



TABLE OF CONTENTS

Page

MEETINGS	
124th Assembly of the Inter-Parliamentary Union	
1. Inaugural ceremony	5
2. Election of the President and keynote addresses	5
3. Participation	6
4. Choice of an emergency item	7
5. Debates and decisions of the Assembly and its Standing Committees	7
188th Session of the Governing Council	
1. Membership of the Inter-Parliamentary Union	10
2. Financial results for 2010	10
3. Financial situation	10
4. Cooperation with the United Nations system	11
5. IPU Strategy for 2012-2017	11
6. Action by the IPU to strengthen democracy and parliamentary institutions	12
7. Parliamentary action in support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and refugee protection	12
8. Recent specialized conferences and meetings	13
9. Reports of plenary bodies and specialized committees	13
10. Future inter-parliamentary meetings	13
260th Session of the Executive Committee	14
Meeting and Coordinating Committee of Women Parliamentarians	15
Subsidiary bodies and Committees of the Governing Council	
1. Committee on the Human Rights of Parliamentarians	16
2. Committee on Middle East Questions	16
3. Committee to Promote Respect for International Humanitarian Law	17
4. Group of Facilitators for Cyprus	18
5. Gender Partnership Group	18

Other events

1. Panel discussion on <i>Recent political upheavals in the world: Lessons for democracy</i>	19
2. Panel discussion on <i>Narrowing the gaps: Achieving the Millennium Development Goals with equity for children</i>	19
3. Open Forum on <i>The Global Parliamentary Report: Parliaments and people, a changing relationship</i>	20
4. Panel discussion on <i>Twentieth-century norms and twenty-first-century realities: Protecting the stateless, refugees, and civilians today</i>	20
5. Round-table discussion session on <i>Parliamentarians taking the lead on maternal, newborn and child health</i>	20
6. Side event on <i>Thirty years of HIV/AIDS: Where are parliaments?</i>	21
7. Side event on <i>The role of parliaments in disaster risk reduction</i>	21
8. Informal meeting of young parliamentarians	22

Other activities

1. Media and communications	22
2. Field visits on childhood-related issues	22

ELECTIONS, APPOINTMENTS AND MEMBERSHIP OF THE IPU

Elections and appointments

1. Office of the President of the 124 th Assembly of the Inter-Parliamentary Union	23
2. Executive Committee	23
3. Bureaux of the Standing Committees	23
4. Rapporteurs of the Standing Committees to the 126 th Assembly	24
5. Committee on the Human Rights of Parliamentarians	24
6. Committee on Middle East Questions	24
7. Coordinating Committee of Women Parliamentarians	24
8. Gender Partnership Group	24

Membership of the Inter-Parliamentary Union	25
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AGENDA, RESOLUTIONS AND DECISIONS OF THE 124th ASSEMBLY

Agenda	26
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Overall theme *Parliamentary accountability: Living up to people's expectations*

Subject items

- Resolution: *Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power*
- Resolution: *The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change*
- Resolution: *Transparency and accountability in the funding of political parties and election campaigns*

Emergency item

- Resolution: *Strengthening democratic reform in emerging democracies, including in North Africa and the Middle East*

REPORTS, DECISIONS, RESOLUTIONS AND OTHER TEXTS

Reports, decisions and other texts

- Cooperation with the United Nations system: List of activities undertaken by the IPU from 6 October 2010 to 14 April 2011 41
- Resolution 65/123 of the United Nations General Assembly on *Cooperation between the United Nations, national parliaments and the Inter-Parliamentary Union* 43
- Statement by the President of the Assembly on the natural disasters in Japan 46
- Message to the Fourth United Nations Conference on the Least Developed Countries (LDC IV) 46
- Statement on parliamentary action in support of the United Nations High Commissioner for Refugees (UNHCR) and Refugee Protection 48

Future meetings

- Future meetings and other activities 50
- Agenda of the 125th Assembly 52
- Subject items for the 126th Assembly 53
- List of international organizations and other bodies invited to follow the work of the 125th Assembly as observers 54

Resolutions concerning the Human Rights of Parliamentarians

- Mr. Shah Ams Kibria, of Bangladesh 56
- Sheikh Hasina, of Bangladesh 57
- Mr. Victor Gonchar, of Belarus 58
- Nineteen parliamentarians of Burundi 61
- Mr. Sam Rainsy, of Cambodia 62
- Ms. Mu Sochua, of Cambodia 63
- Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa, Mr. Manuel Cepeda Vargas, and Mr. Hernán Motta Motta, of Colombia 65
- Mr. Luis Carlos Galán Sarmiento, of Colombia 67
- Ms. Piedad Córdoba, of Colombia 68
- Mr. Jorge Tadeo Lozano Osorio, of Colombia 70
- Mr. Wilson Borja, of Colombia 70
- Mr. Alvaro Araújo Castro, of Colombia 72
- Mr. Iván Cepeda Castro, Mr. Alexander López, Mr. Jorge Enrique Robledo, Mr. Guillermo Alfonso Jaramillo and Mr. Wilson Arias Castillo, of Colombia 73
- Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, of Ecuador 75
- Eleven parliamentarians of Eritrea 77
- Mr. Mohammed Al-Dainy, of Iraq 78
- Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, of Lebanon 79
- Twelve parliamentarians of Madagascar 81
- Mr. Anwar Ibrahim, of Malaysia 83
- Mr. Zorig Sanjasuuren, of Mongolia 86
- Twenty-one parliamentarians of Myanmar 87
- Mr. Marwan Barghouti, of Palestine 88
- Mr. Ahmad Sa'adat, of Palestine 90
- Nineteen parliamentarians of Palestine 91
- Mr. Saturnino Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, of the Philippines 94
- Mr. Antonio F. Trillanes, of the Philippines 95
- Ms. Galina Starovoitova, of the Russian Federation 96

• Mr. Leonard Hitimana, of Rwanda	97
• Mr. Joseph Pararajasingham, of Sri Lanka	98
• Mr. Nadarajah Raviraj, of Sri Lanka	99
• Mr. Thiyagarajah Maheswaran, of Sri Lanka	100
• Mr. D.M. Dassanayake, of Sri Lanka	101
• Mr. Kiddinan Sivanesan, of Sri Lanka	102
• One hundred and eighty parliamentarians of Thailand	103
• Mr. Mehmet Sinçar, of Turkey	106
• Mr. Job Sikhala, Mr. Paul Madzore and Mr. Nelson Chamisa, of Zimbabwe	107

124th Assembly of the Inter-Parliamentary Union

1. Inaugural ceremony

The 124th IPU Assembly was inaugurated on 15 April 2011 at a ceremony held at the ATLAPA Convention Centre in Panama City, Panama, in the presence of H.E. Mr. Ricardo Martinelli, President of the Republic of Panama. Inaugural addresses were delivered by Mr. José Muñoz Molina, Speaker of the National Assembly, Mr. Joseph Deiss, President of the United Nations General Assembly, and Dr. Theo-Ben Gurirab, IPU President. The ceremony concluded with a statement by the President of Panama, who declared the 124th Assembly officially open.

