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118th Assembly of the Inter-Parliamentary Union

1. Inaugural ceremony

The 118th IPU Assembly was inaugurated on 13 April at a ceremony held at the Cape Town International Convention Centre, in the presence of His Excellency the President of the Republic of South Africa, Mr. Thabo Mbeki. Inaugural addresses were delivered by Ms. Baleka Mbete, Speaker of the National Assembly of South Africa, Dr. Asha-Rose Migiro, United Nations Deputy Secretary-General, and Ms. Katri Komi (Finland), acting President of the IPU Executive Committee. The ceremony concluded with a statement by the President of the Republic, who declared the 118th IPU Assembly officially open.

2. Election of President and keynote addresses

The 118th IPU Assembly¹ opened at the Cape Town International Convention Centre in Cape Town, South Africa, on the morning of Monday, 14 April 2008, with the election by acclamation of Ms. B. Baleka Mbete, Speaker of the National Assembly of South Africa, as President of the Assembly.

The President said that she was honoured to have been elected to preside over the Assembly's work and thanked the Governing Council for having nominated her, adding that this was a great honour, not only for her personally but also for her country. She asked the Assembly to observe a minute of silence to honour the memory of several political leaders killed in recent months as a result of political violence.

After opening the general debate on the overall theme of *Pushing back the frontiers of poverty*, the President introduced the two keynote speakers, Ms. Y. Fall, Senior Economist at the United Nations Development Fund for Women, and Mr. D. Payne, United States Congressman and Chairman of the House Sub-Committee on Africa and Global Health.

Ms. Y. Fall said that poverty was a complex topic and a great challenge. It was women worldwide who bore the brunt of and were responsible for dealing with the consequences of food, water and other shortages. At no time in history had so many

resources been available to end poverty, and although some countries in Africa, Asia and Latin America were experiencing growth, millions of people were not benefiting. Fighting poverty was a partnership and required justice and global governance. She urged the Assembly to view poverty as the responsibility of parliaments as well as governments. Fighting poverty involved fighting inequality and upholding the rights of individuals.

Mr. D. Payne said that he was grateful for the opportunity to address the Assembly and conveyed the good wishes of Ms. N. Pelosi, Speaker of the United States House of Representatives, for a successful meeting. Three billion people were living on less than two dollars a day; the rich were getting richer and the poor becoming more impoverished. The richest 20 per cent accounted for three quarters of world income. Children were the most vulnerable to poverty, disease and hunger, and this contributed to instability worldwide. He expressed the hope that a world with so much wealth would distribute its riches more equitably and stressed the responsibility of parliamentarians in attaining this goal. The IPU's work in that cause was most helpful. The Millennium Challenge Act, adopted by the United States in 1993, was tailored to recipient countries' direct needs. Moreover, it had set aside several million dollars in its appropriations bill after Archbishop D. Tutu had urged it to increase its support for the fight against drug-resistant tuberculosis. Free trade must serve to increase market access to products from African nations; subsidies must be reduced and the capacity of African farmers increased.

On Tuesday, 15 April, the Assembly heard addresses by HRH Prince of Orange, Willem-Alexander of the Netherlands, Chair of the United Nations Secretary-General's Advisory Board on Water and Sanitation (UNSGAB); and Mr. V. Moosa, President of the International Union for Conservation of Nature (IUCN).

HRH Prince Willem-Alexander recalled that ten years ago the IPU had adopted a resolution on water and the means required to make the best use of that resource for sustainable development. UNSGAB had been set up to work on the same issue. Seven thousand five hundred people were still dying every day because they lacked access to clean water and sanitation. African ministers had made concrete

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

commitments on sanitation and hygiene, but awareness-raising was still required so that issues relating to water and sanitation remained on the local, national and international agenda. There was still a long way to go. Even if the Millennium Development Goals (MDGs) were achieved, more than one billion people would still have no access to basic sanitation. In 1998, the IPU had passed a resolution urging governments to provide better water and sanitation, and he suggested that it build on the resolution by promoting cooperation on transnational river system and watercourse management and by helping to reduce the administrative burden of donating aid. The United Nations Convention on the Protection and Use of Transboundary Watercourses and International Lakes had not been ratified by a sufficient number of States, despite its importance. He was confident that the challenges could be met by working together.

Mr. V. Moosa said that all parliamentarians should ask themselves whether they were enacting the legislation required to prevent climate change. The impact of global warming was already being felt, and by 2020, according to the *2007 Report* of the Intergovernmental Panel on Climate Change, between 75 and 250 million people in Africa would suffer water shortages as a result of climate change. Twenty million people could already be called "environmental refugees", and two hundred million could be displaced by 2015. The rural poor, including many indigenous peoples, were particularly affected by declining access to natural resources. Their elected representatives had to legislate to reduce greenhouse gas emissions. Unfortunately, it was accurate to say that many parliaments had abdicated their responsibility in this area. He called on them to hold governments to account and assume responsibility.

In the afternoon, Dr. F. Songane, Director of the Partnership for Maternal, Newborn and Child Health, which was cooperating with the Countdown to 2015, addressed the Assembly and recalled that the MDGs set various targets to be reached by 2015; he would concentrate on Goals 4 and 5, which related to women and children. *Countdown to 2015: The 2008 Report*, which was to be launched on 16 April, tracked the progress of 68 developing countries that accounted for 97 per cent of maternal and child deaths; these countries were mainly in sub-Saharan Africa and Asia. The *Millennium Development Goals Progress Report 2007* showed

that progress was slow on Goal 5, relating to women's health, and that only 16 of the 68 countries were on track to meet Goal 4, relating to child health. Eighty-two per cent of those countries had high or very high maternal mortality rates. That should not be the case: pregnancy was not a disease and deaths in childbirth were inhumane and needed urgent attention. Present funding levels were insufficient to maintain progress in health systems, which should give priority to three areas: ensuring universal availability of proven health activities, adopting a life-cycle approach, and leadership. It was in respect of leadership that IPU Member Parliaments had a substantial role to play. He invited delegates to attend the joint special session with Countdown to 2015 in the afternoon of 17 April.

3. Participation

Delegations from the parliaments of the following 130 countries took part in the work of the Assembly:² Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, 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, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Maldives, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syria, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

² For the complete list of IPU Members, see page 26.

The following Associate Members also took part in the Assembly: the Andean Parliament, the East African Legislative Assembly, the Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), the Latin American Parliament, 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, Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), Organization for the Prohibition of Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO); (iii) the International Organization for Migration (IOM), the League of Arab States; (iv) the African Parliamentary Union (APU), the Arab Inter-Parliamentary Union, the ASEAN Inter-Parliamentary Assembly (AIPA), the Asian Parliamentary Assembly (APA), the Assembly of the Western European Union (WEU), the Association of Senates, Shura and Equivalent Councils in Africa and the Arab World (ASSECAA), the Confederation of Parliaments of the Americas (COPA), the Association of European Parliamentarians for Africa (AWEPA), the Inter-Parliamentary Assembly of the Commonwealth of Independent States, the Inter-Parliamentary Assembly of the Eurasian Economic Community, the Inter-Parliamentary Assembly on Orthodoxy (IAO), the Maghreb Consultative Council, the Pan-African Parliament, the Parliamentary Assembly of the Organization of the Collective Security Treaty (OSCT), the Parliamentary Assembly of the Union of Belarus and the Russian Federation, the Parliamentary Union of the Organization of Islamic Conference Members (PUOICM), the Southern African Development Community (SADC) Parliamentary Forum, the Transitional Arab Parliament (TAP); and (v) Amnesty International, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies.

Furthermore, delegations from the parliaments of Malawi, Swaziland and the United States of America participated as observers with a view to considering future affiliation. International IDEA, the United Nations Industrial Development Organization (UNIDO) and the United Nations Office on Drugs and Crime were invited to follow the work of the

Assembly as observers in the light of the items on the agenda.

Of the 1,467 delegates who attended the Assembly, 700 were members of national parliaments. The parliamentarians included 51 presiding officers, 42 deputy presiding officers and 196 women (28%).

4. Choice of an emergency item (Item 2)

Before turning to the proposals for an emergency item, the President of the Assembly referred to the concern expressed by many delegations regarding the situation that had arisen in Zimbabwe due to the fact that the results of the recent elections had not yet been released in their entirety over two weeks after the people of Zimbabwe had cast their votes. This matter had been discussed in the Steering Committee, which had recommended that a declaration be prepared and read out to the Assembly for its endorsement. The Assembly approved this suggestion.

The President announced that the Assembly had before it six proposals for an emergency item. Following consultation, the delegations of Egypt, the Islamic Republic of Iran and South Africa withdrew their original proposals and submitted a new one entitled *The role of parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas, in facilitating the Palestinians' right to self-determination, particularly by ending the blockade in Gaza and in accelerating the creation of a Palestinian State through viable peace processes.*

Ms. E. Papadimitriou (Greece) announced that she would be willing to withdraw the Greek delegation's proposal in favour of the proposal from Egypt, the Islamic Republic of Iran and South Africa, on the understanding that the co-sponsors would introduce an environmental dimension.

Mr. J. Bernal (Colombia) said that he was ready to withdraw the proposal submitted by the Venezuelan delegation with the support of Latin American and Caribbean countries, on the understanding that the situation of Colombia would be covered by the proposal submitted by Egypt, the Islamic Republic of Iran and South Africa.

Mr. O. Dulic (Serbia), after explaining the reasons behind the Serbian delegation's proposal, announced that he was willing to withdraw it.

Mr. J. Carter (New Zealand) said that he would withdraw his delegation's proposal after having heard that the Assembly Steering Committee had approved

a proposal that a declaration be issued on behalf of all delegates on the subject of the elections in Zimbabwe and that a small working group would be set up to draft it.

Mr. B. Thioubé (Senegal) announced that his delegation would withdraw its proposal in favour of the one submitted by the delegations of Egypt, the Islamic Republic of Iran and South Africa.

The President of the Assembly noted that all other proposals had been withdrawn, leaving only that submitted by the delegations of Egypt, the Islamic Republic of Iran and South Africa. She invited Mr. Z. Madasa (South Africa) to present it. After Mr. Madasa had spoken, Mr. S. Shalom (Israel) expressed his delegation's opposition to the proposed emergency item. He regretted having to do so, but considered the item to be unacceptable and unbalanced, and deplored the fact that nobody had seen it fit to consult with the delegation of Israel on the proposal.

In response to the requests of the delegations of Greece and Venezuela, and after hearing the views of several other delegations and recalling the provisions of the IPU Statutes, the Secretary General suggested that the words "and their environmental dimension" be inserted after "conflict areas" in the title of the emergency item, and that the text of the resolution refer to the need to reach a humanitarian agreement in areas of conflict but not mention any specific country.

On 14 April, the proposal, its title amended to *The role of parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas and its environmental dimension, in facilitating the Palestinians' right to self-determination - particularly by ending the blockade in Gaza - and in accelerating the creation of a Palestinian State through viable peace processes*, was submitted to a vote (see page 44) and included in the agenda of the 118th Assembly.

5. 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 *Pushing back the frontiers of poverty*, took place in the mornings and afternoons of 14, 15, and 17 April. A total of 106 speakers from 98 delegations took part in the debate, which was chaired by the

President of the Assembly. During the sittings, the President invited various Vice-Presidents, who were members of the delegations of Austria, Burkina Faso, Ethiopia, Gabon, Lebanon, Mexico, Namibia, Pakistan, Sweden, Thailand and Uruguay, to replace her in the chair.

At the closing sitting, the President of the Assembly read out the declaration on the situation in Zimbabwe, which had been prepared by a working group set up by the President and composed of delegates from Botswana, Egypt, New Zealand, South Africa, United Kingdom and Uruguay. The Assembly endorsed the statement by acclamation.

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

(i) *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy* (Item 4)

The Committee held three sittings on 14 and 16 April, with Mr. T. Boa (Côte d'Ivoire), President, in the chair. In addition to reports and a preliminary draft resolution prepared by the co-Rapporteurs, Mr. L.M. Suklabaidya (India), Ms. H. Mgabadel (South Africa) and Lord Morris of Aberavon (United Kingdom), the Committee had before it amendments and sub-amendments to the draft resolution submitted by the delegations of Algeria, Argentina, Armenia, Bahrain, Canada, China, Congo, France, Germany, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Mexico, Morocco, the Philippines, the Republic of Korea, Romania, South Africa, Suriname, Sweden, Switzerland and Venezuela.

The first sitting began with the presentation of the individual reports and the joint preliminary draft resolution by the three co-Rapporteurs. A total of 56 speakers from 42 parliaments and two international organizations took the floor during the debate, after which the Standing Committee appointed a draft committee composed of representatives from Belgium, Canada, the Democratic Republic of the Congo, India, Indonesia, Iran (Islamic Republic of), Kenya, Mexico, Syria and Turkey. The three co-Rapporteurs were invited to participate in the work of the drafting committee in an advisory capacity.

The drafting committee met in the afternoon of 14 April. It appointed Mr. P. Moriau (Belgium) as its president and Mr. J.D. Seelam (India) as its rapporteur. It examined 116 amendments and sub-

amendments submitted by 24 delegations, and adopted 38 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 other amendments that had been adopted.

The First Standing Committee considered the consolidated draft on the afternoon of 16 April. Several delegations took the floor, seeking clarification of or expressing support for the text. The Committee adopted the draft resolution by acclamation and requested that the drafting committee rapporteur present it to the Assembly.

The draft resolution was submitted to the plenary sitting of the Assembly in the afternoon of 18 April and adopted unanimously (see page 28 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 120th Assembly*

The Bureau of the First Standing Committee met on 16 April with Mr. T. Boa (Côte d'Ivoire), President, in the chair. It examined proposals submitted by IPU Members for the item to be debated by the First Standing Committee at the 120th Assembly. The Bureau approved the subject item *Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments*, which it subsequently submitted to the First Standing Committee. The Committee agreed to propose that subject item to the Assembly for inclusion in the agenda of the 120th Assembly. The Assembly subsequently approved that item and appointed Mr. R. Price (Australia) and Mr. J.J. Mwiimbu (Zambia) as co-Rapporteurs.

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

(i) *Parliamentary oversight of State policies on foreign aid (Item 5)*

The Committee held two sittings on 15 and 17 April, with its President, Mr. P. Martin-Lalande (France), in the chair. In addition to a report and a preliminary draft resolution prepared by the co-Rapporteurs, Mr. F.-X. de Donnea (Belgium) and Mr. P.B. Quenum (Benin), the Committee had before it amendments to the draft resolution submitted by the delegations of Algeria, Armenia, Canada, China, Cuba, Egypt, France, Germany, India, Japan, Jordan, Morocco,

Philippines, Republic of Korea, South Africa, Sweden, and Venezuela.

A total of 45 speakers from 40 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 Argentina, Australia, Cameroon, Kenya, Mauritania, Morocco, Namibia, Panama, Republic of Korea, Switzerland and United Kingdom.

The drafting committee met in the morning of 16 April. It appointed Ms. N. Schimming-Chase (Namibia) as its president and Ms. D. Vale (Australia) as its rapporteur. The committee examined 80 amendments to the preliminary draft resolution and adopted 35 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 17 April, the Second Standing Committee considered the consolidated draft and adopted it unanimously, without making any further changes).

The draft resolution was submitted to the Assembly, which met in plenary in the afternoon of 18 April, and was adopted unanimously (see page 31 for the text of the resolution)

(ii) *Selection of subject item and co-Rapporteurs for the Second Standing Committee at the 120th Assembly*

The Bureau of the Second Standing Committee met on 16 April with the Committee's President, Mr. P. Martin-Lalande, in the chair. It examined proposals submitted by IPU Members for the items to be debated by the Second Standing Committee at the 120th Assembly. The Bureau approved the subject item *Climate change, sustainable development models, and renewable energies*, 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 120th Assembly and nominated Mr. H.-J. Füchtel (Germany) and Mr. A. Lins (Brazil) 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) *Migrant workers, people trafficking, xenophobia and human rights* (Item 6)

The Committee held three sittings, on 14, 15 and 17 April, with its First Vice-President, Mr. Y. Zhumabayev (Kazakhstan), in the chair. It had before it a report and a preliminary draft resolution drawn up by the co-Rapporteurs, Mr. C. Camacho (Mexico) and Mr. A. Dismore (United Kingdom), along with amendments to the draft resolution submitted by the delegations of Algeria, Argentina, Armenia, Australia, Canada, China, Cuba, Egypt, France, Germany, Indonesia, Japan, Jordan, Morocco, Philippines, Republic of Korea, Romania, Sweden, Switzerland, South Africa, United Kingdom, Venezuela and the Meeting of Women Parliamentarians. It also heard a presentation on the draft *Handbook for Parliamentarians on Trafficking in Persons* by Ms. R. Putonen of the United Nations Office on Drugs and Crime.

In all, 44 speakers took part in the debate, after which the Committee designated a drafting committee composed of representatives of Algeria, Australia, Bahrain, Congo, Costa Rica, Egypt, Germany, Pakistan, Peru, Switzerland and Turkey.

The drafting committee met on 16 April. It appointed Mr. J.P. Winkler (Germany) as its president and Ms. D. Stump (Switzerland) as its rapporteur. It considered the draft resolution in detail and incorporated some of the amendments proposed.

On 17 April, the Third Committee considered the consolidated text of the draft resolution presented by the drafting committee and adopted it unanimously. The Assembly, meeting in plenary on 18 April, adopted the resolution by consensus. The delegation of Australia subsequently expressed a reservation in respect of operative paragraph 25. Australia was not in favour of banning political parties because transparent democratic processes and a robust institutional framework ensure an appropriate balance between freedom of expression and racially offensive behaviour (see page 37 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 120th Assembly*

The Bureau of the Third Standing Committee met on 16 April with the Committee's First Vice-President in the chair. It examined proposals

submitted by IPU Members to be debated by the Committee at the 120th Assembly. At its sitting on 17 April, the Third Standing Committee decided to place the subject item *Freedom of expression and the right to information* on the agenda of the 120th Assembly. It also appointed Mr. K. Malaisamy (India) and Mr. A. Dismore (United Kingdom) as co-Rapporteurs. The item and the proposed co-Rapporteurs were subsequently approved by the Assembly. Lastly, the Third Committee elected Mr. D. Cánepa (Uruguay) as its President.

(e) Emergency item

The role of parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas and its environmental dimension, in facilitating the Palestinians' right to self-determination - particularly by ending the blockade in Gaza - and in accelerating the creation of a Palestinian state through viable peace processes (Item 8)

The Assembly referred the emergency item it had adopted on 14 April to a drafting committee composed of representatives of Algeria, Belgium, China, Egypt, Greece, Indonesia, Iran (Islamic Republic of), Morocco, South Africa, Sri Lanka, Sudan and Venezuela. The drafting committee appointed Mr. S.J. Njikelana (South Africa) as its president and Mr. G. Versnick (Belgium) as its rapporteur. It met on 15 and 16 April, and drafted a resolution that was adopted unanimously by the Assembly on 18 April.

182nd Session of the Governing Council

1. Membership of the IPU

At its sitting on 14 April, the Governing Council approved a request for affiliation from the parliaments of Iraq, Mauritania and Timor-Leste. At its sitting on 18 April, it approved a request for affiliation from the National Assembly of Lesotho and suspended the membership of the Parliament of Bangladesh, which is no longer functioning. The IPU currently comprises 150 Member Parliaments.

The Council welcomed the return of the Parliament of Thailand to full participation in the activities of the IPU, and reinstated the membership of the Parliament of Guinea, which had expeditiously defrayed its arrears.

The Council also approved a request for associate membership from the Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), bringing the number of Associate Members to eight.

The Executive Committee had debated a request from Palestine for full membership, and concluded that for such a request to be met, it would be necessary to amend the IPU Statutes. On its recommendation, the Council decided to take the necessary steps to admit the Parliament of Palestine as a Member of the IPU and to that end, instructed the Executive Committee to meet in extraordinary session to prepare an amendment to the IPU Statutes and circulate it to the Members in time for its adoption at the 119th Assembly.

The Governing Council also approved a request for observer status from Human Rights Watch.

2. Financial results for 2007

The Governing Council considered the Annual Financial Report and Audited Financial Statements for 2007. The Financial Statements showed that the IPU had an operating surplus of CHF 168,940 in 2007, bringing the balance of the Working Capital Fund to CHF 5,796,103. Revenues for the year included the full payment of arrears by the Parliament of Jamaica, a former member.

The internal auditors, Mr. D. Pacheco (Portugal) and Mr. R. Khan (India), reported that they were satisfied with the financial performance of the IPU in

2007 and with the presentation of the Financial Statements. For the future, they recommended that budget estimates should be more realistic, asked for more detailed gender and environmental analysis of expenditures in financial reports, and encouraged Members to be more timely in the payment of their contributions.

On the recommendation of the internal auditors, the Governing Council took note of the write-off of arrears of two suspended Members and of accounts receivable from the European Commission and 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 2007.

3. Financial situation

The Governing Council was given an overview of the IPU's financial situation at the end of the first quarter of 2008. The global financial crisis had had a significant impact on asset values, expenditures and revenues. In particular, the pension liability associated with the closed staff pension fund had increased. The overall impact of the crisis was negative but manageable.

The Secretary General informed the Governing Council about recent fund-raising activities and announced the conclusion of substantial grant agreements with Irish Aid and Canada's CIDA in support of gender equality, reconciliation and representation of minorities.

4. Cooperation with the United Nations system

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. For the list of activities undertaken in cooperation with the United Nations system since the 117th IPU Assembly, see page 48.

The Council was provided with an overview of some of the main activities taking place at United Nations Headquarters in New York that are of particular importance to parliaments and the IPU. The Council

endorsed the recommendation that members of parliament from the relevant select committees join their national delegations to the forthcoming UN high-level debates in New York on HIV/AIDS (9-11 June 2008), Implementation of the UN Global Counter-Terrorism Strategy (early September 2008) and the mid-term review of the Millennium Development Goals (23 September 2008). The Council also approved a meeting for MPs attending the Second Global Conference on Financing for Development, which will take place in Doha, Qatar, from 29 November to 2 December 2008.

The Council noted the preparations underway for the 2008 General Assembly debate on cooperation between the United Nations and IPU and the negotiating process on the related UN General Assembly resolution. Member Parliaments were encouraged to follow the process closely, consult with their respective foreign ministries to help ensure a favourable outcome in the form of a strong, substantive and forward-looking resolution on cooperation between the two world bodies.

The Governing Council noted the evolving relationship with the new Development Cooperation Forum (DCF), as part of the mandate outlined in the 2006 General Assembly resolution on Cooperation between the United Nations and the IPU. The Council encouraged an active IPU role in the DCF Stakeholders' Forum, which will be meeting for the first time in Rome in June 2008. This, together with the resolution adopted at the Cape Town Assembly on *Parliamentary oversight of State policies on foreign aid*, will constitute the parliamentary contribution to the first substantive session of the DCF, when it meets in New York in July this year, on the occasion of the 2008 session of the UN Economic and Social Council (ECOSOC).

The Council was informed of the new Memorandum of Understanding signed between the United Nations Development Programme (UNDP) and the IPU in November 2007 (see page 53 for the full text). The new Agreement focuses on activities undertaken by both organizations to strengthen parliaments as "institutions of democratic governance". It proposes strengthened cooperation between the two bodies in relation to technical expertise, parliamentary strengthening programmes, standards, economic governance and poverty reduction, political representation, implementation of international conventions, and *IKNOW* politics. IPU Member Parliaments were encouraged to make use of the possibilities afforded by this new cooperation framework, with a view to obtaining

assistance from UNDP working together with the IPU.

The Council heard a brief presentation of the newly released *World e-Parliament Report 2008*. This report, produced jointly by the IPU and the United Nations and drawing on the experience of 105 parliamentary chambers, is the first effort of its kind to establish a baseline of how parliaments are using information and communication technologies (ICT) in their work. The Council took note of the recommendations of the Report, which describe in detail what needs to be done in parliament in order to make the most effective use of ICT, and to this end undertook to work closely with the Global Centre for ICT in Parliament.

The Council heard the report of the second meeting of the Advisory Group of the IPU Committee on United Nations Affairs (November 2007) and approved the proposals submitted by the Executive Committee regarding the future work and functioning of the Committee on UN Affairs and its Advisory Group. The Council also approved a proposal for members of the Advisory Group to undertake a first field mission later in the year, to assess the implementation of the UN plans for greater system-wide coherence and enhanced aid effectiveness known as "Delivering as One". In this process, the Group will be working closely with the parliament of the pilot country in which the mission will be undertaken (see annex on page 52).

5. International Day of Democracy

The Governing Council noted that the United Nations had instituted an International Day of Democracy, to be celebrated on 15 September each year, and it approved proposals for the IPU and parliaments to mark the International Day. (For proposals, see page 57).

6. Policies to reduce maternal, newborn and child deaths in developing countries

The Governing Council heard a report on the joint special session of the IPU and Countdown to 2015 held on 17 April to discuss parliamentary action to reduce preventable maternal, newborn and child deaths in developing countries. The Council endorsed the proposal of the special session that the IPU, with the support of Countdown to 2015, mobilize and assist parliaments in the countries concerned over the next 12 months to take action to reduce child and maternal mortality and report on

progress to the 120th IPU Assembly in Addis Ababa (see page 20 for the report on the special session).

7. Amendments to the Statutes and Rules

On 13 April, the Governing Council adopted amendments to the Rules of the Meeting of Women Parliamentarians, with a view to extending from two to four years, non-renewable, the term of office of the elected members of the Coordinating Committee of Women Parliamentarians, and renewing half of its membership every two years in order to facilitate continuity in its work and to enable new regional representatives to benefit from the experience of remaining members. To that effect, Rules 31.1(c), 31.2, 32.1 and 32.4 of the Rules of the Meeting of Women Parliamentarians, and Rules 4.1 and 4.3 of the Rules of the Coordinating Committee of Women Parliamentarians were amended.

The Council also had before it a set of amendments to the Financial Regulations arising from the recommendations of the internal auditors for the 2006 accounts. On 13 April, the Council unanimously adopted the amendments, as follows: to Rule 5.1 and Rule 6.3 to redefine the sources of financing for the General Fund and the Working Capital Fund in order for all income to be reported appropriately in the income statement; to Rule 4.9 to place a ceiling on transfers of appropriations between budgetary headings without the prior approval of the Executive Committee; and to Rule 6.5 to update descriptions for trust funds and special accounts which are set up to handle donor funds with restrictions or other money held in trust.

For the text of all approved amendments see page 46.

The Council also approved a proposal for new working modalities of the International Humanitarian Law Committee (see section on Subsidiary Bodies of the Governing Council) and the Advisory Group on HIV/AIDS.

8. Recent specialized conferences and meetings

The Governing Council took note of the results of the Seminar on *Migration: The human rights perspective* (see www.ipu.org/splz-e/hrbodies07.htm), the Regional conference for women parliamentarians of the GCC States (see www.ipu.org/splz-e/abudhabi07.htm), the Preparatory meeting of parliamentarians dealing with

employment issues on the eve of the ILO Forum on Decent Work for a Fair Globalization (see www.ipu.org/splz-e/lisbon07.pdf), the Annual Parliamentary Hearing at the United Nations, *Reinforcing the Rule of Law in International Relations: The Key Role of Parliaments* (see www.ipu.org/splz-e/unga07.htm), the Regional Capacity-building Seminar for Asian Parliaments on Sustainable Development (see <http://www.ipu.org/splz-e/lao07.htm>), the First Global Parliamentary Meeting on HIV/AIDS (see www.ipu.org/splz-e/h aids07.htm), the Regional Seminar for parliaments in southern Africa on security sector reform (see www.ipu.org/splz-e/luanda08.htm), the Meeting of parliamentary bodies dealing with the status of women and gender equality (see www.ipu.org/splz-e/gender07.htm), the Parliamentary Forum to Fight Human Trafficking (see www.ipu.org/splz-e/vienna08.htm), the Parliamentary meeting on the occasion of the 52nd session of the Commission on the Status of Women (see www.ipu.org/splz-e/csw08.htm), the Regional Seminar for Latin American Parliaments on the theme "Women shaping politics: gender, parliamentary representation and legislative agenda" (see www.ipu.org/splz-e/montevideo08.htm), and the Meeting to promote parliamentary input into the implementation of the 2001 Brussels Programme of Action (BPOA).

The Council heard an oral report on the Meeting of Women Speakers of Parliament and noted that several parliaments, including the National Assembly of Pakistan, had expressed interest in hosting the next annual meeting.

9. Reports of plenary bodies and specialized committees

At its sitting on 18 April, 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 16).

10. Future inter-parliamentary meetings

In addition to the meetings previously approved, the Council approved the Conference organized by the African Parliamentary Union in cooperation with the IPU on *Africa and migration: Challenges, problems*

and solutions (Rabat, 22-24 May 2008), the Parliamentary session at the Stakeholder Forum on *The role of national and local stakeholders in contributing to aid quality and effectiveness* (Rome, 12-13 June), the *Regional Seminar for English-speaking Africa on reconciliation* (Freetown, 23-25 June), the Panel discussion and briefing during the XVII International AIDS Conference (Mexico, 3-8 August), the Regional Seminar on Violence against Women (second half of 2008, at a venue to be decided), the Third Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States (second half of 2008, at a venue to be decided), the Meeting of the IPU Advisory Group on HIV/AIDS (second half of 2008, at a venue to be decided), the Regional HIV/AIDS Training Seminar (second half of 2008, at a venue to be decided), IPU/ASGP/IFLA meeting on parliamentary information (Geneva, 16 October), the World e-Parliament Conference (Brussels, November 2008), and the Parliamentary Meeting on the occasion of the International Review Conference on Financing for Development (Doha, 29 November-2 December 2008).

The Council approved the venue of Addis Ababa (Ethiopia) for the 120th Assembly. It also considered a policy statement to cover the provision of visas and other matters relating to the attendance of delegations at IPU Assemblies. At the request of several delegations which expressed the need for more time to consider the proposed policy, the Council decided to defer the matter to its next session. The Council noted that several parliaments, including those of Canada and Venezuela, had expressed an interest in hosting the 122nd Assembly, and asked the Secretary General to work with those parliaments with a view to developing concrete proposals that could be considered by the IPU's governing bodies at their session in October 2008 in Geneva.

250th Session of the Executive Committee

The Executive Committee held its 250th session in Cape Town on 11, 12 and 17 April 2008. In the absence of the President and Vice-President, Ms. K. Komi (Finland) chaired the meetings. The following titular and substitute members took part in the session: Ms. Z. Drif Bitat (Algeria), Mr. G. Versnick (Belgium) substituted by Mr. F.-X. de Donnea on 12 April, Ms. J. Fotso (Cameroon, present on 17 April), Mr. J.A. Coloma (Chile), substituted on 17 April by Ms. M. Cristi, Mr. R. Pez Ferro (Cuba), substituting for Ms. K. Serrano Puig, Mr. T. Toga (Ethiopia), Mr. R. del Picchia (France), Ms. E. Papadimitriou (Greece), Mr. A. Toha (Indonesia), Mr. Yoo J.-K. (Republic of Korea), Mr. E. Ameskame (Morocco), substituting for Mr. A. Radi on 17 April, Mr. A. Kozlovskiy (Russian Federation), Ms. M. Xavier (Uruguay) and Mr. N. Anh Dzong (Viet Nam).

Mr. M. Nago (Benin) was absent.

The Executive Committee discussed and made recommendations on agenda items to be addressed by the Governing Council. Much of its time was devoted to requests for affiliation, particularly that of the Parliament of Palestine. The other matters considered by the Committee are summarized below.

The Committee considered policy options for the IPU to offset its carbon footprint. In so doing, it looked at the broader issue of IPU policy in the sphere of environment, deciding that the matter merited further reflection and should be on the Committee's agenda in Geneva. It decided that the sum of CHF 50,000 to be allocated annually for

offsetting the carbon footprint should not be transferred to an external organization, as had been originally proposed, but should serve to fund IPU environmental projects. It also recommended the establishment of a small expert group of parliamentarians, who could advise on both the use to which the funds would be put and a broader environment policy for the Organization.

