regarding the sentence, and on 27 November 2005 the judge sentenced him to seven years' imprisonment and a period of parole of five years, with 12 months' imprisonment should he break his parole, starting from the day of his release;
- the IPU trial observer, Mr. Simon Foreman, concluded that Mr. Khader "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial", and that "these shortcomings give the impression that Israel has, for the sake of combating terrorism, abandoned the idea of ensuring absolute respect in all circumstances for the physical and mental integrity of prisoners, which nonetheless is an overriding obligation from which no exceptional circumstance allows any derogation",

Recalling the comments on the report submitted on 27 April 2006 by the Diplomatic Adviser to the Speaker of the Knesset, together with the Committee's corresponding observations shared with the Israeli parliamentary authorities in July 2006 for any further observations they might have, and *noting* that they have supplied no further comments; *recalling* in this respect more particularly that, in response to the affirmation of the Diplomatic Adviser that "no claim of cruel, inhuman or degrading treatment was raised by Mr. Khader during the entire judicial process", the Committee, on the basis of the report of a trial hearing at which Mr. Foreman was present, pointed out that Mr. Khader had addressed the court and described in detail the torture to which he had been subjected, such as sleep deprivation, placing of a bag over his head, or being kept for up to two days with his hands and legs tied (shabeh position),

Recalling lastly that, according to the sources, Mr. Khader's conditions of detention have worsened since April 2006, particularly regarding the right to receive visits, letters and medical care: Mr. Khader has been held for one year with one other prisoner in a small room in the isolation section of Beer Saba Prison's Section 4; he is not able to mix and socialize with other prisoners and both have only limited time out of the cell; while Mr. Khader's mother and sister are in principle permitted to visit him twice every six or seven months, the permits are stamped in such a way during the first visit that they can only be used for that one visit, after which the mother and sister have to reapply for a new permit; while his children can in theory visit him every two weeks, in practice these visits seldom take place since the children have to be accompanied by an adult family member holding a permit and this, as noted, is very infrequently the case; Mr. Khader and other prisoners reportedly continue to be denied access to proper medical treatment and medicines; accounts for prisoners to receive small amounts of money have been closed and Mr. Khader therefore has no means to buy food and basic supplies,

Considering that, according to one of the sources, during the past seven months Mr. Khader's mother has not been given permission to visit her son for security reasons; that his brother, Mr. Ghassan Khader, had to go to the Ministry of Interior to prove that he was his brother and that he submitted his papers twice but has had no answer for over two years, and that Mr. Khader's family occasionally receives letters that he mailed but usually months after the date of posting,

1. *Deeply regrets* the absence of any communication from the parliamentary authorities, all the more so given the serious concerns it has expressed in its previous resolution regarding Mr. Khader's conditions of detention and the failure of the Israeli authorities to investigate the complaint Mr. Khader made in court of torture and ill-treatment during detention;

2. *Reaffirms* that the Israeli authorities have a duty under the United Nations Convention against Torture (CAT), to which Israel is a party, to investigate the evidence given in court by Mr. Khader and the main prosecution witness that they were tortured and ill-treated; and *urges* the Knesset to exercise its oversight powers to ensure compliance with Israel's obligations under CAT;
 3. *Expresses deep concern* at Mr. Khader's conditions of detention, with regard in particular to his extremely limited visiting rights; and *recalls* in this respect Rule 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which stipulates that "prisoners shall be allowed [...] to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits";
 4. *Fails in particular to understand* how Mr. Khader's mother can possibly constitute a security risk, and *would appreciate* receiving clarification in this respect together with detailed information on Mr. Khader's conditions of detention and state of health;
 5. *Firmly restates* its conviction, in the light of Mr. Foreman's report on Mr. Khader's trial, that Mr. Khader has not enjoyed a fair trial, without which there can be no fair establishment of guilt;
 6. *Calls once again* on the Israeli authorities to transfer Mr. Khader forthwith to the competent Palestinian authorities;
 7. *Reiterates its wish* that a Committee member pay a private visit on Mr. Khader in prison, and *requests* the Secretary General to pursue his contacts with the Israeli parliamentary authorities to this end;
 8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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CASE N° PAL/05 - AHMAD SA'ADAT - PALESTINE/ISRAEL

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/180/12(b)-R.1),

Referring to the expert report of Mr. Simon Foreman on the trial of Mr. Marwan Barghouti, which contains a detailed chapter on the legality of the transfer of Palestinian citizens to Israeli territory,

Considering the following evidence on file as provided by the sources:

- Mr. Sa'adat, General Secretary of the Popular Front for the Liberation of Palestine (PFLP), was arrested on 15 January 2002 by the Palestinian General Intelligence Service and later transferred to President Arafat's compound in connection with the killing of Mr. Zeevi, for which the PFLP had claimed responsibility. However, he was not formally charged. On 29 March 2002, the Israeli Defence Forces attacked the compound and put it under siege for one month to obtain the delivery to them of Mr. Sa'adat and five others accused of Mr. Zeevi's killing. The siege was lifted on 1 May 2002 in a deal (the Ramallah Agreement) under which the six Palestinians detained in the compound were taken to a Jericho prison,

where they remained in detention under the monitoring of United Kingdom and United States observers.

- Upon a petition for Mr. Sa'adat's release, the Palestinian High Court of Justice requested the Palestinian General Intelligence Service to bring evidence against him, and ordered his release as the Service failed to do so. On 4 June 2002, however, the Palestinian Cabinet decided that he should not be released owing to Israeli threats to assassinate him.
 - Between December 2005 and March 2006, the British authorities repeatedly told the Palestinian Authority that the situation in which the independent monitors were working in the Jericho jail failed to respect the Ramallah Agreement and that they would be withdrawn if the situation was not remedied. Early in the morning of 14 March 2006, they were indeed withdrawn. According to the source, Israeli Defence Forces arrived at the jail 20 minutes later and proceeded to abduct Mr. Sa'adat and other inmates. Mr. Sa'adat was transferred to an Israeli jail.
 - In late April 2006, the Israeli authorities dropped the charge against Mr. Sa'adat of involvement in Mr. Zeevi's murder after the Attorney General decided that there was insufficient evidence to try him for the murder; however, 19 other charges of security-related offences have been brought against Mr. Sa'adat, who will reportedly be tried in a West Bank military court; to date, this has reportedly not been the case and indeed no charges are said to be currently pending against Mr. Sa'adat,
1. *Deeply regrets* that, despite several requests by the Committee, the Israeli parliamentary authorities have provided no information on Mr. Sa'adat's situation;
 2. *Strongly believes* that Mr. Sa'adat's abduction and transfer to Israel was not related to the murder charge, but rather to Mr. Sa'adat's political activities as PFLP General Secretary, since he was abducted and detained by the Israeli authorities on a charge of murder that was dropped, soon after his transfer, for want of evidence; *points out* in this respect that Mr Sa'adat has been sought by the Israeli authorities ever since Mr. Zeevi's murder in January 2002 and that consequently they have had more than four years to prepare the case and gather all the necessary evidence;
 3. *Affirms* that Mr. Sa'adat's abduction from a Palestinian prison and his transfer to Israeli territory was in breach of the Fourth Geneva Convention and the Oslo Accords and that he should therefore be transferred forthwith to Palestinian territory;
 4. *Is alarmed* at reports that he is still being held, although no other valid charges have been laid against him; *affirms* that, if found to be true, this situation would constitute a clear violation of Mr. Sa'adat's right to liberty which the Israeli authorities, as a party to the International Convention on Civil and Political Rights (ICCPR), are bound to respect, and that under Article 9, paragraph 5, any person arbitrarily detained has an enforceable right to compensation;
 5. *Urges* the Israeli authorities either to release Mr. Sa'adat forthwith or to charge him immediately with a recognizable criminal offence and try him without delay before an independent tribunal fully in compliance with the fair trial guarantees which Israel, as a party to the ICCPR, is bound to respect;
 6. *Wishes to ascertain* Mr. Sa'adat's conditions of detention, in particular the access he has to his lawyer, family and friends, and to medical treatment;
 7. *Expresses the desire* that the Committee will be able to visit Mr. Sa'adat, *requests* the Secretary General to take the necessary steps to this end, and *hopes* that the Speaker of the Knesset will give favourable consideration to this request;
 8. *Requests* the Secretary General to inform the Israeli authorities accordingly and to seek the requested information from them;

9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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PALESTINE/ISRAEL