2. Election of the President and keynote addresses

The 124th Assembly¹ opened at the ATLAPA Convention Centre on the morning of Saturday, 16 April, with the election by acclamation of Mr. José Muñoz Molina, Speaker of the National Assembly of Panama, as President of the Assembly.

The President said that it was a great honour for him to have been elected to preside over the Assembly's work. After opening the general debate on the overall theme of *Parliamentary accountability: Living up to people's expectations*, he invited Ms. Michelle Bachelet, Executive Director of UN Women, to deliver a keynote address.

Ms. Bachelet said she was very glad to take part in the IPU Assembly and have the opportunity to present the new UN entity for women, UN Women, to the IPU membership. Respect for women's rights and the achievement of gender equality were core tenets of progress not only for women, but for society as a whole. Parliaments and their members - men and women - had an important role to play in the promotion of gender equality as legislators, overseers of government action, representatives of the people and opinion leaders.

UN Women was currently developing its three-year strategic plan. It had identified five thematic priorities for its operational activities: (1) enhancing women's economic empowerment; (2) expanding women's voice, leadership and political participation; (3) ending violence against women;

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

(4) strengthening implementation of the women's peace and security agenda; and (5) making gender-equality priorities central to national, local and sectoral planning and budgeting.

Ms. Bachelet described the situation of women in politics, highlighting recent progress in some regions and countries as well as interesting initiatives taken to secure a minimum number of women in decision-making positions, including through the adoption of positive action measures. Much more needed to be done and new challenges had to be considered and researched, such as the role of political parties, the often short career of women in politics, and women's reluctance to enter politics.

Parliaments and the IPU were natural and important partners in the achievement of gender equality and the goals set by UN Women. Areas of cooperation with the IPU included: facilitating women's access to parliament, including through legislative and constitutional reform; providing capacity-building support for women in parliament; helping parliaments ensure respect for women's rights; carrying out cutting-edge research in new fields; and working together to combat violence against women.

Ms. Bachelet welcomed the IPU's latest global survey on gender-sensitive parliaments, which would provide new avenues for cooperation and strategies to promote gender equality. She called on parliaments to develop and adopt gender priorities and plans at the beginning of each legislature, and pledged UN Women's support in that endeavour. She repeated her wish for stronger cooperation with parliaments and the IPU.

After her address, Ms. Bachelet answered questions from delegates relating to the contributions of the IPU and parliaments to the Commission on the Status of Women, to an inclusive process in political decision-making, to the promotion of young women's participation in politics and to rural outreach.

In the morning of Sunday, 17 April, the Vice-President of Panama and Minister of Foreign Affairs, Mr. Juan Carlos Varela, addressed the Assembly. He was very proud to present to the Assembly Panama's views on the agenda items. In the two decades since it had emerged from a dictatorship, Panama had continually strengthened its democracy. Panamanians were proud of the progress made since the first general elections, which ushered in a peaceful political transition. The

new Electoral Code allowed for free, fair and transparent elections. At the international level, Panama supported all initiatives aimed at reinforcing democracy. The Government of Panama condemned populist demagoguery, which tended to limit democratic rights, and the use of religious dogma to void fundamental freedoms of their substance. It had no army, but was home to strategic installations that were key for international transport. Panama was deeply attached to respect for international law, the guarantor of regional stability. It had worked to consolidate the United Nations Inter-Agency Regional Centre and strengthen the Americas regional logistics centre. It was committed to fighting organized crime by establishing a third regional centre, in coordination with other Latin American countries, to reinforce coordination on security issues and fight trafficking in drugs and arms and all other forms of organized crime. The Government had strengthened its action on economic issues; Panama was now a member of the Central America-European Union trade agreement; it had adhered to the agreement on the exchange of fiscal information, and therefore appeared on the list of countries considered to be transparent in that field. Panama had encouraged the ratification of a trade treaty with the United States and was negotiating free-trade treaties with Canada, Colombia and Peru. It had ratified the principal human rights instruments. At the subregional level, Panama had been deeply involved in finding a political solution to the crisis in Honduras. In 2012, it would celebrate the 500th anniversary of Vasco Nuñez de Balboa's discovery of the Pacific Ocean, which it would commemorate at a large number of international events. For all of that, the Government requested the support of the world's parliaments. Lastly, Panama supported the powerful movements for democracy that had emerged in a number of Arab countries, which it believed would herald the birth of the democracy that was indispensable for the well-being of the people. On behalf of Panama, of a land open to the world, where paths crossed and minds met, Mr. Varela wished the 124th Assembly fruitful deliberations.

At the closing sitting of the 124th Assembly, on 20 April, Ms. S. Ataullahjan (Canada) reported briefly on the field visits carried out in Panama City on Sunday, 17 April. Organized in cooperation with UNICEF, the visits had focused on child-related issues in marginalized areas. Ms. Ataullahjan concluded by expressing renewed appreciation for the excellent cooperation between the IPU and UNICEF.

3. Participation

Delegations from the parliaments of the following 119 countries took part in the work of the Assembly:² Afghanistan, Algeria, Andorra, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Guatemala, Guinea Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Norway, Oman, Pakistan, Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe.

The following Associate Members also took part in the Assembly: the Andean Parliament, the Central American Parliament, the East African Legislative Assembly, the Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU), and the Latin American Parliament.

Observers comprised representatives of: (i) the United Nations system: United Nations, International Labour Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), UN Women, World Health Organization (WHO), Organization for the Prohibition of Chemical Weapons (OPCW), Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO); (ii) African Union, International Organization for Migration (IOM); League of Arab States and Organization of

² For the complete list of IPU Members, see page 25.