The Committee broached the subject of a policy for people with disabilities and decided to defer its discussion on the matter to its next session.

The Committee received the management letter from the External Auditor and the management response. The Committee heard a report on the fiscal situation of certain staff members residing in France and noted that in 2007, the IPU had reimbursed CHF 34,000 in staff assessment to staff members to cover their tax bills. The Committee noted that the IPU was in close contact with the French IPU Group and was seeking a bilateral solution between the Swiss and the French authorities.

The acting President presented a written report on the performance of the closed staff pension fund in 2007.

The report on staff movements in the Secretariat was adjourned to the October session, at which time the Committee proposed also to discuss the necessary steps to take for the appointment or re-appointment of a Secretary General.

Meeting and Coordinating Committee of Women Parliamentarians

The Thirteenth Meeting of Women Parliamentarians took place on 13 April 2008 and brought together 122 women and 26 men from the following national parliaments: Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bolivia, Botswana, Brazil, Burkina Faso, Cambodia, Canada, Cape Verde, Chile, China, Congo, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of),

Ireland, Israel, Jordan, Kazakhstan, Kenya, Liberia, Libyan Arab Jamahariya, Maldives, Mali, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Sudan, Sweden, Switzerland, Thailand, Togo, Tunisia, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe. Various Associate Members and

observers were also represented, including the Pan African Parliament, UNICEF and UNHCR.

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. G. Mahlangu-Nkabinde, Deputy Speaker of the National Assembly of South Africa, as its President. Ms. Mahlangu-Nkabinde's opening remarks were followed by statements by Ms. B. Mbete, Speaker of the National Assembly of South Africa, Ms. K. Komi (Finland), acting President of the IPU Executive Committee, and Mr. A.B. Johnsson, Secretary General of the IPU.

The Rapporteur of the Coordinating Committee, Ms. G. Gautier (France), briefly reported on the Committee's work at its previous three sessions. She paid tribute to the work accomplished by the outgoing Committee, which had reached the end of its term, and by Ms. Xavier.

The Meeting adopted the amendments to its Rules submitted by the Coordinating Committee. The amendments extend the term of office of Committee members from two to four years, and stipulate that half of the Committee's membership is to be renewed every two years.

Ms. M. Xavier briefed the Meeting on the work done by the Gender Partnership Group in Cape Town, which included monitoring the participation of women in delegations to IPU Assemblies, examining the IPU budget from a gender perspective and monitoring the situation of parliaments without women members.

As its contribution to the 118th IPU Assembly, the Meeting considered the item of the Third Standing Committee, *Migrant workers, people trafficking, xenophobia and human rights*. The Minister of Home Affairs of South Africa, Ms. N.N. Mapisa-Nqakula, delivered a keynote address to launch the debate. The Meeting then divided into two groups, each of which discussed a subtopic of the item. It

appointed Ms. Z. Drif Bitat (Algeria) and Ms. P. Cayetano (Philippines) as chairs, and Ms. S. Greiss (Egypt) and Ms. S. de Bethune (Belgium) as rapporteurs of the groups. Their reports were consolidated into proposed gender-related amendments and submitted to the Third Standing Committee at its first sitting. Some of the proposed amendments were adopted.

In the afternoon, the Meeting hosted the launch of the IPU survey, *Equality in Politics: A Survey of Women and Men in Parliaments*. Nearly 300 parliamentarians, both men and women, had taken part in the survey. The survey's main findings included the fact that women are making important contributions in parliaments and defining political priorities. The Meeting was encouraged to ensure that the survey's findings are disseminated to all parliaments and their members.

The Meeting's agenda also comprised a dialogue session between men and women on women and the media. The session was chaired by Ms. Z. Jaffer, a journalist from South Africa, and introduced by two panellists, Ms. D. Stump (Switzerland) and Ms. P. Govender (former member of parliament, South Africa). Having listened to several interesting statements, the Meeting noted that much more work needed to be done to tackle the stereotypical images of women presented in the mainstream media, which tended to reinforce gender inequality.

On Thursday, 17 April, the Meeting of Women Parliamentarians held a special sitting to elect the 24 regional representatives to the Coordinating Committee of Women Parliamentarians and its Bureau. The newly constituted Coordinating Committee of Women Parliamentarians met on Friday, 18 April. It began preparations for its next meeting, stressing two priority areas: support for the United Nations Secretary-General's Campaign to End Violence against Women and follow-up to the 2008 edition of the *Countdown to 2015 Conference on maternal, newborn and child survival*.

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 121st session from 13 to 17 April 2008. Ms. Z. Benarous (Algeria), Ms. S. Carstairs (Canada), Ms. R. Green (Mexico), Mr. P. Mahoux (Belgium) and Mr. A. Pimentel (Philippines) participated in their titular capacity, while Mr. K. Jalali (Islamic Republic of Iran) and Ms. A. Boumediene-Thiery (France) participated in their capacity as substitute members.

The Committee held 12 hearings with delegations from countries where it had cases pending, and five hearings with representatives of the sources, including one of the parliamentarians concerned. The Committee examined a total of 70 cases in 35 countries and it submitted to the Governing Council 40 cases of 218 parliamentarians in 20 countries around the world (see resolutions on pages 68 to 121).

2. Committee on Middle East Questions

The Committee on Middle East Questions met on 14 and 17 April. In the absence of the President, Mr. K. Sairaan (Mongolia), the meetings were chaired by Mr. J. Carter (New Zealand). The other titular members present were Ms. A. Clwyd (United Kingdom) and, on 17 April, Mr. H. Raidel (Germany). Mr. M. Shehab (Egypt) substituted for Mr. El-Feki. The substitute members present were Mr. L.H. Ishaq (Indonesia) and Mr. F.-X. de Donnea (Belgium).

Instead of its usual practice of convening a dialogue between the parties from the region, which they were not willing to attend, it used the meetings in Cape Town to discuss ways to improve its functioning. The Committee had been relatively inactive for a certain time, and member attendance was extremely irregular. It therefore decided that members who failed to attend for more than two consecutive sessions should be asked to cede their places to other candidates who were able to vouch for their expertise in the subject of the Middle East, and their availability to attend all of the sessions. The procedure would be to notify the leader of the geopolitical group concerned, who would bring the

matter to the attention of the Group and request nominations to replace the original member.

The Committee noted that the geographical representation on the Committee was uneven, and proposed that all the principal geographical regions should be represented, although the exact breakdown should not be defined under the rules so as to retain a degree of flexibility.

The Committee also decided to increase the pace of its activities by making visits to the region to monitor and report on the peace process, and promote dialogue between the two sides. If circumstances permitted, meetings could also be held with the representatives of Israel and Palestine at IPU Headquarters in Geneva. It proposed that an exploratory mission to the region to investigate avenues for dialogue be carried out by Ms. A. Clwyd and Mr. J. Carter.

3. Committee to Promote Respect for International Humanitarian Law

The Committee to Promote Respect for International Humanitarian Law (IHL) met on Wednesday, 16 April 2008. The sitting was chaired by Ms. B. Gadiet (Switzerland), who was also elected President of the Committee. The International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) also attended and provided background information on various topics.

The Cape Town session was the first to be held by the newly elected Committee following adoption by the Governing Council on 14 April 2008 of new working modalities of the Committee. Under the new system, the Committee's mandate is to promote respect for IHL and refugee protection by monitoring ratification of relevant international instruments and their implementation at the national level, and to raise awareness in parliament of issues requiring parliamentary action. The Committee is composed of six titular members – one from each of the geopolitical groups at the IPU – and six substitute members. Each member is elected on an *ad personam* basis for a four-year period. The

Committee reports to the Governing Council on its activities, which are monitored by the Executive Committee.

The Committee discussed follow-up of the resolution adopted at the 115th Assembly (Geneva, 2006) on *Missing persons*. With a view to monitoring follow-up by Member Parliaments, the Committee discussed and approved the text of a questionnaire to be sent to Members on initiatives that they had taken and requested that the questionnaire be distributed to Members as soon as possible.

The Committee went on to discuss the outline of a future handbook for parliamentarians on missing persons. The handbook should serve as a tool to guide parliaments in their work to prevent disappearances, protect persons likely to go missing and assist the families of missing persons. The handbook would be informed by data and examples collected through the questionnaire. The Committee would be working closely with the ICRC on this project. The handbook should be finalized by early 2009.

The Committee recalled the adoption by the United Nations General Assembly of the International Convention for the Protection of All Persons from Enforced Disappearance in December 2006. It encouraged members to promote signature and ratification of the Convention in their respective parliaments and to support speedy accession to it. Thus far, 72 States had signed and four had ratified it. The Convention will come into force once it is ratified by 20 States parties.

The Representative of UNHCR informed the Committee of follow-up on the publication entitled *Nationality and Statelessness: A Handbook for Parliamentarians*, launched at the 113th Assembly (Geneva, 2005) by the IPU and UNHCR. The Handbook is available in 12 different languages and arrangements for its translation into several other languages were currently being made.

The Committee invited all IPU Members to make use of the Handbook and to disseminate it as widely as possible. It drew attention to the number of possibilities that existed to work with UNHCR country offices on refugee protection and statelessness.

The Committee was briefed by UNHCR on recent developments related to nationality and statelessness. It welcomed the various initiatives

taken in several Arab States, Nepal and Brazil, which have essentially resolved statelessness issues. In recent years, there has been an increase in the number of refugees, which today stands at approximately 10 million persons worldwide. With regard to asylum and refugee protection, although many governments have lived up to their humanitarian responsibilities, asylum was facing serious challenges, particularly as a result of measures taken in the name of national security, the fight against terrorism and combating perceived illegal or irregular migration. The Committee held a discussion on issues related to international humanitarian law and refugee protection. Three specific themes were identified: internally displaced persons, the humanitarian aspect of migration, and cluster munitions. It was agreed that further discussion would be held on those themes at the Committee's next session in order to identify possible work that could be carried out by Member Parliaments and the IPU.

Lastly, the Committee discussed its working methods. It expressed concern that one meeting per year might not be sufficient to properly follow the various issues falling within its mandate. Members agreed to try and meet informally at the Geneva Assembly and, in the meantime, to communicate by e-mail throughout the year.

4. Group of Facilitators for Cyprus

On 15 April 2008, on behalf of the Group of Facilitators for Cyprus, 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 not the first time that both sides met under the auspices of the IPU. Recent meetings had been held in Marrakech in 2002, in Manila in 2005, and in Nusa Dua, Bali, in 2007.

The meeting was attended by representatives of five political parties – three Greek Cypriot and two Turkish Cypriot parties. The Group worked in a spirit of dialogue and openness.

The parties are genuinely encouraged by the positive meeting recently held between the President of the Republic of Cyprus, Mr. D. Christofias, and the Turkish Cypriot leader, Mr. M.A. Talat. The parties expressed their strong support for the leaders of the

two communities and encouraged them to engage in substantive negotiations aimed at achieving a definitive solution for the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality in accordance with relevant United Nations resolutions. The parties also expressed the hope that one common delegation representing the Federal Republic of Cyprus would participate in future IPU Assemblies.

5. Gender Partnership Group

The Gender Partnership Group held its 21st session on 11 April 2008. The participants were Mr. R. del Picchia (France), Ms. Z. Drif Bitat (Algeria), Mr. N. Anh Dzung (Viet Nam) and Ms. M. Xavier (Uruguay). Mr. R. del Picchia acted as moderator.

The Group examined the composition of delegations attending the 118th Assembly and compared it to previous IPU statutory meetings. As at 17 April 2008, 196 of the 700 delegates (28 per cent) attending the Assembly were women. This is one of the highest percentages ever reached, and the highest absolute number of women.

Of the 130 delegations attending the Assembly, 124 were composed of two delegates or more. Of those, 13 (10.5 per cent) were all-male, down from 16 per cent at the 117th Assembly. The all-male delegations were from the parliaments of Colombia, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Japan, Kyrgyzstan, Mongolia, New Zealand, Qatar, Saudi Arabia, Serbia, Slovenia and Suriname. The delegations from Armenia and Italy were all-female.

The Group also discussed the gender sensitivity of the IPU's budget. It noted that the financial report for expenditure during 2007 met the criteria established in Manila (2005) and provided detailed information on gender-specific allocations in the budget, both in comparative and absolute terms. Mainstream budget allocations and expenditure still needed to be analysed from the gender perspective, however, and an expert would be hired to facilitate the development of specific indicators to that end.

The Group then examined the situation of parliaments with no women members. At 31 March 2008, seven out of 189 parliaments had no women members: the Federated States of Micronesia (single chamber), Nauru (single chamber), Palau (lower and upper chambers), Qatar (single chamber), Saudi Arabia (single chamber), the Solomon Islands (single

chamber) and Tuvalu (single chamber). Three of those parliaments were renewed in 2007.

No noticeable progress had been made in the countries concerned, and the Group again noted the difficulty in obtaining information, especially from Pacific Island countries whose parliaments are not IPU Members. The Group discussed different strategies, including organizing sub-regional meetings with leaders and working through the IPU geopolitical groups, and suggested that the focus be placed on the Pacific Island States.

The Group discussed the application of Article 23.2 of the IPU Statutes, which stipulates that at least three elected members of the Executive Committee must be women. It drew attention to the importance of respecting that Article in practice. As no specific mechanism existed to ensure enforcement, the Group strongly recommended that each geopolitical group with two or more seats on the Executive Committee have at least one representative of each sex.

Lastly, the Group welcomed and discussed the recently published IPU survey, *Equality in Politics: A Survey of Women and Men in Parliaments*, and encouraged members to discuss the results in their parliaments. It encouraged IPU Members to use the survey questionnaire to assess the level of gender sensitivity of their own parliaments. The Group also welcomed the publication of the IPU-UN map on *Women in Politics: 2008* and invited Members to distribute it widely.

Other events

1. Panel discussion on *Peace-building towards reconciliation*

A panel discussion on *Peace-building towards Reconciliation* was held in the afternoon of 16 April. The moderator and lead panelist was Dr. F. Ginwala, former Speaker of the National Assembly of South Africa. The other panelists were Mr. Y. Agboyibo, member of parliament and former Prime Minister of Togo, and Dr. A. Adebajo, Executive Director, Centre for Conflict Resolution, South Africa.

The panel focused primarily on the African experience. Since the 1960s, over forty wars have taken place in Africa, causing ten million deaths and many more millions of refugees. The panelists stressed that conflict resolution is a long-term process that entails addressing the root causes and identifying durable solutions. Such solutions must include establishing a procedure for listening to the victims and respecting their dignity. Women must be fully involved throughout the process.

The panel underscored the necessity for the involvement of all parties to a conflict in the negotiations to establish peace and in the subsequent reconciliation process. Reconciliation processes were more likely to succeed in a democratic environment with a strong parliament. It was emphasized that parliaments have a primary responsibility to ensure civilian control of the army and security forces. Through their oversight function, parliaments must ensure that peace agreements are fully implemented and that the necessary resources are provided through the national budget. There was also a need to strengthen the political parties, which are often very weak.

The panel highlighted the need to ensure respect for the outcome of elections by all parties to the conflict. Political leaders and parties have a particular responsibility to promote respect for the electoral process and its outcome.

The panel recognized the responsibility of the international community in promoting peace and reconciliation. The point was made that while conflicts tend to occur mainly in developing countries, developed countries also bear some responsibility for causing these conflicts and their constructive engagement is necessary to identify and implement lasting solutions. The participants highlighted the importance of the UN Peacebuilding

Commission and the Peacebuilding Fund, which needed to disburse funds rapidly to facilitate implementation of peace accords. Such funds should also be used to assist the parliaments of the countries concerned.

2. Panel discussion on *maternal, newborn and child health*

More than 26,000 children under the age of five die every day, mostly from preventable causes. In addition, half a million women die in pregnancy each year, most during childbirth or in the first few days post partum.

For almost a decade, child and maternal health have failed to attract the attention, resources and political action they deserve. Improving child and maternal health requires the achievement of the health-related Millennium Development Goals (MDGs). The challenge is formidable and requires political determination, resources and sound strategies on an unprecedented scale.

To meet these objectives, the IPU and UNICEF organized a panel discussion on *Leading the change for maternal, newborn and child health*. The panel was held on 16 April. It was opened by the Speaker of the National Assembly of South Africa, Ms. B. Mbete, and chaired by Ms. N. Madlala-Routledge, a South African member of parliament. The panelists included Senator P. Cayetano (Philippines) and Mr. P. Salama, UNICEF Chief of Health. The keynote address was delivered by Ms. G. Mongella, President of the Pan-African Parliament.

The panel sparked great interest among parliamentarians, over 200 of whom participated. They underscored the need for political determination, pointing out that progress would be made much more quickly if the 44,000 parliamentarians around the world prioritized action in favour of maternal, newborn and child health.

They also underscored the need to ensure access to a continuum of health care within strong national health systems. This could be achieved by, for example, integrating essential services at the community level, strengthening training programmes and recruitment of medical staff, ensuring that women have access to information, and providing access to sound data on which to base policies and programmes. Furthermore, in order to make lasting

progress, policymakers should not focus on health alone. Action was needed within a more comprehensive framework that included initiatives to address gender inequality, change mentalities and tackle overall economic, educational, and social issues. The participants also highlighted the key role of parliamentarians in everything from developing and enforcing legislation to protect children and ensuring national budgets allocated adequate resources to using the power of parliamentary inquiry to hold governments to account.

The panel discussion provided an opportunity to present the findings of *Countdown to 2015: The 2008 Report*, which was launched in Cape Town on 16 April, and of the UNICEF report, *State of the World's Children 2008*.

3. Discussion on *The global economic meltdown and its impact on the building of a better world for all*

A panel discussion on *The global economic meltdown and its impact on the building of a better world for all*, sponsored by the South African Parliament on 15 April 2008, was attended by some 75 delegates. The panellists were Mr. R. Davies, South African Deputy Minister of Trade and Industry, and Mr. I. Abedian, a South African economist. The panel was introduced by Mr. M. Mahlangu, Chairperson of the National Council of Provinces of South Africa, and moderated by Mr. F.-X. de Donnea, (Belgium).

Mr. R. Davies postulated that the current economic downturn was serious and would have a global impact. It was symptomatic of the broader underlying issue of over extension of credit during a cyclical upswing in the face of inadequate government regulation. Unfortunately, it would once again be the poor everywhere who would bear the brunt, in the form of job losses and higher food and fuel prices. Mr. R. Davies urged developing country governments to take defensive action that focused on promoting long-term growth, maintaining spending programmes and thwarting opportunistic speculation and collusion.

Mr. I. Abedian connected the dots between economic structure, global financial markets and political economy. Poor regulation had led to serious economic imbalance, and conventional monetary policies were no longer applicable. He sternly cautioned against the socialization of bad private sector debt and called for credible global political leadership to address the moral and ethical issues relating to social justice and systemic financial crisis, pointing out that the private sector would not worry about the poor.

After a floor debate, the moderator wrapped up the discussion with the warning that populist politicians with demagogic policies could ride the economic downturn into power. The private sector ignored social justice at its peril.

Other activities

1. Media coverage

The 118th Assembly was covered by the South African (SABC radio and television and newspapers) and international press (IPS, Voice of America, EFE and Reuters). The IPU Information Service held five press briefings, including the closing press conference, which was broadcast live on national TV by SABC (South African Broadcasting Corporation). Interviews were organized for journalists with IPU officials.

3. IPU exhibition on *Women in Politics*

An IPU exhibition on *Women in Politics* was displayed at the entrance of the CTICC. The exhibition, composed of several panels, evoked issues such as the main hurdles women encounter in accessing parliament, parliaments with the highest and lowest numbers of women MPs, figures for

women Speakers of Parliament, the democratic approach from a gender equality perspective, and women at the IPU. It was presented for the first time at an IPU Assembly, after being displayed earlier this year on the eve of International Women's Day - 8 March, at the United Nations Office at Geneva (UNOG).

3. Joint special session of the IPU and Countdown to 2015 on reducing preventable maternal, newborn and child deaths

The IPU and Countdown to 2015 held a special joint session on 17 April to mobilize members of parliaments attending the 118th Assembly in support of policies to reduce preventable maternal, newborn and child deaths in developing countries. The session brought together several hundred members of parliament, ministers and government officials, representatives of the scientific community, the

United Nations system, international organizations and civil society bodies, and activists participating in Countdown to 2015, a collaborative effort by individuals and institutions to track progress towards the achievement of Millennium Development Goals (MDGs) 4 and 5 to reduce child and maternal mortality.

The session was opened by the Chairman of the Council of Provinces of South Africa, Mr. M. Mahlangu. The Most Rev. N. Ndungane, President of African Monitor, delivered a keynote address, after which Mr. R. Horton, editor-in-chief of *The Lancet*, provided a progress report on how far countries have come in meeting the two MDGs. Mr. R. Horton moderated a panel discussion in which the following panellists took part: Dr. C.W. Chan, President of the International Pediatric Association, Mr. A.B. Johnsson, Secretary General of the IPU; Ms. D. Mafubelu, Assistant Director-General of the WHO; Ms. S.N. Ssinabulya, a member of parliament from Uganda; Ms. A. Starrs, President of Family Care International; Mr. F.M. Vallersnes, a member of the Norwegian Parliament; and Mr. Y. Yatsu, a member of the Japanese Parliament.

The discussion focused on the responsibilities of parliamentarians to help reduce child and maternal mortality. Both the panellists and the audience provided numerous examples of the action taken by members of parliament to raise awareness and mobilize political will. Through contacts with citizens in their constituencies, enquiry missions, hearings in parliament, statements, submissions and committee debates, parliamentarians can ensure that parliament is well-informed and able to exercise its oversight and legislative functions. Parliaments influence government policy and have important constitutional responsibilities to monitor and oversee its implementation. As part of the process, they adopt new, or adapt existing, legislation, approve the budget and audit the accounts.

The panel concluded by calling for members of parliament, particularly in the 68 countries that have not yet achieved the two MDGs, to make every effort to raise awareness in parliament and work towards achievement of these goals. They were encouraged to work with ministers, the scientific community, the local offices of the relevant United Nations agencies and civil society organizations in their respective countries, who all offered their support. The IPU and Countdown to 2015 pledged to assist them in this effort. The special session encouraged the IPU to work closely with Countdown to 2015 and the parliaments of the

countries concerned over the next twelve months and to report on progress to the 120th IPU Assembly.

4. UNICEF-IPU field trip

On 15 April 2008, 15 members of parliament selected from the different IPU geopolitical groups took part in a field visit organized by UNICEF, building on a long-established tradition. Parliamentarians visited the following three programme sites in the Western Cape:

- mothers2mothers (m2m) – an educational, psychosocial mentoring and support organization. m2m complements already existing programmes aimed at preventing mother-to-child transmission of HIV/AIDS. It identifies and trains HIV-positive mothers from the various communities who have recently given birth to healthy babies. The programme takes the women through a rigorous curriculum and returns them to maternity wards and clinics as "Mentor Mothers". These otherwise unemployed women create a cadre of healthcare professionals that the government would not ordinarily be able to afford. Mentor Mothers educate new mothers, supporting them as they face decisions that make the difference between illness and health.
- The Isibindi programme, which aims to create a safe and caring community for children and youth at risk who have been rendered vulnerable by HIV/AIDS, especially those in child-headed households. The Isibindi programme provides support and care to children in their natural environment – their communities of origin, building on their own strengths. All children receive regular visits and are provided with services within a child rights framework.
- Mount View Primary School, which implements the Safe and Caring Child Friendly School (CFS) model. This model enables programme educators to manage learning in the complex teaching environments they encounter. Children's needs are addressed at the school level, which is often the first port of call for identifying vulnerability. They receive support depending on their special, individual needs, which may include care-giving, referral for basic services and help with homework, among other needs.

The visits were followed by a de-briefing and feedback session with UNICEF, hosted by its Representative in South Africa, Mr. M. Kamau. The session aimed to highlight the role of parliamentarians in child protection.

Elections and appointments

1. Office of President of the 118th Assembly of the Inter-Parliamentary Union

Ms. Baleka Mbete, Speaker of the National Assembly of South Africa, was elected President of the Assembly.

2. Executive Committee

The Governing Council elected by acclamation Ms. Á. Möller (Iceland) to the Executive Committee until April 2012.

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 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. A. Gutiérrez Cueva (Peru) - titular
Mr. A. Santos (Brazil) – 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

Mr. S. Jackou (Niger) - titular
Mr. K. Mporogomi (United Republic of Tanzania) - substitute

Arab Group

Mr. M. El Said (Egypt) - substitute

Asia-Pacific Group

Ms. S. Tioulong (Cambodia) – titular
Ms. D. Vale (Australia) – substitute

Twelve Plus Group

Mr. F. Notari (Monaco) - substitute

Eurasia Group

Vacancy- titular

Mr. B.Z. Zhambalnimbuev (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. D. Cánepa (Uruguay)
(*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. Cortéz (Panama) - substitute

4. Rapporteurs of the Standing Committees to the 120th Assembly

Standing Committee on Peace and International Security

Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments

co-Rapporteurs: Mr. R. Price (Australia)
 Mr. J.J. Mwiimbu (Zambia)

Standing Committee on Sustainable Development, Finance and Trade

Climate change, sustainable development models, and renewable energies

co-Rapporteurs: Mr. H.-J. Füchtel (Germany)
 Mr. A. Lins (Brazil)

Standing Committee on Democracy and Human Rights

Freedom of expression and the right to information

co-Rapporteurs: Mr. K. Malaisamy (India)
 Mr. A. Dismore (United Kingdom)

5. Committee on Middle East Questions

Mr. R. Bret (France) was elected substitute member for a four-year term of office ending in April 2012.

Ms. L. Coutinho (Portugal) was elected substitute member for a four-year term of office ending in April 2012.

Mr. A. Ponlaboot (Thailand) was elected substitute member for a four-year term of office ending in April 2012.

Mr. M. Sahin (Turkey) was elected substitute member for a four-year term of office ending in April 2012.

6. Committee to Promote Respect for International Humanitarian Law

End of term of office

For the African Group

Titular:

Mr. B. Souilah (Algeria) 2012

Substitute:

Mr. J.J. Mwiimbu (Zambia) 2012

For the Arab Group

Titular:

Mr. H. Hamoudi (Iraq) 2012

Substitute:

Ms. M. Osman Gaknoun (Sudan) 2012

For the Asia-Pacific Group

Titular:

Ms. W. Chandrawila (Indonesia) 2012

Substitute:

Ms. B. Gohar (Pakistan) 2012

For the Twelve Plus Group:

Titular:

Ms. B. Gadiant (Switzerland) 2012
 (President of the Committee)

Substitute:

Mr. A. Kurt (Turkey) 2012

For the Eurasia Group:

Titular:

Mr. S. Gavrilov 2012
 (Russian Federation)

Substitute :

Ms. H. Hakobian (Armenia) 2012

For the Latin American Group:

Titular:

Mr. J.C. Romero (Argentina) 2012

Substitute:

Ms. E. Arguedas (Costa Rica) 2012

7. Coordinating Committee of the Meeting of Women Parliamentarians

End of term of office

President

Ms. P. Cayetano (Philippines) April 2010

First Vice-President

Ms. F. Ben Amor (Tunisia) April 2010

Second Vice-President

Mme M. Mensah-Williams (Namibia) April 2010

Regional representatives (elected for four years)**For the African Group:**Titular representative:

Mme M. Mensah-Williams (Namibia) April 2012

Substitute representative:

Ms. S.A. Lyimo (United Republic of Tanzania) April 2012

For the Arab Group:Titular representative:

Ms. A.A. Al Qubaisi (United Arab Emirates) April 2012

Substitute representative:

Ms. A. Mubarak (Bahrain) April 2012

For the Asia-Pacific Group:Titular representative:

Ms. J. Hall (Australia) April 2012

Substitute representative:

Ms. F. Ajoorlou (Iran, Islamic Republic of) April 2012

For the Eurasia Group:Titular representative:

Ms. V. Petrenko (Russian Federation) April 2012

Substitute representative:

Ms. E. Semenova (Russian Federation) April 2012

For the Latin American Group:Titular representative:

Ms. L. Menchaca (Mexico) April 2012

Substitute representative:

Ms. M. Muller (Argentina) April 2012

For the Twelve Plus Group:Titular representative:

Ms. C. Markwalder Bär (Switzerland) April 2012

Substitute representative:

Ms. M. Griefahn (Germany) April 2012

Regional representatives (elected for two years)**For the African Group:**Titular representative:

Ms. L.S. Changwe (Zambia) April 2010

Substitute representative:

Ms. M.G. Chetima (Niger) April 2010

For the Arab Group:Titular representative:

Ms. F. Ben Amor (Tunisia) April 2010

Substitute representative:

Ms. S. Greiss (Egypt) April 2010

For the Asia-Pacific Group:Titular representative:

Ms. P. Cayetano (Philippines) April 2010

Substitute member:

Ms. P. Kaur (India) April 2010

For the Eurasia Group:Titular representative:

Ms. B. Baimagambetova (Kazakhstan) April 2010

Substitute member:

Ms. N. Baranova (Belarus) April 2010

For the Latin American Group:Titular representative:

Ms. M. Xavier (Uruguay) April 2010

Substitute member:

Ms. A. Sáez (Venezuela) April 2010

For the Twelve Plus Group:Titular representative:

Ms. A. Clywd (United Kingdom) April 2010

Substitute representative:

Ms. G. Gautier (France) April 2010

Members of the Executive Committee (ex officio, for the duration of their term on the Executive Committee)

Ms. K. Serrano Puig (Cuba) September 2008

Ms. E. Papadimitriou (Greece) October 2009

Ms. J. Fotso (Cameroon) October 2010

Ms. Z. Drif Bitat (Algeria) October 2011

Ms. Á. Möller (Iceland) April 2012

Former Chairpersons of the Meeting of Women Parliamentarians (ex officio member for two years)

Ms. H.A. Baidlowi (Indonesia) April 2009

Ms. G. Mahlangu-Nkabinde April 2010
(South Africa)

8. Gender Partnership Group

The Executive Committee appointed Ms. Z. Drif Bitat (Algeria), Mr. R. del Picchia (France) and Mr. N. Anh Dzung (Viet Nam) to the Gender Partnership Group.

9. Advisory Group of the IPU Committee on United Nations Affairs

Mr. G. Versnick (Belgium)
Ms. E. Salguero (Bolivia)
Mr. M. Traoré (Burkina Faso)

Dr. G. Zhiguo (China)
Mr. M. El Fakki (Egypt)
Mr. E. Lintner (Germany)
Mr. N. Treacy (Ireland)
Ms. R. Green (Mexico)
Mr. T.-B. Gurirab (Namibia)
Mr. F.M. Vallersnes (Norway)
Ms. A. Inayatullah (Pakistan)
Mr. V. Likhachev (Russian Federation)
Dr. A. Luthuli (South Africa)

10. Management Board of the IPU Staff Pension Fund and IPU United Nations Joint Staff Pension Committee

The Executive Committee entrusted Mr. R. del Picchia (France) with representing the governing bodies on the Management Board of the IPU Staff Pension Fund and the IPU United Nations Joint Staff Pension Committee.