CASE N° PAL/16 - OMAR MATAR (or OMAR ABDEL RAZEQ)	CASE N° PAL/33 - IBRAHIM MOHAMED DAHBOOR
CASE N° PAL/17 - NAYEF AL-ROJOUN	CASE N° PAL/34 - MOHAMED MAHER BADER
CASE N° PAL/18 - YASER MANSOOR	CASE N° PAL/35 - MOHAMED ISMAIL AL-TAL
CASE N° PAL/19 - HUSNY AL-BURIENY	CASE N° PAL/36 - FADEL SALEH HAMDAN
CASE N° PAL/20 - FAT'HY QARA'WI	CASE N° PAL/37 - ALI SALEEM ROMANIEN
CASE N° PAL/21 - IMAD NAWFAL	CASE N° PAL/38 - SAMEER SAFEH AL-KADI
CASE N° PAL/22 - ANWAR ZBOUN	CASE N° PAL/39 - REYAD ALI EMLEB
CASE N° PAL/23 - MAHMOUD AL-KHATEEB	CASE N° PAL/41 - REYAD MAHMOUD RADAD
CASE N° PAL/24 - ABDULJABER AL-FUQAHAA	CASE N° PAL/42 - KALI MUSA RBAE
CASE N° PAL/25 - KHALED YAHYA	CASE N° PAL/43 - M. MOTLAK ABU JHEASHEH
CASE N° PAL/26 - KHALED SULAIMAN	CASE N° PAL/44 - WAEL MOHAMED ABDEL RUMAN
CASE N° PAL/27 - NASER ABDULJAWAD	CASE N° PAL/45 - MAHMOUD IBRAHIM MOSLEH
CASE N° PAL/28 - MUHAMMAD ABU-TEIR	CASE N° PAL/46 - AHMED ABDEL AZIZ MUBARAK
CASE N° PAL/29 - AHMAD 'ATTOUN	CASE N° PAL/47 - HATEM QAFFEESHEH
CASE N° PAL/30 - MUHAMMAD TOTAH	CASE N° PAL/48 - MAHMOUD AL-AMAHI
CASE N° PAL/31 - IBRAHIM SAED ABU SALEM	CASE N° PAL/49 - ABDERRAHMAN ZAIDAN
CASE N° PAL/32 - BASEM AHMED ZAARER	

Resolution adopted unanimously by the IPU Governing Council at its 180th session*
(Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to Cases PAL/16 to PAL/49, concerning persons who were all elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling the following information on file:

- The parliamentarians concerned, two of whom (Nayef Al-Rojoub and Omar Matar) are also government ministers, were elected on the list of Change and Reform in the January 2006 elections to the Palestinian Legislative Council; most of them were arrested at 2 a.m. on 29 June 2006 in the occupied West Bank, along with more than 30 ministers and mayors; on 25 September 2006 a military appeal court in the West Bank overturned an order for their release on bail issued on 12 September 2006 by the Ofer military tribunal, and they have remained in detention since; according to the information provided by the Speaker of the Knesset on 22 August 2006, they were arrested "because of their membership in an unlawful organization, similar to past and current arrests of other members of this organization [...]";
- On 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, who is also the Palestinian Minister of Jerusalem Affairs, on the grounds that although they were deemed to be residents of the State of Israel and therefore obliged to pay allegiance to the State of Israel, their actions, namely membership in the PLC, proved that their allegiance was to the Palestinian Authority;

* The delegations of Palestine, Iran (Islamic Republic of), Venezuela, United Arab Emirates, Egypt, Yemen, Bahrain, Morocco, Jordan, Chile, Libyan Arab Jamahiriya, Tunisia, United Kingdom, Canada, Somalia and Qatar took the floor in support of the resolution. Their observations may be found in the Summary Records of the 180th session of the Governing Council.

- The arrests and withdrawal of residence permits came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations, which the Israeli Government blames on Hamas and the Palestinian Authority, and which both entities refute,

Considering that Mr. Abderrahman Zaidan was released on bail of US\$ 12,000, after spending one month in detention, and that others, Mr. Ahmad Mubarak, Mr. Fat'hy Qara'wi and Mr. Hatem Qafeesheh, who had been arrested previously and released, were again seized by the Israeli Defence Forces in connection with Gilad Shalit's kidnapping,

Considering the following information provided by the Deputy Speaker of the PLC and Mr. Abderrahman Zaidan:

- the charges brought against the parliaments concerned are membership, leadership and action on behalf of a terrorist organization and the underlying argument is as follows: you are a PLC member, elected on the Change and Reform list supported by Hamas, which is a terrorist organization, hence you are a member of a terrorist organization and, as a member of parliament, assuming a leadership role; the parliamentarians concerned are tried by military courts mainly in the West Bank, sometimes also inside prison; they do not recognize the competence of the court to try them; the trial hearings, which are not public, are constantly postponed; lawyers have limited access to court files since prosecution material is often declared secret and, in this case, they are not given a copy of the charges; the court proceedings are usually as follows: the accused PLC member is brought into the court room and put in a cage; when the judge enters they are asked to stand up, which they refuse to do, and are then ordered out of court, which puts an end to the hearing; more recently, some of them have been asked to bear witness against their colleagues to testify that they were elected on the Change and Reform list; if they refuse they are sentenced to two months' imprisonment for contempt of court; according to the Israeli so-called Tamir law, if there are two witness statements against a person, that person can be charged as accused by the witness and no further statement from him or her is needed; in a conversation with the lawyers of the parliamentarians concerned, the military prosecutor stated in March 2007 that he intended to ask for a sentence of 42 months' imprisonment, which, since at the time they had already been in detention for six months, would have amounted to serving their entire legislative term of four years;
- the parliamentarians concerned are held in several prisons inside Israel, usually located far from their homes (for example the three parliamentarians from Jenin are held in the Negev); the procedures upon arrest and the conditions of detention, including in the case of the parliamentarians concerned, are as follows: upon arrest, detainees are strip searched, including an inner-body search; during interrogation, they are usually handcuffed and tied to the chair; when being moved to the interrogation room, they have to wear darkened ski glasses;
- upon arrest and during the interrogation period, detainees, including the PLC members concerned, are kept in solitary confinement in small cells with no access to newspapers or TV; once the interrogation period is over, they are often held together with one or two other prisoners in small cells which are usually equipped with one water tap but with little water running, TV and sometimes a toilet; there is no fresh air only ventilation, no sun, always dim light, and cells are insulated in such a way that no outside noise can be heard; prisoners are deprived of their watches, so that the body clock no longer works; as regards visiting rights, only first kin relatives (including wives) are allowed to visit them, but permission is not always granted; more generally, prison visits are difficult because the PLC members concerned are held in prisons in Israel and a special permit to enter Israel is required, which is difficult to obtain; they have access to a limited choice of newspapers and TV channels; the parliamentarians concerned reportedly do not receive the medical care they require; Palestinian or other Arab doctors face many obstacles to being able to

examine them; the delivery of letters, books and medicaments is prohibited by the Israeli authorities or unjustifiably delayed,

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

Recalling that in early June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah on the grounds that they were deemed to be residents in the State of Israel and, therefore, obliged to pay allegiance to the State of Israel; but that nonetheless their actions - membership in the PLC - proved otherwise and indicated that their allegiance was to the Palestinian Authority; an appeal against the decision is pending; *noting* that there are reportedly other PLC members holding East Jerusalem residence permits whose residence permits have not been withdrawn,

1. *Deeply regrets* that the Israeli authorities have provided no information on the situation of the parliamentarians concerned;
2. *Recalls* that the persons concerned were elected to the Palestinian Legislative Council in January 2006 on the Change and Reform party ticket, and that the international community, including Israel, considered the elections to have been free, fair and secure;
3. *Considers* the charges brought against them to be untenable, which seems to be borne out by the absence of any proper trial; and *continues to believe* that they were arrested and are still held not on any lawful grounds of specific criminal activity but rather on account of their political affiliation and hence for political reasons in defiance of fundamental human rights to freedom, security and to a fair trial;
4. *Firmly recalls* that, under international human rights law and international humanitarian law, no arrest shall be arbitrary and no one shall be held responsible for criminal acts committed by others; *refers* in this respect to Article 33 of the Fourth Geneva Convention (on the protection of civilian persons in time of war), which specifically provides that "no protected person may be punished for an offence he or she has not personally committed";
5. *Remains deeply concerned* that the arrests not only prevent the parliamentarians concerned - a third of the elected Change and Reform parliamentarians - from carrying out the mandate for which they were elected but also greatly prejudices the right of the Palestinian people to be represented by persons of their choice;
6. *Once more urges* therefore the Israeli authorities to release the parliamentarians concerned forthwith or to bring without any further delay well-founded charges of specific criminal activity against them and try them in a fair and transparent legal process, guaranteeing full