American States; (iii) African Parliamentary Union (APU), Arab Inter-Parliamentary Union (AIPU), Asian Parliamentary Assembly (APA), Confederation of Parliaments of the Americas (COPA), European Parliamentarians for Africa (AWEPA), Inter-Parliamentary Assembly of the Commonwealth of Independent States (IPA CIS), Inter-Parliamentary Assembly of the Eurasian Economic Community, Inter-Parliamentary Assembly on Orthodoxy, Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC), Inter-Parliamentary Union of the Intergovernmental Authority on Development (IPU-IGAD), Pan-African Parliament, Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), Parliamentary Assembly of the Turkic-Speaking Countries (TURKPA), Parliamentary Assembly of the Union of Belarus and the Russian Federation, Parliamentary Union of the Organization of the Islamic Conference Members (PUOICM); and (iv) Socialist International, Geneva Centre for the Democratic Control of Armed Forces (DCAF), International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), Parliamentary Forum on Small Arms and Light Weapons (SALW), and the Cluster Munitions Coalition (CMC).

Of the 1,190 delegates who attended the Assembly, 615 were members of national parliaments. The parliamentarians included 35 presiding officers, 44 deputy presiding officers and 182 women (29.6%).

4. Choice of an emergency item (Item 2)

On 16 April, the President informed the Assembly that five requests for the inclusion of an emergency item had been initially received. The delegations of Indonesia, Islamic Republic of Iran and New Zealand had subsequently decided to present a joint proposal entitled "Strengthening democratic reform in emerging democracies, including in North Africa and the Middle East". That had left three proposals to be considered by the Assembly: "Call for urgent global action to assist earthquake- and tsunami-hit Japan and to prevent the impact of the disaster on the region as a whole", submitted by Pakistan, "Parliamentary action to strengthen the right to self-determination of peoples within the framework of international law", submitted by Venezuela, and the above-mentioned joint proposal.

Ms. F. Mirza, Speaker of the Parliament of Pakistan, explained the reasons underlying the Pakistani proposal. At the request of the Japanese delegation and in a spirit of cooperation, Pakistan was

prepared to withdraw its proposal on the understanding that the President would make a declaration on behalf of the Assembly on the disaster in Japan. The President informed the Assembly that he intended to issue such a declaration.

Mr. D. Vivas (Venezuela) explained that the Venezuelan proposal focused on events in North Africa and the Middle East, and the acts of aggression by the US imperialism and its allies against the people of the Libyan Arab Jamahiriya. Considering that some of the ideas expressed were included in the joint proposal put forward by Indonesia, Islamic Republic of Iran and New Zealand, he withdrew the proposal.

Ms. N. Ali Assegaf (Indonesia) expressed her deep condolences and sympathy to the people of Japan. She was confident that the resilience and strength of the Japanese people would help them to recover. The IPU should help countries manage transitions democratically and peacefully and she hoped that the joint proposal would be adopted.

The President of the Assembly noted that of the three remaining proposals, two had been withdrawn. The Assembly therefore adopted the joint proposal submitted by Indonesia, Islamic Republic of Iran and New Zealand and included it in the Assembly agenda (see page 40).

At the beginning of the closing session, the President of the Assembly read out a declaration, which expressed solidarity with the people of Japan in the face of the earthquake and tsunami that had caused enormous loss of life and devastation. It called on the international community to provide generous human, material and financial support (see page 46 for the text of the declaration).

Mr. T. Morimoto (Japan) expressed deep appreciation for the declaration, which was a source of encouragement and hope to all those working tirelessly to reconstruct the country. As in the past, Japan would share its experience with other countries and international organizations, and would continue to contribute to common efforts to reduce the effects of natural disasters whenever and wherever they struck.

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

Parliamentary accountability: Living up to people's expectations, took place in the morning and afternoon of 16 and 17 April and in the morning of 19 April. A total of 104 speakers from 90 delegations took part in the debate, which was chaired by the President of the Assembly. During the sittings, the President invited several Vice-Presidents, members of the delegations of Costa Rica, Democratic Republic of the Congo, Iceland, Jordan, Lesotho and New Zealand, to replace him in the Chair.

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

- (i) *Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power* (Item 4)

The Committee held three sittings: two on 16 April and one on 18 April, with Mr. S.H. Chowdhury (Bangladesh), Vice-President, in the Chair. In addition to the reports and the preliminary draft resolution prepared by the co-Rapporteurs, Mr. J.D. Seelam (India) and Mr. W. Madzimore (Zimbabwe), the Committee had before it amendments to the draft resolution submitted by the delegations of Canada, France, Germany, India, Indonesia, Italy, Japan, Morocco, Sweden, Venezuela and the Latin American Parliament.

The first sitting began with the presentation of the joint report and preliminary draft resolution by the two co-Rapporteurs. A presentation was also made by Mr. T.A. Diabacte, Deputy Director of the United Nations Electoral Assistance Division. In all, 48 speakers from 42 parliaments and one parliamentary organization took the floor during the debate, after which the Standing Committee appointed a drafting committee composed of representatives of Argentina, Bangladesh, Gabon, India, Iran (Islamic Republic of), Palestine, Republic of Korea, South Africa, United Kingdom, Venezuela and Zimbabwe. Mr. Diabacte was invited to participate in an advisory capacity.

The drafting committee met in the afternoon of 16 April and the morning of 17 April. It appointed Mr. G. Schneeman (South Africa) as its president and rapporteur. It examined 89 amendments submitted by 11 delegations and by the Meeting of Women Parliamentarians and adopted many of them.

The First Standing Committee considered the consolidated draft in the afternoon of 18 April. Several delegations took the floor, seeking clarification, proposing that amendments which had been rejected or accepted by the drafting

committee be re-examined, or expressing support for the text. Some of the proposed amendments were adopted by consensus, while others were put to a vote. The Standing Committee adopted the draft resolution by consensus and requested the drafting committee rapporteur to present it to the Assembly.

The draft resolution was submitted to the plenary sitting of the Assembly in the afternoon of 20 April and adopted by consensus, with reservations expressed by 18 delegations on preambular paragraph 6 and by three delegations on preambular paragraph 8 (see page 27 for the text of the resolution).