Membership of the Inter-Parliamentary Union*

Members (150)

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, 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), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, 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, Syria, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe

Associate Members (8)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), 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 118th Assembly

Agenda, Resolutions and Vote of the 118th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 118th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. General debate on the political, economic and social situation in the world with the overall theme of *Pushing back the frontiers of poverty*
4. 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*)
5. Parliamentary oversight of State policies on foreign aid
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. Migrant workers, people trafficking, xenophobia and human rights
(*Standing Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 120th Assembly and appointment of the Rapporteurs
8. The role of parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas and its environmental dimension, in facilitating the Palestinians' right to self-determination - particularly by ending the blockade in Gaza - and in accelerating the creation of a Palestinian State through viable peace processes

THE ROLE OF PARLIAMENTS IN STRIKING A BALANCE BETWEEN NATIONAL SECURITY, HUMAN SECURITY AND INDIVIDUAL FREEDOMS, AND IN AVERTING THE THREAT TO DEMOCRACY

***Resolution adopted unanimously by the 118th IPU Assembly
(Cape Town, 18 April 2008)***

The 118th Assembly of the Inter-Parliamentary Union,

Recalling the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, in particular the right to life, liberty and security of the person, and that everyone has the right to a standard of living adequate for individual and family health and well-being,

Acknowledging the interdependence between national security, human security, individual freedoms and democracy,

Recognizing the multidimensional nature of human security and *noting* that understanding of human security must be dynamic and flexible in order to meet the many human security challenges in different regions,

Also recognizing that democracy is adversely affected worldwide by factors such as poverty, unemployment, HIV/AIDS and other pandemics, pollution, natural disasters and human rights violations, as well as by foreign occupation, inter-State conflicts, terrorism, human trafficking and organized crime,

Aware that terrorism in all its forms poses a major threat to national security, human security and individual freedoms all over the world,

Profoundly concerned about human rights violations, including foreign occupation, policies of collective punishment, detention without trial, secret detention centres, surveillance impinging on individual rights, and extradition to countries that practise torture,

Affirming its belief that torture in all its forms has no place in the 21st century as it is one of the most abhorrent violations of human rights and human dignity,

Reaffirming that it is the responsibility of parliaments to ensure that counter-terrorism measures do not in any way jeopardize the right to asylum or the principles underlying the protection of refugees, on the one hand, and that such protection is not refused to those in need, on the other, while *recalling* that international refugee law provides that persons having committed atrocities or serious crimes may be denied protection as refugees,

Recognizing the contribution of parliaments to and their impact on decisions promoting the national and international consensus needed for concerted and effective action on these issues,

1. *Calls on* parliaments to acknowledge the link between security, development and human rights as recognized in the World Summit Outcome Document, on the understanding that it is crucial to establish the causes and sources of human insecurity and work to address these effectively;
2. *Further calls on* parliamentarians to strive to address human security by tackling all current forms of insecurity globally in the political, economic, social, cultural, environmental and humanitarian spheres;
3. *Urges* parliaments to enact legislation that will allow countries to strike a balance between national security, human security and individual freedoms;

4. *Strongly urges* parliaments to commit to the achievement of the Millennium Development Goals as a means of addressing underdevelopment and preventing the marginalization of many in the developing world;
5. *Urges* national parliaments to enact effective anti-terrorism legislation, in keeping with the relevant international instruments and commitments, including the United Nations Global Counter-Terrorism Strategy, and to assess such legislation at regular intervals so as to ensure that it is fully compatible with national security and individual freedoms;
6. *Underscores* the need for parliaments to work towards a situation where States refrain from resorting to the threat and use of force in international relations, and settle their differences through dialogue and peaceful means;
7. *Urges* parliaments to acknowledge that the approach to human security must take into account the gender perspective and specific heritages and cultures;
8. *Calls on* parliaments to review the adequacy of the legal measures they have in place to protect people from terrorist attacks and to bring perpetrators to justice, and to take such measures as deemed necessary to provide adequate protection;
9. *Strongly emphasizes* that parliaments need to oversee executive action, including when they vote on the budget and monitor its implementation, to ensure that a balance is struck between national security, human security and individual freedoms, and to avert any threats to democracy;
10. *Recognizes* that all human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they are part of the universal values and principles espoused by the international community, and *acknowledges* the need for universal adherence to and implementation of the rule of law at both the national and international levels;
11. *Recognizes* the importance of independent courts in striking a balance between national security, human security and individual freedoms, and in averting threats to democracy;
12. *Urges* parliaments to ensure an effective system of public participation in their work and *invites* them to play a pivotal role in making their citizens aware of their constitutional rights, to open two-way channels of communication with citizens that are likely to strengthen parliamentary oversight of executive action, and to ensure that the government is committed to respecting the rights and freedoms of citizens and to promoting human rights; *also invites* parliaments to use to this end modern information and communication technologies such as the Internet and dedicated satellite channels, and *encourages* them to enact enabling legislation to facilitate the process of public participation;
13. *Encourages* national governments and parliaments to redouble their efforts, and to take advantage of the opportunities afforded by the work of the United Nations, to reach an international consensus on the speedy conclusion of a comprehensive international convention dealing with all aspects of terrorism, including its accurate definition, and thereby to provide all countries with a common legal instrument in their fight against this scourge;
14. *Calls on* parliaments to scrutinize all measures limiting individual freedoms;
15. *Condemns* the oppression and discrimination of which ethnic and religious minorities are victims and *urges* parliaments to enact laws that guarantee the rights of minorities, identify all acts of oppression and discrimination perpetrated against them and provide for sanctions against the perpetrators;

16. *Encourages* national governments in particular to respect international obligations regarding human rights and individual freedoms when preparing the profiles of potential terrorists with a view to preventing attacks;
17. *Rejects* the application of double standards with regard to democracy and *calls upon* all States to respect the choice of all nations democratically electing their governments;
18. *Invites* governments to ensure that their proposals limiting liberty are in compliance with international law, and safeguard human rights in particular;
19. *Invites* national parliaments to consider whether any further improvements can be made within their own jurisdictions to protect both human security and individual freedoms;
20. *Encourages* States, in accordance with their usual practice, to ratify and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
21. *Welcomes* the establishment of the Human Rights Council under United Nations General Assembly resolution 60/251 of 15 March 2006, and the proposed universal periodic review mechanism intended to help the Human Rights Council handle human rights issues in an objective, fair and non-selective manner through dialogue and cooperation;
22. *Calls on* parliaments closely to follow the national reporting process under the review mechanism, and to ensure that it involves all relevant stakeholders, including non-governmental organizations and national human rights institutions, and *invites* parliaments to examine and debate the outcome of the review and to monitor its implementation;
23. *Urges* States to establish a mechanism, in the most appropriate way, to ensure that human rights are respected and that any violation or disregard thereof is dealt with;
24. *Calls on* parliaments to monitor the scope of surveillance and the amount of data collected by public and private organizations, to gauge any changes in the balance between the citizen and the State, and, in this process, to ensure that laws are framed and enforced in such a way as to take account of fast-moving technological developments;
25. *Calls on* parliaments to oversee the work of law enforcement and security forces so as to make them accountable for the protection of fundamental individual freedoms in the performance of their public duties;
26. *Emphasizes* the need to train law enforcement and security forces in order to heighten their awareness of human rights when dealing with terrorism and related activities;
27. *Urges* national parliaments to enact legislation that will require law enforcement agents to deliver terror suspects to the judicial authorities immediately upon arrest, thus ensuring that they are not taken anywhere else for interrogation or further detention;
28. *Recommends* that national governments work towards greater regional and global cooperation with regard to implementing anti-terrorism strategies and establishing anti-terrorism centres;
29. *Underscores* the need to distinguish between terrorism and the struggles of peoples to liberate their land and regain their legitimate rights in accordance with international law;
30. *Calls on* all parliaments and *urges* the IPU to develop training programmes designed to build the capacity of parliamentarians to address complex issues in an effective manner, and *welcomes* the sharing among parliaments of best practices on such initiatives.

PARLIAMENTARY OVERSIGHT OF STATE POLICIES ON FOREIGN AID

Resolution adopted unanimously by the 118th IPU Assembly (Cape Town, 18 April 2008)

The 118th Assembly of the Inter-Parliamentary Union,

Recalling the United Nations Millennium Declaration of 8 September 2000 and the Millennium Development Goals (MDGs), which constitute poverty elimination targets mutually agreed by the international community,

Recalling the Final Declaration of the International Conference on Financing for Development held in Monterrey (Mexico) in 2002, and the Paris Declaration of 2 March 2005 on Aid Effectiveness,

Recalling the global human development reports issued by the United Nations Development Programme (UNDP), in particular the 2005 report entitled "International cooperation at a crossroads: Aid, trade and security in an unequal world",

Recalling the report on "Investing in development: A practical plan to achieve the Millennium Goals" by Professor Jeffrey D. Sachs, Director of the United Nations Millennium Project,

Recalling the resolutions of the Inter-Parliamentary Union (IPU), in particular those adopted at the 92nd Inter-Parliamentary Conference (Copenhagen, 1994) on "International co-operation and national action to support social and economic development and efforts to combat poverty", the 104th Inter-Parliamentary Conference (Jakarta, 2000) on "Financing for development and a new paradigm of economic and social development designed to eradicate poverty", the 107th Inter-Parliamentary Conference (Marrakech, 2002) on "The role of parliaments in developing public policy in an era of globalization, multilateral institutions and international trade agreements", the 112th IPU Assembly (Manila, 2005) on "The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals", the 114th IPU Assembly (Nairobi, 2006) on "The need for urgent food relief in order to combat drought-induced famine and poverty in Africa, for the world's most industrialized nations to speed up aid to the continent and for particular efforts to be made to reach desperate and poor populations", and the 115th IPU Assembly (Geneva, 2006) on "The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption",

Reiterating that gender equality and the empowerment of women are crucial to achieving all the MDGs,

Underscoring that primary responsibility for development lies with the developing countries, whose own efforts are essential,

Recalling that all efforts aimed at sustainable development and the eradication of poverty must necessarily also be based on economic growth in developing countries – a determining factor in the creation of productive jobs, in particular in agriculture,

Emphasizing that recognition by the developing countries of their responsibility is no reason for developed countries and those with emerging economies not to meet their obligation to fight underdevelopment and poverty or to honour their official development assistance (ODA) commitments,

Concerned that the rise in international commodity prices is likely to reduce the capacity of donor countries to provide aid because it causes a downturn in the global economy, although at the same time it improves the economic position of beneficiary countries providing the commodities,

Aware that countries in transition from aid recipient to aid donor status are faced with particular challenges related to budget increases, institutional strengthening and awareness-raising in support of development cooperation,

Recalling the conclusions of the Parliamentary Panel on Governance in the Least Developed Countries, held in New York on 15 September 2006 on the occasion of the meeting organized jointly by the IPU and the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States,

Deeply concerned by the fact that indicators show that the MDGs are unlikely to be achieved in several parts of the world, in particular in Africa,

Recalling that the fight to reduce poverty worldwide will only bear fruit, and be more concrete and more equitable, if the attention paid to the least developed countries does not preclude poverty-reduction efforts in other developing nations, in particular middle-income countries,

Observing that, in many countries, foreign aid is a crucial component of the national budget for effective implementation of the MDGs and the fight against poverty,

Deeply concerned by the fact that, at present, financing for the MDGs, and thus their fulfilment by 2015, is not assured, despite the efforts made by States,

Observing that most countries concerned have yet to honour their pledge to increase ODA to 0.7 per cent of gross national product (GNP), although some have promised to do so in the next few years,

Noting that the rise in volume of ODA, while vital, will only serve a purpose if the donor and beneficiary countries undertake as partners to significantly improve the quality and effectiveness of such aid and to ensure that, inter alia, it does not lead to dependency,

Noting that ODA allocations to economic infrastructure and the production sectors fell from 48 per cent of total ODA pledged to the least developed countries in the early 1990s to 24 per cent between 2002 and 2004,

Aware that parliaments in the donor countries play a major role in shaping decisions on their respective country's budget allocation for development aid and on its geographical and sectoral allocation,

Mindful that beneficiary country parliaments play a crucial part in promoting the eight MDGs, and that they must adopt the requisite legislation, approve the appropriate budget allocations and oversee the use thereof by the executive branch,

Considering that transparent government reporting to parliament on the use and impact of public funds to reduce poverty will further encourage donors to increase their aid,

Observing that many beneficiary country parliaments do not fully play their role in promoting the MDGs and overseeing the use of ODA, in particular because they lack the necessary institutional, administrative and legislative resources,

Convinced that the effectiveness of financing for development will only be enhanced if the beneficiary countries promote democracy, the rule of law and good governance and fight corruption,

Stressing that, insofar as the donors are increasingly reluctant to tie aid and more likely to resort to sectoral budget aid, budget oversight bodies must be developed in the beneficiary countries, in particular in parliaments, that are independent of the executive branch so as to ensure that the aid received is used effectively,

Considering that oversight by a democratically elected parliament cannot be effective if opposition groups are barred from participating in parliamentary bodies,

Underscoring that the Paris Declaration on Aid Effectiveness provides that:

- ◆ The role of parliamentary bodies in drawing up and overseeing national development strategies must be strengthened;
- ◆ The donors and the partner countries have a mutual responsibility in terms of development outcomes;
- ◆ Aid must be aligned on the national development strategies, institutions and procedures of the partner countries,

Recalling that the Third High Level Forum on Aid Effectiveness will be held in 2008 in Ghana and that the Fourth Tokyo International Conference on African Development (TICAD IV) and the G8 Hokkaido Toyako Summit will be held in 2008 in Japan, with a view to strengthening foreign aid for African countries,

Underscoring that the increasing amount of development aid offered to poor countries by NGOs and foreign charity organizations can in no way justify the significant decline in ODA in recent years, as confirmed by the United Nations,

1. *Invites* donor country parliaments to pursue their efforts to honour the long-standing commitment reaffirmed in Monterrey to increase ODA to 0.7 per cent of GNP, based on the schedule of annual increases in the cooperation budget needed to attain that goal, and to guarantee that they will sustain that effort beyond 2015;
2. *Invites* donor country parliaments to ensure that their governments pledge to increase real aid, i.e. not or only partly to take into account operations that "inflate" official ODA levels, such as debt cancellation and reduction and, generally speaking, all forms of aid that do not constitute an actual transfer of resources;
3. *Requests* the parliaments and governments of donor countries to increase ODA in response to the steep rise in world food, energy and drug prices of over 40 per cent, as well as the rapid fluctuations in the exchange rate of foreign currencies, in particular the US dollar;
4. *Strongly encourages* donor country parliaments to make use of the mechanisms for converting debt into investment that serve as a concrete counterpart to debt cancellation, promoting growth and development in the beneficiary country;
5. *Invites* donor country parliaments to continue giving thought to alternative modes of financing for development that make it possible to increase aid beyond the amounts pledged as ODA;
6. *Invites* donor country parliaments to ensure that their respective governments act transparently and do not impose conditions that undermine the recipient countries' development when allocating budget resources earmarked for development cooperation;
7. *Invites* donor and beneficiary country parliaments to strengthen parliamentary oversight of their respective government's foreign policy while ensuring that the policies of other ministerial departments likely to have a direct or indirect impact on developing countries are aligned with it;

8. *Invites* donor country parliaments to promote gender mainstreaming in development cooperation in support of gender equality and the empowerment of women, as key factors for growth, poverty reduction and the achievement of all MDGs;
9. *Recommends* that parliaments further require that their respective governments provide annual reports on their development policy, the strategies implemented to achieve the MDGs and the results of negotiations with the beneficiary countries;
10. *Urges* donor country parliaments to require that their respective governments set aside a portion of their annual budgets for the MDGs and for the poorest countries and people, in accordance with the Millennium Declaration and the Monterrey Consensus;
11. *Invites* donor country parliaments to take appropriate measures to limit the possibility of foreign aid being reallocated as circumstances change;
12. *Invites* donor country parliaments and governments to take the requisite legal and administrative measures to untie their development aid, and *requests* beneficiary countries to ensure that the proposed aid helps to promote local employment;
13. *Encourages* donor country parliaments to debate whether to concentrate their aid on a limited number of countries and sectors, in particular beneficiary countries which exert their own efforts, so as to heighten its effectiveness, and to acquire expertise and specialized knowledge while ensuring that certain countries are not excluded from international aid;
14. *Invites* donor countries to take into consideration and develop the capacity of certain beneficiary countries to absorb and use the financial assistance provided to them in order to maximize its effectiveness;
15. *Requests* donor country parliaments and governments to help eradicate poverty in middle-income countries as well, not only through financial aid, but also through partnership with these countries, with a view to enabling them to fight actively against poverty;
16. *Suggests* that donor country parliaments set up specialized committees or working groups to actively monitor and oversee their government's development aid activities;
17. *Suggests* that such committees undertake a more general review of national aid policy, with the involvement of civil society, by organizing hearings, conferences, etc.;
18. *Invites* the members of specialized parliamentary committees in the donor countries to visit projects and other cooperation initiatives so as to ascertain the impact of aid programmes and obtain better information on the needs and challenges on the ground;
19. *Recommends* that donor country parliaments ensure that a sufficient portion of the budget is set aside for efforts to heighten public awareness of the MDGs and their financing;
20. *Invites* donor country parliaments and governments to establish innovative initiatives with a view to maintaining and strengthening civil society's solidarity with the countries of the South, for example by establishing a voluntary development cooperation service;
21. *Encourages* donor country parliaments to help actively reinforce – via bilateral or multilateral mechanisms, including the IPU technical cooperation programme – the effectiveness of parliaments in the beneficiary countries;

22. *Considers* that donor country parliaments must ensure that some of the aid goes towards improving the working conditions of beneficiary country parliamentarians and building their capacity to analyse public finances, budgets and development programmes;
23. *Invites* beneficiary country parliaments to find the necessary tools to oversee ODA at the national level;
24. *Invites* beneficiary countries to establish national ODA governance and management institutions with parliamentary oversight;
25. *Considers* that beneficiary country parliaments must be systematically associated with the programming, follow-up and evaluation of the impact of cooperation, and that their involvement is essential to the continuation of aid and to guaranteeing the achievement of the goal to reduce poverty;
26. *Encourages* beneficiary country governments to develop incisive growth strategies for the elimination of poverty, which, once approved by parliament, must be used to hold the government to account;
27. *Invites* beneficiary country parliaments to ensure that their respective governments promote a macroeconomic and sectoral policy that stimulates growth by encouraging the spirit of entrepreneurship and private investment on which sustainable development is predicated;
28. *Recommends* that beneficiary country parliaments consult civil society when evaluating and overseeing aid programmes, so as to take into account people's genuine needs;
29. *Invites* beneficiary country parliaments to debate, within the framework of the IPU, the role they effectively play in defining their country's Poverty Reduction Strategy Paper (PRSP) and overseeing its implementation;
30. *Requests* that the oversight capacity of such parliaments be strengthened, in particular by creating or reinforcing a national audit office or other independent body able to oversee public finances and budget implementation;
31. *Asks* the political groups in parliament to ensure that both the majority and the opposition take part in the conduct of such parliamentary bodies;
32. *Stresses* that, insofar as the increase in ODA is a necessary but insufficient condition for the achievement of the MDGs, it is essential for both donor and beneficiary country parliaments to ensure that such increases are backed by a gradual but substantial improvement in good governance and the fight against corruption throughout the community of nations;
33. *Invites* donor and beneficiary country governments and parliaments to ensure that a substantial part of the public aid received each year serves to strengthen the democratic institutions and core functions of the State;
34. *Invites* donor and beneficiary country governments and parliaments to adopt transparent procedures in awarding procurement contracts related to the allocation of ODA to tangible development and humanitarian aid projects, and to ensure that goods and services are sourced locally, whenever possible, while respecting the aforementioned procedures;
35. *Recommends* that governments adopt and implement and all parliaments ratify the international and regional conventions aimed at preventing and fighting corruption, in particular as concerns money laundering and regulation of tax havens;

36. *Recalls* that parliaments and governments must ensure the quality and independence of the judicial institutions required to fight corruption effectively;
37. *Invites* governments and parliaments to ensure that the penalties applicable to persons convicted of active and passive corruption serve as deterrents;
38. *Recommends* that an institutional dialogue on the conditions likely to render aid more effective be initiated among donor and beneficiary country parliaments, both bilaterally and multilaterally, within the IPU in particular;
39. *Recommends* that governments and parliaments supervise activities and follow-up of development cooperation commitments, using peer review mechanisms (like those of the Development Assistance Committee of the Organisation for Economic Co-operation and Development and the New Partnership for Africa's Development) that allow the members to examine each other's practices;
40. *Invites* regional and sub-regional parliaments to promote and immediately initiate an exchange of information and best practices in terms of cooperation strategies and initiatives, with a view to strengthening the role of parliaments, and *further invites* governments to facilitate such exchanges in cooperation with national parliaments and the United Nations system;
41. *Encourages* the committees in charge of development policy in donor and beneficiary country parliaments to exchange information and coordinate their policies;
42. *Advocates* a more active role for the United Nations, reinforcement of the Economic and Social Council's Annual Ministerial Review, and consideration of the Development Cooperation Forum as the best framework for strengthening the coherence and effectiveness of global development cooperation.

MIGRANT WORKERS, PEOPLE TRAFFICKING, XENOPHOBIA AND HUMAN RIGHTS

Resolution adopted by consensus by the 118th IPU Assembly (Cape Town, 18 April 2008)*

The 118th Assembly of the Inter-Parliamentary Union,

Recalling that the Universal Declaration of Human Rights states that all humans are born free and equal in dignity and rights, and that all individuals possess the rights and freedoms proclaimed in it,

Reaffirming the obligation of States to guarantee that all individuals, without distinction of any kind, enjoy the rights enumerated in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Political Rights of Women, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the UNESCO Declaration on Race and Racial Prejudice, the International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling that the Durban Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance sets out global commitments for the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance,

Bearing in mind the relevant non-binding international instruments, including Principle 12 and Guideline 4 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the Office of the High Commissioner for Human Rights,

Recalling that Article 6 of the Declaration on the Right to Development adopted by the United Nations General Assembly in resolution 41/128 states that "All States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion",

Acknowledging the relevance of other instruments, including the Slavery Convention and ILO Conventions No. 92, on forced labour, and No. 182, on the worst forms of child labour,

Acknowledging the definition of trafficking in human beings set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Acknowledging the definition of people smuggling set out in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recognizing that the Recommended Principles and Guidelines on Human Rights and Human Trafficking affirm that "States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons",

Further acknowledging the effort made by the IPU and UNICEF to improve anti-trafficking legislation worldwide by publishing the *Handbook for Parliamentarians: Combating Child Trafficking* in 2005,

* Following the adoption of the resolution, Australia expressed a reservation in respect of operative paragraph 25.

Recognizing that globalization, at the same time as it has given countries a chance to develop, has intensified structural inequality and poverty and has not been accompanied by recognition that human rights are relevant in the design and execution of programmes that address poverty, marginalization and social exclusion,

Recognizing that a growing number of people are presently living and working outside their homeland,

Recognizing that labour rights, legal migration, the flow and mobility of individuals, and the exchange of labour tend to be excluded from free trade arrangements purporting to expand the processes of economic integration and free trade,

Believing in the importance of cultural diversity and economic interaction among the world's peoples, and that global society should be pluralistic and based on imperatives of cultural diversity, gender equality and racial, ethnic and religious tolerance, while fostering integration and preventing conflict and destruction,

Further believing that the United Nations Millennium Development Goals will not be achieved until States fully and comprehensively recognize that human rights – civil, political, economic, social and cultural – are universal and indivisible, interlinked and interdependent, and mutually reinforce each other,

Convinced that the integration process being carried out in many regions of the world must encompass – in addition to economic integration – the political, social and cultural integration that facilitates migratory flows between peoples, in order to protect the rights of migrants in general and of vulnerable groups such as women and children in particular,

Recalling that the panel discussion on *Migration and development* held at the 112th IPU Assembly established that the global debate on migration and development must include the "three Ds" – demography, development and democracy – which are the main forces behind migration; *also recalling* the presentation at the 112th Assembly of the Report of the Global Commission on International Migration, and the panel discussion on *Nationality and statelessness* organized by the IPU and the United Nations High Commissioner for Refugees on the same occasion,

Affirming that migration can and should be beneficial for both source and destination countries, and, most importantly, for migrants and their families,

Recognizing the economic, social, and cultural contributions that migrants can make to their countries of destination and origin,

Recognizing that gender inequality affects each individual's opportunity for labour market participation and migration, and that the gendered effects of States' migration policies make women more vulnerable to human rights violations,

Recognizing that migrant workers and their families, particularly the children of undocumented migrants, are a vulnerable group whose human rights require protection,

Convinced that trafficking in human beings constitutes a serious crime and a human rights violation that must be combatted through cooperation at the international level and action at the national level,

Recognizing that the prohibition of slavery is part of customary international law and constitutes *jus cogens*, and *reminding* governments and parliaments of the need to implement their international obligations and to engage in international cooperation to strengthen law enforcement,

Further recognizing that xenophobia, racism, sexism and related intolerance severely damage humanity and threaten the existence of entire populations, and that some immigrants face difficulties integrating into destination societies and new forms of xenophobia and racism have emerged in the wake of 11 September,

Underscoring that the sexual exploitation of women is one of the most common aspects of people trafficking,

Stressing that one of the direct negative consequences of the lack of a broad and comprehensive multilateral approach to migration policy and of restrictions on legitimate migration has been an increase in rejection, abuse, ill-treatment, aggression and marginalization of migrants, resulting in criminal behaviour such as human trafficking and xenophobic hate crimes,

Recognizing that labour migration can leave a gap in the human resource potential of countries of origin and have a negative effect on the stability and functioning of families, particularly when the main carer is absent for extended periods,

Believing that the fulfilment of human rights is a social challenge of global scope, as migration under inappropriate and ineffective migration policies, trafficking in persons and xenophobia all present a threat to basic human rights, freedom and individual welfare,

1. *Calls upon* IPU Member Parliaments effectively to promote and protect the fundamental human rights of migrants, in accordance with international instruments such as the Universal Declaration of Human Rights, to disseminate and promote best practices by national parliaments in order to achieve a comprehensive understanding of the problems posed and opportunities presented by migration, and to form specialized committees on migration whose task is to provide effective protection of migrant rights and to find solutions to migration problems and the means to maximize migration benefits, with special emphasis on vulnerable groups such as women and children;
2. *Recommends* that migration be systematically included on the agenda for parliamentary dialogue between countries of origin, transit and destination, in order to provide a targeted parliamentary approach that is responsive to the particularities of each migration chain;
3. *Calls upon* all United Nations Member States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
4. *Urges* the governments of developed countries to recognize the economic importance of migration in free trade agreements and to improve the living conditions of migrants around the world, so as to counter the adverse consequences of trade liberalization and make globalization "a positive force for all the world's people", as stated in the United Nations Millennium Declaration;
5. *Encourages* governments and parliaments to forge partnerships between States, international organizations and civil society in order to manage migration in an equitable, fair and transparent manner and in a spirit of mutual responsibility;
6. *Calls upon* the IPU, parliaments and governments to forge a new, broader and more universally inclusive understanding of migration and to conduct further in-depth analyses of the causes and consequences of migration, using to this end data that is sufficiently disaggregated, in particular by gender;

7. *Requests* that destination countries coordinate their migration policies with countries of origin and transit regarding measures to be taken to curb migratory flows;
8. *Urges* parliaments to be particularly heedful of the situation of migrant women and their vulnerability to double discrimination based on race and sex;
9. *Calls* for the development of cross-national sex-disaggregated data and indicators to monitor the enforcement of national laws and international conventions, so that governments can use this evidence base to inform their decision-making;
10. *Urges* destination countries to secure the protection of workers' rights in accordance with ILO standards, including the right to organize, and to ensure that women have equal access under the law to social protection and health care; *stresses* the need to implement programmes that enable women who face exploitation to gain knowledge of their rights;
11. *Urges* countries of origin to develop programmes that promote the reintegration of migrant workers seeking to return to their country of origin, particularly women migrant workers, for example by providing housing, capacity-building and skills development with a view to gainful employment;
12. *Urges* effective investigation, prosecution and adjudication of trafficking, including its component acts and related conduct, whether committed by governments or by non-State actors;
13. *Urges* parliaments and governments to review existing legislation or enact comprehensive laws concerning trafficking of women and pertaining in particular to prevention, prosecution, protection and rehabilitation; *further urges* parliaments to allocate funding within the national budget for the effective enforcement of such laws and related programmes;
14. *Underscores* the importance of setting up coordination and cooperation mechanisms among law enforcement agencies, the judiciary and civil society organizations involved in protecting the victims of human trafficking;
15. *Encourages* governments to ensure adequate training for law enforcement agencies, enhanced investigative powers and technology, and the establishment of anti-trafficking units, paying particular attention to gender issues and women's rights, and to prepare an action plan for prompt implementation of comprehensive and inclusive anti-trafficking measures;
16. *Reminds* governments and parliaments of their obligation under international human rights law to protect victims of trafficking, including through the effective identification of victims and observation of the principle of non-refoulement, with protection from summary deportation and the granting of reflection periods and/or temporary or permanent residence permits;
17. *Recognizes* that trafficking victims have the right to voluntary repatriation to their country of origin by virtue of the Universal Declaration of Human Rights, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and to obtain access to diplomatic and consular representatives from their State of nationality;
18. *Stresses* that effective investigation of cases of trafficking is a form of redress for victims that includes the right to participate in investigations and judicial processes against traffickers with effective witness protection and assistance;
19. *Recognizes* the clear obligation of the competent authorities to provide all necessary measures of protection for victims of trafficking and to ensure that such measures are easily accessible; if there are reasonable grounds to believe that a person is a trafficking victim, to refrain from

- deporting them until the identification process is complete, and to deport them only if repatriation is appropriate; and if the age of the victim is uncertain, to proceed on the assumption that he or she is a child;
20. *Urges* appropriate measures of protection for all victims, including, but not limited to, secure accommodation, access to emergency medical assistance, translation and interpretation services, counselling and provision of information in languages victims understand, assistance during judicial proceedings, vocational training if appropriate, and access to education for children;
 21. *Recommends* a recovery and reflection period of at least 30 days, backed by renewable residence permits, where there are reasonable grounds to believe that a person is a victim of trafficking, to enable the person to recover from human rights violations, make an informed decision on cooperation with the authorities, and assess his/her personal options;
 22. *Emphasizes* that protection of victims of trafficking should be incorporated into, and placed at the centre of, States' legislative frameworks, thereby requiring governments to review immigration laws and policies in the light of their impact on the victims of trafficking and shifting the focus from immigration control to preventing the exploitation of migrants and workers and to the care of victims;
 23. *Encourages* governments and parliaments to enhance support, including financial aid, for victim service providers;
 24. *Invites* parliamentarians to use the *Handbook for Parliamentarians on Combating Trafficking in Persons*, whose publication by the IPU, the United Nations Office on Drugs and Crime, and the United Nations Global Initiative to Fight Human Trafficking is forthcoming;
 25. *Calls upon* all IPU Member Parliaments to pass laws prohibiting political parties and public or private organizations that promote racism, sexism, xenophobia or related intolerance, to enact legislation protecting the victims of violence and abuse attributable to racism and xenophobia, especially women, children and migrants, and to develop educational programmes to strengthen solidarity, cultural diversity and tolerance towards people from different ethnic, religious and cultural backgrounds;
 26. *Calls upon* all United Nations Member States that have not already done so to ratify and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to align national legislation with international instruments;
 27. *Urges* all IPU Member Parliaments to enact legislation prohibiting the dissemination of racist, sexist or xenophobic ideologies through the media, to promote research on xenophobia, racism and sexism, to enhance comprehension of these problems and to improve integration in destination countries;
 28. *Encourages* States to facilitate integration through policies aimed at improving the status of migrant workers, in particular by placing such workers on the labour market, training young people, tackling unemployment and taking effective measures against illegal work;
 29. *Calls upon* all United Nations Member States that have not yet done so to ratify the Convention to Eliminate All Forms of Discrimination against Women and its Optional Protocol;
 30. *Suggests* that national entities develop an educational programme to broaden classroom teaching of human rights, with special emphasis on the equality and freedom of persons, with a view to preventing the rapid spread of feelings of xenophobia;
 31. *Urges* developed countries to consider moral redress and material compensation (financial donations, debt cancellation, especially for the poorest, programmes and projects for well-being

and development) for the peoples of Latin America, Asia and Africa now living in poverty because of marginalization and technological disadvantages resulting in part from colonization;

32. *Calls upon* States that have not yet done so to ratify the conventions for the protection of indigenous people's rights, particularly those of the ILO and UNESCO, and to ensure that national legislation in no way contributes to discrimination, racism and related intolerance against indigenous peoples;
33. *Urges* the strengthening of alliances between national parliaments and civil society to promote study programmes and activities to further peace and dialogue among civilizations, the realization of human rights, and the eradication of racism, xenophobia and related intolerance;
34. *Calls upon* States to ensure that their migration laws, policies and practices are compatible with their programmes for the prevention of racism, xenophobia and related intolerance, including by removing any racist or xenophobic criteria applying to migrants who enter or stay in their territories;
35. *Urges* all States to develop programmes and policies to combat sexual violence against women and children, including those who are involuntary migrants or migrants with irregular migratory status facing a high risk of sexual violence motivated by racial discrimination or xenophobia;
36. *Encourages* governments to implement effective counter-trafficking strategies such as awareness-raising, assistance to developing countries for economic development and law enforcement, and lawful managed migration opportunities;
37. *Recommends* that a code of conduct be adopted on the activities of national and international relief organizations and humanitarian NGOs in crisis or disaster zones, so as to ensure that these activities do not serve as a smokescreen for the trafficking of persons, especially children, and that sanctions be put in place that act as a deterrent to repeat offenders;
38. *Reaffirms* the duty of the States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the State of which they are nationals in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform foreign nationals without delay of their rights under the Convention;
39. *Urges* developed countries to encourage investment, in countries generally known to be sources of migration and people trafficking, in medium- and long-term projects likely to create jobs for local people who may resort to migration for economic reasons;
40. *Invites* the IPU, based on the key role of parliaments in providing a human rights-centred approach to migration and trafficking, to promote an enhanced parliamentary input into international processes such as the Global Forum on Migration and Development.