- defence rights, as required under international human rights law and international humanitarian law;
7. *Is appalled* at the treatment reportedly inflicted on the parliamentarians concerned upon arrest and at their conditions of detention, and *fears* that some of the measures taken are merely designed to humiliate them; *urges* the Israeli authorities to respect the United Nations Standard Minimum Rules for the Treatment of Prisoners and to provide the persons concerned with the medical care they require;
 8. *Would appreciate* receiving a copy of the indictments, if any, issued in these cases;
 9. *Requests* that a Committee member be authorized to visit the parliamentarians concerned; *asks* the Secretary General to take the necessary steps to this end, and *hopes* that the Speaker of the Knesset will give favourable consideration to this request;
 10. *Remains concerned* at the revocation of the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, and *recalls* that, in keeping with Article 45 of the Hague Convention (IV) of October 1907, which is considered to enshrine rules of customary international law, the inhabitants of occupied territory, such as East Jerusalem, shall not be compelled to swear allegiance to the occupying power; *notes* that appeal proceedings are pending and *would appreciate* being kept informed of their outcome;
 11. *Requests* the Secretary General to convey the resolution to the Israeli authorities and to the sources;
 12. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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CASE NO. PAL/40 - ABDEL AZIZ DWEIK - PALESTINE / ISRAEL

Resolution adopted unanimously by the IPU Governing Council at its 180th session* (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council (PLC), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking account of the letter from the Deputy Speaker of the Palestinian Legislative Council, dated 17 April 2007, addressed to IPU President Pier Ferdinando Casini and of the information provided by a member of the PLC at the hearing with the Committee during the 116th Assembly,

Recalling that Dr. Dweik was arrested at his home in Ramallah during the night of 5 to 6 August 2006 by the Israeli Defence Forces; the arrest came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations; Hamas and the Palestinian Authority deny responsibility for the kidnapping; a decision by the Ofer military court ordering Dr. Dweik's release was overturned on 25 September 2006 by the Ofer military appeal court, which ruled that he would have to remain in jail pending trial on charges of membership, leadership and action on behalf of a terrorist organization,

* The delegations of Palestine, Iran (Islamic Republic of), Venezuela, United Arab Emirates, Egypt, Yemen, Bahrain, Morocco, Jordan, Chile, Libyan Arab Jamahiriya, Tunisia, United Kingdom, Canada, Somalia and Qatar took the floor in support of the resolution. Their observations may be found in the Summary Records of the 180th session of the Governing Council.

namely Hamas; *considering* in this respect that, according to the sources, the argument underlying this charge is as follows: you are a member of the PLC, elected on the ticket of the Change and Reform list, which is supported by Hamas, a terrorist organization; hence you are a member of a terrorist organization and, as a member of parliament, assuming a leadership role,

Recalling that, according to reports of late August 2006, Dr. Dweik who is from Hebron, is held in an Israeli prison far from his home in northern Israel; he is being held in solitary confinement and is in poor health, suffering from chest pain and shortness of breath, and *considering* in this respect the following information provided by the PLC Deputy Speaker: Dr. Dweik is held in solitary confinement in a small prison cell measuring 1.8 by 4 metres, full of creeping insects, and is served bad food, which has aggravated his state of health; his blood pressure is high and he has kidney stones; Dr. Dweik needs attention and continuous health care since he suffers from heart disease; a court ruling allowing him to be examined by an Arab doctor was only applied after considerable representations,

Considering that no trial has so far been conducted as it is constantly postponed, the last hearing scheduled for 15 April 2007 being postponed until 27 May 2007,

Considering that on 9 January 2007 the Israeli security forces reportedly arrested Dr. Dweik's bureau chief, Abd-al-Qahir Surur, who is said to have surrendered to the Israeli forces following threats from the Israeli army that it would otherwise detain his aged father,

1. *Deplores* the fact that the Israeli authorities have provided no information on the situation of Dr. Dweik;
2. *Recalls* that Dr. Dweik stood in the January 2006 elections for the Palestinian Legislative Council on the list of Change and Reform and that the international community, including Israel, considered the elections to have been free, fair and secure;
3. *Considers* the charge brought against Dr. Dweik to be untenable, which seems to be borne out by the absence of any proper trial; and *continues to believe* that neither was Dr. Dweik arrested nor is he being held on any lawful grounds of specific criminal activity but for political reasons in defiance of fundamental human rights to freedom, security and a fair trial;
4. *Affirms*, moreover, that Dr. Dweik's arrest and continuing detention not only prejudice the right of the Palestinian citizens who elected him to be represented by a person of their choice, but also constitute an attack on the Palestinian Legislative Council itself, whose authority the Speaker symbolizes;
5. *Consequently urges* the Israeli authorities once again to release Dr. Dweik forthwith or to bring without further delay well-founded charges of specific criminal activity against him and to try him in a fair and transparent legal process, guaranteeing full defence rights, as required under international human rights law and international humanitarian law;
6. *Is appalled* at Dr. Dweik's conditions of detention and the lack of appropriate medical care; and *urges* the Israeli authorities to respect the United Nations Standard Minimum Rules of Prisoners and to afford Dr. Dweik without further delay the medical care he requires;
7. *Requests* that a Committee member be authorized to visit Dr. Dweik; *requests* the Secretary General to take the necessary steps to this end, and *hopes* that the Speaker of the Knesset will give favourable consideration to this request;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Crispin Beltran, Mr. Saturnino Ocampo, Mr. Joel Virador, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Referring to the preliminary statement of the Committee's delegation following its mission to the Philippines from 18 to 21 April 2007, shortly before the 116th Assembly of the Inter-Parliamentary Union,

Recalling the following information on file:

- Mr. Beltran was arrested on 25 February 2006 in the absence of any legally valid arrest warrant and a charge of sedition, followed later by three charges of rebellion, were brought against him: he has been kept in detention despite his poor health on the grounds that rebellion is a continuing and non-bailable offence; he has been transferred to the Philippine Heart Centre, where he is in police custody and under surveillance; the other parliamentarians concerned, who were also charged with rebellion, escaped arrest and were granted "protective custody" by the House of Representatives from 27 February to 4 May 2006, when the charge was dismissed;
- However, on 11 May 2006 a new charge was brought against them; ruling on their petition for certiorari, on 5 June 2006 the Supreme Court issued a Status Quo Order commanding and directing the Department of Justice, the State prosecutors and the Police to maintain the status quo and refrain from conducting any further preliminary investigation pending further orders from the Court; on 22 August 2006, the judge in the case consequently suspended proceedings against Mr. Ocampo, Mr. Virador, Mr. Casiño, Ms. Maza and Mr. Mariano; however, this decision does not concern Mr. Beltran owing to an earlier court decision finding probable cause regarding one of the three rebellion charges brought against him; a motion for reconsideration of that decision was rejected on 29 August 2006 on the grounds that rebellion was a continuing and non-bailable offence, and a petition for certiorari and prohibition also seeking his release on bail is pending before the Supreme Court;
- On several occasions, Mr. Ocampo had difficulties travelling abroad, his name having been put on a "watch list" by the Secretary of Justice, most recently on 28 October 2006, when the Secretary of Justice required him to sign an undertaking not to criticize President Arroyo; Mr. Ocampo considered this an infringement of his right to freedom of expression and refused, and it was only the following day, after Mr. Ocampo had secured a written court order allowing him to travel abroad, that he was allowed to leave;
- elections are due to be held in the Philippines on 14 May 2007; the National Security Advisor has reportedly stated publicly that he would do his utmost to secure the disqualification of the political parties to which the parliamentarians concerned belong,

Considering the following new developments:

- On 6 March 2007, a regional trial court found probable cause against Mr. Ocampo and issued an arrest warrant for him on a charge of multiple murder more than 20 years ago in Leyte; on 16 March 2007, Mr. Ocampo was arrested and remained in detention until 3 April 2007, when the Supreme Court, acting on Mr. Ocampo's petition to annul the regional trial court decision, ordered his release on a cash bond of 100,000 pesos, on the ground that the indictment was defective; the case is pending;
 - In February 2007, petitions were filed with the Commission on Elections (Comelec) for cancellation of registration of the political parties to which the parliamentarians concerned belong, namely Bayan Muna, Anakpawis and Gabriela; they are based on complaints by the two widows whose husbands were allegedly killed on their orders, as members of the Communist Party of the Philippines; their case is pending for resolution before Comelec,
1. *Expresses its sincere thanks* to the Philippine authorities, and in particular to the parliamentary authorities, for having received and fully cooperated with the Committee's mission;
 2. *Thanks* the delegation for its work, *notes* with interest its preliminary statement, and *looks forward* to receiving its full report;
 3. *Is highly gratified* that, following the IPU delegation's representation, the Government's national security cluster decided not to oppose Mr. Beltran's temporary release pending trial, and *looks forward* to his release very soon;
 4. *Nevertheless remains concerned*, in the light of the delegation's preliminary statement and the evidence already on file, not only at the charges brought against the parliamentarians concerned, for the reasons set out in its previous resolution, but also at the attempts to criminalize their political parties and to obtain their exclusion from the political process on highly spurious and questionable grounds;
 5. *Trusts* that the Supreme Court will rule as quickly as possible on the petitions pending before it regarding the rebellion and murder charges against the parliamentarians concerned; *urges* Comelec to consider the petitions for cancellation of the political parties in question as a matter of urgency and to resolve them in line with human rights and democratic principles;
 6. *Requests* the Secretary General to convey this resolution to the authorities and the parliamentarians concerned;
 7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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**PRELIMINARY STATEMENT OF THE DELEGATION OF THE COMMITTEE ON
THE HUMAN RIGHTS OF PARLIAMENTARIANS ON ITS ON-SITE MISSION TO
THE PHILIPPINES, 18-21 APRIL 2007**

The delegation wishes first of all to express its deep gratitude to the authorities of the Philippines with whom it met for their hospitality and cooperation. Its thanks also go to both Houses of Parliament, which ensured the smooth conduct of the mission. Thanks to their efforts, the delegation was able to meet with all the authorities the Committee had requested to see and the parliamentarians concerned themselves, including Mr. Crispin Beltran in the Philippine Heart Center. It wishes to stress that the delegation encountered no obstacles whatsoever to visiting him for the length of the time it considered appropriate.