- (ii) *Selection of subject item and co-Rapporteurs for the First Standing Committee at the 126th Assembly*

The Bureau of the First Standing Committee met on 18 April with Mr. S.H. Chowdhury (Bangladesh), Vice-President, in the Chair. It examined seven proposals submitted by IPU Member Parliaments for the subject to be debated by the Standing Committee at the 126th Assembly. The Bureau was unable to reach a consensus, and decided to bring the choice of subject item to the Committee's next plenary sitting. Three proposals were debated; one was subsequently withdrawn by its sponsor, and the committee voted on the two remaining proposals. Following the votes, the First Standing Committee proposed the following subject to the Assembly for inclusion in the agenda of the 126th Assembly: *Promoting and practising good governance as a means of advancing peace and security: Drawing lessons from recent events in the Middle East and North Africa*. The subject item was subsequently approved by the Assembly, which appointed Mr. J.J. Mwiimbu (Zambia) and Mr. M. Gyöngyösi (Hungary) as co-Rapporteurs.

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

- (i) *The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change* (Item 5)

The Second Standing Committee held sittings on 17 and 19 April, with its President, Mr. P. Martin-Lalande (France), in the Chair. In addition to a report and preliminary draft resolution prepared by the co-Rapporteurs, Mr. A. Cherrar (Algeria) and Ms. K. Ferrier (Netherlands), the Committee had before it amendments to the draft resolution submitted by the delegations of Belgium, Canada, China, Cuba, France, Germany, India, Indonesia,

Italy, Japan, Morocco, Romania, Sweden, Switzerland, Venezuela and the Latin American Parliament. Two additional sub-amendments were submitted by the delegation of Norway.

A total of 47 speakers took the floor during the plenary debate, after which the Standing Committee appointed a drafting committee composed of representatives of Australia, Bangladesh, Cambodia, Chile, Gabon, Ghana, India, Namibia, Norway and Peru.

The drafting committee met on 18 April. It appointed Mr. D. Adams (Australia) as its president and Mr. T. Wickholm (Norway) as its rapporteur. It examined 128 amendments to the preliminary draft resolution, adopting some either in full or in part. A number of other amendments were accepted in letter or spirit.

In the afternoon of 19 April, the Second Standing Committee examined the consolidated draft resolution paragraph by paragraph and made a number of further changes. It had to vote in four instances.

In the afternoon of 20 April, the draft resolution was submitted to the Assembly, which adopted it 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 126th Assembly*

The Bureau of the Second Standing Committee met on 19 April with the Committee President in the Chair. It examined proposals submitted by IPU Member Parliaments for the item to be debated by the Second Standing Committee at the 126th Assembly. The Bureau voted to approve the subject item *Redistribution of power, not just wealth: Ownership of the international agendas*, which it subsequently submitted to the Second Standing Committee. The Committee also voted on and approved the proposal, which was subsequently approved by the Assembly for inclusion in the agenda of the 126th Assembly. The Assembly appointed Lord Judd (United Kingdom) and Mr. O. Benabdallah (Morocco) as co-Rapporteurs.

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

(i) *Transparency and accountability in the funding of political parties and election campaigns (Item 6)*

The Third Standing Committee held three sittings, on 16, 17 and 19 April, with its President, Mr. J.C. Mahía (Uruguay), in the Chair. The

Committee had before it a report and preliminary draft resolution prepared by the co-Rapporteurs, Ms. M. Kubayi (South Africa) and Mr. P. Moriau (Belgium), along with amendments to the draft resolution submitted by the delegations of Canada, France, India, Indonesia, Italy, Japan, Morocco, Romania, Sweden, Venezuela, and by the Meeting of Women Parliamentarians.

In all, 47 speakers took part in the debate.

The Committee designated a drafting committee composed of representatives of Bahrain, Canada, Ecuador, Ghana, Indonesia, Malaysia, Monaco, Philippines, Switzerland, Togo and Uruguay. It met on 18 April and began its work by appointing Mr. C. Cellario (Monaco) as president and Ms. M. Kubayi (South Africa) as rapporteur. It considered the proposed amendments and incorporated some of them into the draft resolution.

On 19 April, the Third Standing Committee considered the consolidated text of the draft resolution presented by the drafting committee and adopted the amended resolution. The delegations of Algeria and Sudan expressed reservations on operative paragraph 9 and preambular paragraph 17 respectively.

The Assembly, meeting in plenary on 20 April, adopted the resolution by consensus (see page 37 for the text of the resolution).

(ii) *Selection of subject item and co-Rapporteurs for the Third Standing Committee at the 126th Assembly*

The Bureau of the Third Standing Committee met on 18 April with the Committee President, Mr. J.C. Mahía (Uruguay), in the Chair. It examined various proposals submitted by Member Parliaments for inclusion in the agenda of the 126th Assembly. At its sitting on 19 April, the Third Standing Committee decided to add the subject item *Access to health as a basic right: The role of parliaments in addressing key challenges to securing the health of women and children* to the agenda of the 126th Assembly. It took note of the nomination of Ms. P. Turyahikayo (Uganda) as co-Rapporteur. Ms. S. Atallahjan (Canada) and Mr. C. Sardinha (India) were also nominated as rapporteurs after the Committee's meeting. The item and proposed co-Rapporteurs were subsequently approved by the Assembly on 20 April.

- (e) Emergency item
Strengthening democratic reform in emerging democracies, including in North Africa and the Middle East (Item 8)

The Assembly referred the emergency item it had adopted on 16 April to a drafting committee composed of representatives of Australia, Belgium,

India, Indonesia, Iran (Islamic Republic of), Mexico, Netherlands, New Zealand, Oman, Republic of Korea, Saudi Arabia, Togo and Venezuela. It appointed Ms. N. Ali Assegaf (Indonesia) as president and Mr. H. Jenkins (Australia) as rapporteur. It met on 17 April, and drafted a resolution that was adopted unanimously by the Assembly on 20 April.

188th Session of the Governing Council

1. Membership of the Inter-Parliamentary Union

At its sitting on 16 April, the Governing Council approved requests for affiliation submitted by the parliaments of the Federated States of Micronesia and Trinidad and Tobago. It considered developments with regard to the parliaments of Egypt and Tunisia. In order to accompany the transition currently under way in both countries and in the hope that free and fair elections would be held as announced, the Council decided to maintain the membership status of both parliaments.

The Council took note of the situation of several parliaments which were in arrears. It expressed particular concern at the situation of the parliaments of Comoros and Liberia, which were liable to suspension under Article 5.3 of the Statutes. It decided that it would suspend their membership in October 2011 unless they paid a substantial portion of their outstanding contributions before the Council's next session.

The IPU currently comprised 157 Member Parliaments and nine Associate Members.