**Results of roll-call vote on the request of the delegations of Egypt,
Islamic Republic of Iran and South Africa for the inclusion of an emergency item entitled**

**"THE ROLE OF PARLIAMENTS AND THE INTER-PARLIAMENTARY UNION IN ENSURING AN IMMEDIATE HALT TO
THE RAPIDLY DETERIORATING HUMANITARIAN SITUATION IN CONFLICT AREAS AND ITS ENVIRONMENTAL
DIMENSION, IN FACILITATING THE PALESTINIANS' RIGHT TO SELF-DETERMINATION - PARTICULARLY BY ENDING
THE BLOCKADE IN GAZA - AND IN ACCELERATING THE CREATION OF A PALESTINIAN STATE
THROUGH VIABLE PEACE PROCESSES"**

Results

Affirmative votes 1098 Total of affirmative and negative votes ... 1213
Negative votes..... 115 Two-thirds majority 809
Abstentions..... 176

Country	Yes	No	Abst.	Country	Yes	No	Abst.	Country	Yes	No	Abst.
Afghanistan		<i>absent</i>		Ghana	13			Peru	8		
Algeria	15			Greece	13			Philippines	<i>absent</i>		
Andorra	10			Guatemala	<i>Absent</i>			Poland	10		5
Angola	12			Guinea	<i>Absent</i>			Portugal	8	5	
Argentina	15			Hungary			13	Qatar	8		
Armenia	11			Iceland	10			Republic of Korea	10		
Australia		7	7	India	23			Romania	10	4	
Austria			12	Indonesia	20			Russian Federation	10		
Bahrain	10			Iran (Islamic Republic of)	18			Rwanda	<i>Absent</i>		
Bangladesh	8			Iraq	14			San Marino	5		5
Belarus	<i>absent</i>			Ireland	8		3	Sao Tome and Principe	10		
Belgium			12	Israel		12		Saudi Arabia	11		
Bolivia	12			Italy	9	8		Senegal	12		
Bosnia and Herzegovina	11			Japan	15	5		Serbia	2		10
Botswana	11			Jordan	12			Singapore	<i>Absent</i>		
Brazil	<i>absent</i>			Kazakhstan	<i>Absent</i>			Slovakia	<i>Absent</i>		
Bulgaria	10		2	Kenya	14			Slovenia	10	1	
Burkina Faso	13			Lao People's Dem. Republic	<i>Absent</i>			South Africa	16		
Burundi	12			Latvia			11	Spain	15		
Cambodia			13	Lebanon	11			Sri Lanka	13		
Cameroon	13			Libyan Arab Jamahiriya	11			Sudan	15		
Canada		15		Liechtenstein			10	Suriname	10		
Cape-Verde	<i>absent</i>			Lithuania	<i>Absent</i>			Sweden			10
Chile	7		6	Madagascar	8			Switzerland			12
China	23			Mali	12			Syrian Arab Rep.	13		
Colombia	14			Mauritania	<i>Absent</i>			Thailand	18		
Congo	11			Mauritius	11			The FYR of Macedonia	<i>Absent</i>		
Costa Rica	6	5		Mexico	10			Timor-Leste	8	3	
Côte d'Ivoire	13			Monaco			10	Togo			10
Croatia	8	3		Mongolia	<i>Absent</i>			Tunisia	13		
Cuba	13			Montenegro	<i>Absent</i>			Turkey	18		
Cyprus	10			Morocco	14			Uganda	<i>Absent</i>		
Czech Republic	6	7		Mozambique	<i>Absent</i>			Ukraine	<i>Absent</i>		
DR of the Congo	17			Namibia	11			United Arab Emirates	11		
DPR of Korea	12			Netherlands			13	United Kingdom	18		
Denmark			12	New Zealand	11			United Republic of Tanzania	15		
Dominican Rep.	12			Niger	10			Uruguay	11		
Egypt	18			Nigeria	20			Venezuela	13		
El Salvador	12			Norway	8	3		Viet Nam	18		
Estonia	1	10		Pakistan	20			Yemen	<i>Absent</i>		
Ethiopia	<i>absent</i>			Palau	<i>Absent</i>			Zambia	13		
Finland	12			Panama	11			Zimbabwe	10		
France	9	8		Paraguay	<i>Absent</i>						
Gabon	11										
Gambia	11										
Germany		19									

N.B. This list does not include delegations present at the session which were not entitled to vote pursuant to the provisions of Article 5.2 of the Statutes

THE ROLE OF PARLIAMENTS AND THE INTER-PARLIAMENTARY UNION IN ENSURING AN IMMEDIATE HALT TO THE RAPIDLY DETERIORATING HUMANITARIAN SITUATION IN CONFLICT AREAS AND ITS ENVIRONMENTAL DIMENSION, IN FACILITATING THE PALESTINIANS' RIGHT TO SELF-DETERMINATION - PARTICULARLY BY ENDING THE BLOCKADE IN GAZA - AND IN ACCELERATING THE CREATION OF A PALESTINIAN STATE THROUGH VIABLE PEACE PROCESSES

***Resolution adopted unanimously by the 118th IPU Assembly
(Cape Town, 18 April 2008)***

The 118th Assembly of the Inter-Parliamentary Union,

Cognizant of the numerous unresolved conflicts across the world that are characterized by ongoing killing, the reported rape of women, the shelling and bombing of civilians, the internal displacement of people, forced migration and their massive impact on environmental degradation,

Recognizing and *reaffirming* the principles of sovereignty, sovereign equality, territorial integrity, political independence, peaceful co-existence, interdependence and non-aggression,

Reaffirming the responsibility of parliamentarians and the IPU to promote international peace and security,

Convinced that peace and security are critical factors in creating an environment that is conducive to international cooperation and development,

Deeply concerned about the rapidly escalating violence and grievous harm to life and limb in areas affected by conflicts,

Cognizant of the evidence provided throughout history that the only means of ensuring a lasting and peaceful resolution of conflicts is peaceful dialogue,

Welcoming and *expressing support* for the missions of good offices and other initiatives undertaken by a number of countries in the quest for peace,

Noting that, due to the growing need to relocate people and communities, many countries are urging the United Nations Security Council to address climate change and environmental migration as an issue with serious implications for international peace and security,

Also cognizant of the efforts deployed by the United Nations - through its various initiatives, resolutions and conventions - to address these problems in the countries concerned,

Welcoming the efforts deployed within ongoing peace negotiations between Israel and Palestine, the resolutions adopted by the United Nations Security Council on the right of the Palestinian people to self-determination, and the resolution adopted by the United Nations Human Rights Council on 6 March 2008 calling for the immediate cessation of Israeli military attacks on the Gaza Strip and the immediate cessation of missile-launching by Palestinian activists on southern Israel,

Recalling the resolutions on the situation in the Middle East adopted by the 97th Inter-Parliamentary Conference (Seoul, 1997), the 104th Inter-Parliamentary Conference (Jakarta, 2000) and the 109th IPU Assembly (Geneva, 2003), which addressed inter alia the tensions and violence in the region,

Mindful of the relationship between the IPU and the United Nations and the mechanisms that have been developed to strengthen these relations in order to deal effectively with global concerns,

1. *Expresses* its solidarity with all those who are suffering as a result of conflicts across the world, especially the marginalized and vulnerable and including the elderly, women and children;
2. *Calls for* immediate action by the United Nations to prevent the humanitarian and environmental situation in the areas concerned from deteriorating further ;
3. *Urges* the United Nations to protect the rights of the people in affected areas, as stipulated in relevant international instruments;
4. *Demands* that the United Nations assure the safety of fleeing civilians, prevent human rights abuses, establish and protect refugee camps, and take all necessary steps to prevent a further deterioration of the humanitarian situation in conflict areas;
5. *Calls on* the United Nations to facilitate the restoration of peace and take the necessary steps to uphold the right to self-determination in the countries concerned, especially with regard to Palestine;
6. *Requests* that the blockade imposed on the occupied Palestinian territories be immediately lifted, especially in the Gaza Strip, in order to facilitate the provision of food, medical and fuel supplies and thus to help alleviate the humanitarian tragedy experienced by the population;
7. *Calls on* countries, governments, parliaments and non-governmental organizations to scale up their political, moral and financial assistance to those suffering acutely as a result of conflict, particularly Palestinians in the occupied territories; *appeals* to IPU Member Parliaments to exert pressure on their respective governments to maintain their mechanisms for providing humanitarian assistance to those affected by conflicts, especially the Palestinian people;
8. *Calls on* all the parties concerned to accelerate the creation of a Palestinian State through a viable peace process;
9. *Urges* the IPU Member Parliaments to ensure that they and their respective governments contribute to the resolution of current conflicts, while providing assistance for both mitigation of and adaptation to climate change;
10. *Calls on* the IPU to work with the United Nations to resolve these conflicts by all available means and to report on activities at the next IPU Assembly.

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

*Approved at the 182nd session of the IPU Governing Council
(Cape Town, 18 April 2008)*

I. Amendments to the Financial Regulations of the Inter-Parliamentary Union

Appropriations

Rule 4.9, amend to read as follows:

9. The Secretary General shall be authorized to make such transfers **not exceeding three per cent of the total appropriation for any fiscal period** without prior consultation of the Executive Committee, but shall submit them to the next session of the Executive Committee for its opinion before the consideration of the accounts by the Governing Council.

Provision of Funds

Rule 5.1, amend to read as follows:

1. The budgetary appropriations, as well as the possible supplementary appropriations, shall be financed by:
 - (a) Contributions from the Members and Associate Members of the Union;
 - (b) Contributions from newly affiliated or reaffiliated Parliaments and special debts;**
 - (c) Contributions from external sources;**
 - (d) Income derived from investments;**
 - (e) Miscellaneous income;
 - (f) Any amount approved by the Governing Council in accordance with the provisions of Rule 4.5 and 4.7 above.

Pending the receipt of that income, the appropriations may be financed from the Working Capital Fund.

Funds

Rule 6.3, amend to read as follows:

- 3 The sources of financing the Working Capital Fund shall be as follows:
 - (a) Corresponding appropriations included in the annual budget as its replenishment and/or its increase;
 - ~~(b) Contributions from newly affiliated or reaffiliated Parliaments for the current year;~~
 - ~~(c) Income derived from its investments;~~
 - (b) Any other amount as decided by the Governing Council.

Rule 6.5, amend to read as follows:

5. Trust Funds and Special Accounts may be established by the Secretary General for activities ~~financed from extra-budgetary~~ **with restricted funding from external sources** as decided by the Governing Council.

II. Amendments to the Rules of the Meeting of Women Parliamentarians and of its Coordinating Committee

1. Amendments to the Rules of the Meeting of Women Parliamentarians

Coordinating Committee of Women Parliamentarians

Rule 31.1(c), amend to read as follows:

- (c) Two representatives from each of the geopolitical Groups which meet on the occasion of Inter-Parliamentary meetings; these representatives shall be elected ad personam by the Meeting of Women Parliamentarians for a ~~two~~ **four** year term of office ~~and shall be eligible for re-election for a further two year period~~; a substitute for each regional representative shall be elected at the same election; **a retiring member shall not be eligible for re-election for two years**;

Rule 31.2, add the following sentence at the end of the paragraph:

Elections to the Coordinating Committee will be held every two years, to renew half of the Committee's membership whose four year term has come to an end. One titular and one substitute representative for each geopolitical group will therefore be renewed every two years."

Rule 32.1, amend to read as follows:

After each renewal of **half of** the regional representatives, every two years, the Meeting of Women Parliamentarians shall, on the proposal of the Coordinating Committee, elect the President, First Vice-President and Second Vice-President of the Coordinating Committee from among parliamentarians of different regions. Any parliamentarian who is a member of the Committee may be elected to one of these three posts; with regard to the regional representatives, only titular members may be so elected.

Rule 32.4, amend to read as follows:

The President and Vice-Presidents shall hold office for ~~the full term~~ **two years till the next renewal of half** of the Coordinating Committee, ~~i.e. two years~~.

2. Amendments to the Rules of the Coordinating Committee

Presidency

Rule 4.1, amend to read as follows:

After each renewal of **half of** the regional representatives, every two years, the Coordinating Committee shall propose to the Meeting of Women Parliamentarians the candidature of three of its members to hold office as President, First Vice-President and Second Vice-President of the Committee.

Rule 4.3, amend to read as follows:

The President and the Vice-Presidents of the Coordinating Committee shall hold office for **two years till the next renewal of half** ~~the full term~~ of the Committee, ~~i.e. two years~~ (cf. Rule 31 of the Rules of the Meeting of Women Parliamentarians).

Reports, Decisions, Resolutions and other texts

DECLARATION OF THE PRESIDENT OF THE ASSEMBLY ON THE SITUATION IN ZIMBABWE ENDORSED BY THE 118th IPU ASSEMBLY

We, the representatives of 135 national parliaments meeting in Cape Town at the 118th Assembly of the Inter-Parliamentary Union hereby declare:

We are deeply concerned that almost three weeks after elections were held in Zimbabwe, results have not been fully released. We call for their immediate publication. Further delays can only be detrimental to the crumbling credibility of the process and its results.

The people of Zimbabwe have a right to determine their future through free and fair elections, as enshrined in the universally accepted norms and standards, as well as the continental (African Union) and SADC Principles and Guidelines governing democratic elections.

We express our solidarity with the efforts of the SADC Heads of State to resolve the electoral stalemate in Zimbabwe. Should there be a need for a re-run of the elections, we strongly urge the authorities of Zimbabwe to invite, among others, continental and regional inter-parliamentary organisations, notably the Pan-African Parliament (PAP) and the SADC Parliamentary Forum, as well as regional civil society election observer institutions such as the Electoral Institute of Southern Africa (EISA). We further urge that all observer missions be afforded unimpeded access to the entire electoral process, as provided for in the regional electoral norms, principles and guidelines.

In conclusion, we reiterate our call to the Zimbabwe Electoral Commission to release all the results of the election with immediate effect. We also call upon the Zimbabwe authorities to lift all restrictions on freedom of assembly and speech in Zimbabwe immediately. We urge that Parliament be convened as soon as possible so that the people of Zimbabwe are not deprived of their rightful voice in the government of their country. In the meantime, we call on the Zimbabwe authorities to exercise restraint and maintain peace. We encourage all parliaments, as institutions of democracy and oversight, to continue to exert their influence until this matter is resolved in its entirety.

COOPERATION WITH THE UNITED NATIONS SYSTEM

List of activities undertaken by the IPU between 8 October 2007 and 13 April 2008

*Noted by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

United Nations

- Documents adopted by the 117th Assembly were circulated to the United Nations General Assembly in all six official languages and with access from both IPU and UN websites. The documents, including the IPU policy paper on the relationship between the United Nations and the world organization of parliaments, and a Declaration on the IPU Universal Declaration on Democracy, are particularly timely at this juncture in the relationship between the two Organizations.
- Some 14 statements were delivered on the main aspects of IPU work before the General Assembly and its subsidiary organs. The statements focused on key policy principles drawn from official IPU resolutions but also reported on IPU on-going activities.

- A second meeting of the Advisory Group to the IPU Committee on UN Affairs was held at UN headquarters in November 2007 to assess common objectives and priorities. Further consultations took place at the Secretariat level to implement specific recommendations, including a field mission to review the "Delivering as One" reform plan of the UN. Policy meetings with senior UN officials, such as the Deputy Secretary-General, were also held.
- Following up on the recommendations coming out of the Sixth International Conference on New or Restored Democracies, the IPU was actively involved in the negotiations on a UN resolution which henceforth establishes an International Day of Democracy. The date chosen – September 15th – coincides with the anniversary of the IPU Universal Declaration on Democracy.
- Implementing the provisions of GA resolution 61/6, IPU participated in early discussions around the new UN Development Cooperation Forum. IPU was represented at a UN symposium in Cairo in January 2008, and has initiated work toward a joint Stakeholder Forum on foreign aid in the spring of 2008.
- In cooperation with the Office of the UN High Representative on the Least Developed Countries, a new project got under way to facilitate more effective participation of parliament in the implementation of the 2001 Brussels Plan of Action for the LDCs. As part of this project, a meeting with parliamentarians from ten pilot countries and LDC focal points in those countries was held in Tanzania in December 2007.
- The annual Parliamentary Hearing at the United Nations, this year focusing on "The Rule of Law in International Relations", took place in November 2007 as a joint UN-IPU event. Some 200 MPs convened for a substantive exchange among legislators, diplomats and UN officials. The final report of the meeting was circulated by the President of the General Assembly to all member States.
- Cooperation with the UN Peacebuilding Commission continued, with special attention paid to the needs of the Parliaments of Burundi and Sierra Leone. The Speaker of the Parliament of Sierra Leone travelled to UN Headquarters in New York in November 2007 for in-depth consultations with UN officials. As a result, the need for specialized assistance to the Parliament of Sierra Leone is explicitly reflected in the UN/PBC Cooperation Framework.
- A Handbook on the Convention on the Rights of Persons with Disabilities was launched at the 117th Assembly. The handbook is a joint publication of IPU, UN Department for Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights. Some 4000 copies in English have been distributed. Three translations, in French, Spanish, and Arabic will be made available at the 118th Assembly.
- An information seminar was held at IPU Headquarters in cooperation with the UN Division for the Advancement of Women in October 2007. The theme of the meeting was "Implementing the Convention on Discrimination of all Forms of Discrimination against Women". Also with the Division, the IPU held a one-day meeting for parliamentarians attending the 52nd Session of the UN Commission on the Status of Women on 27 February 2008. The meeting dealt with the question of financing for gender equality.
- The IPU and the UN (Division for Advancement of Women) published the World Map of Women in Politics 2008. The map, printed in several thousand copies and in all six official languages of the United Nations (the Arabic, Russian and Chinese are not ready yet and should be ready for April or May), was launched during the 2008 session of the Commission on the Status of Women. It is being distributed to UN regional and country offices as well as to parliaments.
- The IPU submitted and presented a report to the United Nations Committee on Discrimination against Women in January 2008, on the occasion of the Committee's 40th session. The report provided

information on the level of women's political participation in the countries under consideration by the Committee and the level of parliamentary involvement in the reporting process.

- The "World e-Parliament Report 2008" was officially launched at UN Headquarters in New York on 28 February 2008. The report is a joint publication of the IPU and the UN Department for Economic and Social Affairs. The formal launch was accompanied by a high-level Dialogue on "Global Citizenship and the Information Society: the Right of Access to Information". The IPU, the UN Department for Economic and Social Affairs and the Association of Secretaries General of Parliament co-organized the World e-Parliament conference and related meetings in Geneva from 9 to 12 October 2008, through the Global Centre for ICT in Parliament.

UNDP

- A new and comprehensive Memorandum of Understanding was signed with UNDP in November 2007, laying the foundations for a number of joint initiatives, particularly in the areas of parliamentary development, good governance and women in politics.
- In partnership with UNDP and the National Assembly of the Lao People's Democratic Republic) the IPU held a regional capacity-building seminar in November 2007 in Vientiane on sustainable development for the parliaments of the Asia/Pacific region. The seminar focused on three topics identified by the parliaments of the region: poverty reduction, energy and biodiversity.
- The IPU continued to work with UNDP in the implementation of programmes to strengthen parliament. This was the case in the Lao People's Democratic Republic where a needs assessment mission was conducted in October 2007 and a project formulation meeting took place in February-March 2008. In Sierra Leone, the IPU conducted a needs assessment mission in cooperation with UNDP in October-November 2007. Other countries where the IPU and UNDP are working together include Afghanistan, the Democratic Republic of Congo, Pakistan and Timor-Leste.

UNDEF

- The Inter-Parliamentary Union is conducting a project financed by the United Nations Democracy Fund (UNDEF) to support women parliamentarians in Burundi. The project is implemented in cooperation with the Parliament of Burundi for a two-year period. It aims at building the capacity and strengthening the action of women MPs. The project was launched on June 2007. The latest activities took place in January 2008. A seminar on mainstreaming gender into the work of parliament, particularly the budget, was held in Bujumbura on 15 and 16 January 2008. Among other activities, the project is currently providing support to the Association of women parliamentarians and to a series of coordination meetings between women MPs and representatives from the civil society on priority gender issues.
- Another UNDEF-funded programme provides assistance to French-speaking African parliaments to promote parliamentary involvement in the implementation of human rights treaties. The official launch took place at a seminar for these parliaments at the National Assembly of Burkina Faso in October. The project aims to develop the parliaments' knowledge of international and regional human rights treaties, and encourage them to become more involved in the work of treaty bodies, especially in the preparation and submission of country reports and the implementation of the recommendations issued. Follow-up seminars took place for the Parliaments of Togo and Mali in February 2008. These activities were carried out in close cooperation with the Office of the United Nations High Commissioner for Human Rights.

UNICEF

- The Spanish and Arabic versions of the IPU-UNICEF Handbook for parliamentarians on violence against children were produced.

- In cooperation with UNICEF and the Congressional Human Rights Caucus, IPU organized an event on Capitol Hill in Washington DC, on violence against the girl child (October 2007).
- A comprehensive cooperation plan between IPU and UNICEF was presented at the latter's Executive Board meeting in the fall of 2007. Its implementation will start this year, subject to extra-budgetary funding becoming available.
- In light of IPU's cooperation with UNICEF, the Partnership for Maternal, Newborn and Child Health (PMNCH) is holding a meeting "Countdown to 2015" in parallel with the 118th Assembly.

UNAIDS

- A Handbook for Parliamentarians on HIV/AIDS, produced together with UNAIDS and UNDP, was launched at the IPU First Global Parliamentary Meeting in Manila, Philippines, in November 2007. The three Organizations have also started plans for a parliamentary meeting on the occasion of the 2008 review meeting of the General Assembly on HIV/AIDS. The role of parliaments in future review meetings of the General Assembly on HIV/AIDS was duly recognized in a resolution adopted in December 2007.

UNCTAD

- The IPU attended the 54th session of the Trade and Development Board in October 2007 and addressed a meeting with NGOs and private sector entities. The IPU has also arranged for a delegation to attend UNCTAD XII in Accra, Ghana, in April 2008.

UNESCO

- In late October 2007, the IPU Secretary General made a presentation on the role of parliaments and the IPU in global governance at the International Forum of Civil Society, held in conjunction with the 34th session of UNESCO's General Conference.

UNIFEM

- A joint IPU-UNIFEM informal side event was organized on 28 February 2008 during the 52nd session of the Commission on the Status of Women. This panel event discussed the question of "Political accountability to women: the role of women in politics".

International Labour Organization (ILO)

- The IPU attended the ILO Forum on Decent Work for a Fair Globalization held in Lisbon in October 2007, and in this context organized a meeting of parliamentarians. The meeting outlined further steps toward cooperation with the ILO, including the creation of an Advisory Group of parliamentarians on decent work and employment for all.
- A seminar on "Migration from a human rights perspective" was held by the IPU, the International Labour Organization and the Office of the United Nations High Commissioner for Human Rights in October 2007. The conclusions of the seminar will contribute to the debate to be held on this same subject at the 118th IPU Assembly.
- In December 2007, the second IPU conference for members of parliamentary committees dealing with gender issues was organized with the ILO on the subject of "Women and work". The meeting adopted final recommendations which will be the subject of follow up activities with the ILO.

World Trade Organization (WTO)

- The IPU, together with the European Parliament, held a panel discussion on trade and climate change during this year's WTO Public Forum in October 2007. The Forum proper dealt with the question of how the WTO can help harness globalization.
- The 17th session of the Steering Committee of the Parliamentary Conference on the WTO took place at Geneva Headquarters on 3-4 April 2008.

UNODC

- The IPU and the UN Office against Drug and Crime held a Parliamentary Forum in Vienna on 12 February 2008. The meeting, hosted by the Austrian Parliament, was held in the context of the Vienna Forum on human trafficking. It examined ways and means in which parliaments and parliamentarians could more effectively contribute to the global struggle against the scourge of human trafficking. A report on the proceedings of the Parliamentary Forum was presented to a plenary of the Vienna Forum.

Administrative arrangements

- The IPU is a member of the United Nations Joint Staff Pension Fund (UNJSPF). It also benefits from the services of the International Civil Service Commission (ICSC) which sets staff salary rates and travel allowances. The ILO provides support to the IPU through its Administrative Tribunal and Social Security Department.

MODALITIES FOR THE FUNCTIONING OF THE ADVISORY GROUP OF THE IPU COMMITTEE ON UNITED NATIONS AFFAIRS

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

1. The following operating modalities for the Advisory Group of the IPU Committee on United Nations Affairs are submitted to the IPU Governing Bodies for their approval.

Mandate

2. The Advisory Group will conduct investigations, including making field missions where necessary, and report thereon to the IPU Committee on United Nations Affairs. Reports will include, but not be restricted to, the following subject areas:

- The implementation of the principles recommended by the Report on System-wide Coherence;
- Current United Nations peacebuilding operations;
- The status of the implementation of the Millennium Development Goals (MDGs) and other major internationally agreed commitments;
- The budget of the United Nations: its sources and the usage of the funds;
- Financing for development, including the status of related UN reforms;
- Human rights: the status of ratification and implementation of core human rights treaties, and the functioning of the Human Rights Council.

Membership

3. The members of the Advisory Group will be appointed *ad personam* by the IPU President after consultation with the IPU membership through the channel of the geopolitical groups. Members who are unable to attend meetings shall not appoint substitutes to serve in their place.

4. Membership of the Group will take account of the criteria of geographical and gender representation.

5. The list of current members of the Group is attached hereto. Their formal membership will be considered effective as of 1 April 2008.

Duration of term

6. The duration of the term of membership will be two years. The term is renewable once.

Chairpersons

7. The Advisory Group will elect its chairperson for a period of two years.

Meetings

8. In principle the Advisory Group will meet twice, and undertake one field mission, in the course of one year. The Group will hold further meetings during the year if exceptional circumstances so warrant.

Field missions

9. The purpose of the field missions will be to report on the status of United Nations operations in the selected country and, in so doing, to review the degree to which the local parliament is involved in those operations, and conducts effective parliamentary oversight of them.

10. In the course of a field mission, the primary interlocutor of the Advisory Group will be the national parliament. The Advisory Group will normally seek to meet with the following persons:

- The Speaker and members of the parliament, including chairs of relevant committees;
- The United Nations Resident Coordinator (RC), or whoever heads the United Nations Country Team;
- Other heads of United Nations Agencies, Funds and Programs, working under the leadership of the RC;
- Relevant government authorities;
- Other stakeholders and development partners, particularly donors and civil society representatives.

MEMORANDUM OF UNDERSTANDING SIGNED BY THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) AND THE IPU ON 21 NOVEMBER 2007

*Endorsed by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) AND THE INTER-PARLIAMENTARY UNION (IPU)

This Memorandum of Understanding ("MOU") is entered into by the United Nations Development Programme ("UNDP"), a subsidiary organ of the United Nations, an intergovernmental organization established by its

Member States with its headquarters in New York, and the Inter-Parliamentary Union (hereinafter "the IPU"), an international organization of parliaments of sovereign States with its headquarters in Geneva. UNDP and the IPU are hereinafter jointly referred to as the "Parties".

WHEREAS, UNDP, represented by Bureau for Development Policy-Democratic Governance Group, is interested in strengthening parliaments as institutions of democratic governance, through, inter alia, partnering with the IPU;

WHEREAS, the IPU is committed to strengthening its cooperation with UNDP in areas of mutual interest and seeks to engage parliamentarians more systematically in the work of the United Nations;

NOW, THEREFORE, the Parties agree to cooperate as follows:

Article I Purpose

The purpose of this MOU is to provide a framework of cooperation and facilitate collaboration between the Parties, on a non-exclusive basis, in areas of mutual interest.

Article II Areas of Cooperation

The Parties agree to cooperate in the following areas of activity on a non-exclusive basis:

- (i) **Technical Expertise on Parliamentary Development Programmes**. The IPU and UNDP will work together, where appropriate, to facilitate the provision of technical expertise to parliamentary development programmes managed by its country offices. Upon written request, the IPU may provide technical expertise in a number of ways, including the provision of staff, in accordance with each Party's rules and procedures, to participate in short-term missions for planning or evaluation purposes; assistance in identifying relevant international parliamentary experts and providing organizational and substantive support with seminars or workshops.
- (ii) **Knowledge Sharing on Parliamentary Development**. The IPU and UNDP intend to contribute, with other partners, to the development of an on-line "knowledge hub" on parliamentary strengthening, which would allow for the exchange of information and research on parliamentary development, including evaluations, development tools, country case studies, good practice guides.
- (iii) **Standards for Democratic Parliaments**. The IPU and UNDP shall cooperate in building international consensus around standards, benchmarks and good practice for democratic parliaments, building on the past cooperation on the publication "*Parliament and Democracy in the Twenty-first Century: A Guide to Good Practices*" and other international efforts.
- (iv) **Economic Governance and Poverty Reduction**. The IPU and UNDP shall work together to build the capacity of parliaments to effectively legislate on, and oversee issues of, economic governance and poverty reduction. This includes support to strengthen the role and capacity of parliaments in national budget processes, the achievement of the Millennium Development Goals, the development of poverty reduction strategies and in addressing development cooperation issues, including official development assistance.
- (v) **Parliamentary Representation of Underrepresented Groups**. The IPU and UNDP shall develop and support the development of expertise and knowledge with the objective of enhancing the representativeness of parliaments, including improving the representation of historically underrepresented minorities and indigenous groups.

- (vi) **Parliamentary Engagement in the Implementation of UN Treaties and Conventions**. The IPU and UNDP shall cooperate – together with other partners having expertise in specific policy areas – on strengthening parliamentary capacity to implement UN treaties and conventions, such as the United Nations Convention against Corruption and various human rights conventions, including the Rights of Persons with Disabilities.
- (vii) **International Knowledge Network on Women in Politics ("iKNOW Politics")**. The International Knowledge Network on Women in Politics or iKNOW Politics project involves other partners and is the subject of a separate memorandum of understanding, but the parties acknowledge that this is an important aspect of the cooperation between UNDP and the IPU.

Article III Consultation and Exchange of Information

3.1 The Parties shall, on a regular basis, keep each other informed of and consult on matters of common interest, which in their opinion are likely to lead to mutual collaboration. The IPU shall inform the Democratic Governance Group (DGG) of BDP – in charge of overall parliamentary development policy-making, advisory services and coordination – of communications with UN country teams regarding possibly collaboration at the country level; and DGG shall contact with the IPU where it sees opportunities for collaboration between the IPU and a UN country team at the country level. Materials referencing cooperation between both parties shall be reviewed by both parties for accuracy on a bi-annual basis.