One of the IPU's main concerns in this case, as it happens, is the continuing detention of Mr. Beltran. The delegation raised this question in particular with the Secretary of Justice and the National Security Advisor. As a result, the national security cluster in the Government decided that it would no longer oppose Mr. Beltran's release pending trial. This decision was publicly announced. However, the Solicitor General still has to manifest this decision formally to the Supreme Court, before which an urgent motion for Mr. Beltran's release is pending. The delegation wishes to thank the National Security Advisor for his efforts to raise the issue within the national security cluster, and trusts that Mr. Beltran will be released pending trial at the earliest possible time.

The second concern which the delegation raised with the authorities related to the charges brought against the parliamentarians concerned. The authorities affirmed that they were being prosecuted on account of their membership of the Communist Party, which advocated violence and aimed at the violent overthrow of the Government, and that they were involved in such criminal activities. It appeared to the delegation that the statements, in particular of the governmental and prosecuting authorities, revealed a presumption of guilt on their part. The delegation was unable to dispel the IPU's concern that the charges, which are broad and unsubstantiated and based on questionable evidence, in addition to the sequence of the various prosecution steps, tend to demonstrate that non-legal motives may underlie the prosecution of the parliamentarians concerned.

This impression is reinforced by various other efforts of the Secretary of Justice to lay charges against the parliamentarians concerned and to obtain their exclusion from the political process:

- a multiple murder charge was brought in March 2007 against Mr. Ocampo and served as the basis for his arrest. The Supreme Court released him on bail although murder is a non-bailable offence, which likewise tends to show that the prosecution presented a weak case;
- a petition for cancellation of registration of the political parties to which the parliamentarians concerned belong was filed before the Commission on Elections (Comelec) in February 2007 and is based on the complaint of two widows whose husbands, they claim, were murdered on the orders of the parliamentarians concerned. The delegation was told that no police investigation was being carried out in this regard, let alone any judgment being rendered. The delegation believes that a petition for cancellation of registration based on a complaint of murder against individuals cannot serve as a ground for disqualifying a political party. Pending the resolution of this case by Comelec, an asterisk attached on the electoral list to the political parties concerned reminds voters that disqualification proceedings are pending. Although the member of Comelec with whom the delegation met stated that the asterisk would be removed from the ballots, the delegation learned that electoral lists with the asterisk had already been distributed to Philippine voters abroad. The delegation finds this procedure questionable since it may seriously prejudice the political parties concerned.
- The delegation notes that the criminal cases against the parliamentarians concerned are pending before the Supreme Court, and it has no doubt whatsoever that the Court will examine these cases in a fully independent manner and as quickly as possible.

The delegation believes this case to be highly significant for the future of democracy in the Philippines and looks forward to its settlement in line with human rights and democratic principles.

Nusa Dua, 3 May 2007

CASE NO. RW/06 - LEONARD HITIMANA - RWANDA

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda that was dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling the following: Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to refute in parliament the accusations of fomenting ethnic division levelled by a parliamentary inquiry commission against his party and him personally; while the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, believed Mr. Hitimana to have fled to a neighbouring country and were very optimistic that he would soon be located; in October 2005, the Speaker of the Chamber of Deputies referred Mr. Hitimana's case to the National Human Rights Commission, which had already assumed jurisdiction on its own initiative; in her letter of 13 October 2006, the President of the National Human Rights Commission stated that the Commission's inquiry into the disappearance of Mr. Hitimana was almost finished and that its report would soon reach the Committee,

Taking account of the letter from the President of the National Human Rights Commission to the Speaker of the Chamber of Deputies dated 20 April 2007, in which she provides an update of the state of the investigation, which still continues, and stresses that the National Police has been working diligently and fulfilled their obligation, which is one of efforts, not results,

Considering that, according to information recently brought to its attention, Mr. Hitimana was allegedly seen by witnesses in October 2004, handcuffed in a secret detention facility of the Rwandese intelligence service,

Recalling also that, while one of the sources has consistently affirmed that Mr. Hitimana's family is being subjected to threats and intimidation, the authorities have found these allegations to be baseless; that, with respect to the latest arrest and detention of Mr. Hitimana's father, the President of the National Human Rights Commission stated in her last letter that, as soon as she found that it had been arbitrary, she referred the matter to the appropriate authorities, and that subsequently he was released on 26 March 2007,

1. *Thanks* the President of the National Human Rights Commission for the information provided about the current state of the investigation and for her initiative of intervening in the case of Mr. Hitimana's father; *trusts* that the Commission will ensure that such incidents do not recur;
2. *Is nevertheless disappointed* that her letter does not contain any details regarding steps taken in addition to those already mentioned in the official progress report on the investigation of June 2004; and *fears* that this may indicate that the investigation has since not been pursued with the necessary rigour and diligence for progress in establishing the whereabouts of Mr. Hitimana, more than four years after his disappearance;
3. *Reaffirms* that, so long as Mr. Hitimana has not been found, the suspicion remains of an enforced disappearance, and *stresses* that the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on 20 December 2006, declares enforced disappearances to be an international crime, establishes an absolute right not to be subjected to enforced disappearance under any circumstances and recognizes the right of victims to know the truth;
4. *Considers* in this regard that the allegation regarding Mr. Hitimana's secret detention has to be taken very seriously since it suggests, together with the timing of his disappearance, a possible explanation and motive; *also considers* that, with the passage of time, the speculation that he may have fled Rwanda and be living abroad loses force as the likelihood increases that this would have come to light;

5. *Consequently calls once more upon* the authorities to take all the necessary measures to ensure that the investigation into Mr. Hitimana's disappearance explores every possibility, including by looking into this new allegation; *would greatly appreciate* being kept informed in this regard;
6. *Requests* the Secretary General to convey this resolution to the authorities and to seek the requested information from them;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

SRI LANKA

CASE No. SRI/12 - JAYALATH JAYAWARDENA

CASE No. SRI/50 - G. PONNAMBALAM

CASE No. SRI/51 - SELVARAJAH KAJENDREN

CASE No. SRI/52 - S. JAYANANDAMOORTHY

CASE No. SRI/54 - SIVANATHAN KISSHOR

CASE No. SRI/55 - T. KANAGASABAI

CASE No. SRI/56 - K. PATHMANATHAN

CASE No. SRI/57 - T. KATHIRAMAN

CASE No. SRI/58 - P. ARIYANETHRAN

CASE No. SRI/59 - C. CHANDRANEHRU

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Dr. Jayalath Jayawardena, Mr. Gajendrakumar Ponnambalam, Mr. Selvarajah Kajendren, Mr. Senathirajah Jeyanandamoorthy, Mr. Sivanathan Kisshor, Mr. Thanmanpillai Kanagasabai, Mr. Kanagasabai Pathmanathan, Ms. Thangeswary Kathiraman, Mr. Packiyasealvam Ariyanethran and Mr. Chandrakanth Chandranehru, incumbent members of the Parliament of Sri Lanka, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/180/12(b)-R.1),

Noting that with the exception of Dr. Jayalath Jayawardena, who is a member of the opposition United National Party (UNP), all the other members of parliament concerned belong to the Tamil National Alliance, and that they were the targets of death threats, attempts on their lives or attacks on their homes,

Considering the following evidence on file:

(a) Mr. Kisshor:

- on 29 October 2006, Mr. Kisshor's private residence was attacked with five hand-grenades at about 10 p.m.; Mr. Kisshor, his wife and children were at the residence at the time of the attack but were not hurt; one police officer providing security for the member of parliament was wounded; the residence is reportedly situated close to an Air Force camp and between two checkpoints, which, according to the authorities, are located around 75m from his house; at the time of the attack, four police officers were on duty at the front of the house and three at the rear; according to the authorities, all evidence recovered was forwarded to the competent authorities, and statements were taken from the police officers on duty; however, the officers on duty at the checkpoints had not seen the grenades being thrown; Mr. Kisshor suspected members of a rival Tamil political party (PLOTE) to be behind the attack, but no evidence was recovered even though a PLOTE camp was searched after the attack; the matter is pending before the Magistrates Court, Vavuniya (No. B/1319/2006)

and investigations are continuing; Mr. Kisshor's security detail, which at the time of the attack comprised 17 police personnel, has been increased,

(b) Mr. Kanagasabai, Mr. Jayanandamoorthy, Mr. Pathmanathan, Ms. Kathiraman, Mr. Ariyanethran and Mr. Chandranehr:

- received death threats over the telephone on 19 November 2006 between 8.00 and 8.30 p.m.; the person who spoke to each of them reportedly introduced himself as Gunanan of the Tamil Eela Makkal Viduthalai Puligal (TMVP) Batticaloa Office and warned them that if they did not resign by 27 November 2006, they would all receive the "Maamanithar" (Great Human Being) award posthumously since they would all be killed; the caller reportedly stated that this was the order of their leader; the parliamentarians concerned raised the matter with the Speaker in a letter they addressed to him on 21 November 2006, requesting him to take the necessary steps to enable them to carry out their parliamentary duties in safety;
- in addition to the above-mentioned death threat, Mr. Jayanandamoorthy has reportedly received a steady stream of threats since his election and is being intimidated via telephone and fax by the Karuna group, a Tamil paramilitary group which, according to the source, works closely with Sri Lanka's military and intelligence services; moreover, shortly after his election, he reportedly escaped an attempt to kidnap him; his house was attacked on 21 July 2006 at 9.50 p.m., while he was at home with his wife and two children; police investigations revealed that two rocket-propelled grenades had been thrown into the premises; no one was hurt but the house was badly damaged; according to the source Mr. Jayanandamoorthy's house is located near the "Newbridge" military checkpoint, which the culprits must have passed; according to the authorities, there are only two police posts, located about 700 to 900m away from his house, but no military checkpoint; furthermore, there are many byroads to Mr. Jayanandamoorthy's residence which the attackers could have used; Mr. Jayanandamoorthy lodged a complaint with the army and the police; an investigation was instituted which, according to the authorities, is pending before the Magistrate's Court, Batticaloa (No. B/717/06) and the case was to be called again on 12 February 2007; moreover, on 8 August 2006, Mr. Jayanandamoorthy also lodged a complaint in Parliament and made a speech; according to the authorities, Mr. Jayanandamoorthy has a security detail of eight police officers,

(c) Mr. Ponnambalam:

- on 2 May 2006, two individuals entered Mr. Ponnambalam's private residence in Jaffna, and threatened a housemaid with a firearm while questioning her about Mr. Ponnambalam's whereabouts and that of members of his staff; the individuals then searched the premises and, before leaving, threatened to kill the housemaid if she informed the authorities of the incident; Mr. Ponnambalam, who is a member of TNA, informed the President of the Republic of the incident, which was not the first of its kind, and requested that it be investigated,

(d) Mr. Kajendren:

- at midnight on 13 May 2006, Sri Lankan Army (SLA) personnel reportedly entered the International Students Association of Tamileelam (ISATE) complex at Paremeshwara junction in Jaffna, where Mr. Kajendren's office is located, and set it on fire; the SLA personnel carrying out the attack were reportedly guarded by hundreds of other SLA personnel who had surrounded the office; when the army began to break down the main door of his office, three of Mr. Kajendren's assistants staying there at the time managed to escape through the back door; two of them, Ms. Manikavasagar Kones and Mr. Kirisnapillai Prathipan, later gave evidence before the Jaffna District Court; soldiers attached to the Thirunelvely army camp reportedly inquired about them from some students and said they would both be killed; Mr. Prathipan was indeed shot dead on 16 August 2006, reportedly

by the army in revenge for giving evidence; the source therefore fears that the life of the second witness, Ms. Kones, is also in danger; however, according to the authorities, there is no record of any evidence being given by Ms. M. Kones and Mr. K. Prathipan in the "B" Report (192/06) of the Jaffna Magistrate's Court, before which the case is pending; furthermore, the Jaffna police received no report of the killing of Mr. Prathipan on 16 August 2006 and threats to the life of Ms. Kones;

- The May 2006 attack was reportedly the fifth attack on Mr. Kajendren's office; on 26 April 2006, the SLA not only set his office on fire but also beat four students who were there and badly injured one of Mr. Kajendren's assistants, Mr. Prathipan as it happened, who was admitted to hospital; moreover, the SLA told the students that they would not allow Mr. Kajendren to come back to Jaffna alive; the police have reportedly taken no action; according to the authorities, the Jaffna Police have received no complaints about the burning, by the SRLA, of Mr. Kajendren's office on 26 April 2006 and threats to his life by the SRLA;
- During the attack of 13 May 2006, property reportedly worth six and a half million rupees was destroyed, as were official records and documents; the high toll of destroyed property is due to the fact that the ISATE had closed its office in the face of the threats made against it and transferred all valuable property to Mr. Kajendren's office, hoping that his status as a member of parliament would afford him some protection; however, according to the authorities, the police are unable to give an exact estimate of the loss, but doubt the figure given by Mr. Kajendren;

(e) Dr. Jayawardena:

- Dr. Jayawardena has long been subjected to death threats, more recently by the so-called Karuna group; in early December 2006, a Sinhalese language website portrayed Dr. Jayawardena as a traitor to the Sinhala community who would soon be killed; more recently, the State-owned ITN television refused to broadcast Dr. Jayawardena's response to accusations by the Minister of Agriculture broadcast by ITN in which he had been depicted as a sympathizer of the LTTE; the authorities have provided Dr. Jayawardena with additional security but turned down his request for a back-up vehicle, stating that he faced no particular security threat; however, there are intelligence reports that he does face a particular security threat and which recommended that he be provided with adequate security, and yet additional security personnel cannot accompany Dr. Jayawardena when he travels; the matter was raised as a privilege issue in Parliament, and Dr. Jayawardena has lodged an application in the Court of Appeal under Article 140 of the Constitution, requesting it to direct the police authorities to provide him with the requested back-up vehicle and radio equipment; in July 2006, he filed a second application seeking redress against a government order and subsequent court action to have him evicted from his official residence,

Considering that, according to the sources, many of the TNA parliamentarians concerned regularly leave Sri Lanka for fear of their security, only returning for parliamentary sessions, and that some of them cannot use their parliamentary offices in their constituencies for security reasons,

Bearing in mind that Sri Lanka is a party to the International Covenant on Civil and Political Rights, and is therefore bound to respect the right to life and to security guaranteed in Articles 6 and 9, respectively,

1. *Is alarmed* at the death threats and attacks perpetrated against these members of parliament, most of whom belong to the TNA or are perceived or portrayed as being sympathetic to the Tamil community;

2. *Notes* that, while investigations are pending in some cases, they have remained without result so far; *insists* that the number and magnitude of these threats and attacks require robust and diligent investigations, particularly since other TNA members have already been assassinated, and *urges* the authorities to conduct, in accordance with their duty, effective investigations into all complaints and reports of attacks and death threats targeting the parliamentarians concerned, and *wishes* to be kept informed in this respect;
3. *Urges* the authorities to provide all parliamentarians concerned with adequate protection forthwith; *recalls* nevertheless that protection measures are bound to fail in the long term if the judicial system fails in its duty to ensure the rule of law and respect for human rights;
4. *Unequivocally affirms* that impunity only encourages the repetition of crime and undermines the rule of law and respect for human rights, *considers* impunity to be all the more grave if the perpetrators are members of the security forces, whose duty it is to protect the life of others, and *affirms* therefore that any allegation of involvement of security forces in human rights violations must be investigated as a matter of priority since such behaviour, if unpunished, poses a grave threat to the exercise and enjoyment of human rights and fundamental liberties and, hence, to democracy and peace;
5. *Notes with deep concern* that there is a clear pattern of grave harassment of members of parliament belonging to the TNA, which not only prevents them from carrying out their parliamentary mandate effectively, and thus deprives their electors of representation in parliament, but also puts their lives at constant risk;
6. *Firmly believes* that this should be a matter of deep concern to the parliamentary authorities, as Parliament can only fulfil its constitutional role to the extent that all its members are able to exercise their mandate without harassment and fear for their lives and security, and therefore *calls on* the Speaker to take action to ensure that the parliamentarians concerned can indeed freely exercise their parliamentary mandate;
7. *Wishes* (i) to receive clarification as to the kind of intelligence report required for Dr. Jayawardena to receive the security he has requested, given that both the Criminal Investigation Department (CID) and the Directorate of Internal Intelligence (DII) concluded that he was under threat and should be provided with appropriate security, and (ii) to ascertain whether any action or decision has been taken by the Privileges Committee to which Dr. Jayawardena's security situation was referred over one year ago;
8. *Hopes* that, given the urgency of the matters under consideration, the Appeal Court will rule shortly on Dr. Jayawardena's applications under Article 140 of the Constitution, since without such a ruling this redress may become inoperative;
9. *Requests* the Secretary General to inform the authorities and the sources of information accordingly;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling the following:

- On 7 December 2004, the Supreme Court sentenced Mr. Dissanayake at first and last instance to two years' rigorous imprisonment, having found him guilty of contempt of court in connection with a political speech he had made on 3 November 2003 in a remote part of the country, disputing the competence of the Supreme Court to give an advisory opinion on a question put to it by the then President of Sri Lanka and stating that his party would not "accept any shameful decision" that the Court might give; the Chief Justice, whose removal on 14 grounds of misbehaviour Mr. Dissanayake and other members of parliament had demanded by motion of 4 November 2003, presided over the panel hearing his case;
- In early February 2006, President Rajapakse remitted the remainder of Mr. Dissanayake's sentence, with the result that he was released from Welikada Prison on 17 February 2006; shortly before that release, acting upon a request from government party members, the Speaker ruled that Mr. Dissanayake had forfeited his seat because he had been absent from parliament for a continuous period of three months without seeking leave; Mr. Dissanayake's subsequent petition challenging the revocation of his parliamentary mandate was dismissed by the Supreme Court, reportedly without a hearing;
- In October 2006 the Secretary General wrote to President Rajapakse on behalf of the Committee on the Human Rights of Parliamentarians, inviting him to grant a pardon to Mr. Dissanayake so as to enable the latter fully to recover his civil and political rights; on the occasion of the Secretary general's visit to Sri Lanka in November 2006 this matter was discussed in Colombo with President Rajapakse, who promised to examine it in a positive light,

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

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

1. *Remains deeply concerned* that Mr. Dissanayake will be prevented from voting and standing in elections owing to a highly questionable verdict and sentence, neither of which, in violation of basic fair trial standards, is open to judicial review;
2. *Reaffirms* that, in making the allegedly offending statement, Mr. Dissanayake was merely exercising his freedom of speech, and *recalls* that both common law jurisprudence and human rights doctrine amply demonstrate that freedom of speech must be the overriding value where contempt of court is concerned;
3. *Remains also concerned* at the loss of Mr. Dissanayake's parliamentary mandate since the legal pertinence of the relevant decision appears to be in doubt, and *refers* in this respect to the fact that it was public knowledge that Mr. Dissanayake's absence from parliament was involuntary;
4. *Consequently reiterates its call* on the President of Sri Lanka to grant Mr. Dissanayake a pardon so as to enable him, if not to resume his parliamentary mandate, at least to vote and stand in elections, thereby redressing the injustice suffered by Mr. Dissanayake as a result of the contempt of court proceedings;
5. *Requests* the Secretary General to inform the authorities and the sources of information accordingly;

6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).
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CASE NO. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Recalling that Mr. Pararajasingham, a prominent member of parliament belonging to the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve Mass in St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons, and that Mr. Pararajasingham's wife was also struck by two bullets and taken to hospital in critical condition,

Recalling the following information provided by the sources: St. Mary's Church is located in a high-security zone between two military checkpoints and, at the time of the murder, additional security forces were on duty and the church was reportedly surrounded by military personnel, which means that the culprits could only have escaped with the complicity of the security forces; soon after the murder, Mr. Pararajasingham's family and TNA parliamentarians gave President Rajapakse the names of three suspects, but no action has been taken against them; they are (a) Kaluthavalai Ravi, a member of the Karuna group, (b) Kalai (EPDP) and (c) Sitha alias Pradeep, head of the Karuna intelligence; the witnesses who identified the latter are now reportedly abroad for fear of their lives; *noting* that the Karuna group is widely believed to be cooperating with the Sri Lanka Armed Forces and enjoying its support,

Considering the following details as provided by the Government:

- Investigations started immediately after the shooting and revealed that Mr. Pararajasingham and his wife had travelled to Batticaloa early on 24 December with two personal security officers provided by the Batticaloa police; only Mrs. Pararajasingham and the personal security officer of Mr. Pararajasingham were privy to Mr. Pararajasingham's decision to attend the Christmas Eve Mass, and the security officer was so informed only after their arrival in Batticaloa that morning;
- In the course of the investigation, the priest who was playing the organ made a statement to the Criminal Investigation Department (CID) to the effect that he could identify one of the assailants, whom he also described; no one else gave the investigators any particulars of the assailants;
- Inquiries revealed that the two assailants had used two handguns, and six empty 9mm casings were found at the scene; they were sent, through the courts, to the government analysts to determine whether they could serve as supportive material in identifying the group responsible for the assassination;
- In July 2006, the police took into custody two individuals suspected of involvement in the assassination; an identification parade was held on 16 August 2006 but witnesses failed to make a positive identification and the individuals were released for want of evidence;
- The area of the murder was once dominated by the Karuna group, a breakaway group of the Liberation Tigers of Tamil Eelam (LTTE), and the two had fought for dominance of the area; this has led to a situation where there is less public cooperation for fear of reprisals; in view of the public's failure to come forward with any evidence, the CID has reached a

deadlock in the investigation, which is nevertheless continuing; the Batticaloa Magistrates Court was scheduled to call the case on 3 November 2006,

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

Recalling that President Rajapakse has set up a national commission of inquiry to look into cases of grave human rights violations, including the case of Mr. Pararajasingham, in addition to an International Independent Group of Eminent Persons (IIGEP) to observe the proceedings of the National Commission; *considering* that both the National Commission of Inquiry and the IIGEP, one of whose members was invited to become a member of the group at the suggestion of the IPU, have started to function and held a first joint meeting in February 2007; *noting* lastly that the case of Mr. Pararajasingham is not among the first three cases that the National Commission of Inquiry has chosen to examine,

1. *Remains deeply shocked* at the murder of Mr. Pararajasingham, and *concerned* at the complete absence of any substantial progress in the investigation almost 17 months after the crime was committed;
2. *Commends* the President of Sri Lanka for the measures he is taking to combat impunity in a number of crimes specified by him, *believes* that the National Commission of Inquiry can make a contribution to this end and shed light on Mr. Pararajasingham's murder, and *is confident* that everything possible will be done to enable the Commission to work in the most effective way;
3. *Reaffirms nevertheless* that the establishment of the Commission of Inquiry in no way releases the authorities from their duty vigorously to pursue the investigation in this case and to explore all existing leads - including the involvement of the Karuna group and the security forces - which may help identify the perpetrators;
4. *Expresses deep concern* in this respect that the investigating authorities have not summoned for questioning the three persons whose names as possible suspects were provided to President Rajapakse, and *would appreciate* clarification in this regard;
5. *Affirms* that the murder of a parliamentarian stands as a threat to the institution of parliament as such and, in the final analysis, to the people whom it represents, and that Parliament should consequently avail itself of its oversight function to ensure that the competent authorities comply with their duty to ensure due administration of justice, and thus to prevent any recurrence of such crimes;
6. *Requests* the Secretary General to inform the authorities, including the National Commission of Inquiry and the IIGEP, accordingly and to invite them to provide the requested information, together with information on the current stage of the investigation;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
(Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the

Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/180/12(b)-R.1),

Considering that Mr. Raviraj was a member of parliament for Jaffna and a leading member of the Tamil National Alliance (TNA) who persistently spoke out against the armed conflict in the country, that he was dedicated to a peaceful negotiated settlement of the long-standing ethnic conflict in Sri Lanka, and that he was a well-known human rights defender,

Considering the following evidence on file concerning the circumstances of and investigation into his murder:

- Mr. Raviraj was shot dead in Colombo on the morning of 10 November 2006, the day after he had participated in a public demonstration against the Sri Lankan Army's shelling of Vaharai on 9 November which had killed 47 internally displaced Tamil civilians;
- According to the sources, Mr. Raviraj was murdered while travelling in his vehicle along Elvitigalla Mawatha, a major public highway within the city of Colombo; one assailant stopped the traffic on the road while another sprayed bullets from a T.56 rifle at Mr. Raviraj and his bodyguard; they then fled from the scene on a motorcycle; security personnel were reportedly on duty at the time at several points along the highway, including in the immediate vicinity of the scene of the crime;
- According to the authorities, the Criminal Investigation Department (CID) has arrested two suspects, who are being interrogated; the motorcycle used by the assailants has been identified and further information is being gathered; the CID is also seeking two other individuals for questioning, who are nevertheless difficult to trace since they appear to be in the uncleared eastern areas; the CID periodically reports confidentially on progress in the investigations to the Magistrates Court; following a request by the Government, a team of investigators from New Scotland Yard conducted investigations in Sri Lanka from 4 to 14 January 2007 and left the country "with productions on which further tests would be carried out",