2. Financial results for 2010

The Governing Council considered the annual Financial Report and Audited Financial Statements for 2010. The Financial Statements showed that the IPU had recorded a small operating deficit of CHF 3,096 in 2010. After making provisions for the continuing actuarial loss of the legacy staff Pension Fund, the Council noted that the Working Capital Fund had been reduced by CHF 401,096, compared with CHF 145,561 in 2009. As a result, the balance of the Working Capital Fund stood at CHF 4,535,594 at the year end.

The Internal Auditor, Mr. M. Sheerit (Israel), reported that after carrying out a financial and

operational audit, he was satisfied with the presentation of the Financial Statements. In his opinion, the results disclosed by the IPU gave a fair overview of the financial gain/loss position. While he underlined the progress that had been made in the area of inventories, he recommended that the IT inventory be updated to remove obsolete items from the list. In the areas of travel and hotel expenditure, maximum levels should be respected. He also recommended that close attention be paid to four voluntary-funded projects, which showed very little or no activity. He was satisfied that the IPU Secretariat was making a clearer distinction between activities to be funded from voluntary contributions and those to be funded from the core budget. The Internal Auditor recommended that a professional actuarial study be carried out to obtain a more accurate estimate of the liability incurred by the IPU legacy Pension Fund. The Secretary General concurred with the Internal Auditor's suggestions and assured him that they would be implemented.

The Internal Auditor encouraged Members who had not yet paid their contributions to do so.

On the recommendation of the Internal Auditor, the Governing Council approved the Financial Statements and the Secretary General's management of the IPU in 2010.

3. Financial situation

The Governing Council received an overview of the IPU's financial situation at 31 March 2011. The overall financial position of the IPU remained fairly stable. Arrears of contributions for past years had improved compared to the same period the previous year. At 31 March 2011, the total amount of outstanding contributions from previous years stood at CHF 607,000, compared to CHF 707,000 for the same period the year before. The overall level of expenditure had reached 81 per cent of the year-to-date budget. That was in line with previous

years as implementation and expenditure were usually lower due to preparations for the first Assembly which, apart from staff salaries and normal operating expenses, accounted for the majority of first-quarter expenditure.

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 UN-related activities and approved a calendar of forthcoming initiatives and meetings. For the list of activities undertaken in cooperation with the UN system since the 123rd IPU Assembly, see page 41.

The Governing Council welcomed the adoption, in December 2010, of General Assembly resolution 65/123 on Cooperation between the United Nations, national parliaments and the IPU. Adopted by consensus with the formal sponsorship of 90 UN Member States, the text represented a major step forward in the institutional relationship that was being developed between the United Nations and the IPU. In the resolution, Member States welcomed the parliamentary dimension provided by the IPU to the new UN bodies and the growing practice of including legislators as members of national delegations to major UN meetings. They decided to engage more systematically in organizing and integrating a parliamentary component of and contribution to major UN deliberative processes and reviews of international commitments. The next session of the UN General Assembly would see a stand-alone agenda item on interaction between the United Nations, parliaments and the IPU, and all Members were encouraged to prepare carefully for it (see page 43 for the text of the UN resolution).

The Governing Council was briefed by Mr. C. Núñez, Regional Director for Latin America of the Joint United Nations Programme on HIV/AIDS (UNAIDS), on the preparations for the High-level Meeting on HIV/AIDS scheduled to take place in June 2011 at UN Headquarters in New York. The United Nations was hoping for strong participation by legislators in the Meeting, and welcomed the IPU's initiative to convene a parliamentary session on that occasion.

The Governing Council adopted a Parliamentary Message to be delivered on the occasion of the Fourth United Nations Conference on the Least Developed Countries (LDC IV), to be held in Istanbul from 9 to 13 May 2011. On the eve of the Conference (8 May), the IPU and the Grand National Assembly of Turkey would convene a one-

day parliamentary meeting that would provide an opportunity to review parliaments' role in the implementation of the Brussels Programme of Action for the Least Developed Countries for the Decade 2001-2010, promote greater parliamentary awareness of the main issues on the LDC agenda, and ensure that the new programme of action for LDCs had a parliamentary dimension and that parliaments were actively involved in the programme's implementation.

5. IPU Strategy for 2012-2017

The Governing Council took note of the draft IPU strategy for 2012 to 2017 (<http://www.ipu.org/conf-e/124/strategy.pdf>). The document had been prepared by the Executive Committee on the basis of proposals submitted by Member Parliaments, geopolitical groups and various IPU Committees. Member Parliaments were encouraged to debate the draft and submit comments or suggestions to the Secretariat by 30 June 2011. The draft strategy would be submitted to the Governing Council for adoption at its 189th session (Bern, October 2011).

The draft strategy contained a mission statement and set out a long-term vision for the organization. It charted a path for the IPU that would take it towards the fulfilment of that vision. The strategic directions were derived from the mission statement. They gave priority to three areas of work: democracy and parliaments, the involvement of parliaments at the international level and the IPU as an instrument of parliamentary cooperation.

The three strategic directions were interrelated and mutually reinforcing, with parliamentary cooperation at the centre. It underpinned all of the IPU's work. Each strategic direction was composed of three objectives and several sub-objectives. Each objective was accompanied by a list of expected outcomes. The draft strategy was based on a careful analysis of the IPU today, the environment in which it operated, the challenges it faced and, most importantly, its considerable comparative advantages. In essence, the strategy sought to strengthen Member Parliaments' participation in the work of the IPU and their ownership of the organization.

Once adopted, the strategy would be put in place through selected activities in the annual programme of work and consolidated budget. To a large extent, they would be financed through the core budget. The level of funding through Members' contributions would remain constant for the period covered by the strategy. Voluntary funding would

have to be found to implement additional activities that were not funded by the core budget.

6. Action by the IPU to strengthen democracy and parliamentary institutions

The Governing Council took note of an oral report on recent IPU activities to strengthen parliaments and democracy in four key areas: building the capacities of parliaments, promoting gender equality in political life, defending and promoting human rights, and developing standards for democratic parliaments. The IPU devoted 27 per cent of its resources to democracy work.

In 2010, the IPU provided advice, guidance and technical assistance to a dozen parliaments, mainly in Africa and Asia, but also in Arab countries, specifically: Afghanistan, Algeria, Cambodia, Democratic Republic of the Congo, Guinea Bissau, Lebanon, Maldives, Pakistan, Seychelles, Sierra Leone, Sudan, Togo and Viet Nam. It had recently concluded negotiations with the European Commission and UNDP on the launch of a major programme of assistance for the secretariat of the Palestinian Legislative Council.