3.2 Consultation and exchange of information and documents under this Article shall be without prejudice to arrangements, which may be required to safeguard the confidential and restricted character of certain information and documents.

3.3 The Parties shall at such intervals as deemed appropriate convene meetings to review the progress of activities being carried out under the present MOU and to plan future activities.

3.4 The Parties may invite each other to send observers to meetings or conferences convened by them or under their auspices in which, in the opinion of either party, the other may have an interest. Invitations shall be subject to the procedures applicable to such meetings or conferences.

Article IV Implementation of the MOU

4.1 In order to implement the specific activities envisioned hereunder, the Parties shall conclude cost-sharing agreements in accordance with the applicable UNDP regulations, rules and procedures, which shall specify the costs or expenses relating to the activity and how they are to be borne by the Parties. The cost-sharing agreements shall also include a provision incorporating by reference the MOU, which is applicable to the cost-sharing agreements and the projects/programmes financed therefrom. Any agreement entered into under this paragraph, shall also be made in accordance with the applicable regulations, rules and procedures of the IPU.

4.2 It is understood that all activities at the country level will be carried out on the basis of project documents agreed between UNDP and the concerned governments, in consultation with the IPU and in accordance with the applicable UNDP regulations, rules and procedures.

4.3 The costs of public relations activities relating to the partnership, that are not otherwise addressed by a specific cost-sharing agreement concluded hereunder, will be the responsibility of the party that incurs them.

4.4 Neither Party shall be an agent, representative or joint partner of the other Party. Neither Party shall enter into any contract or commitment on behalf of the other Party and shall be solely responsible for making all payments to and on behalf of its own account, as provided under this MOU and under cost-sharing agreements concluded hereunder.

Article V
Use of Name and Emblem

5.1 Neither Party shall use the name, emblem or trademarks of the other party, its subsidiaries, and/or affiliates, or any abbreviation thereof, in connection with its business or otherwise without the express prior written approval of the other Party in each case. In no event will authorization of the UNDP name or emblem, or any abbreviation thereof, be granted for commercial purposes, or for use in any manner that suggests an endorsement by UNDP of the IPU products or services.

5.2 Each Party acknowledges that it is familiar with the ideals and objectives of the other Party and recognizes that the name and emblem of the other Party may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status, reputation, and neutrality of the other Party, or such purposes or principles.

5.3 The Parties agree to recognize and acknowledge this partnership, as appropriate. To this end, the Parties shall consult with each other concerning the manner and form of such recognition and acknowledgement.

Article VI
Duration, Termination, Modification

6.1 The proposed cooperation under this MOU is non-exclusive and shall have a duration of an initial period of two years, commencing November 21, 2007, and ending November 21, 2009, unless terminated earlier by either party upon three months' notice in writing to the other party. The Parties may agree to extend this MOU for subsequent periods of two years.

6.2 In the event of termination of the MOU, the cost-sharing agreements and project documents concluded pursuant to this MOU may also be terminated in accordance with the termination provision contained in such agreements. In such case, the Parties shall take the necessary steps to ensure that the activities carried out under the MOU, the cost-sharing agreements, and project documents are brought to a prompt and orderly conclusion.

6.3 This MOU may be amended by mutual agreement of the Parties reflected in writing.

Article VII
Notices and Addresses

Any notice or request required or permitted to be given or made under this MOU shall be in writing. Such notice or request shall be deemed to have been duly given or made when it shall have been delivered by hand, mail, telex, or cable to the party to which it is required to be given or made at the address specified below or such other address as shall be hereafter notified.

For UNDP: Terence D. Jones
Practice Director a.i.
Democratic Governance Group
Bureau for Development Policy
United Nations Development Programme
304 East 45th Street, Room 1018
New York, NY 10017
United States

For IPU: Martin Chungong
Director
Division for the Promotion of Democracy
Inter-Parliamentary Union

Chemin du Pommier 5
P.O. BOX 330
1218 Le Grand-Saconnex
Geneva
Switzerland

Article VIII Settlement of Disputes

8.1 The Parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this MOU. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the UNCITRAL Conciliation Rules then obtaining, or according to such other procedure as may be agreed between the Parties.

8.2 Any dispute, controversy or claim between the Parties arising out of this MOU which is not settled amicably in accordance with the foregoing paragraph shall be referred to arbitration under the UNCITRAL Arbitration Rules then in force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

8.3 This MOU and the related Cost-Sharing Agreements comprise the complete understanding of the Parties in respect of the subject matter in this MOU and supersede all prior agreements relating to the same subject matter. Failure by either Party to enforce a provision of this MOU shall not constitute a waiver of that or any other provision of this MOU. The invalidity of unenforceability of any provision of this MOU shall not affect the validity or enforceability of any other provision of the MOU.

Article IX Privileges and Immunities

Nothing in or relating to this MOU shall be deemed a waiver, express, or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties affix their signatures below.

Signed this 21st day of November, 2007

For the United Nations
Development Programme

Olav Kjørven
Assistant Administrator and Director
Bureau for Development Policy
United Nations Development Programme

For the Inter-Parliamentary Union

Anders B. Johnsson
Secretary General
Inter-Parliamentary Union

**PROPOSALS FOR THE IPU AND PARLIAMENTS TO CELEBRATE THE
INTERNATIONAL DAY OF DEMOCRACY,
15 SEPTEMBER**

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

The United Nations has declared 15 September as the International Day of Democracy. Given the IPU's longstanding work in the promotion of democracy, the Council makes the following recommendations for celebration by the IPU and parliaments of this important day.

The IPU should inscribe 15 September on its work programme each year with activities to celebrate the day by national parliaments and by the IPU itself. The celebrations would offer parliaments and the IPU an opportunity to pursue the following three objectives:

- Emphasize the importance of democracy, what it involves, the challenges it faces as well as the opportunities it offers, and the central responsibility that all parliaments have as the key institution of democracy;
- Examine and discuss in parliament how well it performs its democratic functions, possibly on the basis of a self-assessment, and identify what steps it may take to strengthen its effectiveness;
- Disseminate the work that the IPU carries out with the support of all its Member Parliaments in the area of democracy.

The Council recommends to take a longer term view, recognizing that it will necessarily take time for parliaments and the international community to adapt to this new international day. Some will do it sooner than others and some will not do anything at all, either because they already have similar activities fitting their agenda or they do not feel the need to do so. What is important is to try to create a tradition where parliaments take a leading role in celebrating democracy.

It will also be judicious to adopt an incremental approach whereby, over time, the IPU builds up a substantial activity. Having said that, the Executive Committee recommends that an early start takes place already this first year and, for that purpose, consider the following three elements for an IPU contribution to the International Day of Democracy in 2008:

- (a) Promote national parliamentary events: Parliaments could organize some form of open debate on democracy on 15 September (or as close thereto as feasible in the light of circumstances). Such an event could take multiple forms such as:
 - Day of "open doors" in Parliament, when students and interested citizens could observe the parliamentary proceedings of the day;
 - Special debate in parliament focusing on ways of making parliament and the political process more representative, transparent, accessible, accountable and effective, i.e. more democratic;
 - National review of progress made in meeting international commitments in the area of democracy and human rights, with a focus on areas for future efforts;
 - Reading of the *Universal Declaration on Democracy* and/or adoption of a parliamentary resolution or declaration marking the International Day of Democracy;
 - Joint session / video-conference among two or more parliaments, addressing a democracy-related issue of common interest.
- (b) Organize a first celebration at IPU Headquarters: The IPU could organize a first modest event at its Headquarters in Geneva with three possible components:

- A media event consisting of a televised/webcasted debate that could focus on some of the major challenges to democracy represented by lack of public participation and confidence in democratic processes and institutions. The debate could feature experts from reputed polling barometers, academia and political circles;
 - An exhibition of caricatures on democracy and political life. The caricatures could focus on some of the basic questions that emerge from the IPU handbook on *Parliament and Democracy in the Twenty-First Century*;
 - Open doors at the IPU Headquarters where sectors of the general public (students, academia, participants in youth parliaments, civil-society organizations and others could be exposed to some of the work carried out by the IPU in the area of democracy.
- (c) Participate in an event to be organized with the United Nations in New York: Discussions are just starting to determine the contours of a possible United Nations event organized at UN headquarters in New York, towards which the IPU could offer a parliamentary contribution based on the work of the Organization.

The IPU parliamentary handbook entitled *Parliament and Democracy in the Twenty-First Century* offers a conceptual framework that serves as a roadmap for IPU's work to promote democracy. Currently, the IPU is finalizing a self-assessment tool that is meant for use by parliaments interested in determining what they can do to strengthen their institution on the basis of the recommendations and good practices reflected in the handbook. This tool could usefully inspire some parliaments when they are considering organizing an event on or around 15 September this year.

It is also possible to convert one of this year's issues of the *World of Parliaments* into a special edition focussing on democracy. Such a publication could serve to highlight some of the very valuable democracy related materials produced by the IPU and could assist parliaments as they plan and carry out any special activity to commemorate International Day of Democracy. The publication could also be accompanied by a poster highlighting the International Day and the IPU Declaration on democracy.

ADVISORY GROUP ON HIV/AIDS

Rules and Practices

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

MANDATE

The IPU Advisory Group on HIV/AIDS provides a global parliamentary focal point for legislative work in the field of HIV/AIDS. The Advisory Group offers guidance to the Members of the IPU on the implementation of international commitments on HIV/AIDS, helps design information and training materials for parliamentarians; conducts field visits to learn lessons from national responses to HIV/AIDS which can be shared with the wider parliamentary community; and expands the scope of the parliamentary response against HIV/AIDS by identifying more effective strategies.

GROUP MEMBERS

The IPU Advisory Group on HIV/AIDS is composed of a maximum of twelve members of national parliaments, appointed by the IPU President in consultation with the members of the Advisory Group and IPU member parliaments, on the basis of attested expertise in the field of HIV and AIDS. The Advisory Group will endeavour to ensure that its membership is geographically representative and gender balanced.

Advisory Group members shall serve for a single four-year term.

CHAIRPERSON

The Advisory Group elects its Chairperson for a period of one year. He/she is eligible for re-election for one further term.

SESSIONS

The Advisory Group meets twice a year in regular session. The Advisory Group's sessions are held *in camera*. The Advisory Group sets the dates for its sessions in the light of proposals by the Secretary General. Additional meetings may be held if the Advisory Group so decides.

AGENDA

The provisional agenda of the Advisory Group is drawn up by the Secretary General, in consultation with the Advisory Group Chairperson.

DECISIONS

As a general rule, the Advisory Group's decisions are taken by consensus. Failing a consensus, the Advisory Group decides by a simple majority of the members present, the Chairperson having the right to vote.

MISSIONS

The Advisory Group may decide to carry out field visits, principally to examine the role played by a national parliament in addressing the epidemic. Such missions are conducted in accordance with the *Concept note on field visits* ([see below](#)) adopted by the Advisory Group on 23 March 2007.

ADVISORY GROUP REPORTS

The Advisory Group reports on its work to the Governing Council, of which it is a subsidiary body.

ADVISORY GROUP ON HIV/AIDS

Concept note on field visits by the Advisory Group

At its first meeting in September 2006, the IPU Advisory Group on HIV/AIDS decided that its programme of activities would include field visits. It subsequently agreed that the principal objective of the visits would be to examine the role of parliament in addressing the HIV/AIDS pandemic and making recommendations for how best to strengthen that role.

Under that heading, there are many substantive issues that the Group may wish to examine during its visits, and these will naturally depend on the situation in each country. They may include questions of legislation and its enforcement, discrimination, access to treatment, or the predicament of children and especially orphans, to mention a few examples.

The Group agreed that:

1. There should be no single type of country or situation chosen for visits, but rather a mix of countries: resource rich and resource poor, countries where activities have been successful and those where particular problems can be highlighted.
2. The first port of call in any visit should be the host parliament:
 - To examine the structures and systems in place within the parliament to tackle the epidemic in that country;

- To learn about successful practices and in particular any steps taken by parliament to ensure coherence and coordination of the government response to the epidemic;
 - To see what shortcomings and obstacles may exist at the parliamentary level and investigate cases where leadership could have been provided but is not forthcoming;
 - To examine the effect of the epidemic on parliament itself and its ability to deliver development. This would include both elected representatives and parliamentary staff;
 - To see what is being done to meet internationally agreed targets and where necessary recommend action;
 - To scrutinize processes of law reform.
3. The Group should also visit government officials in ministries (Interior, Justice, or Defence) where there are often deficiencies in implementation. Radiating outwards from parliament, the aim should be to ensure the government response is comprehensive and that legislation is actually being implemented.
4. The Group should talk to civil society organizations to see how relations with parliament are mutually beneficial and how they can become stronger and more productive.
5. Last but not least, and in conjunction with all the above, the Group will visit different projects and facilities set up to provide care and support. It should talk to people living with HIV and AIDS.
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PARLIAMENTARY MESSAGE TO UNCTAD XII

*Approved unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

The world parliamentary community and its global organization, the Inter-Parliamentary Union, commend the decision of UNCTAD to hold its quadrennial forum in Accra, marking the Conference's return to Africa after a 12-year absence. We wish UNCTAD XII every success in its deliberations, which represent a uniquely important endeavour to tackle the challenges of globalization and maximize its development potential.

As members of parliament elected by the people, we are convinced that a coherent focus on development is a sine qua non condition for ensuring a prosperous future for all nations, not just a privileged few. Encouraged by positive changes that have taken root since the last UNCTAD session, we note nonetheless that most developing countries are still far from achieving the Millennium Development Goals by 2015.

We deplore, in particular, that sub-Saharan Africa lags far behind in this regard, with the risk of many countries failing to achieve all of the goals. In delivering our message to UNCTAD XII from the 118th IPU Assembly in South Africa, where parliamentarians from all over the world have gathered to debate ways of pushing back the frontiers of poverty, we join in the call for priority attention to be given by UNCTAD delegates to the development challenges faced by the African continent.

We express our support for UNCTAD's efforts to prompt a move towards a more equitable and development-friendly global economic, trading and financial system. Indeed, we consider that UNCTAD is uniquely placed to address emerging challenges, such as the impact of high energy prices and climate change on development. We also call on UNCTAD to guard against the dangers of a globalization process where speculative financial operations take on a life of their own and do not support the real productive economy; where the pace of change is much faster than people's ability to adjust, especially in the absence of adequate safety nets; and where economic growth does not result in real benefits for all.

UNCTAD should strengthen its role as the focal point within the United Nations system for dealing with trade and investments from a development perspective. We highly value UNCTAD's diverse expertise in various development-related fields, particularly as it serves the needs of the developing countries. Its trade-related capacity-building work is equally important, and may provide a key to help unlock the Doha Round

negotiations. We take this opportunity to urge WTO members to pool their efforts and ensure a successful outcome of the Round. Success will help ensure that developing countries can generate more of their own resources, plot their own course, and become less reliant on external aid.

Just as trade and development are interwoven into the fabric of globalization, development and democracy are two sides of the same coin. The complex edifice of development will be fragile if it lacks strong foundations in democracy. As parliamentarians, we are convinced of the need for all people - including the poor and minorities - to be fairly represented in decision-making at both the national and international levels and for the political process as a whole to be open, transparent and accountable. Only then will globalization become the win-win proposition that most of us believe is possible.

We reiterate our resolve to ensure that parliaments honour their responsibilities related to the formulation and implementation of national development strategies. In this connection, we pledge to strengthen cooperation between UNCTAD and national parliaments through the Inter-Parliamentary Union, as called for by the Millennium Declaration. We also state our willingness to contribute to the practical implementation of UNCTAD XII commitments through relevant legislative and oversight means.

Future meetings and other activities

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

Seminar on Reconciliation and Rule of Law in Central America	SAN SALVADOR (El Salvador) 6-7 May 2008
Conference organized by the African Parliamentary Union in cooperation with the IPU on "Africa and migration: Challenges, problems and solutions"	RABAT (Morocco) 22-24 May 2008
Panel discussion on parliaments, peace-building and reconciliation	NEW YORK (UN Headquarters) 6 June 2008
Panel discussion on parliaments and HIV/AIDS	NEW YORK (UN Headquarters) 9 June 2008
Stakeholder Forum on "The role of national and local stakeholders in contributing to aid quality and effectiveness"	ROME (Italy) 12-13 June 2008
Regional Seminar for English-speaking Africa on reconciliation	FREETOWN (Sierra Leone) 23-25 June 2008
251 st session of the IPU Executive Committee	GENEVA (IPU Headquarters) Late June/early July
Meeting of the Advisory Group of the IPU Committee on United Nations Affairs	GENEVA (IPU Headquarters) 10-11 July 2008
122 nd session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 14-17 July 2008
Eighth Workshop of Parliamentary Scholars and Parliamentarians, sponsored by the IPU	OXFORDSHIRE (United Kingdom) 26-27 July 2008
Panel discussion and briefing during the XVII International AIDS Conference (3-8 August)	MEXICO CITY (Mexico) August 2008
Annual session of the Parliamentary Conference on the WTO	GENEVA (CICG) 11-12 September 2008
Regional Seminar on Child Protection for Central Asia and Eastern Europe	September 2008 Venue to be determined
119 th IPU Assembly and Related Meetings	GENEVA (CICG) 13-15 October 2008
IPU/ASGP/IFLA Meeting on parliamentary information	GENEVA 16 October 2008

Parliamentary Seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 16 October 2008
Seminar for members of parliamentary human rights committees	GENEVA (IPU Headquarters) 3-5 November 2008
Joint IPU-UN Parliamentary Hearing at the United Nations	NEW YORK (UN Headquarters) 20-21 November 2008
Information Seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA (IPU Headquarters) November 2008
Seminar for members of parliamentary gender committees	GENEVA November 2008
World e-Parliament Conference	BRUSSELS (Belgium) November 2008
Parliamentary Meeting on the occasion of the International Review Conference on Financing for Development (29 November - 2 December)	DOHA (Qatar) November/December 2008
Regional Seminar on Violence against Women	Second half of 2008
Third Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	Second half of 2008
Meeting of the IPU Advisory Group on HIV/AIDS	Second half of 2008
Regional HIV/AIDS Training Seminar	Second half of 2008
120 th IPU Assembly and Related Meetings	ADDIS ABABA (Ethiopia) 5-10 April 2009

AGENDA OF THE 119th ASSEMBLY

(Geneva, 13-15 October 2008)

1. Election of the President and Vice-Presidents of the 119th Assembly
2. Consideration of possible requests for the inclusion of an emergency item in the Assembly agenda
3. Panel discussions on the subject items chosen for debate during the 120th Assembly in April 2009:
 - (a) Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments
(First Standing Committee on Peace and International Security)
 - (b) Climate change, sustainable development models, and renewable energies
(Second Standing Committee on Sustainable Development, Finance and Trade)
 - (c) Freedom of expression and the right to information
(Third Standing Committee on Democracy and Human Rights)
4. Report of the IPU Committee on United Nations Affairs
5. Amendments to the Statutes and Rules of the Inter-Parliamentary Union

SUBJECT ITEMS FOR THE 120th ASSEMBLY

(Addis Ababa, Ethiopia, 5-10 April 2009)

***Approved by the 118th IPU Assembly
(Cape Town, 18 April 2008)***

1. Advancing nuclear non-proliferation and disarmament, and securing the entry into force of the Comprehensive Nuclear-Test-Ban Treaty: The role of parliaments
(Standing Committee on Peace and International Security)

2. Climate change, sustainable development models, and renewable energies
(Standing Committee on Sustainable Development, Finance and Trade)

3. Freedom of expression and the right to information
(Standing Committee on Democracy and Human Rights)

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 119th ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

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 Assembly (AIPA)
Asian Parliamentary Assembly (APA)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council

Nordic Council
Pan-African Parliament (PAP)

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

Centrist Democrat International (CDI)

Amnesty International
Human Rights Watch
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. AFG/01 - MALALAI JOYA - AFGHANISTAN

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Malalai Joya of Afghanistan, 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/182/12(b)-R.1-Add.),

Taking account of the communication from the Secretary General of the House of the People of Afghanistan (dated 17 February 2008), forwarding parliamentary correspondence about the case, including a report from the House of the People's Committee on Immunity and Privileges,

Considering that on 21 May 2007 the House of the People of Afghanistan decided to suspend the parliamentary mandate of one of its members, Ms. Malalai Joya, MP for Farah province, until the end of her term for violating the Standing Orders (more particularly Article 67, which has become, in an extensively modified version, Article 70 of the new Standing Orders) in respect of words she spoke on television; referring to the Parliament, and more particularly to some of its members, Ms. Joya, who is a staunch critic of the former warlords, a defender of human rights and a powerful voice for Afghan women, said in a television interview that: "They are criminals and worse than the animals in a stable or zoo; at least an animal like a cow is useful in that it provides milk and a donkey can carry a load. Or even an animal like a dog which is the most loyal animal.",

Considering that, according to the sources, members of parliament have regularly criticized one another, but that no one else had been suspended on such grounds, even when Ms. Joya was called a "prostitute" or "whore" by fellow parliamentarians; the parliamentary authorities insist that the decision against Ms. Joya, which was not made by the Administrative Board but taken by the majority of the members of the House of the People in open session, was not in connection with her criticism but because her words were an affront to parliament and the entire nation,

Considering that Ms. Joya immediately protested against her suspension and the procedure followed to secure it; after having finally collected the money to pay for legal counsel and found a lawyer willing to take up her case, she was able to file it in the Supreme Court in February 2008,

Considering also that, despite initial indications that Ms. Joya may be prosecuted for her remarks, no action appears to have been initiated for the purpose,

Considering further that Ms. Joya has been continuously threatened owing to her outspoken stance, has survived four assassination attempts and never spends two nights in the same place; Ms. Joya's security is assured by members of her family,

Bearing in mind lastly that Afghanistan is a party to the International Covenant on Civil and Political Rights and is therefore bound to respect freedom of expression as guaranteed in its Article 19,

1. *Thanks* the parliamentary authorities for the information provided;

2. *Is deeply concerned* that Ms. Joya was suspended on account of outspoken remarks she made about the functioning of the Parliament of Afghanistan and about some of her fellow parliamentarians; *reaffirms* in this respect that freedom of expression is a fundamental tenet of democracy and must be construed as broadly as possible in the case of parliamentarians as the elected representatives of the people who draw attention to their concerns and defend their interests, and necessarily entails the right to sharply criticize the Parliament and Government and their performance, and should therefore be particularly cherished by parliament;
3. *Considers* that the suspension of the parliamentary mandate is an exceptionally serious measure that must be taken in strict compliance with the law and the relevant legal procedures and be limited in time; *is concerned* in this respect that no time limit was set for the suspension, which has been in effect for almost a year, and that, contrary to the old and new Standing Orders of Parliament, the Administrative Board appears to have been in no way involved in the decision to suspend Ms. Joya; *is also concerned* at the discrepancy that while the remarks made by Ms. Joya have led to a serious punishment, her treatment by some fellow parliamentarians that she has publicly denounced has reportedly not drawn any response from Parliament;
4. *Notes* that a petition challenging the suspension has been filed in the Supreme Court; *trusts* that the Court will decide on the matter without delay; *would appreciate* receiving information in this respect; *would also appreciate* confirmation that Ms. Joya is not subjected to any judicial action in respect of her remarks;
5. *Is alarmed* at the persistent death threats against Ms. Joya and the absence of any security detail offered by the authorities; *insists* that the general insecurity in Afghanistan makes it abundantly clear that threats against her safety have to be taken extremely seriously and require an effective response;
6. *Consequently urges* the authorities, in compliance with their obligation to protect the right to life, to provide her with a full security detail as a matter of urgency; *would greatly appreciate* information on steps taken to this end;
7. *Calls on* the authorities at the same time to do everything in their power to identify and bring to justice those making the death threats against Ms. Joya; *reaffirms* in this respect that the Parliament of Afghanistan has a special responsibility when the security of one of its members is at stake; *calls therefore on* the parliamentary authorities to take appropriate action to help ensure that the required protection for Ms. Joya is put in place without delay and that the threats are diligently investigated; *would appreciate* information on any steps taken in this respect;
8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the

Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the Ministry for Foreign Affairs of Bangladesh of 7 April 2008 and the communication from the Ministry of Home Affairs of Bangladesh handed over to the Committee during the 118th IPU Assembly (April 2008),

Recalling that the investigation into the grenade attack of 27 January 2005, which took Mr. Kibria's life, was closed in April 2006 and applications made by Mr. Kibria's family for further investigation were rejected; that the investigation was reopened in March 2007 on the ground that additional and significant information had emerged suggesting the involvement of other persons who had yet to be investigated, and that in May 2007 a new investigating officer, ASP M. Rafiqul Islam of the Criminal Investigation Department (CID), took over; that a team comprising senior officials of the Rapid Action Battalion, CID, National Security Intelligence, Directorate General of Forces Intelligence and District Police was formed to coordinate the further investigation,

Considering that, according to the information provided by the Ministry for Foreign Affairs, the Deputy Commissioner and Superintendent of Police on duty at the time of the attack have since then been examined, the statement of a vital witness was recorded and three Islamist militants belonging to the Horkatul Jihad al Islami (Huji), who were already in jail in connection with other criminal proceedings and had confessed to collecting several grenades to eliminate Awami League leaders, were also shown arrested in this case; that the investigation has further brought to light the names and addresses of three more potential suspects, one of whom is believed to have thrown the grenades, but who have absconded,

Recalling that initially 10 suspects were arrested in this case, four of whom later applied to be allowed to retract their statements as they had been obtained under torture and were indeed allowed to do so by the High Court; *noting* that, according to media reports supplied by one of the sources, the 10 accused have demanded their unconditional release since no proof of their involvement in the murder has been found, and that their families have alleged that witnesses in the case received a monthly payment from the then government,

1. *Thanks* the authorities for their cooperation and the information provided;
2. *Notes with interest* the progress made in the investigation and *hopes* that the investigating authorities will soon release the findings which enabled them to implicate the Huji members, so as to ensure the utmost transparency in this high-profile case;
3. *Would appreciate* receiving information as to whether the 10 persons initially arrested in this case are still linked to it or have meanwhile been released;
4. *Stresses* that, under international human rights law, the competent authorities have the obligation to institute a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed; *wishes therefore to ascertain* whether the authorities have instituted an investigation into the alleged torture of four of the initially arrested suspects (Shahed Ali, Joynal Abedin Momen, Zamri Ali and Tajul Islam) who were allowed to retract their statements on that ground;
5. *Requests* the Secretary General to invite the competent authorities to provide this information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, a member of the Parliament of Bangladesh and Leader of the Opposition at the time of the submission of the communication, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the Ministry for Foreign Affairs of Bangladesh of 7 April 2008 and the communication from the Ministry of Home Affairs of Bangladesh handed over to the Committee during the 118th IPU Assembly (April 2008),

Recalling the following: Sheikh Hasina, leader of the Awami League (AL) and other AL leaders and members were targeted in a grenade attack of 21 August 2004 during a rally in the centre of Dhaka; 20 persons were arrested, of whom 17 were released on bail as they were in no way connected with the attack; in March 2007, the Caretaker Government registered the case with the Home Affairs Ministry's monitoring cell for proper investigation and quick disposal; since then, according to media reports, the line of inquiry followed previously, which was based on the confession of a petty criminal, Joj Miah, that the attack was carried out by a criminal gang, reportedly turned out to be fabricated,

Considering the following latest information provided by the Ministry for Foreign Affairs: with the arrest of Islamist militant Mufti Abdul Hannan Munshi in October 2005, the investigation took a different turn; Mufti Abdul Hannan had testified that the Horkatul Jihad (Huji) was responsible for several grenade attacks, which enabled the Criminal Investigation Department (CID) investigator to arrest 10 more suspects; further confessional statements led to the arrest of seven more suspects and the recovery of grenades, rifles and a large quantity of explosives; on the basis of the confessional statement by Mufti Hannan and three others, two persons, namely Abul Kalam Azad alias Bulbul and Jahangir, who were already in custody, were shown arrested in this case; they disclosed the conspiracy of the grenade attack of 21 August and details of how it was carried out; so far, 28 suspected conspirators and perpetrators have been identified of whom the addresses (and ties) of seven persons remain unknown so far; of the 22 remaining accused, nine are in custody, two are believed to be dead and another two are detained in India; nine are fugitives and every effort was being made to track them down and to bring back the two suspects detained in India,

Recalling further that four criminal cases, three based on charges of extortion and one on corruption, have been brought against Sheikh Hasina and that she was arrested on 17 July 2007 and is currently in detention, her bail applications having been denied; that Sheikh Hasina denies all the charges brought against her, affirming that they are politically motivated because of her opposition to and criticism of the Caretaker Government,

Considering that two of the extortion cases and the corruption case were brought under the Emergency Power Rules 2007 (EPR), which have been criticized as infringing fundamental fair trial guarantees such as the presumption of innocence, the prohibition of ex post facto criminal offences and penalties, the publicity of trial, equality of arms between the prosecution and the defence and as restricting the right of courts to grant bail; moreover, the sources fear that the cases may have been brought under those rules to prevent Sheikh Hasina from engaging in further political activity, because a conviction under the Rules would debar her from contesting elections since by virtue of Section 11, paragraph 5, any person sentenced at first instance under the Rules is debarred from contesting national or local government elections,

Considering that, on 29 July 2007, Sheikh Hasina challenged her trial under the EPR with regard to one of the extortion cases; that on 17 February 2008 the High Court issued its ruling on her application, concluding that "the case in question ... cannot proceed under the EPR" and "any action taken and/or initiated and continuation of any proceeding or trial of any case", arising out of the case in question under the EPR, "in any court of law or authority, is declared to be without lawful authority and stands quashed"; that, in its ruling the High Court inter alia stated that any case arising out of an offence committed before the date of promulgation of the EPR (11 January 2007) cannot be tried under the Emergency Power Rules 2007 and that rules framed under a statute being sub-legislation cannot curb or infringe a right or benefit conferred by a statute; hence the penal provisions as well as the provisions curbing the right to bail, as contained in the EPR 2007 are void and not enforceable; that, however, on 17 March 2008 the Chief Justice stripped the High Court division bench which had issued the above ruling of its writ jurisdiction,

Considering further that, according to the Asian Center for Human Rights, at the 9 December hearing in one of the extortion cases, Sheikh Hasina's co-accused Sheikh Fazlul Karim Selim reportedly stated in Court that a confession had been extracted from him by torture and under duress during interrogation and that he had been subjected to electric shocks and death threats,

Bearing in mind that Bangladesh is a party to the International Covenant on Civil and Political Rights which in its articles 14 and 15 contains fair trial guarantees, among others freedom from retroactive criminal offences and penalties,

1. *Thanks* the authorities for their cooperation and the information provided; *welcomes* the progress made in the investigation regarding the grenade attack of August 2004 and *hopes* that the investigating authorities will soon release the findings which enabled them to implicate the Huji members, so as to ensure the utmost transparency in this high-profile case; *would appreciate* being informed in this respect whether the line of investigation based on Joj Miah's confession has now been abandoned;
2. *Regrets* the absence of official information on the criminal proceedings under way against Sheikh Hasina; *reiterates its wish* to receive such information, in particular as regards the justification for the application of the EPR in this case, bearing in mind that the objective of the Emergency Power Ordinance is to restrict activities deemed "subversive to the State" or "hampering the relations of Bangladesh with foreign countries" or "disrupting peace in any part of the country or creating enmity, hatred or confrontations among different sections of society";
3. *Would appreciate* receiving a copy of the Supreme Court ruling stripping the High Court of its writ jurisdiction in cases brought under the EPR, thus denying Sheikh Hasina bail;
4. *Expresses deep concern* at the alleged testimony of one of Sheikh Hasina's co-accused that he was tortured; *recalls* that, under international human rights law, a prompt and impartial investigation shall be instituted wherever there is reasonable ground to believe that an act of torture has been committed, and *wishes to ascertain* whether the authorities have instituted any such investigation in this respect;
5. *Requests* the Secretary General to invite the competent authorities to provide the requested information and to send an observer to the trial hearings in this case; *also requests* him to seek the opinion of the United Nations Special Rapporteur on the Independence of Judges and Lawyers on the conformity of the EPR with the fair trial norms, which Bangladesh, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
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 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following: Mr. Gonchar, an outspoken opponent to President Lukashenko, disappeared in September 1999 together with a friend, Mr. Krasovsky, and their fate has not been elucidated to date; the Belarusian authorities have consistently refuted the conclusions of the Council of Europe's Special Rapporteur on Disappearances for allegedly political reasons in Belarus, Mr. C. Pourgourides, 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"; Mr. Pourgourides had gathered evidence, including a handwritten document from the then Police Chief, General Lapatik, whose authenticity the Belarusian authorities have acknowledged, in which he accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, to have ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlichenko with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlichenko with the official execution pistol temporarily removed from SIZO-1 prison, and that the same method was used in the execution of Mr. Gonchar and Mr. Krasovsky,