Considering further that Mr. Raviraj is the second Tamil member of parliament to be assassinated within the last year and that several others receive death threats; *noting* also that the murder seems to be one of a growing number of killings of Tamil activists and human rights defenders, all of which remain unpunished to date,

Recalling that President Rajapaksa has set up a National Commission of Inquiry to look into cases of grave human rights violations in addition to an International Independent Group of Eminent Persons (IIGEP) to observe the proceedings of the National Commission; *considering* that both the National Commission of Inquiry and the IIGEP have started to function and held a first joint meeting in February 2007 and that, at President Rajapakse's request, the National Commission has decided to include the murder of Mr. Raviraj in its mandate,

Bearing in mind that Sri Lanka is a party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life, which entails the obligation for the State to carry out a diligent, effective and thorough investigation into any murder in order to identify the culprits and bring them to justice,

1. *Is shocked* at the murder of Mr. Raviraj, which it *strongly condemns*;
2. *Is outraged* by this further demonstration of the lawlessness in which members of parliament in Sri Lanka are assassinated, this time in broad daylight, and yet seemingly with complete impunity;

3. *Recalls* that impunity is a grave breach of human rights and of the rule of law, since it encourages the repetition of crime, as amply demonstrated by the situation in Sri Lanka; *affirms* that strong action to combat impunity is a prerequisite for lasting peace and reconciliation;
4. *Commends* the President of Sri Lanka for the measures he is taking to combat impunity in a number of crimes specified by him; *notes* that examining the murder of Mr. Raviraj has been included in the mandate of the National Commission of Inquiry, and *believes* that the Commission can contribute to shedding light on the murder;
5. *Firmly states nevertheless* that the establishment of the Commission of Inquiry in no way releases the authorities from their duty vigorously to pursue the investigation in this case and to explore all existing leads which may help identify the perpetrators;
6. *Would appreciate* information as to the further involvement of Scotland Yard in the investigation and whether its recommendations have been followed up;
7. *Affirms* that the murder of a parliamentarian stands as a threat to the institution of parliament as such and, in the final analysis, to the people whom it represents, and that Parliament should consequently avail itself of its oversight function to ensure that the competent authorities comply with their duty to ensure due administration of justice, and thus to prevent any recurrence of such crimes;
8. *Requests* the Secretary General to inform the authorities, including the National Commission of Inquiry and the IIGEP, accordingly and to invite them to provide the requested information, together with information on the current stage of the investigation;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

TURKEY

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

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

***Resolution adopted unanimously by the IPU Governing Council at its 180th session
 (Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Taking into account a letter from the President of the Turkish Group, dated 27 April 2007, and a communication from one of the sources dated 2 May 2007,

Recalling that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for membership of an armed organization; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial; a retrial opened in March 2003 before the Ankara State Security Court, which on 21 April 2004 upheld the conviction and the sentence, again without respecting fair trial guarantees; on 9 June and 14 July 2004, the Cassation Court (Yargıtay) ruled that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak had not received a fair trial, and ordered their release and retrial,

Recalling that serious concerns have been expressed that the second retrial, too, was not proceeding in accordance with fair trial standards laid down by the European Court of Human Rights, in particular that important exonerating evidence had been destroyed,

Considering that in March 2007 the Court sentenced Leyla Zana, Hatip Dicle, Orhan Doga and Selim Sadak to seven years and six months of imprisonment under Article 5 of Law 3713 and Article 314 (2) of the Turkish Penal Code and that the former parliamentarians concerned have filed a petition with the Cassation Court against that ruling,

1. *Thanks* the President of the Turkish IPU Group for his letter and the information provided;
2. *Would appreciate* receiving a copy of the judgment, particularly a statement of the legal grounds;
3. *Fears* that this judgment may again be the outcome of a flawed trial;
4. *Wishes* to be kept informed of the proceedings before the Court of Cassation;
5. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources.
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).

CASE NO. TK/66 - MERVE SAFA KAVAKÇI - TURKEY

Resolution adopted unanimously by the IPU Governing Council at its 180th session (Nusa Dua, Bali, 4 May 2007)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Merve Safa Kavakçi of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 177th session (October 2005),

Recalling the following:

- Ms. Kavakçi was elected to the Turkish Grand National Assembly in the April 1999 legislative elections on the Virtue Party ticket. Not only was she prevented from taking the oath of office, because she wore a headscarf at the swearing-in ceremony, she was not allowed to carry out her parliamentary mandate, as the Government had revoked her Turkish nationality in May 1999 on the grounds that she had acquired United States nationality without the prior agreement of the Turkish authorities. She regained Turkish citizenship upon marrying a Turkish citizen in October 1999. According to the source, falling any decision by the Turkish Grand National Assembly to end her mandate, Ms. Kavakçi remained a member enjoying full parliamentary privileges. On 14 March 2001 the President of the Assembly nevertheless informed it that, because her Turkish citizenship had been revoked, Ms. Kavakçi “had lost her eligibility to be elected” and therefore “does not have parliamentary status”.
- On 22 June 2001 the Turkish Constitutional Court dissolved the Virtue Party, inter alia owing to Ms. Kavakçi's speeches and activities; Ms. Kavakçi was therefore automatically banned from politics for five years, by virtue of Article 69, paragraph 8, * of the Constitution. By virtue of Article 84 of the Constitution, Ms. Kavakçi would have lost her parliamentary mandate at that point, had she been able to exercise it.
- On 28 May 2001 Ms. Kavakçi filed an application with the European Court of Human Rights invoking a violation of her rights under Article 9 (freedom of thought, conscience and

* Article 69 was amended in October 2001. According to the new version, the automatic five-year ban no longer applies.

religion) and Article 6, paragraph 1 (right to a fair and public hearing), of the European Convention on Human Rights (ECHR), and Article 3 of Protocol 1 to the ECHR (guarantee of free and fair elections); on 13 September 2005, the Court granted leave to the IPU to submit a third-party intervention under Rule 44 (2) of the Court's Rules of Procedure; the intervention was submitted to the Court on 4 October 2005,

Considering that, on 5 April 2007, the European Court of Human Rights concluded that Article 3 of Protocol 1 had been violated and that it was not necessary separately to examine the other complaints raised by Ms. Kavakçi; it considered also that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant,

1. *Notes with satisfaction* the decision of the European Court of Human Rights in this case and *decides* to close it;
2. *Deeply regrets*, however, that Mrs. Kavakçi was unlawfully stripped of her parliamentary mandate and hence her electorate deprived of representation by a person of its choice.

ZIMBABWE

CASE N° ZBW/19 - ROY BENNETT
 CASE N° ZBW/20 - JOB SIKHALA
 CASE N° ZBW/21 - TICHAONA MUNYANYI
 CASE N° ZBW/25 - TENDAI BITI

CASE N° ZBW/27 - PAUL MADZORE
 CASE N° ZBW/37 - TUMBARE MUTASA
 CASE N° ZBW/38 - GILBERT SHOKO
 CASE N° ZBW/44 - NELSON CHAMISA

***Resolution adopted by consensus by the IPU Governing Council at its 180th session*
 (Nusa Dua, Bali, 4 May 2007)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tumbare Mutasa and Mr. Gilbert Shoko, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/180/12(b)-R.1), and to the resolution adopted at its 179th session (October 2006),

Having before it the cases of Mr. Tendai Biti, Mr. Nelson Chamisa and Mr. Paul Madzore, which have been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking account of the hearing held during the 116th Assembly with the President of the Senate of Zimbabwe and Mr. Leo Mugabe, a member of the House of Assembly of Zimbabwe, and of the information they provided,

Noting that the case concerns incumbent and former members of the Parliament of Zimbabwe belonging to the opposition Movement for Democratic Change (MDC),

Considering the following information on file:

- (a) Mr. Tendai Biti and Mr. Nelson Chamisa were arrested in Harare on 11 March 2007, according to the source, for participating in a prayer meeting organized by the Save Zimbabwe Campaign to protest against a blanket police ban on meetings; they were part of 50 activists who, once taken to the police station, were told to lie down on their stomachs in the courtyard, and were severely beaten; they were reportedly denied access to lawyers and medical care, the police failing to comply with a High Court order that such access be provided; they were released on 13 March 2007 without charge and no investigations are said to have been opened into the reports of torture and ill-treatment; according to the