The IPU promoted implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It tracked progress made in the political representation of women, and in 2010 co-published with the United Nations a new edition of the Map of Women in Politics. It undertook a major study on gender-sensitive parliaments, the findings of which were made available at the 124th Assembly. It helped parliaments in the Democratic Republic of the Congo, Rwanda and Togo address gender issues and mainstream gender into their proceedings and had recently sent a mission to Tunisia to help the authorities introduce gender-sensitive provisions into future electoral legislation. IPU activities to promote parliamentary action to combat violence against women were conducted, with West and Central African parliaments meeting in Ouagadougou, Burkina Faso, to develop a plan of action. The Parliament of Mali was spearheading the fight against harmful traditional practices such as female genital mutilation.

The IPU continued to protect the human rights of parliamentarians through the IPU Committee devoted to that purpose. It facilitated networking among parliamentary human rights bodies. In response to the resolution on human trafficking adopted at the 122nd IPU Assembly (Bangkok, 2010), the IPU had initiated a major project to combat child trafficking for labour purposes in

cocoa plantations in West and Central Africa. A regional parliamentary roadmap had been adopted in Benin in May 2010, and the IPU had assisted the parliaments of Benin, Burkina Faso, Gabon and Togo with its implementation.

The IPU promoted its 2006 Guide to good practice for democratic parliaments and the 2008 toolkit for self-assessment of parliamentary performance, which several parliaments were using. In 2010, the IPU had launched an unprecedented project, the Global Parliamentary Report. The first edition of the report would be published in early 2012 and would provide a bird's eye view of the world's parliaments, their members' perspectives and the challenges they faced. The IPU had concluded a two-year project to promote inclusiveness in parliaments of minorities and indigenous peoples. The project had culminated in a conference held in Chiapas, Mexico, in November, which had adopted a declaration to encourage further work by the IPU and parliaments to enhance the political participation of minorities, indigenous and other marginalized groups.

The IPU supported the work of the UN Peacebuilding Commission, providing assistance to the parliaments of the countries on the Commission's agenda. It continued to help the Parliament of Sierra Leone build a culture of dialogue and cooperation across the political spectrum. It provided assistance to the Parliament of Guinea Bissau, which had been identified as the focal point for mobilizing national reconciliation in the country, and to the Parliament of the Maldives, which was endeavouring to foster dialogue as a means of resolving differences between the majority and the opposition.

Other democracy-related work included celebration of the International Day of Democracy in cooperation with national parliaments. The IPU was working to bring the parliamentary processes of the two major democracy movements, the International Conference of New or Restored Democracies and the Community of Democracies, closer together.

7. Parliamentary action in support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and refugee protection

The Council was reminded that 2011 marked the 60th anniversary of the adoption of the 1951 United Nations Convention relating to the Status of Refugees and 50th anniversary of the 1961 Convention on the Reduction of Statelessness. To

mark those important dates, the Council adopted a parliamentary statement reiterating support for refugee protection and for the work of UNHCR (see page 43). Ms. N. Karsenty, UNHCR representative in Panama, took the floor to present the statement and information on ongoing UNHCR celebrations.

8. Recent specialized conferences and meetings

The Governing Council took note of the results of the Eastern and Southern Africa Parliamentary Regional Workshop on Children and AIDS: The social protection response, the role of the parliaments (www.ipu.org/splz-e/windhoek10.htm), the World e-parliament Conference 2010 (www.ipu.org/splz-e/eparl10.htm), the International Parliamentary Conference on parliaments, minorities and indigenous peoples: Effective participation in politics (www.ipu.org/splz-e/chiapas10.htm), the Annual Parliamentary Hearing at the United Nations (www.ipu.org/splz-e/unga10.htm), the Parliamentary Meeting on the occasion of the United Nations Climate Change Conference (COP16/CMP6) (www.ipu.org/splz-e/cop16.htm), the Regional Seminar for Twelve Plus Parliaments on youth participation in democracy (www.ipu.org/splz-e/youth10.htm), the Parliamentary Meeting on the occasion of the 55th session of the UN Commission on the Status of Women (www.ipu.org/splz-e/csw11.htm), the Annual Session of the Parliamentary Conference on the WTO (www.ipu.org/splz-e/trade11.htm) and the Regional seminar for West and Central African parliaments on combating violence against women (www.ipu.org/splz-e/ouaga11.htm).

9. Reports of plenary bodies and specialized committees

At its sitting on 20 April, the Governing Council heard the report of the Committee on the Human Rights of Parliamentarians and adopted its resolutions on individual cases before the Committee (see pages 56 to 107). Representatives of the delegations of Israel, Malaysia and Zimbabwe expressed reservations or provided clarification on cases in their respective countries.

The Council took note of the reports on the activities of the Meeting of Women Parliamentarians and its Coordinating Committee, the Group of Facilitators for Cyprus, the Committee to Promote Respect for International Humanitarian Law and the Gender Partnership Group (see pages 15 to 18).

The Governing Council heard a report of the Committee on Middle East Questions. It also heard a statement by the delegation of Israel, which voiced disagreement with some of the views expressed by the Committee. The delegations of Algeria, France, Iran (Islamic Republic of), Kenya, Mexico and Palestine made statements, some of which referred to the need for geopolitical balance and adequate funding for the Committee.

10. Future inter-parliamentary meetings

The Governing Council welcomed the invitation by the Parliament of Ecuador to host the 128th IPU Assembly in Quito in March 2013. It looked forward to receiving a full report at its next session in order to approve the venue.

In addition to the meetings that had been previously approved, the Governing Council approved the Regional Conference to combat trafficking in children for purposes of labour exploitation (Cotonou, Benin, from 26 to 28 May), the Regional Seminar for Latin American parliaments on security challenges and parliamentary oversight, the Regional Seminar for Arab parliaments on violence against women and CEDAW, and the Conference on maternal health and child survival.

The Council approved a proposal to use the funds accumulated from offsetting CO₂ emissions to cover part of the costs of the parliamentary conference on the occasion of the United Nations Climate Change Conference (COP17/CMP7) as well as a climate change-related meeting for Pacific Island parliaments that would be organized together with the parliaments of Australia and New Zealand.