Recalling more particularly that, in the resolution it adopted in October 2007, it requested the authorities to clarify certain issues in this regard³ as it was confident that the responses would go a long way towards uncovering the truth in this case,

Noting that a member of the Belarusian delegation to the 118th Assembly (April 2008), Mr. Aleksandr Arkhipov, provided the Committee with a document in Russian said to contain the requested clarifications,

Recalling further that Mrs. Krasovsky has strongly refuted indications by the Belarusian authorities that economic motives may be behind Mr. Gonchar's and Mr. Krasovsky's disappearance; *considering* in this respect that in October 2007 Mrs. Krasovskaya was summoned by the current investigator in this case and agreed to see him in the presence of her counsel, Mr. Garry Pogonyailo; that

³

- (i) The fact that the official execution pistol was twice signed out in the name of the then Minister of the Interior, Mr. Sivakov, and that the timing coincides with the disappearances of Mr. Gonchar, Mr. Krasovsky and Mr. Zakharenko; that Mr. Sivakov gave an explanation for only the first signing-out, namely for purposes of conducting a comparative study of death penalty execution methods in different European countries (although no European country was applying the death penalty) and provided none for the second signing-out, apart from "coincidence";
- (ii) The fact that no comparison was apparently made of the red paint found at the crime scene with that of the red car driven by the suspect named by the then Police Chief, General Lapatik, namely, Colonel Pavlichenko, and that no ballistics analysis was reportedly carried out;
- (iii) The fact that Colonel Pavlichenko was arrested on the basis of a warrant signed by the then KGB Chief, Mr. Matskevitch, and sanctioned by the then Prosecutor General Bozhelko, and remanded in custody for 30 days "taking into consideration that D.V. Pavlichenko and his criminal group may commit further crimes of particular violence", but freed shortly after his arrest;
- (iv) The fact that KGB Chief Matskevitch, Prosecutor Bozhelko and Police Chief Lapatik were dismissed from their posts or retired at or around the time when General Lapatik levelled accusations at Mr. Sheyman and Mr. Sivakov and when KGB Chief and Prosecutor General Bozhelko ordered the arrest of Colonel Pavlichenko;
- (v) The fact that Mr. Sheyman was appointed Prosecutor General and thereby placed in charge of investigating accusations made by Police Chief Lapatik against him and that he was only removed from that post in November 2004.

the investigator refused to have Mr. Pogonyailo present, stating that he was not a member of the Belarusian Bar Association; *noting* that Mr. Pogonyailo had represented Mrs. Krasovskaya in 2002 in this case, that he is currently the legal representative of the family of disappeared journalist Mr. Zavadsky, and that there is reportedly no provision in Belarusian law requiring counsel to be a member of the Belarusian Bar Association; that Mrs. Krasovskaya has stated her readiness to appear before the investigator in the presence of her counsel, Mr. Pogonyailo,

1. *Thanks* the Belarusian delegation and in particular Mr. Arkhipov for the document provided, which, it hopes, will indeed clarify the issues in question;
2. *Decides*, pending translation of the document in question, to revert to this case at its next session (October 2008);
3. *Is nevertheless surprised* that the investigator in this case has barred Mrs. Krasovskaya's counsel, Mr. Pogonyailo, from assisting her, as is her right and as he had previously done, and *would appreciate* receiving clarification in this respect as such a decision can only delay investigative efforts and consequently seems counterproductive;
4. *Requests* the Secretary General to inform the authorities and sources accordingly and *also requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that the parliamentarians concerned were killed between 1994 and 1999, reportedly owing to their membership and activities in the FRODEBU party, and 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; that in 2004 one of the sources reported that Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera, had been arrested albeit in connection with an other murder, and that in the case of Mr. Ndikumana two suspects, Mr. Ivan Bigendanko and Mr. Désiré Banuma, had returned from Rwanda, where they had fled, and were in hiding in Burundi; in the case of Mr. Sirahenda, a member of the military of the Mabanda camp, who subsequently deserted, stated that he could one day testify to the horrendous manner of his killing at the camp,

Taking into account the letter from the President of the National Assembly of Burundi dated 9 January 2008 stating that there had been no developments since his previous letter of 4 October 2007, and that the cases would be dealt with by the Truth and Reconciliation Commission,

Recalling that the establishment of the Truth and Reconciliation Commission moved a step closer with the appointment, on 10 August 2007, by the President of the Republic of a team in charge of

conducting grass-roots consultations in preparation for the Commission's work, which the National Assembly will follow closely,

Recalling that a parliamentary working group was set up by the National Assembly 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 of members of the Parliament of Burundi, including how best to reactivate the investigation into the murder of the parliamentarians concerned; that the parliamentary human rights working group first met on 26 October 2006 and proposed a series of strategies, but that institutional changes and hurdles prevented it from making progress and that, on 4 October 2007, the President of the National Assembly signed an ad hoc Internal Instruction designating new members of the working group except for its Secretary, who retained his post, with a view to giving it fresh impetus and assured that "it would receive all the support it needs to fulfil its mission",

Considering nevertheless that the current political situation in Burundi has prevented the working group from operating effectively,

Bearing in mind the work of the Inter-Parliamentary Union, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country,

1. *Is disappointed* that the parliamentary human rights working group has so far been unable to make any progress since it first met in October 2006; *remains convinced* that it can be of great assistance in paving the way for the work of the National Truth and Reconciliation Commission and that, more particularly, it could contribute to elucidating the cases in question; therefore *calls on* the parliamentary authorities to make every effort, with the assistance of the Inter-Parliamentary Union as appropriate, to create an enabling climate in which the working group can fulfil its role;
2. *Is convinced* that the inclusive approach followed in Burundi to setting up the Truth and Reconciliation Commission will help ensure the institution's credibility, legitimacy and long-term impact by producing essential guidance on what mandate, methods of work and resources are needed for the Commission to be effective, and on which personalities inspire the highest esteem and confidence as prospective Commissioners; *trusts* that the grass-roots consultations have well advanced in this respect; and *would greatly appreciate* being kept informed of progress to date;
3. *Nevertheless stresses* at the same time that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *considers* that there are sufficient leads and evidence available in several of the cases to permit them to make substantive progress in this respect; *calls on* the authorities therefore to take the necessary steps to reactivate the investigations in these cases;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

*Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Ndiwokubwayo was the target of two attempts on his life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported that Mr. Parfait Mugenzi, one of the alleged attackers of Mr. Ndiwokubwayo, had been arrested albeit in connection with another crime,

Taking into account the letter from the President of the National Assembly of Burundi dated 9 January 2008 stating that there had been no developments since his previous letter of 4 October 2007, and that the case would be dealt with by the Truth and Reconciliation Commission,

Recalling that the establishment of the Truth and Reconciliation Commission moved a step closer with the appointment, on 10 August 2007, by the President of the Republic of a team in charge of conducting grass-roots consultations in preparation for the Commission's work, which the National Assembly will follow closely,

Recalling that a parliamentary working group was set up by the National Assembly 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 of members of the Parliament of Burundi, including how best to reactivate the investigation into the attempts on the life of Mr. Ndiwokubwayo; the parliamentary human rights working group first met on 26 October 2006 and proposed a series of strategies, but that institutional changes and hurdles prevented it from making progress and that, on 4 October 2007, the President of the National Assembly signed an ad hoc Internal Instruction designating new members of the working group except for its Secretary, who retained his post, with a view to giving it fresh impetus and assured that "it would receive all the support it needs to fulfil its mission",

Considering nevertheless that the current political situation in Burundi has prevented the working group from operating effectively,

Bearing in mind the work of the Inter-Parliamentary Union, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country,

1. *Is disappointed* that the parliamentary human rights working group has so far been unable to make any progress since it first met in October 2006; *remains convinced* that it can be of great assistance in paving the way for the work of the National Truth and Reconciliation Commission and that, more particularly, it could contribute to elucidating the case in question; therefore *calls on* the parliamentary authorities to make every effort, with the assistance of the Inter-Parliamentary Union as appropriate, to create an enabling climate in which the working group can fulfil its role;
2. *Is convinced* that the inclusive approach followed in Burundi to setting up the Truth and Reconciliation Commission will help ensure the institution's credibility, legitimacy and long-term impact by producing essential guidance on what mandate, methods of work and resources are needed for the Commission to be effective, and on which personalities inspire the highest esteem and confidence as prospective Commissioners; *trusts* that the grass-roots consultations have well advanced in this respect; and *would greatly appreciate* being kept informed of progress to date;

3. *Nevertheless* stresses at the same time that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *considers* that there are sufficient leads available to permit them to make progress in this case; *calls on* the authorities therefore to take the necessary steps to reactivate the investigations in the case;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the murders that took place between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, all of whom were members of the Parliament of Colombia and the *Unión Patriótica* (Patriotic Union) political party, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007 and that of 30 November 2007 from the Permanent Mission of Colombia to the United Nations and other international organizations in Geneva forwarding information from the Human Rights and International Humanitarian Law Department of the Ministry for Foreign Affairs,

Recalling that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including the parliamentarians concerned, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the IPU Secretary General was told that with respect to at least one of the two petitions a pronouncement would be made before the end of 2008; *noting* also that the Committee has been asked to act as *amicus curiae* in the case of Mr. Cepeda,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Reaffirms its belief* that a pronouncement by the Inter-American Commission on Human Rights on the aforesaid two petitions is crucial to helping effectively dispense justice in the case at hand in which, so far, none of the murderers of five of the six then congressmen has actually been held to account; *is gratified* therefore that the Inter-American Commission will soon rule on the merits of the petition(s); *would greatly appreciate* being kept informed in this respect and receiving a copy of the ruling(s) as soon as they are available;
2. *Asks* the Committee to act, as requested, as *amicus curiae* in the case of Manuel Cepeda;
3. *Welcomes* the readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory solution, including in this case; *remains convinced* that, through its oversight role, the Colombian Congress has a responsibility and an opportunity to help ensure that the State of Colombia complies with its duty to make a determined effort to hold perpetrators of human rights abuses to account and provide victims and their families with reparation and that, should the Inter-American Commission on Human Rights conclude it has failed to do so, this situation is promptly addressed and remedied; *trusts* that the Congress will be attentive to the forthcoming rulings by the Inter-American Commission and will do everything in its power to ensure their full implementation;
4. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hernán Motta Motta of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 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; that Mr. Castaño disappeared in mid-April 2004 and that his remains have since been found,

Taking into account the communication from the President of the Colombian Congress of 8 November 2007 and that of 30 November 2007 from the Permanent Mission of Colombia to the United Nations and other international organizations in Geneva forwarding information from the Human Rights and International Humanitarian Law Department of the Ministry for Foreign Affairs,

Recalling that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión*

Patriótica and the crimes committed against its members, including Mr. Motta, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *taking into account* the communication of 20 December 2007 which the Executive Secretary of the Inter-American Commission on Human Rights addressed to the Committee Vice-President, Senator Rosario Green, summarizing the current state of the proceedings in the cases before the Commission; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the IPU Secretary General was told that with respect to at least one of the two petitions a pronouncement would be made before the end of 2008,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity,

1. *Reaffirms its belief* that a pronouncement by the Inter-American Commission on Human Rights on the petition pertaining to the persecution of the *Unión Patriótica* will be of great significance to advance the cause of justice in the case of Mr. Motta; *is gratified* therefore that the Inter-American Commission will soon rule on the merits of the petition; *would greatly appreciate* being kept informed in this respect and receiving a copy of the ruling as soon as it is available;
2. *Welcomes* the readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory solution, including in this case; *remains convinced* that, through its oversight role, the Colombian Congress has a responsibility and an opportunity to help ensure that the State of Colombia complies with its duty to make a determined effort to hold perpetrators of human rights abuses to account and provide victims and their families with reparation and that, should the Inter-American Commission on Human Rights conclude it has failed to do so, this situation is promptly addressed and remedied; *trusts* that the Congress will be attentive to the forthcoming ruling by the Inter-American Commission and will do everything in its power to ensure its full implementation;
3. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/121 - PIEDAD CORDOBA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007,

Recalling that Senator Córdoba was kidnapped and held by the paramilitary group *Autodefensas Unidas de Colombia* (AUC) between 21 May and 4 June 1999, and that 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 held in the high-security prison of Itagüí; 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,

Recalling that an attempt was made on Ms. Córdoba's life in January 2003 and that the three persons arrested in that connection were all acquitted on 5 March 2005,

Considering that Ms. Córdoba regularly receives threats in connection with her vocal criticism of the Colombian Government and outspoken denunciation of human rights violations in Colombia, and enjoys a security detail,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Remains deeply concerned* that, five years after the attempt on Senator Córdoba's life, none of the culprits has been brought to justice;
2. *Stresses* that ultimately the only effective protection of Senator Córdoba's physical integrity combines an appropriate security detail with resolute and effective action to identify and bring to trial the culprits of the attempt on her life and the threats against her; *is therefore deeply concerned* that no information is on file that any such action has recently been taken;
3. *Calls again on* the authorities, obliged as they are to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times; *appreciates* therefore the express readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory settlement of the cases of current and former Colombian members of Congress; and *would greatly appreciate* receiving information on any action being taken by Congress to help further the cause of justice in the case of Senator Córdoba;
4. *Trusts* that the judicial proceedings against the presumed culprit in detention in the kidnapping of Senator Córdoba have advanced well; *would appreciate* confirmation thereof;
5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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 182nd session
(Cape Town, 18 April 2008)*

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communications from the President of the Colombian Congress of 2 and 24 January 2008 and 8 November 2007 that provide, *inter alia*, details of the work of the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement; *taking into account* also the letter dated 20 December 2007 from the Adviser to the High Commissioner for Peace on the Government's efforts to promote a humanitarian agreement,

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

Considering that, while Mr. Oscar Lizcano remains in FARC hands, former Congress member Ms. Consuelo González de Perdomo, along with Ms. Clara Rojas, former assistant of Ms. Ingrid Betancourt, a candidate in the 2002 Colombian presidential elections, were both released by FARC on 10 January 2008, while Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar and Ms. Gloria Polanco de Lozada were released on 26 February 2008, following extensive mediation by the international community and regional allies, in particular Venezuelan President Hugo Chávez, and Colombian Senator Piedad Córdoba,

Considering that in early April 2008 Senator Córdoba circulated a video in which Mr. Lizcano appears seriously weakened and in which he calls on Colombian President Uribe to change his "unyielding position with respect to the conflict with FARC" and on "Venezuelan President Chávez to do his utmost to get us out of the jungle"; some 700 civilians along with close on 50 police and military officers remain in FARC hands; in November 2007, a letter from former presidential candidate Ms. Ingrid Betancourt, who is held by FARC, was publicized in which she highlighted her desperation and precarious health,

Recalling 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 calls on the Government, the illegal armed groups and civil society to give priority to progress 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. *Is relieved* at the release of five of the hostages, after years of agonizing uncertainty for them and their families;
2. *Remains deeply concerned* at Mr. Lizcano's continued captivity and seriously impaired health; *considers* that his suffering and that of other hostages underscore the need for their urgent release;
3. *Urges once more* the Government of Colombia and FARC, with the assistance of regional partners and the international community, to advance towards the rapid conclusion of a humanitarian agreement as a first step towards resolving the internal armed conflict and reaching lasting peace;
4. *Takes note with satisfaction* of the extensive activities undertaken by the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement; *appreciates* the personal commitment to these topics of the President of the Colombian Congress, and her interest in cooperating with the IPU to organize a meeting in support of a humanitarian agreement;

requests the Secretary General to hold consultations with the parliamentary authorities and other competent parties to further explore the form and timing of such an event;

5. *Recalls* that taking hostage persons who play no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
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 119th Assembly of the IPU (Geneva, October 2008).

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007,

Recalling that Mr. Lozano was convicted and given a heavy prison sentence following fundamentally flawed proceedings without being afforded the possibility of challenging them on appeal and is currently subjected to allegedly excessive parole conditions, that his personal safety and that of his family are at constant risk because of his criticism of those in power in Colombia, and that his retirement pension has allegedly been significantly and unlawfully reduced,

Recalling also that several attempts have reportedly been made to silence Mr. Lozano and make him cease his activities, the latest instance being that, despite the expiry of the 10-year period following his arrest and detention in February 1998 during which he has been prohibited from exercising his political rights and any public functions, including his profession as a lawyer, the prohibition has yet to be lifted; similarly, according to the source, in another attempt to harass Mr. Lozano the authorities issued two orders for the provisional suspension of his retirement pension, one of which has already been implemented, in breach of the principle of established rights, and has as a result significantly affected his right to social security and other entitlements,

Recalling that in 2001 Mr. Lozano brought his case regarding the flawed judicial proceedings before the Inter-American Commission on Human Rights and that, despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming to date; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the Secretary General was told that Mr. Lozano's case would be given urgent attention and that, in accordance with its procedure, the Commission would decide within two months whether or not to ask the Colombian State to provide its observations on the admissibility of the case; and if it decided to do so, the Commission would then reach a conclusion on the admissibility of Mr. Lozano's petition,

1. *Remains convinced* that full and swift consideration of Mr. Lozano's case by the Inter-American Commission is crucial to helping redress the injustice which it believes he has suffered, particularly since he apparently continues to bear its consequences, and to

increasing the likelihood of his being afforded appropriate redress by the Colombian authorities;

2. *Is therefore gratified* that the Inter-American Commission is finally taking action on his petition; and *anxiously awaits* its decision which it hopes, in the light of precedents, will be positive;
3. *Is deeply concerned* at the continuous serious allegations of harassment of Mr. Lozano; *requests* the Colombian Congress to raise these matters with the competent Colombian authorities as they concern one of its former members, in particular as regards the unlawful continuation of the deprivation of his political rights and his debarment from public office;
4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission and the source 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 119th Assembly of the IPU (Geneva, October 2008).

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007; *taking into account* also the information provided at the hearing by members of the Colombian delegation to the 118th IPU Assembly,

Recalling that Mr. Petro has repeatedly received death threats from paramilitary groups over a long period and that, with respect to one such threat, the Commander of the *Bloque Tolima* of the *Autodefensas Unidas de Colombia* (AUC), a paramilitary group disbanded on 22 October 2005, was identified as a suspect and heard in court on 22 January and 12 February 2007; the investigation has been at the preliminary stage since 2004 and the prosecuting authorities have requested further evidence-taking,

Recalling that Mr. Petro has been prominent in denouncing a web of links between paramilitary groups and members of the Colombian Congress, which has created a scandal shaking the country's political establishment, and that as a result the threats against his life have reached new, alarming levels; he is at present granted an extensive security detail,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Stresses* that ultimately the only effective protection of Senator Petro's physical integrity combines an appropriate security detail with resolute and effective action to identify and bring to trial the culprits of the attempt on his life and the threats against him; *is therefore deeply concerned* that no information is on file that any such action is being taken with respect to the latest threats;
2. *Calls again on* the authorities, as a matter of urgency, to do everything in their power to hold to account the perpetrators of these threats which, given the nature of Mr. Petro's

- revelations that they come in response to, have to be taken very seriously; *would appreciate* information on any steps taken in this regard;
3. *Trusts* that judicial proceedings against the currently detained former paramilitary commander suspected of being behind death threats made against Mr. Petro before 2004 are well under way; *would appreciate* confirmation thereof;
 4. *Reaffirms* that, through its oversight role, the Colombian Congress has a responsibility and is indeed given the opportunity to help ensure that the competent authorities are resolutely seeking to guarantee due administration of justice in Senator Petro's case; *appreciates* therefore the express readiness of the President of the Colombian Congress to ensure regular dialogue to help promote a satisfactory solution, including in Senator Petro's case; and *would greatly appreciate* information on any action that is being taken by Congress in this regard;
 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 119th Assembly of the IPU (Geneva, October 2008).
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CASE No. CO/140 - WILSON BORJA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress, 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/182/12(b)-R.1-Add.),

Taking into account the information provided at the hearing by members of the Colombian delegation to the 118th IPU Assembly,

Considering that Mr. Wilson Borja, an outspoken opposition member of the Congress, suffered an attempt on his life on 15 December 2000 which came after he had received repeated death threats; five persons have been sentenced and, on 26 August 2005, an indictment was brought against five other accused persons who had not yet been apprehended, including Mr. Carlos Castaño Gil, who disappeared in mid-April 2004 and whose remains have since been found and identified,

Considering that Mr. Borja has since continued to receive death threats and was provided with a security detail; although there were reportedly some concerns about its effectiveness, they appear to have been subsequently addressed; however, in early April 2008 the authorities, after a difference of opinion with Mr. Borja about the extent of his security arrangement, they decided to withdraw it altogether; since then, Mr. Borja has opted to stay at home,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Is alarmed* that Mr. Borja's security detail is no longer in place, which leaves him totally defenceless in the face of the persistent threats against him and puts his life at great risk; *insists* in this respect that the attack on his life in 2000 makes it abundantly clear that those wishing to eliminate him physically do not hesitate to act on their threats, which therefore have to be taken extremely seriously;
2. *Urges therefore* the authorities to provide him, as a matter of urgency, with the full security detail he requires, particularly since he is otherwise effectively prevented from exercising the mandate to which he was elected; *would greatly appreciate* confirmation in this respect;
3. *Trusts* that at the same time the authorities, in line with their obligations, are doing everything possible to identify and bring to trial the perpetrators of the threats; *would greatly appreciate* information on this point;
4. *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; *trusts* that the parliamentary authorities are taking appropriate action to help ensure that the required protection for Mr. Borja is put in place without delay and that due justice is done in his case; and *would greatly appreciate* confirmation of this;
5. *Wishes* to ascertain what progress has been made to locate and prosecute the five presumed perpetrators of the attempt on Mr. Borja's life who remain at large;
6. *Requests* the Secretary General to seek the requested information and to contact the competent 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 119th Assembly of the IPU (Geneva, October 2008).

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 182nd session
 (Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the information provided by the President of the Special Commission of Inquiry (CEI) at the hearing held on the occasion of the 118th IPU Assembly (April 2008),

Recalling the following:

- Mr. Hurtado was a vocal opponent of the then ruling authorities in Ecuador and that, according to the source, his investigations into corruption cases led him to unravel a web of drug trafficking featuring high-profile figures from both banking and political circles;
- Immediately after the murder, the Special Commission of Inquiry (CEI) was set up and entrusted with helping elucidate the crime; from the outset, the CEI has sharply criticized the conduct of the investigation authorities, in particular the line of inquiry followed by the

police to explain the motive for the killing, and the judicial proceedings; the CEI, after being wound up by the previous authorities, was reinstated on 19 June 2007;

- On 20 December 2005, Mr. Freddy Contreras Luna was sentenced to 16 years in prison for his involvement in the triple murder, which he started serving on 20 January 2006; an appeal against the ruling is pending before the Supreme Court;
- On 3 February 2007 one of the co-accused, Mr. Ponce, was arrested in the United States of America and subsequently extradited to Ecuador to stand trial;
- Proceedings are suspended against four co-accused who remain at large,

Considering that Mr. Ponce was recently sentenced to 16 years in prison for his participation in the crime, against which he has filed an appeal which is pending,

Considering that the reinstated CEI has been able actively to pursue its work with the full cooperation of the authorities,

1. *Is gratified* that the Commission of Inquiry is fully operational again and enjoying the necessary political and financial support; *is confident* that in these circumstances its sustained and critical action will ultimately lead to the arrest and trial of the four remaining suspects and fully elucidate the murder, including its motive and the identity of the mastermind(s); and *wishes* to be kept regularly informed of further progress made in this respect;
2. *Would appreciate* receiving a copy of the judgment against Mr. Ponce and being kept informed of his appeal proceedings; *trusts* that the proceedings concerning Mr. Contreras have meanwhile significantly advanced towards their completion, and *wishes* to receive confirmation in this respect;
3. *Requests* the Secretary General to inform the competent authorities, the CEI and the source of the resolution and to seek the requested information from them;
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 119th Assembly of the IPU (Geneva, October 2008).

ECUADOR

CASE No. EC/11 - F. AGUIRRE CORDERO
CASE No. EC/12 - A. ALVAREZ MORENO
CASE No. EC/13 - F. ALARCON SAENZ
CASE No. EC/14 - N. MACIAS
CASE No. EC/15 - R. AUQUILLA ORTEGA
CASE No. EC/16 - A. E. AZUERO RODAS
CASE No. EC/17 - E. A. BAUTISTA QUIJE
CASE No. EC/18 - R. V. BORJA JONES
CASE No. EC/19 - S. G. BORJA BONILLA
CASE No. EC/20 - F. G. BRAVO BRAVO
CASE No. EC/21 - M. L. BURNEO ALVAREZ
CASE No. EC/22 - J. C. CARMIGNIANI GARCES
CASE No. EC/23 - J. H. CARRASCAL CHIQUITO
CASE No. EC/24 - L. O. CEDEÑO ROSADO
CASE No. EC/25 - F. A. COBO MONTALVO
CASE No. EC/26 - E. G. CHAVEZ VARGAS
CASE No. EC/27 - L. A. CHICA ARTEAGA
CASE No. EC/28 - P. DEL CIOppo ARANGUNDI
CASE No. EC/29 - M. S. DIAB AGUILAR

CASE No. EC/39 - J. E. ITURRALDE MAYA
CASE No. EC/40 - F. J. JALIL SALMON
CASE No. EC/42 - C. LARREATEGUI NARDI
CASE No. EC/43 - I. G. MARCILLO ZABALA
CASE No. EC/44 - M. MARQUEZ GUTIERREZ
CASE No. EC/45 - C. R. MAYA MONTESDEOCA
CASE No. EC/46 - J. I. MEJIA ORBE
CASE No. EC/47 - E. MONTAÑO CORTEZ
CASE No. EC/48 - L. U. MORALES SOLIS
CASE No. EC/49 - T. A. MOSCOL CONTRERAS
CASE No. EC/50 - B. L. NICOLALDE CORDERO
CASE No. EC/51 - A. L. NOBOA YCAZA
CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO
CASE No. EC/53 - C. G. OBACO DIAZ
CASE No. EC/54 - L. A. PACHALA POMA
CASE No. EC/55 - J. F. PEREZ INTRIAGO
CASE No. EC/56 - M. X. PONCE CARTWRIGHT
CASE No. EC/57 - H. L. ROMERO CORONEL
CASE No. EC/58 - W. F. ROMO CARPIO

CASE No. EC/30 - J. DURAN MACKLIFF	CASE No. EC/59 - G. M. SALTOS ESPINOZA
CASE No. EC/31 - E. B. ESPIN CARDENAS	CASE No. EC/60 - G. R. SALTOS FUENTES
CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS	CASE No. EC/61 - M. L. SANCHEZ CIFUENTES
CASE No. EC/33 - P. FIERRO OVIEDO	CASE No. EC/62 - S. E. SANCHEZ CAMPOS
CASE No. EC/34 - O. P. FLORES MANZANO	CASE No. EC/63 - A. SERRANO VALLADARES
CASE No. EC/35 - A. G. GALLARDO ZAVALA	CASE No. EC/64 - L. F. TAPIA LONBEIDA
CASE No. EC/36 - M. V. GRANIZO CASCO	CASE No. EC/65 - L. F. TORRES TORRES
CASE No. EC/37 - A. X. HARB VITERI	CASE No. EC/66 - W. VALLEJO GARAY
CASE No. EC/38 - O. IBARRA SARMIENTO	CASE No. EC/67 - N. VITERI JIMENEZ

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, members of the Parliament of Ecuador, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the information provided at the hearing held on the occasion of the 118th IPU Assembly with a delegation from Ecuador comprising of the President of the Constitutional Court, the Vice-President of the Supreme Electoral Court, the Deputy Prosecutor General, and two members of the Constituent Assembly; *taking into account also* the information provided by the source at the hearing held during that Assembly,

Recalling the following information on file:

- On 7 March 2007, the Supreme Electoral Court (TSE) effectively dismissed 56 Congress members and debarred them for one year from participating in political life, declaring that they had interfered with the electoral process by voting in favour of the two National Congress resolutions calling for the dismissal and replacement of the TSE President, for lodging with the Constitutional Court an application for annulment of the resolution by the TSE to call for the referendum on the establishment of a Constituent Assembly as being unconstitutional, and for proposing impeachment proceedings against the four TSE members who had approved the resolution for a referendum;
- On 23 April 2007, the Constitutional Court ruled that the revocation of the mandates of the Congress members was unlawful, after which the TSE filed a request for clarification and amplification; on 24 April 2007, the National Congress, which had meanwhile replaced most of the dismissed parliamentarians with their substitutes, decided to dismiss the judges of the Constitutional Court, on the grounds that their mandate had expired in January 2007;
- On 25 July 2007, the newly-designated Constitutional Court rendered ineffective the decision of 23 April 2007 of its predecessor, finding constitutional breaches and procedural flaws, this new decision being unappealable and hence final;
- On various occasions, several of the 56 members of Congress in question have been attacked by demonstrators,

Considering that, according to the authorities at the hearing held at the 118th IPU Assembly, the parliamentarians had been dismissed because they wanted to disrupt an electoral process which had received wide support in Ecuador, that their action took place at the time of a declared “electoral period” during which electoral law took precedence, that there was a sound basis in the Law on Elections to dismiss them, and that they had enjoyed due process throughout the procedure,

Considering that, according to the source at the hearing held at the 118th IPU Assembly, the dismissal of the parliamentarians had been for purely political reasons and lacked any legal basis, and that,

as a result of the one-year suspension of their political rights, they were deprived of their voting card, which in turn led to a significant number of other restrictions in the public and private spheres,

Recalling that a request for the pre-trial detention of both 24 of the dismissed deputies for compromising State security and for overriding their functions in having set up an unlawful parallel congress, and of the other culprits, accomplices and accessories after the fact, though not acted upon at that time, could be reactivated by the authorities at any time; *considering* that, on 10 January 2008, the Pichincha District Attorney General did indeed request the competent Judge in the case to authorize the institution of criminal proceedings,

Recalling the repeated recommendation of the United Nations Special Rapporteur on the independence of judges and lawyers of the United Nations Commission for Human Rights (now known as the Human Rights Council) to the authorities of Ecuador to depoliticize the judicial system and ensure an administration of justice based on the principles of independence and competence,

Considering that on 12 October 2007, the dismissed parliamentarians presented a formal petition regarding their situation to the Inter-American Commission on Human Rights,

Considering that on 29 November 2007 the Constituent Assembly of Ecuador, which had been elected on 30 September 2007, decided to suspend the National Congress until such time as the results were announced of a referendum on a revised constitution that the Assembly was entrusted to present to the Ecuadorian people in due course; the 56 dismissed parliamentarians could not participate in the elections for the Constituent Assembly as the suspension of their political rights was still in force at the time; several members of the Constituent Assembly have reportedly advocated their exclusion from any further elections,

1. *Thanks* the authorities of Ecuador for the extensive information they provided and for their spirit of cooperation;
2. *Nevertheless considers* that the information has not dispelled its fundamental concerns in this case regarding a breach of parliamentary immunity and the unlawful revocation of the parliamentary mandate of more than half of the members of the Ecuadorian Congress;
3. *Reaffirms* in this respect that parliamentary immunity in relation to opinions expressed and votes cast in parliament is a cornerstone of representative democracy and is jealously guarded in parliaments the world over, thereby shielding members of parliaments from any judicial or other proceedings for any vote cast or opinion expressed in the exercise of their parliamentary mandate;
4. *Stresses* that the revocation of a parliamentary mandate is a serious measure which irrevocably deprives the affected member of parliament of the possibility of carrying out the mandate entrusted to them, and that it must therefore be taken in strict accordance with the law;
5. *Insists* in this respect that:
 - (i) The 56 Ecuadorian parliamentarians were dismissed in breach of their parliamentary immunity, as enshrined in the Constitution of Ecuador, on account of decisions they took in the exercise of their mandate and set out in the Constitutional Court's ruling of 23 April 2007;
 - (ii) The fact that the parliamentarians took these decisions when Ecuador was in an election period does not dispense the electoral authority from respecting this guarantee;
 - (iii) The legal norms, in particular the Constitution, clearly stipulate the situations, reasons and processes, which may lead to loss of the parliamentary mandate in Ecuador and do not empower the electoral authority to dismiss national deputies for electoral offences;

6. *Is deeply concerned* that the Constitutional Court, as currently composed, annulled the decision of its predecessor, which had reinstated the 56 deputies, precisely on these grounds; *fails to understand* how the Constitutional Court could adopt a completely new and different ruling in response to a request that it further clarify and amplify its original decision; *deeply regrets* that the Constitutional Court subsequently considered the matter closed, thus not only denying the 56 deputies their right to obtain a valid judgment on the merits of their case, but also avoiding clarification of a question of great public interest;
7. *Fears* that the dismissal of the Constitutional Court that ruled to reinstate the deputies and the designation of a new Court that subsequently set aside that ruling may have been largely prompted not by legal but by political considerations; and *points* in this respect to the following:
 - (i) the members of the Constitutional Court which reinstated the parliamentarians were dismissed, not in January 2007 when their mandate was said to have expired, but on the day after they ruled to reinstate the 56 deputies;
 - (ii) the decision to dismiss the members of the Constitutional Court was taken by deputies who included those who had previously been substitutes, and that in taking the decision they were both judge and jury by virtue of their interest in avoiding the return of their predecessors;
8. *Considers* that the events in this case are discordant with the recommendations made by the United Nations Special Rapporteur on the independence of judges and lawyers; *calls on* the authorities to step up their efforts to strengthen the independence of the judiciary and thus prevent any recurrence of similar situations; *would greatly appreciate* being kept informed of such work as the Constituent Assembly may be conducting in this respect;
9. *Is deeply concerned* that the prosecuting authorities have reactivated the charges directly linked to the parliamentary activities of 24 of the dismissed deputies, which if pursued may well impede their voting and standing in any forthcoming elections; *calls on* the authorities to drop the charges forthwith and to ensure that the persons concerned, as they have been entitled since 8 March 2008, are able fully to exercise their political rights;
10. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. EGY/02 - AYMAN NOUR - EGYPT

***Resolution adopted by consensus by the IPU Governing Council at its 182nd session *
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ayman Nour, a member of the People's Assembly of Egypt at the time of the submission of the communication regarding him, 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

* The delegation of Egypt expressed its reservation regarding the resolution, in particular with respect to its preambular paragraphs and stated that the Egyptian judiciary had ruled on the case, including Mr. Nour's petition for early release, and that those matters were therefore not open to questioning.