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

delegation of Zimbabwe, the ban on public meetings was necessary owing to a series of terrorist acts carried out in the period between January and March 2007 aiming at regime change; Mr. Biti and Mr. Chamisa were in fact addressing the meeting and urging people to overthrow the Government; the alleged assault on the parliamentarians and others was debated in parliament and a motion was moved to call upon the Government and the police force to investigate the incident; it was debated for two days;

- (b) on 18 March 2007, Mr. Nelson Chamisa was attacked by eight men, reportedly security agents, at Harare International Airport on his way to attend the meetings of the committees of the ACP-EU Joint Parliamentary Assembly in Brussels; Mr. Chamisa suffered a fractured skull, multiple lacerations to the face and a detached retina as a result of which he could lose his eye, and he was taken to hospital in a critical condition; no investigations are said to have been opened and no one has been charged following the attack; according to the delegation, Mr. Chamisa was attacked at the Harare airport car park early in the morning; no one expected such a thing to happen; the Committee on Transport and Communication, which Mr. Mugabe chairs, asked that security at the airport be tightened and Mr. Mugabe himself insisted publicly on the need for an investigation;
- (c) on 28 March 2007 Mr. Paul Madzore was arrested at his home together with his wife and child, in addition to other MDC activists, on allegations of petrol bombing several police stations in Harare and possessing firearms; his wife and child were later released from Harare Central Police Station; Mr. Madzore was reportedly tortured in police custody and subsequently moved to a private hospital, where he was put on a life support system; the police, however, reportedly moved him forcibly back to his remand prison cell in Harare and denied him access to medical treatment; as a result, Mr. Madzore collapsed twice in his prison cell, thereby further exacerbating concerns about his health; on 13 April 2007, High Court judge Tedi Karwi refused his application for bail, reportedly on the orders of the Minister for Home Affairs, who issued a certificate of denial on security grounds; according to the Zimbabwe delegation, Mr. Madzore and others are charged with training as petrol bombers; a number of such bombs exploded and these acts are said to have been committed by the anti-Senate faction of the MDC aided by Mr. Madzore; the issue is pending before court;
- (d) Mr. Job Sikhala was tortured while in detention from 14 to 16 January 2003; the police, while initially announcing that progress was being made in the investigation, later stated that they had found it difficult to proceed with the case because Mr. Sikhala failed to identify the culprits after a team of investigators had been put in place; Mr. Sikhala has filed a lawsuit against the Minister of Home Affairs and the Police on allegations of torture, and the matter is before the High Court under reference HC/645/03; Mr. Sikhala's lawyer, Mr. Gabriel Shumba, who was arrested and detained along with Mr. Sikhala, has also lodged a complaint of torture which is pending before the African Commission on Human and Peoples' Rights; Mr. Sikhala was rearrested on 11 March 2007 in the same context as Mr. Chamisa and Mr. Biti, and taken to a police station; he was released several hours later;
- (e) Mr. Tichaona Munyanyi was ill-treated in October 2002 while being held on a murder charge which was later dropped before plea; a medical certificate was established attesting to the injuries he sustained; at the 115th Assembly the Zimbabwe delegation stated that Mr. Munyanyi, who is no longer a member of parliament, had himself "abandoned the matter" and that the case was no longer being pursued;
- (f) in August 2003, Mr. Tumbare Mutasa brought a lawsuit against the authorities for the injuries he suffered during an alleged assault on him by riot police in March 2003; according to the police, the investigation revealed that four of the officers cited in the case were nowhere near the area of the incident on the date it is said to have occurred and were therefore not involved; another officer had retired on 28 February 2004 and was yet to be located and interviewed; the lawsuit is pending; according to the information provided by

the Zimbabwe delegation at the 115th Assembly, Mr. Mutasa had died of natural causes and the case had therefore been closed;

- (g) according to information provided by the police in September 2003, while there is no record of Mr. Gilbert Shoko having been assaulted on 22 March 2003, an investigation had been opened on an attack on his house on 1 April 2002, regarding which Mr. Shoko had lodged a complaint,

Recalling further its concerns in the case of Mr. Roy Bennett, essentially relating to the fact that court rulings ordering that his farm be vacated have not been implemented, to the contempt of parliament proceedings which were brought against him in October 2004 and which prevented him from standing in the March 2005 legislative elections, and to the fact that Mr. Bennett was prompted to flee the country for fear of his life in early 2006 since he was being sought in connection with an alleged attempt to kill President Mugabe; according to the information provided by the Zimbabwe delegation to the 115th Assembly, the court orders that Mr. Bennett's farm be vacated had become moot since, pursuant to Constitutional Amendment 17, all farm land in Zimbabwe now belonged to the State and anybody who wished to utilize it had to apply for and be granted a lease agreement; *noting* in this respect that not a single farm belonging to parliamentarians from the ruling Zanu PF party has reportedly been acquired by the State under the terms of Constitutional Amendment 17,

Considering finally that, with regard to the assaults on Mr. Biti and Mr. Chamisa and the proceedings against Mr. Madzore, the Zimbabwe delegation stated that before leaving for the 116th Assembly it had asked to be privileged with details of the cases but unfortunately had not been provided with any such particulars since the cases had not been concluded,

Bearing in mind that Zimbabwe is a party to the International Covenant on Civil and Political Rights and therefore bound to respect the prohibition of torture and ill-treatment and the rights to liberty and security of the person guaranteed in its Articles 7 and 9, respectively,

1. *Thanks* the members of the delegation of Zimbabwe whom it heard for the information they provided;
2. *Is appalled* at the systematic beating up, by law enforcement officers, of the participants in the meeting of 11 March 2007, and *affirms* that such action constitutes a gross human rights violation, irrespective of whether or not the meeting was authorized; *is likewise appalled* at the absence of any action taken against the responsible police officers, who must be known and should have immediately been brought to justice and punished in accordance with the law; *urges* the authorities and, in particular, parliament to ensure that they are held to account without any further delay;
3. *Would appreciate* receiving a copy of the motion that was filed in Parliament regarding this event and any other parliamentary document pertaining to it which may exist;
4. *Is alarmed* at the attack perpetrated against Mr. Chamisa on 18 March 2007, and *finds it highly worrying* that the investigating authorities have failed to provide Parliament with details of the investigation, in particular given that the attack concerns one of its members; *urges* parliament to exercise its oversight function to ensure that a thorough investigation is conducted into the attack, and *wishes* to be kept informed in this regard;
5. *Is deeply concerned* at the allegations of torture of Mr. Paul Madzore while in police custody and denial of the medical treatment he requires; *considers* that any such allegation should be of utmost concern to the parliamentary authorities and prompt them to probe into these allegations; *urges* them to visit Mr. Madzore in prison and to ascertain his conditions of detention and state of health; *expresses moreover deep concern* that the Judge in this case may have refused bail by order of the Home Minister, and *would appreciate* clarification of this matter;
6. *Remains deeply concerned* at the failure of the authorities to conduct a full and thorough inquiry into the torture to which Mr. Sikhala was subjected in January 2003, and *deeply*

regrets that Mr. Sikhala was obliged to bring a lawsuit against the competent Minister in this matter when the authorities themselves should have made every effort to hold those responsible for acts of torture to account; *once again points out* that Mr. Sikhala provided detailed information about what had happened to him, including names, and that this was widely reported in the press;

7. *Affirms* that it is just such failures of the authorities to investigate torture allegations that encourages police and other security officials to resort to torture and other human rights violations, as amply demonstrated by the recent events;
8. *Points out*, as regards Mr. Bennett, that the adoption of Constitutional Amendment 17 does not alter the fact that several court judgments ordering that Mr. Bennett's farm be vacated as early as 2002 have not been implemented, thus subjecting him to a grave injustice, and *wishes* to receive the observations of the authorities on the allegation that not a single farm belonging to parliamentarians of the ruling party has been acquired by the State under the terms of Constitutional Amendment 17;
9. *Reiterates its wish* to receive a copy of the Supreme Court ruling regarding Mr. Bennett's petition to have the contempt of parliament proceedings against him declared null and void, and Section 16 of the Parliamentary Privileges, Powers and Immunities Act declared unconstitutional;
10. *Affirms*, with regard to the cases of Mr. Munyanyi and Mr. Mutasa, that the fact that the aggrieved person has "abandoned the matter" does not release the State and its authorities from the obligation to investigate the behaviour of law enforcement officials when a medical certificate attests to the injuries a person has sustained while in their hands; likewise *affirms* that the death of a person does not put an end to this obligation, and therefore *urges* the authorities to pursue the investigation in both cases so as to ensure that justice is done;
11. *Wishes* to ascertain the result of the investigation into the attack of April 2002 on Mr. Shoko's home;
12. *Requests* the Secretary General to convey this resolution to the authorities, inviting them to provide the requested information;
13. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 117th Assembly (October 2007).