260th Session of the Executive Committee

The Executive Committee held its 260th session in Panama from 12 to 14 and on 19 April 2011. The President chaired the meetings. The following titular and substitute members took part in the session: Ms. Z. Drif Bitat (Algeria), Vice-President of the Committee, Mr. N. Thavy (Cambodia), Mr. D. Oliver (Canada), Ms. M.A. Saa (Chile), replaced on 19 April by Mr. A. de Urresti, Mr. R. del Picchia (France), Ms. N. Ali Assegaf (Indonesia), replaced on 19 April by Ms. M. Mensah-Williams (Namibia, Second Vice-President of the Coordinating Committee of Women Parliamentarians), Mr. A. Alonso Díaz-Caneja (Mexico), Mr. Young Chin (Republic of Korea), Mr. K. Örnfjäder (Sweden), Ms. D. Stump (Switzerland) and Mr. Ngo Quang Xuan (Viet Nam). Mr. M. Vardanyan (Armenia), Mr. M. Nago (Benin) and Mr. T. Toga (Ethiopia) were absent. Mr. R.M.K. Al Shariqi (United Arab Emirates) was no longer a member of parliament.

The Committee decided to undertake a review of observer status at the IPU and to examine the feasibility of introducing a fee for observers. Pending that review, it decided to postpone the decision on three requests for observer status, which had been submitted by Penal Reform International, the Parliamentary Assembly of the Community of Portuguese-speaking Countries and the Partnership for Maternal, Newborn and Child Health (PMNCH).

The Committee was presented with the 2010 Financial Results and the Financial Situation of the IPU at 31 March 2011.

The Committee received the management letter from the External Auditor and the management response. It took note that recommendations made by the Auditor in his previous report were being implemented. It concurred with the Auditor's recommendation that the IPU needed to improve its implementation rate and that any project that suffered significant delays should be closely monitored and the funds returned to the donor if reasonable progress was not being made.

The Committee reviewed the contract of the Secretary General and the staff legacy Pension Fund. It endorsed a proposal from the Board of the Pension Fund to carry out an actuarial assessment to determine the current liability of the Fund and to make the necessary adjustments in

the investment policy and the management of the portfolio to secure the viability of the Fund.

The Executive Committee decided to establish a finance committee to assist it in its work on budget, finance and auditing matters. A working group of the Executive Committee was tasked with developing the mandate and working modalities of that committee, which would be established in October 2011.

The Executive Committee considered the scale of contributions. A working group it had set up to examine the scale had met twice in Panama. It would continue to examine a variety of options. The Executive Committee would review the work of the group in October 2011, when it hoped to be able to present a revised scale to the Council.

With regard to future IPU budgets, the Executive Committee looked at initial estimates of income and expenditure for 2012. According to those estimates, the core budget for 2012 and beyond would be lower than in previous years. The Committee was working to achieve economies based on clear priorities, which it would establish on the basis of the IPU Strategy for 2012 to 2017.

The Committee held an initial discussion on resource mobilization. It was briefed on the challenges encountered when seeking voluntary funding from donors. It recognized the need for Member Parliaments to assume a more proactive role in support of the IPU's resource mobilization efforts.

The Committee noted that Articles 5.2 and 5.3 of the Statutes did not specify that Associate Members defaulting in their financial contributions were subject to sanctions and suspension if they did not pay their contributions. The Committee asked the Secretary General to prepare an amendment to those articles and circulate it to all Members so that it could be approved by the Governing Council at its next session.

The Committee took note that the IPU, as a condition of membership in the United Nations Joint Staff Pension Fund, was required to apply the United Nations common system of salaries, allowances and benefits. The Executive Committee undertook a detailed review of those entitlements.

The Executive Committee endorsed in principle a proposal from the Secretariat of the United Nations Convention on Biological Diversity to

conclude a Memorandum of Cooperation with the IPU for an initial period until the end of 2012 to promote ratification of the Nagoya Protocol.

The decision was taken on the understanding that any related staff or other costs would be borne by the United Nations.

Meeting and Coordinating Committee of Women Parliamentarians

The Sixteenth Meeting of Women Parliamentarians took place on 15 April 2011 and brought together approximately 115 women from the following 71 parliaments: Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Congo, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Gabon, Gambia, Germany, Guinea Bissau, India, Indonesia, Iran (Islamic Rep. of), Iraq, Japan, Jordan, Kenya, Kuwait, Lesotho, Liechtenstein, Luxembourg, Maldives, Mali, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, Pakistan, Panama, Peru, Republic of Korea, Russian Federation, San Marino, Sao Tome and Principe, Sierra Leone, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Trinidad and Tobago, Turkey, Uganda, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe. Men from the following delegations also attended: Cameroon, Congo, Czech Republic, Denmark and Togo.

The meeting was also attended by representatives of the following programmes and international organizations: the Partnership for Maternal, Newborn and Child Health (PMNCH), the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF.

The Meeting was informed that Ms. S. Greiss (Egypt), President of the Coordinating Committee of Women Parliamentarians, had lost her seat in parliament during the most recent legislative elections in her country. In accordance with the Committee's Rules, the First Vice-President, Ms. N. Ali Assegaf (Indonesia), would assume the Chair until the end of the current term (April 2012).

Ms. Ali Assegaf opened the Meeting of Women Parliamentarians, which elected Ms. D. Castañeda, Second Vice-President of the National Assembly of Panama, as its President. Ms. Castañeda welcomed the participants and outlined the programme of work. IPU President, Dr. T.-B. Gurirab, and the President of the National Assembly of Panama, Mr. J. Muñoz Molina, also welcomed the participants.

Ms. Ali Assegaf briefly reported on the Committee's deliberations at its previous three sessions. She highlighted the Committee's contribution to the preparation of the IPU Draft Strategic Plan, namely a series of recommendations for gender mainstreaming.

The Meeting filled the vacancies on the Committee, electing Ms. Z. Bouayad (Morocco) and Ms. A. El-Farhan (Jordan) as titular members from the Arab Group, and Ms. C. Nishimura (Japan) as titular member from the Asia-Pacific Group. It also elected Ms. F. Dağci Çiğlik (Turkey) as First Vice-President.

Ms. Drif Bitat (Algeria) reported on the work of the Gender Partnership Group during its session in Panama, in particular with regard to ascertaining the level of women's participation in delegations to IPU Assemblies, examining the IPU budget from a gender perspective and monitoring the situation of parliaments with no women members.