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/182/12(b)-R.1-Add.),

Considering that Mr. Ayman Nour, founder of the opposition Al-Ghad party who stood in the presidential elections of September 2005, had his parliamentary immunity lifted on 29 January 2005 and was immediately afterwards arrested on charges of forgery and counterfeiting for the purpose of registering his party; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at last instance and which he is currently serving; Mr. Nour's health is said to be poor; a petition for release on medical grounds which Mr. Nour filed in August 2006 was rejected on the basis of an official medical report of January 2007 to the effect that Mr. Nour's continuing imprisonment did not endanger his life; appeals against that decision were rejected at final instance, on 17 March 2008, by the High Administrative Court; Mr. Nour's lawyer has now lodged a pardon petition with the Head of State; in mid-May 2007, Mr. Nour was assaulted by security officers in court where he had to attend a hearing in connection with another case; on 6 September 2007 one of Mr. Nour's co-accused, Mr. Ayman Hassan Ismail El-Refa'y, who had retracted his statement against Mr. Nour and expressed the wish to give new evidence in the case, was found hanged in his cell, which he shared with three other prisoners; the authorities claim he committed suicide,

Noting that, owing to the largely conflicting information provided by the authorities and the sources on almost all aspects of this case, in particular regarding Mr. Nour's arrest, the registration of his political party, the circumstances of his co-accused, the judicial proceedings, the physical assault on Mr. Nour of May 2007, his conditions of detention, his state of health and the medical treatment he is afforded, the Committee suggested that an on-site mission to Egypt could help it clarify the facts surrounding these issues,

Stressing in this regard that missions are worthwhile only if the Committee's delegation can also visit the individual member of parliament concerned and that the Committee and indeed the IPU has consistently upheld this requirement throughout the Committee's thirty-year history,

Considering that the Attorney General, however, refused to allow the Committee's delegation to meet with Mr. Nour on the ground that such a visit would be contrary to Egyptian law and an interference with the Egyptian judiciary; *noting*, that according to the sources, a representative of the African Union visited an Egyptian prison on 18 August 2007, that a journalist visited Mr. Nour in prison in January 2007, and that the international non-governmental organization Human Rights Watch was authorized to visit Egyptian prisons in the 1990s and issued a report thereon,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation with the Committee in this case and for his efforts to organize the proposed mission;
2. *Is convinced* that such a mission would go a long way in contributing to a satisfactory settlement of this case; *consequently expresses the hope* that the Attorney General will reconsider his decision;
3. *Stresses* that meeting Mr. Nour can in no way be considered an affront or interference with the Egyptian judicial system and that its sole purpose is to gather first-hand information from the person concerned himself;
4. Believes also that authorizing the visit to Mr. Nour would constitute a further demonstration of Egypt's attachment to human rights and transparency and follow the practice of many other countries which allow and even encourage such visits;

5. *Earnestly hopes*, in the light of the Committee's increasing concerns in this case, especially as regards Mr. Nour's health, that the mission can go ahead as quickly as possible in order that, at its next session on the occasion of the 119th IPU Assembly (October 2008), it may have the benefit of the information gathered by the Committee;
6. *Requests* the Committee to inform the authorities and the sources accordingly.

ERITREA

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following:

- The parliamentarians concerned were arrested on 18 September 2001 after publishing an open letter criticizing President Issayas Afwerki's policies and have been in incommunicado detention since then under accusations of conspiracy and attempting to overthrow the legal government; however, they have not been formally charged and brought to trial; in February 2002 the National Assembly revoked their mandate;
- In November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which address the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and it urged the State of Eritrea to order the immediate release of the former parliamentarians concerned and to provide them with compensation,

Noting that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxemburg, Portugal and Spain reported that he did not know whether "anyone from outside or a member of their family has recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians concerned,

1. *Condemns* the prolonged and inhumane incommunicado detention of the former parliamentarians concerned in flagrant breach of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights;
2. *Affirms* that this situation is unacceptable and cannot be justified by any argument whatsoever;
3. *Urges* once again the Eritrean authorities to put an end to this shocking situation by releasing the former parliamentarians concerned forthwith;

4. *Considers* that, in the year in which it celebrates the 60th anniversary of the Universal Declaration of Human Rights, the international community and, in particular, the global parliamentary community cannot remain idle in the face of such violation, and *requests* the Secretary General to make every effort to draw international attention to this case; *invites* in particular those parliaments of the region which have strong ties with Eritrea to intervene with a view to securing the release of the persons concerned;
5. *Appeals* once again to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power to reach this objective and thus to ensure Eritrea's compliance with the decision of the African Commission on Human and Peoples' Rights in this case, and so prevent its authority from being undermined by the attitude of a Member State to the African Charter on Human and Peoples' Rights;
6. *Maintains its wish* to conduct an on-site visit since it remains convinced that such a visit would contribute to a settlement of this case;
7. *Requests* the Secretary General to take any such other action as may be conducive to the release of the persons concerned;
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 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter of 27 March 2008 from the Secretary General of the Ministry for Foreign Affairs,

Recalling the following information on file: the judicial investigations, which established a link between the murder of Mr. Pavón and evidence he gave in October 1987 before the Inter-American Court of Human Rights in cases against the Government of Honduras concerning disappearances, after having come to a virtual standstill, were finally reopened in July 1996 by the Criminal Investigation Branch (DIC) of the Public Prosecutor's Office; they brought new evidence to light which resulted in the identification of two suspects, one of whom, Lieutenant Colonel Mario Asdrubal Quiñones Aguilar, was declared dead after Hurricane Mitch and the other, Sergeant Major Jaime Rosales, was extradited from the United States in August 2003 and stood trial; he was acquitted of the murder by a lower court, but the judgment was quashed on appeal and, on 16 June 2006, he was sentenced to 20 years' imprisonment; an application for judicial review of that judgment was brought before the Supreme Court,

Considering that, on 18 April 2007, the Supreme Court dismissed the application and ordered the competent judge to execute the sentence, and *noting* that Mr. Jaime Rosales is now serving his sentence at the San Pedro Sula national prison,

1. *Is deeply gratified* that the persistent efforts to ensure justice in this case have finally been brought to fruition;

2. *Decides* to close its examination of the case in the light of its satisfactory solution; and *requests* the Secretary General to inform the competent authorities and the source accordingly.

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
 (Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Gibran Tueni and Mr. Walid Eido, members of the National Assembly of Lebanon as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolutions adopted at its 181st session (October 2007),

Having before it the cases of Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, 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 note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering the following:

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

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

Noting that, in its ninth report of 28 November 2007, the Commission stated that investigations had confirmed its hypothesis of operational links between some of the possible perpetrators of these various crimes, that it had identified additional persons of interest to the investigation, and that it had held regular meetings with each of the investigating judges in Lebanon in charge of the cases and the Prosecutor General to discuss investigative leads, evaluate the status of each investigation and identify areas where it could provide additional technical assistance; the Commission's tenth report was issued on 27 March 2008 and presents a continuation of the line of inquiry followed in the previous reports; it is scheduled to be discussed by the United Nations Security Council in April 2008,

Considering that the International Independent Investigation Commission, whose mandate will end in June 2008, has started preparing for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon which 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”; on 13 November 2007, the United Nations Secretary-General appointed a new Commissioner to head the Commission and subsequently act as the Prosecutor of the Tribunal,

Recalling that a political deadlock in Lebanon has, however, since prevented the National Assembly from sitting and from taking any decision to ratify the agreement signed between the United Nations and, on behalf of the Lebanese authorities, the Director-General of the Ministry of Justice, with regard to the establishment of the Special Tribunal for Lebanon; *considering* that the convening of the National Assembly was postponed, for the seventeenth time, to 22 April 2008,

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

1. *Expresses deep concern* that four highly vocal parliamentarians have been murdered in the last two years, which, considered together with the string of assassinations of other high-profile personalities, confirms that at this important juncture in Lebanon the exercise of freedom of expression is at great risk and that this constitutes a serious deterrent for others who might wish to speak out on critical issues;
2. *Is convinced* that, thanks to its expertise and resources available and the full assistance of the Lebanese investigating authorities, the International Independent Investigation Commission has paved the way for subsequent effective action by the Special Tribunal for Lebanon to identify and hold to account the alleged culprits;
3. *Considers* that, as the Commission’s work is coming to an end, the establishment of the Special Tribunal has become particularly urgent in order to keep up the momentum in the investigations and to ensure that important material gathered by the Commission can be acted on immediately;
4. *Believes* that the National Assembly holds the key to the rapid establishment of the Special Tribunal; *calls on* the Assembly and the parliamentary authorities to make every effort to help resolve the present political crisis in order to allow the Special Tribunal to make its vital contribution to dispensing justice in this case; *wishes to ascertain* what steps are being taken in this regard;
5. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly of Lebanon;
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 119th Assembly of the IPU (Geneva, October 2008).

CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following: having been dismissed from his post as Deputy Prime Minister and Finance Minister, Mr. Anwar Ibrahim was arrested in September 1998 and prosecuted on charges of corruption and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000 respectively, to a total of 15 years' imprisonment; on 10 July 2002 his appeal against the corruption charges was rejected at last instance by the Federal Court; he lodged an application for a review of that decision, which the Federal Court rejected on 15 September 2004; on 2 September 2004 the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's release, as he had already served his sentence in the corruption case; under Malaysian law, as a result of the conviction in the corruption case, Mr. Ibrahim was prevented from holding office in political parties or standing for election until 14 April 2008; a pardon petition submitted in May 2005 by a group of Malaysian citizens has not been considered,

Considering that Mr. Anwar Ibrahim was able to campaign for the Kaedilan Rakyat Party (People's Justice Party), which is led by his wife Dr. Wan Azizah, in the 8 March 2008 elections, in which opposition parties took 47.8% of the ballot nationwide, and that he has now recovered his political rights,

1. *Notes with satisfaction* that Mr. Anwar Ibrahim was able to participate although not to stand in the recent election campaign and that he has now recovered his political rights, which will allow him to stand in any by-election that may be held; *consequently decides* to close his case;
2. *Reaffirms* nevertheless its belief that Mr. Ibrahim's trials and conviction were based on a presumption of guilt, and *regrets* therefore that he was not granted a royal pardon, which would have enabled him to stand in the March 2008 elections.

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the Parliament of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter of 8 January 2008 from the Chairman of the Working Group regarding the investigation into the murder of Mr. Zorig,

Recalling the following: the investigation into the murder of Mr. Zorig Sanjasuuren in October 1998 has been unavailing so far; during the mission of the Committee on the Human Rights of Parliamentarians to Mongolia in August 2001, the investigative authorities stated that foreign expertise in criminology would help them make progress; following contacts with the parliaments of Germany, Japan and the United Kingdom - the countries which the Mongolian authorities had identified as those from which they would welcome such assistance - by letter dated 1 August 2007, the Prime Minister of Mongolia sent an official request for technical assistance with the investigation to his counterparts in Germany, Japan and the United Kingdom; and *considering* in this respect that by letters dated 5 and 19 October 2007, respectively, the Prime Minister of the United Kingdom and the Chancellor of Germany responded favourably,

Recalling also that, on 7 August 2006, the Speaker of the State Great Hural set up a working group to "acquaint itself with the investigation into Mr. Zorig's murder and to provide it with the

necessary assistance and support”, and *considering* that the working group has met several times with the police and intelligence teams, which briefed it on progress in the investigation,

1. *Thanks* the Chairman of the working group on the investigation into the murder of Mr. Zorig Sanjasuuren for his cooperation;
2. *Welcomes* at the positive reply from the German and United Kingdom authorities to the Mongolian authorities’ request for technical assistance, and *is confident* that the necessary arrangements will be made in order for that assistance to materialize as rapidly as possible;
3. *Requests* the Secretary General to follow up with the Speaker of the Japanese House of Representatives the Japanese Government’s reply to the official request for technical assistance made by the Mongolian Prime Minister;
4. *Requests* the Committee to keep itself informed of progress made in the investigation and to report back to it in due course.

MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE NO. MYN/04 - KHIN MAUNG SWE	CASE NO. MYN/215 - AUNG SOE MYINT
CASE NO. MYN/13 - SAW NAING NAING	CASE NO. MYN/236 - KHUN HTUN OO
CASE NO. MYN/35 - SAW HLAING	CASE NO. MYN/237 - KYAW SAN
CASE NO. MYN/60 - ZAW MYINT MAUNG	CASE NO. MYN/238 - KYAW MIN
CASE NO. MYN/104 - KYAW KHIN	CASE NO. MYN/241 - KHIN MAUNG WIN
CASE NO. MYN/118 - THAN NYEIN	CASE NO. MYN/242 - KYAW KYAW
CASE NO. MYN/119 - MAY WIN MYINT	

Parliamentarians arrested during the government crackdown on mass protests in the autumn of 2007:

CASE NO. MYN/243 - FU CIN SHING THANG	CASE NO. MYN/252 - MYAT HLA
CASE NO. MYN/244 - HTAUNG KHO HTAN	CASE NO. MYN/253 - HAN ZAW
CASE NO. MYN/245 - MYINT THEIN ¹	CASE NO. MYN/254 - THAN LWIN ⁴
CASE NO. MYN/246 - HLA PE	CASE NO. MYN/255 - HLA AUNG
CASE NO. MYN/247 - KYAW KHAING	CASE NO. MYN/256 - HLAING AYE*
CASE NO. MYN/248 - TIN AUNG AUNG	CASE NO. MYN/257 - KYAW MAUNG*
CASE NO. MYN/249 - BALA	CASE NO. MYN/258 - MYINT KYI*
CASE NO. MYN/250 - HLA THEIN	CASE NO. MYN/259 - SAW LWIN*
CASE NO. MYN/251 - MAUNG MAUNG THAN	

Parliamentarians who died in custody:

CASE NO. MYN/53 - HLA THAN	CASE NO. MYN/83 - KYAW MIN
CASE NO. MYN/55 - TIN MAUNG WIN	CASE NO. MYN/131 - HLA KHIN
CASE NO. MYN/72 - SAW WIN	CASE NO. MYN/132 - AUN MIN

Parliamentarians assassinated:

CASE NO. MYN/66 - WIN KO

¹ On 2 April 2008, MPU-Burma stated that Mr. Myint Thein had died following his release, as his health had seriously worsened during his detention.

⁴ He remains in detention and is being tried.

* Meanwhile sentenced to prison terms.

CASE NO. MYN/67 - HLA PE

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling its long-standing concerns about:

- 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;
- The continuous removal from the political process of many 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 thereby relinquish their status as elected members of parliament; as a result, 13 parliamentarians-elect remain imprisoned, in some instances their detention having been continuously extended without their ever having appeared in court, such as the case of Dr. May Win Myint and Dr. Than Nyein, whose health, together with that of U Kyaw San, remains highly precarious,

Recalling that in August and September 2007 widespread protests were held in Myanmar against the military regime; that between 3,000 and 4,000 protestors, including 17 parliamentarians-elect, were arrested; by the beginning of October 2007, the regime's increased use of force, multiple arrests, heavy military presence and an information blackout put an effective end to the protests; most protestors have since been released, though it is estimated that between 500 and 1,000 persons may still be detained; at the same time, it is reported that the authorities continue to search for some of the demonstrators who have gone into hiding,

Considering that, while 12 of the 17 parliamentarians-elect who were detained during the crackdown have since been released, the remaining five, except for Mr. Saw Lin whose trial is pending, have been sentenced for their participation in the peaceful demonstrations; that one of those parliamentarians, Mr. Than Lwin, was heavily struck by a member of the regime's paramilitary group during the demonstrations and had to be hospitalized urgently for the serious injury to his face and eyes, as a result of which he lost his sight in one eye; that the police have not acted on his complaint,

Considering that, in response to the violent crackdown on peaceful demonstrators, for the first time - on 11 October 2007 - the United Nations Security Council adopted a Presidential Statement on the situation in Myanmar deploring the violence against peaceful demonstrators, demanding the release of all political prisoners and stressing the need for the authorities to create the necessary conditions for a genuine dialogue with Aung San Suu Kyi, the leader of the National League for Democracy, and all concerned parties and ethnic nationality groups, with the direct support of the United Nations; deep concern was also expressed by the United Nations Human Rights Council; *recalling* that the 117th IPU Assembly (October 2007) adopted a resolution entitled "The urgent need to immediately stop the widespread human rights violations and to restore the democratic rights of the people of Myanmar" in which it urged the Government of Myanmar to refrain from further acts of violence against current and future demonstrations and to release immediately and unconditionally all political prisoners, and urged parliamentarians worldwide to maintain their strong commitment to the promotion and protection of the fundamental human rights of the people of Myanmar as an expression of solidarity with their sacrifice and struggle against tyranny,

Recalling that the United Nations Special Rapporteur on the human rights situation in Myanmar visited Myanmar from 11 to 15 November 2007 and submitted a report to the United Nations Human Rights Council in which he found inter alia that the "security forces, including the army and riot police, had used excessive force against civilians from 26 to 29 September 2007, in spite of several international appeals calling upon the Government of Myanmar to show restraint" and expressed particular concern "about the numerous accounts of the use of large-capacity informal detention centres, unacknowledged by State authorities, which are regarded as 'secret' facilities"; on 11 December 2007, the Human Rights Council adopted a resolution expressing "deep concern regarding the findings of the report of the Special Rapporteur" and reiterated its call on the Government of Myanmar to release without delay those arrested and detained as a result of the repression of recent peaceful protests, to release all political detainees and to lift all restraints on the peaceful political activity of all persons,

Recalling the convening of a National Convention, an assembly comprised mainly of members hand-picked by the authorities, which completed its work in early September 2007 without allowing a free exchange of opinions and ideas and criminalizing any criticism of its work; *considering* that the authorities announced in February 2008 that the draft constitution drawn up by the National Convention would be put to a public referendum on 10 May 2008 and that they had turned down the offer of the United Nations for the international monitoring of the referendum; that, although the text has yet to be released for public scrutiny or study, leaked copies of the final draft show that it confers sweeping and overriding powers on the military,

Considering that more than a dozen activists were recently arrested after members of the NLD's youth wing staged a small protest against the draft Constitution,

Considering that the authorities have announced that general elections will be held in 2010 and that Daw Aung Suu Kyi will not be allowed to participate in the process; that Daw Aung San Suu Kyi issued a statement expressing her commitment to a substantive, time-bound dialogue and welcomed the facilitation of the United Nations; that a series of meetings have taken place between the Liaison Minister of the military regime, Mr. Aung Kyi, and Aung San Suu Kyi but have produced no result,

1. *Is deeply concerned* that four parliamentarians have been sentenced, and that a fifth may soon be, for their participation in the peaceful protests against the regime in autumn 2007; *is appalled* at the irreparable ill-treatment of Mr. Than Lwin and the apparent total impunity for those responsible for such criminal acts;
2. *Strongly urges* the authorities to release these five persons forthwith along with the 13 parliamentarians who continue to languish in prison on the basis of legal provisions that blatantly disregard their most basic rights;
3. *Denounces* the final draft of the Constitution for providing a legal basis to prolong the military authorities' hold on power; *reaffirms* in this respect its long-standing conviction that the National Convention, owing to how it was set up and functioned, was illegitimate from the start and bound to produce a text that would fail to reflect the democratic values to which the people of Myanmar aspire;
4. *Is deeply concerned* that the people of Myanmar not only lacked an opportunity to review, discuss and change the text, but are now called on to give it legitimacy through a referendum which, under the current circumstances, is bound to take place in a climate of fear, distrust and lack of total transparency, and therefore can have no credibility;
5. *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;

6. *Urges* the authorities once more to address its fundamental long-standing concerns in this respect and to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic nationality groups for the purpose of initiating a genuine democratic transition in Myanmar; *calls on* the authorities to take the necessary steps without further delay and to cooperate fully in this respect with the United Nations;
7. *Appeals* to the international community to persevere in its united stand to promote change in Myanmar and publicly to express, under the current prevailing circumstances, its rejection of the referendum process and outcome, and *appeals especially* to the Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support in this respect;
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 119th Assembly of the IPU (Geneva, October 2008).

CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Noting that the Committee heard Mr. Hashmi personally at the session it held during the 118th IPU Assembly,

Recalling the following:

- Mr. Hashmi, leader of the Alliance for the Restoration of Democracy, was on 12 April 2004, at the close of a trial which had been held inside jail on three charges, sentenced to a 23-year prison term on the ground that he had circulated an allegedly forged letter written in the name of Pakistani army officers, criticizing the army and its leadership; as the sentences ran concurrently, the sentence amounted to seven years' imprisonment; he filed a criminal review petition for suspension of his sentence pending appeal; the application was dismissed at first instance and on 9 October 2006 also by a Supreme Court Bench, which concluded that the defence had been unable to show, as was required for any such petition to succeed, that the judgment was based on no evidence and that there was no ultimate possibility of Mr. Hashmi's conviction;
- However, upon a petition for review of that decision, the Supreme Court, on 3 August 2007, "reviewed and recalled" its earlier decision and suspended the conviction and sentences of Mr. Hashmi pending his appeal and ordered his release on bail, thus actually exonerating him;
- Mr. Hashmi resumed his parliamentary activity on 6 August 2007, but resigned subsequently from the National Assembly together with other opposition members of parliament in protest against the candidature of outgoing President Musharraf in the presidential elections,

Considering that Mr. Hashmi stood in the February 2008 elections and was returned to parliament for a sixth term with an overwhelming majority and that he is exercising his parliamentary mandate without any hindrance,

1. *Is gratified* that Mr. Hashmi is now again exercising his parliamentary mandate and facing no further harassment;
2. *Decides* consequently to close this case owing to its satisfactory settlement and *requests* the Secretary General to inform the authorities and the sources accordingly.

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman (CL/177/11(a)-R.2),

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,

Recalling its consistent wish for Mr. Barghouti to be paid a private visit, which has been denied by the Israeli authorities on the grounds that such a visit would be seen as an inspection of Israeli practices in jails and that it could therefore not be authorized; *noting* in this respect that the Prison Authority has recently denied a request by members of Gush Shalom to visit Mr. Barghouti, claiming that "security" prisoners can only meet with immediate family members, lawyers, Knesset members and the Red Cross; that Gush Shalom has lodged an appeal against that decision with the Supreme Court and asked the court to invalidate Article 15A (e) of the Prison Service Regulations, which imposes severe restrictions on the right of security prisoners to receive visits, arguing that under Israeli law all prisoners are allowed visits from friends as well as family members; *noting* that it appears from the press release issued by Gush Shalom in this respect that, on numerous occasions, the authorities have in the past allowed Palestinian friends and political associates of Mr. Barghouti to visit him and even allowed Al Jazeera and Al Arabyia TV crews to interview him in prison,

Considering that at the meeting of IPU President Casini and the Secretary General with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, the Minister stated that such a visit could be arranged,

Noting lastly that there have been calls from within Israel for the release of Mr. Barghouti, most recently by MK Amir Peretz in March 2008 when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the Palestinian National Authority (PNA),

1. *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 State Party to the International Covenant on Civil and Political Rights, is bound to respect;

2. *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;
 3. *Regrets* that nothing has so far come of the favourable attitude of the Israeli Foreign Minister towards the visit of a Committee member to Mr. Barghouti and *looks forward* to her early reply in this respect;
 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 119th Assembly of the IPU (Geneva, October 2008).
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CASE No. PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the report of the proceedings on Mr. Khader's application for early release by Mr. Sadakat Kadri, barrister-at-law,

Recalling the following: Mr. Hussam Khader was convicted and sentenced in September/November 2005 on the basis of a plea bargain regarding both the conviction and the sentencing and is currently serving his seven-year prison sentence; the IPU trial observer, Mr. Simon Foreman, concluded in his report that Mr. Khader "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial"; Mr. Khader was subjected to cruel, inhuman and degrading treatment while in detention and no convincing evidence to the contrary has been submitted by the Israeli authorities; complaints have been continuously received about his conditions of detention, more particularly his extremely limited visiting rights; *noting* in this connection that, on 3 December 2007, Mr. Khader's mother and brother finally obtained permission to visit him,

Considering that Mr. Khader is now eligible for early release and *noting* in this respect the following: Mr. Khader has submitted a petition for early release which was heard on 3 December 2007 in the presence of an IPU observer, Mr. Sadakat Kadri; a secret report was produced on that occasion by the General Security Services (GSS), to which Mr. Khader's lawyers, who saw it for the first time, objected as it contained incorrect information and, in particular, materially misrepresented the offence for which he was in prison; the release committee adjourned the hearing to 13 December, when the observer was again present; this time, the GSS report did not contain the - apparently - compulsory section on the security risk which Mr. Khader's release would constitute; at the last hearing on 17 February 2008, which was again observed by Barrister Kadri, the release committee dismissed Mr. Khader's application finding that he (a) had had relations with Hezbollah before his arrest, and regarded as irrelevant the fact that such relationship had not formed part of the case against him; (b) that he continued to hold contacts with hostile elements in prison, without, however, any amplification of this, the relevant material being classified; and (c) that Mr. Khader showed a lack of remorse and failure "to shake off his ideologies and abandon the path of the past" ,

Recalling that in July 2007 the Government of Israel released 255 Palestinian prisoners belonging to Fatah "who have no blood on their hands"; that, however, Mr. Hussam Khader was not

among them although he met the criteria set for release; the Speaker of the Knesset, in a letter dated 24 July 2007 and conveyed to the IPU Secretariat in September 2007, stated that Mr. Hussam Khader could unfortunately not be included in the release of the Fatah members, and undertook to ask the competent authorities to look into the matter again,

1. *Thanks* Mr. Sadakat Kadri for the work he carried out and for his report; also *thanks* the Israeli authorities for the assistance they afforded him during his three visits;
2. *Fully endorses* his conclusions, which bear out the serious concerns it has consistently expressed in this case;
3. *Deplores* the dismissal of Mr. Khader's application for early release on the basis of a decision which it considers to be wholly arbitrary and to reflect poorly on the administration of justice in this case;
4. *Considers* that proceedings which enable a judicial body to base a decision with respect to early release on elements not forming part of the original case against the prisoner concerned, which refer to secret material against which no defence can be possible, and which demand mental capitulation are unworthy of a State based on the rule of law;
5. *Believes* that the Knesset, as a guardian of human rights, should closely examine these proceedings and do its utmost to prevent and remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;
6. *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 and that, given the circumstances of the dismissal of his petition for early release, his continuing imprisonment is unjust;
7. *Calls therefore once again* on the Israeli authorities, and in particular on the Speaker of the Knesset, who had undertaken to make representations to the competent authorities, to secure Mr. Khader's prompt release;
8. *Reaffirms* that Israel has a duty under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which it is a State Party, to investigate the evidence given in court by Mr. Khader and the main prosecution witness that they were ill-treated and tortured; and *once again urges* the Knesset to exercise its oversight powers to ensure compliance with Israel's obligations under CAT;
9. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring to the expert report of Mr. Simon Foreman (CL/177/11(a)-R.2) on the trial of Mr. Marwan Barghouti, which contains a detailed chapter on the legality of the transfer of Palestinian citizens to Israeli territory,

Recalling that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to an Israeli jail; that in late April 2006, in the absence of sufficient evidence, the Israeli authorities dropped the charge of involvement in Mr. Zeevi's murder,

Considering that, according to recent information from Israeli non-governmental sources, 19 other charges were brought against Mr. Sa'adat which, according to those sources, all arise out of his leadership of the Popular Front for the Liberation of Palestine (PFLP) and none allege direct involvement in crimes of violence, although seven (dating from 1998 or earlier) alleged preparatory or secondary involvement in such acts; that since the start of his trial Mr. Sa'adat has refused to accept the court's jurisdiction,

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, in particular as regards decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that, at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on the proceedings has so far not been provided;
2. *Reiterates therefore its wish* to ascertain (i) the exact charges brought against Mr. Sa'adat and the facts adduced to substantiate them, (ii) the stage reached in the judicial proceedings which have now been under way for two years, and (iii) his conditions of detention, in particular his access to his lawyer, family and friends, and to medical treatment;
3. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to those reports as it believes that parliament, as a guardian of human rights, should do its utmost to remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;
4. *Reaffirms its strong belief* 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 murder charge that was dropped, soon after his transfer, for lack of evidence; *emphasizes* in this respect that Mr. Sa'adat has been sought by the Israeli authorities ever since Mr. Zeevi's murder in

October 2001, and that consequently they had more than four years to prepare the case and gather all the necessary evidence;

5. *Affirms* that Mr. Sa'adat's abduction from a Palestinian prison and his transfer to Israeli territory was moreover in breach of the Fourth Geneva Convention and the Oslo Accords and that he should therefore be transferred to Palestinian territory forthwith;
6. *Reiterates its wish* for the Committee to be authorized to pay Mr. Sa'adat a private visit;
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 119th Assembly of the IPU (Geneva, October 2008).

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR

(aka OMAR ABDEL RAZEQ)

CASE No. PAL/17 - NAYEF AL-ROJOUR

CASE No. PAL/18 - YASER MANSOOR

CASE No. PAL/19 - HUSNY AL-BURIENY

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

CASE No. PAL/21 - IMAD NAWFAL

CASE No. PAL/22 - ANWAR ZBOUN

CASE No. PAL/23 - MAHMOUD AL-KHATEEB

CASE No. PAL/24 - ABDULJABER AL-FUQAHA

CASE No. PAL/25 - KHALED YAHYA

CASE No. PAL/26 - KHALED SULAIMAN

CASE No. PAL/27 - NASER ABDULJAWAD

CASE No. PAL/28 - MUHAMMAD ABU-TEIR

CASE No. PAL/29 - AHMAD 'ATTOUN

CASE No. PAL/30 - MUHAMMAD TOTAH

CASE No. PAL/31 - IBRAHIM SAED ABU SALEM

CASE No. PAL/32 - BASEM AHMED ZAARER

CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR

CASE No. PAL/34 - MOHAMED MAHER BADER

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

CASE No. PAL/36 - FADEL SALEH HAMDAN

CASE No. PAL/37 - ALI SALEEM ROMANIEN

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

CASE No. PAL/39 - REYAD ALI EMLEB

CASE No. PAL/41 - REYAD MAHMOUD RADAD

CASE No. PAL/42 - KALI MUSA RBAE

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

CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN

CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH

CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK

CASE No. PAL/47 - HATEM QFEISHEH

CASE No. PAL/48 - MAHMOUD AL-AMAHI

CASE No. PAL/49 - ABDERRAHMAN ZAIDAN

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following information on file:

- The parliamentarians concerned were elected on the Change and Reform list 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 in several prisons inside Israel, most of which are located far from their homes, and have been charged with membership of, leadership in and action on behalf of a terrorist organization, namely Hamas; the parliamentarians concerned argue that the Change and Reform list differed significantly from Hamas and that their participation in the Palestinian elections was not an offence even under Israeli law at the time;

- 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 it, their actions, namely membership of the PLC, proved that their allegiance was to the Palestinian Authority; an appeal against that decision is pending before the Supreme Court;
- 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, who had been released, was rearrested approximately one month after he had testified to the Committee at the session it held during the 116th IPU Assembly (May 2007),

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, particularly with respect to decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that, at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on the proceedings has so far not been provided;
2. *Is therefore led to reaffirm* its position that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part and rather is linked to their political views, and that their arrest and their continuing detention are consequently arbitrary and violate their fundamental right to freedom;
3. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to those reports as it believes that parliament, as a guardian of human rights, should do its utmost to prevent and to remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;
4. *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;
5. *Urges therefore* the Israeli authorities to release them forthwith, or to bring founded and recognizable charges of criminal activity against them without delay and try them in open court fully respecting international fair trial standards; *requests* the Secretary General to look into the possibility of sending an observer to any judicial proceedings that may be under way;

6. *Remains deeply concerned* - in the absence of any official information on this point - at their conditions of detention and the lack of appropriate medical care; and *urges* the Israeli authorities to respect the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners;
7. *Notes with deep concern* the rearrest of Mr. Abderrahman Zaidan shortly after the hearing the Committee had with him, and *wishes to ascertain* the legal grounds for his arrest and continuing detention;
8. *Reiterates its wish* for one of its members to be permitted to pay the detained parliamentarians a private visit;
9. *Fears* that the withdrawal of the residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, rather than being grounded in law, is a politically motivated decision; *notes* that an appeal against that decision is pending before the Supreme Court and *would be grateful* for information on the status of the proceedings;
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 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Dr. Dweik has remained in detention since his arrest during the night of 5 to 6 August 2006 by the Israeli Defence Forces, which came in the context of the kidnapping of an Israeli soldier, that he is accused of being a member of a terrorist organization and assuming a leadership role in it; but that no trial is reportedly taking place as hearings are constantly being postponed; that he is reportedly held in deplorable conditions and denied access to the medical care he needs as a diabetic with a gall bladder condition,

Considering in this respect that in November 2007 he was reportedly hospitalized for one week owing to his deteriorating health and severe weight loss,

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, in particular as regards decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on Dr. Dweik's situation has so far not been forthcoming;

2. *Notes* that there is consequently nothing which would enable it to change its position that Dr. Dweik's arrest and current detention are quite unrelated to any criminal activity on his part - unless being elected in a free and fair election is considered a crime - and that his arrest and continuing detention are consequently arbitrary and violate his fundamental right to freedom;
3. *Reaffirms 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 the person of their choice, but also constitute an affront to the Palestinian Legislative Council itself, whose authority the Speaker symbolizes;
4. *Urges therefore* the Israeli authorities once again to release Dr. Dweik forthwith, or to bring founded and recognizable charges of criminal activity against him and try him in open court fully respecting international fair trial standards; *requests* the Secretary General to look into the possibility of sending an observer to any judicial proceedings that may take place;
5. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to these reports because it believes that parliament, as a guardian of human rights, should do its utmost to remedy human rights abuses, whether they affect Israeli citizens or Palestinians in the hands of Israeli authorities;
6. *Is alarmed* at the reported worsening of Dr. Dweik's health, which seems to bear out earlier reports about the lack of appropriate medical care for him; *firmly recalls* that the Israeli authorities are duty-bound to provide Dr. Dweik with the medical care he needs, and *urges* them to do so forthwith; *reiterates its wish* to receive official information about his conditions of detention, in particular the medical care provided him;
7. *Reiterates also its wish* for the Committee to be permitted to pay Dr. Dweik a private visit;
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 119th Assembly of the IPU (Geneva, October 2008).

CASE N° PAL/50 - MARIAM SALEH- PALESTINE / ISRAEL

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Mariam Saleh, a member of the PLC and former Minister of Women's Affairs from March 2006 to March 2007, 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/182/12(b)-R.1-Add.),

Considering that according to the source Ms. Mariam Saleh was arrested on 13 November 2007, reportedly on accusations (i) of membership in the "Change and Reform" bloc; (ii) membership in the Huda Society for Women; (iii) travelling abroad while Minister of Women's Affairs and having met with Prime Minister Ismail Haniyeh and Khaled Mashaal, and (iv) other reasons which the prosecution

classified as confidential and refused to disclose to the defence; that, however, the prosecution was reportedly unable to adduce any evidence to sustain the accusation and to charge her,

Considering that on 17 December 2007, the Ofer military court ordered her release on payment of 7,000 shekels, but gave the prosecution the right to appeal, which it did; that the next day Ms. Saleh was transferred to administrative detention; that on 30 December her administrative detention was prolonged to six months at the request of the Israeli Intelligence Service, but this period was reduced by the court to three months, and *noting* that on 30 March 2008, the Appeal Court maintained the administrative detention order until June 2008 without adducing any grounds; that Ms. Saleh is reportedly held in Tel Mond prison,

1. *Is deeply concerned* at the arrest and detention of Ms. Mariam Saleh in the absence of any valid charges or valid grounds, such as confinement for psychiatric reasons, for health reasons or in connection with asylum and immigration matters;
2. *Fears therefore* that, rather than being related to any criminal activity on her part, Ms. Saleh's arrest relates to her political views;
3. *Affirms moreover* that adducing secret material to justify detention leaves detainees entirely defenceless, at the mercy of the authorities, and that such practices make for arbitrariness and hence lawlessness;
4. *Recalls* that Israel, as a party to the International Covenant on Civil and Political Rights is bound to respect the right to liberty as guaranteed in its Article 9 and that arrest and detention in the absence of charges and any other valid grounds is arbitrary and therefore prohibited, and *urges* therefore the authorities to release Ms. Saleh forthwith;
5. *Requests* the Secretary General to bring this case to the attention of the United Nations Working Group on Arbitrary Detention;
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 119th Assembly of the IPU (Geneva, October 2008).

PHILIPPINES

CASE No. PHI/01 - CRISPIN BELTRÁN

CASE No. PHI/02 - SATURNIÑO 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 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Crispin Beltran, Mr. Saturniño Ocampo, Mr. Joel Virador, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, who, apart from the latter, are all 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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the Committee's report on its mission to the Philippines carried out from 18 to 21 April 2007,

Taking into account the information and documents provided by the source at the hearing held on the occasion of the 118th IPU Assembly (April 2008),

Recalling that on 1 June 2007 the Supreme Court dismissed the rebellion charges that had been brought in February 2006 against the incumbent and former parliamentarians concerned as being politically motivated and that, as a result, Mr. Crispin Beltran, who had been arrested on 25 February 2006, was released; that those charges had been brought by the Inter-Agency Legal Action Group (IALAG), set up for the purpose of targeting perceived or supposed enemies of the State, and that the political parties to which the parliamentarians concerned belong and they themselves are regarded as such by that Group,

Recalling that, during the Committee's mission, the Assistant Chief State Prosecutor stated that the incitement to sedition case, which had initially been brought against Mr. Beltran, had been quashed; *considering* in this respect, however, that while the judge at the time had set aside his arraignment in this case on the ground of a pending motion for cancellation of arraignment, a new judge, Judge Manuel Sta. Cruz, on 10 July 2007, decided that the case against him should be continued and ordered his immediate arraignment, despite the pending appeal against the court order to proceed with the case; that Mr. Beltran has moved for the nullification of his arraignment and for the recusal of the judge; *recalling* that Mr. Beltran strongly denies having made the alleged seditious statement at a rally on 24 February 2006, a fact which media coverage and witness statements could easily prove, but that the prosecution dismissed this defence argument during the inquest proceedings,

Recalling further that, on 16 February 2007, a multiple murder case was brought against Mr. Ocampo and others, that he was arrested on 16 March 2007 and subsequently released on bail by the Supreme Court on 3 April 2007 pending the Court's decision on his petition for certiorari and prohibition; *noting* that the Supreme Court has not yet ruled on the petition,

Recalling that, in January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of yet another murder case (Nueva Ecija case) whereby the parliamentarians concerned, apart from Mr. Beltran, allegedly conspired together and planned the elimination of the supporters of another political party, Akbayan, an accusation which they strongly refute; *considering* that while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding and that the panel of public prosecutors submitted it for resolution on 14 November 2007; that, according to the sources, the due process rights of the defendants have been seriously violated in the preliminary investigation insofar as the prosecutors denied their request for a clarification hearing, which was necessary in their view to establish the identity of the complainants who appeared with covered faces throughout the investigation phase, to clarify inconsistencies in their statements, and to verify whether their statements were voluntary since they are in the custody and under the control of the military; *noting* that the cases were submitted for resolution by the prosecution on 14 November 2007 and that, although public prosecutors are required to resolve cases within 60 days after their submission for resolution, this has still not occurred,

Considering that, on 17 May 2007, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of an alleged CPP/NPA member, Mr. Vincent Borja; *noting* in this respect, however, that according to the sources, given the incidence of extrajudicial executions and abductions implicating the military, Mr. Casiño wanted to ensure respect for the right to liberty and security of the person concerned for whom the soldiers, who were not in uniform, had no arrest warrant, by asking the soldiers to present a warrant and accompany the arrested person to a military camp until he was transferred to the police; the Office of the City Prosecutor has yet to give its ruling on the matter,

Considering lastly that in March 2008 a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending at the Regional Trial Court of Basey, Western Samar, Branch 30, in connection with the alleged abduction of Ms. Elizabeth Gutierrez by communist rebels on 24 October 2007; a Writ of Amparo is designed to providing victims of extrajudicial killings and enforced disappearances the protection they need and the promise of vindication for their rights; however, according to the source, the petition in this case has been filed with strong intervention from

the military or State forces with the intention to abuse the use of the Writ of Amparo; in this respect, Lt. Col. Jonathan Ponce, Commanding Officer of 67th Infantry Battalion was quoted as saying: “This [the petition] could be a test case of the effectivity of the Writ of Amparo. They have used this against us. We will apply the same to them.”,

Bearing in mind that, in the report on his mission to the Philippines, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions recommended inter alia that the IALAG be abolished, that the criminal justice system refocus on the investigation and prosecution of those committing extrajudicial executions and other serious crimes, and that the Supreme Court exercise its constitutional powers over the practice of law to impress upon prosecutors that they have a duty to the public to uphold and protect human rights by acting to ensure the effective investigation of cases and protection of witnesses, and that they should provide reasoned decisions for probable cause determinations,

1. *Remains deeply concerned* at the various criminal cases still pending against the parliamentarians concerned, in particular the fact that a new case had been brought against Representative Casiño for what appears to have been merely his attempt to prevent an arbitrary arrest and ensure compliance with the law, which constitutes nothing more than exercising his duty as a member of parliament; *is also concerned* that a Writ of Amparo is now allegedly being used in bad faith against Mr. Ocampo;
2. *Fears*, given the political motivation behind the previous rebellion charges brought against the parliamentarians, that all these proceedings are part of an ongoing effort by the Government, inter alia through IALAG, aimed at removing them and their political parties from the democratic political process;
3. *Remains confident* that, in dealing with these cases, the prosecution and judicial authorities will abide by their duty not to proceed with any case on the basis of political considerations, *recalls* in this respect the Supreme Court’s ruling in the rebellion case in which it reiterated “the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular” and stated the following: “We cannot emphasize too strongly that prosecutors should not allow, and should avoid giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends”;
4. *Wishes* to be kept informed of the proceedings in the cases in question, including, where appropriate, through the intermediary of a trial observer;
5. *Calls on* the House of Representatives to exercise its oversight power and to monitor closely the proceedings in the cases in question in order to ensure due administration of justice;
6. *Also calls on* the authorities, and in particular on both houses of Parliament, to ensure follow-up to the recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, and *would appreciate* information on parliamentary action taken to this end;
7. *Notes finally* that Mr. Joel Virador, who is no longer a member of parliament, has no further charges pending against him; *consequently decides* to close his case;
8. *Requests* the Secretary General to convey this decision to the competent authorities, including the National Human Rights Commission, and to the 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 119th Assembly of the IPU (Geneva, October 2008).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter from the President of the National Assembly of Rwanda, dated 11 April 2008,

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 in a report against his party in which his name was mentioned;
- While the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have stated their belief that Mr. Hitimana fled to a neighbouring country and were very optimistic that he would soon be located, as had been Brigadier General Emmanuel Habyarimana and Colonel Barthazar Ndengeyinka;
- In October 2005, the President 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; according to the President of the Senate, at a hearing held in October 2007, the parliament was in regular contact with the Human Rights Commission, which continued to follow the matter closely, and the investigations were continuing,

Considering the information provided by one of the sources on 12 January 2008 that, despite repeated assurances from the President of the National Human Rights Commission, Mr. Hitimana's father was close to death in the central prison of Gisovu, where he has been held for several months; *recalling* that with respect to the previous arrest and detention at the beginning of 2007 of Mr. Hitimana's father, the President of the National Human Rights Commission, in her letter of 20 April 2007 to the Speaker of the Chamber of Deputies, stated that as soon as she realized that the arrest had been arbitrary, she had referred the matter to the appropriate authorities, and that subsequently he had been released on 26 March 2007,

Considering that, in his letter of 11 April 2008, the President of the National Assembly affirmed that all lines of inquiry brought to the attention of the authorities were investigated and that the Assembly was anxious to settle the matter while wishing to leave the authorities the necessary time to do their work,

1. *Thanks* the President of the National Assembly for his letter; *is nevertheless dismayed* that, five years after Mr. Hitimana disappeared, the investigation has not yielded any tangible result; *considers* that the information on file regarding the investigation suggests a lack of any serious effort by the authorities to establish the truth in this case;
2. *Reaffirms its belief* that the suspicion that Mr. Hitimana was indeed the victim of an enforced disappearance has, with the passage of time, gained ground and needs to be taken extremely seriously and investigated by the authorities;

3. *Recalls* that forced disappearances are a serious violation of human rights, and that Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in 1992, states that: "Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights ...";
4. *Calls on* the Parliament once more to avail itself of its oversight function to monitor the investigation effectively in this case and to send a clear signal to the investigating authorities that they should spare no effort in fully elucidating Mr. Hitimana's disappearance;
5. *Expresses concern* at the current situation of Mr. Hitimana's father; *trusts* that the President of the National Human Rights Commission has once more successfully intervened in this regard; *would appreciate* information in this respect;
6. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
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 119th Assembly of the IPU (Geneva, October 2008).

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 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, incumbent members of the Parliament of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that with the exception of Dr. Jayalath Jayawardena, who is a member of the opposition United National Party (UNP), but perceived to be a supporter of the Tamil Tigers of Eelam (LTTE), all the other members of parliament concerned belong to the Tamil National Alliance, and that they have been the targets of death threats, attempts on their lives or attacks on their homes, and that in none of these cases have the investigations that were instituted led to identification of the culprits and their being brought to justice,

Considering further that in December 2007, before the vote on the budget, family members of Mr. Ariyanethran Mr. Jayanandamoorthy and Mr. Kanagabasai and the personal secretary of Ms. Thangeswari Kathiraman were abducted, reportedly by the paramilitary group Pillayan, and were warned that they would be killed if the parliamentarians voted against the budget; prompting all of them not to attend the budget session and their relatives were subsequently released,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was

able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Is appalled* at the kidnapping of persons to pressure parliamentarians into refraining from casting their vote as they see fit since such practices negate the free exercise of the parliamentary mandate, without which there can be no true democracy; and *trusts* therefore that the authorities will make every effort, as is their duty, to identify and bring to justice the perpetrators of this crime;
3. *Also trusts* that the parliamentarians concerned are afforded the necessary security detail;
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 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

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

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Requests* the Committee to report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

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/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Pararajasingham 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; that the investigation has remained at a virtual standstill despite the fact that St. Mary's church is located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty so that the culprits could only have escaped with the complicity of the security forces, and that, moreover, soon after the murder, Mr. Pararajasingham's family and Tamil National Alliance (TNA) parliamentarians reportedly gave President Rajapakse the names of possible suspects, who have nevertheless not been summoned for interrogation, and that the investigation has come to a virtual standstill,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements for it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Recalls* meanwhile that the authorities have a duty to conduct a full investigation into all cases of murder - particularly such high-profile cases - and to avail themselves of all information that has been made available to them, and *trusts* that they will indeed do so;
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 119th Assembly of the IPU (Geneva, October 2008).

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

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Raviraj, a member of parliament for Jaffna and a leading member of the Tamil National Alliance (TNA), was shot dead in Colombo on the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a prominent public highway within the city of Colombo; that two suspects were arrested in this case and arrest warrants have been issued for two other suspects,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Trusts* that the investigation into the murder of Mr. Raviraj is continuing with the necessary independence, impartiality and diligence, exploring all leads in order to identify the culprits and masterminds of this crime;
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 119th Assembly of the IPU (Geneva, October 2008).

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, 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/182/12(b)-R.1-Add.),

Considering that Mr. Maheswaran, a staunch defender of the human rights of the Tamil people and a member of the opposition United National Party, voted on 14 December 2007 against the budget and that soon after the vote the number of his security guards was cut from eighteen to two; that he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail,

Considering that on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and succumbed to his injuries in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would present in-depth details of the terror campaign that the Government was pursuing in Jaffna, especially how abductions and killings were managed, and *noting* that the authorities have arrested the alleged gunman,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation

for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;

2. *Condemns* the murder of Mr. Maheswaran, and *affirms* that the string of assassinations of other high-profile and outspoken politicians which have all remained unpunished so far, confirms that impunity can only foster the recurrence of crime and that, moreover, it is a formidable deterrent for parliamentarians wishing to speak out on critical issues;
3. *Expresses deep concern* at the significant reduction of Mr. Maheswaran's security detail at a critical moment and consequently *fears* that the authorities may bear indirect responsibility for his assassination;
4. *Notes* that the gunman is at the disposal of the authorities; *trusts* that, on the basis of a thorough and independent investigation, court proceedings can soon start and lead to the full identification and punishment of those responsible and so fully elucidate this crime;
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 119th Assembly of the IPU (Geneva, October 2008).

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

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. D.M. Dassanayake, the Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, 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/182/12(b)-R.1-Add.),

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

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Condemns* the murder of Mr. Dassanayake, and *affirms* that the string of assassinations of other high-profile and outspoken politicians which have all remained unpunished so far, confirms that impunity can only foster the recurrence of crime and that, moreover, it is a formidable deterrent for parliamentarians wishing to speak out on critical issues;

3. *Trusts* that the authorities are carrying out, as is their duty, a thorough and independent investigation to identify the assassins and hold them to account;
 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 119th Assembly of the IPU (Geneva, October 2008).
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CASE No. SRI/64 - KIDDINAN SIVANESAN - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, 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/182/12(b)-R.1-Add.),

Considering that Mr. Kiddinan Sivanesan was killed in a Claymore mine attack on 6 March 2008, shortly after he had crossed into the Vanni area; that the Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was perpetrated by deep penetration units of the Sri Lankan military and that this has been denied by the military, who have blamed it on the LTTE,

Considering that Mr. Sivanesan's vehicle was targeted when he was returning to his residence in Mallaavi after attending parliamentary sessions in Colombo; that the attackers reportedly exploded four mines in a row; that Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan succumbed to his injuries while being rushed to hospital,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
 2. *Is appalled* at the murder of yet another member of the Parliament of Sri Lanka and strongly condemns this crime;
 3. *Trusts* that the authorities are carrying out, as is their duty, a thorough and independent investigation to identify the assassins and hold them to account;
 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 119th Assembly of the IPU (Geneva, October 2008).
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**CASE No. TK/39 - LEYLA ZANA
CASE No. TK/41 - HATIP DICLE**

**) TURKEY
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CASE No. TK/51 - ORHAN DOGAN⁵)
CASE No. TK/52 - SELIM SADAK)
CASE No. TK/55 - MEHMET SINÇAR)

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Leila Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the letter from the President of the Turkish Inter-Parliamentary Group, dated 7 April 2008,

Recalling the following information on file:

- Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for membership in 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; at the closure of their second retrial in March 2007, the 11th High Criminal Court of Ankara sentenced Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months' imprisonment under Article 5 of the Anti-Terrorism Law 3713 and Article 314 (2) of the Turkish Penal Code as opposed to the 15 years' imprisonment to which they had been sentenced in their first trial in 1994 and of which they had served 10 years; the second retrial was reportedly also flawed, in particular owing to the destruction of important exonerating evidence, for which reason they filed an application in the Cassation Court where the case is now pending; the public prosecutor has likewise filed such an application;
- Mr. Sinçar was assassinated in September 1993 in circumstances that suggested an extrajudicial execution; in January 2005, the then Turkish Minister of Justice affirmed that the killing had been carried out by members of the Hezbollah terrorist organization, an accusation which that group had reportedly refuted; in October 1993 twelve persons had been accused, two of whom were at large; in November 1994, all but those two suspects were acquitted for want of evidence; in April 1996, the then Minister stated that the identity of the murderer had been established but that he was living in Iran,

Considering in this respect that, according to the information provided by the President of the Turkish IPU Group in January and April 2008, a criminal case regarding the murder of Mr. Sinçar is pending before the sixth Assize Court in Diyarbakir and a hearing was scheduled for 21 February 2008 and the next one for 8 May 2008; *noting* also that Mrs. Sinçar is reportedly unaware of those proceedings,

1. *Thanks* the President of the Turkish IPU Group for the information provided and for his cooperation;
2. *Notes with great interest and satisfaction* that a criminal case regarding the murder of Mr. Sinçar is pending and *would appreciate* more detailed information in this respect, in particular on the suspects; *would also appreciate* information as to whether or not

⁵ Mr. Orhan Dogan died on 29 June 2007.

Mrs. Sinçar has been informed of the trial proceedings under way and, if not, the grounds for having kept her uninformed;

3. *Expresses the hope* that the proceedings before the Cassation Court will be concluded as quickly as possible, especially given the time that has elapsed since the ECHR concluded in 2001 that the first trial of the four former parliamentarians concerned had fallen short of the fair trial standards guaranteed in the European Convention on Human Rights;
4. *Requests* the Secretary General to seek the requested information from the parliamentary authorities and the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

ZIMBABWE

CASE No. ZBW/19 - ROY BENNETT

CASE No. ZBW/20 - JOB SIKHALA

CASE No. ZBW/21 - TICHAONA MUNYANYI

CASE No. ZBW/25 - TENDAI BITI

CASE No. ZBW/27 - PAUL MADZORE

CASE No. ZBW/37 - TUMBARE MUTASA⁶

CASE No. ZBW/38 - GILBERT SHOKO⁶

CASE No. ZBW/44 - NELSON CHAMISA

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, opposition members of the outgoing and the previous parliament of Zimbabwe, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following information on file:

- Mr. Tendai Biti and Mr. Nelson Chamisa, along with many others attempting to participate in a prayer meeting, were arrested in Harare on 11 March 2007, taken to the police station and severely beaten; according to the information provided by the delegation of Zimbabwe to the 116th Assembly of the IPU (April-May 2007), the assault on the parliamentarians and others was debated in parliament and a motion was moved to call upon the Government and the police to investigate the incident; it was debated for two days; according to the police report of 17 July 2007, the meeting was in fact part of a defiance campaign of the Movement for Democratic Change (MDC) and was illegal;
- On 18 March 2007, Mr. 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 severe injuries as a result; at the hearing held during the 116th Assembly of the IPU, Mr. Leo Mugabe, a member of the Zimbabwean delegation, stated that he himself had insisted publicly on the need for an investigation; however, in its report of 17 July 2007, the police state that Mr. Chamisa was being uncooperative as he has not lodged a complaint despite several invitations to do so; such a complaint was necessary in the case of assault for the police to be able to start an investigation;
- On 28 March 2007, Mr. Paul Madzore, was arrested at his home on allegations of petrol bombing several police stations in Harare and possessing firearms; according to statements

⁶ Mr. Mutasa and Mr. Shoko are deceased.

by Mr. Madzore, at about 11 a.m. he was called into a room at the Harare Central police station where there were allegedly about eight men in plain clothes, three of whom appeared to be drunk; one of them asked Madzore to tell them who was burning the police stations; when he attempted to respond, one of the interrogators spat in his face; he was made to lie on his back with his legs raised against a table and the men started in turn beating the soles of his feet with metal rods and a rubber baton; they then asked him if he wanted something to drink and brought an empty glass bottle and hit him with it around his knees; one man stepped on his head forcing his head on the floor with booted feet; the beatings took about 30 to 40 minutes; Mr. Madzore, bleeding profusely, was subsequently moved to a private hospital, where he was put on a life-support system; the police, however, moved him forcibly back to his remand prison cell in Harare and refused him medical treatment; as a result, Mr. Madzore collapsed twice in his prison cell; 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 police report of 17 July 2007, Mr. Madzore was mainly responsible for the series of petrol bombings earlier that year and intended to go to South Africa for military training in insurgency, banditry and terrorism to train MDC youths in such activity; the charges against Mr. Madzore were withdrawn before plea and he was released in August 2007;

- Mr. Sikhala was tortured while in detention from 14 to 16 January 2003; the police, while initially announcing progress in the investigation, later stated that they had found it difficult to proceed with the case because of Mr. Sikhala's failure to cooperate, although he had provided detailed information and even given names; the matter is before the High Court under reference HC/645/03; Mr. Sikhala was rearrested on 11 March 2007 in the same circumstances as Mr. Chamisa and Mr. Biti, and taken to a police station; he was released several hours later;
- Mr. Munyanyi was ill-treated in October 2002 while being held on a murder charge which was later dropped before plea; a medical certificate was issued attesting to the injuries he sustained; at the 115th IPU Assembly, the Zimbabwean 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;
- 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; an investigation was opened but later closed after Mr. Mutasa died of natural causes;
- According to information provided by the police in September 2003, while there is no record of Mr. Shoko having been assaulted on 22 March 2003, an investigation had been opened into an attack on his house on 1 April 2002, regarding which Mr. Shoko had lodged a complaint; according to information provided by the Speaker of the House of Assembly, Mr. Shoko has died, which in Zimbabwean law has the effect of extinguishing the proceedings instituted in this case;
- Several court rulings ordering Mr. Bennett's farm to be vacated were not executed, a matter which, according to the authorities, has become moot pursuant to Constitutional Amendment 17, whereby all farmland in Zimbabwe now belonged to the State and anybody who wished to utilize it had to apply for and be granted a lease agreement; in October 2004, charges of contempt of parliament proceedings were brought against him and he was sentenced to one year in prison with hard labour and was thus prevented from standing in the March 2005 legislative elections; a petition to the Supreme Court to declare null and void the contempt of parliament proceedings against him and to declare unconstitutional Section 16 of the Privileges, Powers and Immunities Act (which confers on Parliament the right to sit as a court) was dismissed in March 2006; in early 2006, Mr. Bennett was forced to flee the country for fear his life and has since been granted political asylum abroad,

Considering that legislative and presidential elections were held in Zimbabwe on 29 March 2008, the official results of which have not as yet been published,

Bearing in mind that Zimbabwe is a State 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. *Deplores* the fact that none of the parliamentary documents regarding parliamentary action in respect of the incident of 11 March 2007 and the attack of 18 March 2007 on Mr. Chamisa which the Zimbabwean delegation to the 116th IPU Assembly undertook to provide one year ago, in particular the motion that was filed, have been provided; *notes with deep regret* that any parliamentary action that may have been taken has remained without effect;
2. *Reaffirms* that the treatment inflicted by the police on Mr. Biti, Mr. Chamisa and many others in March 2007 constitutes a gross human rights violation, irrespective of whether or not the meeting was authorized or was or was not a prayer meeting; *remains shocked* at the absence of any immediate action against the responsible police officers, who must be known and should have immediately been brought to justice and punished in accordance with the law;
3. *Remains deeply concerned* at the attack perpetrated against Mr. Chamisa on 18 March 2007; *stresses* that a member of the Zimbabwean delegation to the 116th IPU Assembly, Mr. Leo Mugabe, according to his own statement, insisted on the need for such an investigation; *is unaware* of anything in Zimbabwean law to prevent the police from investigating an attack of this nature, which is in the public domain; *believes*, moreover, that the failure of the Zimbabwean police to investigate attacks on opposition supporters may well dissuade victims from lodging complaints;
4. *Deplores* the fact that Mr. Madzore was arrested, ill-treated and detained for five months in the absence of any credible evidence against him, as shown by the withdrawal of the case against him before plea; *recalls* that, under international human rights law, the authorities have a duty to investigate any allegation of torture, *deeply regrets* that no such action has been taken to date and *urges* the authorities to comply forthwith with this duty;
5. *Deplores* the failure of the authorities to conduct a full and thorough inquiry into the torture to which Mr. Sikhala was subjected in January 2003, although evidence was submitted to them which would have enabled them to identify those responsible;
6. *Stresses* that it is precisely such failures by the authorities to investigate torture allegations that encourage the police and other security officials to resort to torture and other human rights violations, as amply demonstrated by the cases in question;
7. *Is bound to note with the utmost concern* that in none of the cases in question have the State authorities, in particular the police and prosecutorial authorities, complied with their constitutional duties, and nor has parliament exercised its oversight function effectively; on the contrary, law enforcement agencies have been allowed to continue torturing and ill-treating even members of parliament with complete impunity;
8. *Calls on* the newly elected parliament to assume its oversight function to the full to ensure that the law enforcement authorities fulfil their duties, and *stresses* that only observance of the rule of law and human rights can build a truly democratic society;
9. *Points out once again*, with respect to 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 executed, thus subjecting him to a grave injustice, and *reiterates its wish* 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;

10. *Reiterates also its wish* to receive a copy of the Supreme Court ruling on Mr. Bennett's application 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, and *believes* that more than two years after it was handed down the ruling must exist in writing;
11. *Regrets* that as a result of his persecution by the authorities Mr. Bennett was prevented from standing in not only the March 2005 but also the March 2008 elections;
12. *Reiterates its wish to* receive a copy of the legal provision stipulating that proceedings in criminal matters are extinguished in the case of decease of the victims;
13. *Requests* the Secretary General to convey this resolution to the authorities, once more inviting them to provide the information sought;
14. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008), when it hopes to have the opportunity to meet with the delegation of the newly elected parliament.