The participants were briefed on the IPU's recent activities on gender issues. They considered the report of the expert mission dispatched by the IPU to Tunisia in March 2011. The mission's objective had been to support electoral reform with a view to the election of a gender-balanced constituent assembly in Tunisia. The participants were informed of activities under the IPU campaign to combat violence against women, in particular the regional seminar for parliaments of West and Central Africa co-organized by the IPU and the National Assembly of Burkina Faso in March 2011.

As its contribution to the Assembly, the Meeting considered, from a gender perspective, the subject items debated by the First and Third Standing Committees:

- Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power;
- Transparency and accountability in the funding of political parties and election campaigns.

Ms. J. Ballington, UNDP Gender Adviser, made a presentation on the role of political parties in promoting women's participation in politics and on election-related violence against women. The participants split into two discussion groups, one for each subject item. Ms. S. Moulengui-Mouélé (Gabon) and Ms. L. Menchaca (Mexico) were elected moderator and rapporteur respectively of the first group, and Ms. V. Petrenko (Russian Federation) and Ms. M. Mensah-Williams (Namibia), moderator and rapporteur of the second. In its report, each group proposed a series of amendments to the resolutions of the First and Third Standing Committees respectively.

In the afternoon, the participants debated the progress made and setbacks suffered by women in politics in 2010. They discussed changes in electoral laws and constitutions, quotas and societal attitudes, which continued to impede women's access to parliament.

The participants held a dialogue session on gender-sensitive parliaments. The session was opened by the IPU President, Dr. T.-B. Gurirab, who launched the publication on the results of the IPU's global survey on gender-sensitive parliaments. Ms. S. Palmieri, an Australian researcher and the publication's main author, presented an overview of the survey's conclusions. Ms. A. Boman, a Swedish expert on gender issues, gave a talk on gender mainstreaming. Both presentations identified ways and means of helping parliaments become sensitive to the needs and interests of both men and women in terms of their structures, the way they functioned, their working methods and their action.

During the discussions, the participants examined measures that could serve to make parliaments gender-sensitive, namely:

1. Increase the number and presence of women;
2. Draw up a legal framework for gender equality and policies that take account of the needs of men and women in the workplace;
3. Mainstream gender equality into parliament's work;
4. Improve parliamentary culture and infrastructure;
5. Remind men of their responsibility to achieve gender equality; and
6. Reform political parties.

At the close of the meeting, the participants discussed cooperation with the United Nations, in particular the parliamentary event organized jointly by the IPU and UN Women on the occasion of the 55th Session of the United Nations Commission on the Status of Women, which was held in New York in February 2011.

The Coordinating Committee met on Thursday, 15 April 2011, to review preparations for the Meeting of Women Parliamentarians. It met again on 19 April and began preparations for its next meeting in October 2011, where it would examine each of the three Standing Committee subject items under review from a gender perspective. It began discussing the development of a gender mainstreaming strategy at the IPU. Members were given a training session on gender mainstreaming by Ms. Boman.

Subsidiary bodies and Committees of the Governing Council

1. Committee on the Human Rights of Parliamentarians

Ms. S. Carstairs (Canada), Ms. R. Green (Mexico), Mr. P. Mahoux (Belgium), Mr. K. Jalali (Islamic Republic of Iran) and Ms Z. Benarous (Algeria) participated in the Committee's 133rd session, which took place from 15 to 19 April. The session was also attended by substitute members Mr. B. Barovič (Slovenia), Ms. A. Boumediene-Thiery (France) and Mr. J.P. Letelier (Chile). The Committee examined the individual situations of 374 sitting or former parliamentarians of 39 countries in all regions of the world. Taking into account the cases submitted to it at its

132nd session (January 2011), the Committee studied 14 new cases for the first time and held 21 hearings. The resolutions submitted to the Governing Council for approval concerned cases in 21 countries. One of them was presented for the first time and one was closed.

2. Committee on Middle East Questions

The Committee met on 15 and 19 April. Two titular members, Mr. F.-X. de Donnea (Belgium) and Mr. S. Janquin (France), were present. One substitute member, Mr. F. Gutzwiller (Switzerland), took part in the discussions on 19 April. Mr. de Donnea chaired the meeting in

the absence of the President of the Committee. The Committee met separately with Mr. M. Sheehrit, leader of the Israeli delegation, and with Mr. Q. Abdelkarim and Mr. Z. Sanduka of the Palestinian delegation.

The Committee was convinced that parliamentary diplomacy could and should play an active role in facilitating the peace process in the Middle East. It felt that, more than ever before, there was a need for broad dialogue involving Israeli and Palestinian legislators, as well as legislators from other Arab countries. It proposed to focus its efforts in future on facilitating parliamentary dialogue with all those countries.

To that end, the Committee decided to invite members of parliament from Israel, Palestine and other Arab countries to a meeting at its next session in October 2011, when it would specifically examine the Arab Peace Plan.

The Committee encouraged national parliaments to do everything in their power to forge relations built on trust and partnership with the parliaments of Palestine and Israel.

The Committee noted that, given the decision of the IPU's governing bodies to maintain the IPU budget at its current level for the foreseeable future, it was not possible to provide extra funding or staff to service the Committee's work. It decided to carry out a mission to the region in November 2011 and requested the Secretary General to establish contact with the Palestinian and Israeli parliaments with a view to drawing up concrete plans, and to submit draft terms of reference for the mission to the Committee at its next session. It noted that the cost of carrying out such a mission could be reduced substantially if the parliaments of the Committee members concerned covered travel and accommodation costs.

3. Committee to Promote Respect for International Humanitarian Law

The Committee to Promote Respect for International Humanitarian Law met on Monday, 18 April, 2011. The sitting was chaired by Ms. B. Gadiant (Switzerland). The participants included representatives of the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Cluster Munitions Coalition (CMC).

The Committee began by discussing the question of missing persons. It reiterated the importance of developing an adequate legislative framework to prevent disappearances, clarify the fate of missing persons, manage human remains and information on the dead, and provide support to families of missing persons. It welcomed the recent publication in Spanish and Arabic of the IPU-ICRC publication *Missing Persons: A Handbook for Parliamentarians*.

The Committee heard from a UNHCR representative about recent developments related to refugee protection and statelessness, including the situations in North Africa and Cote d'Ivoire.

The Committee recalled that 2011 marked the 50th anniversary of the 1961 Convention on the Reduction of Statelessness and the 60th anniversary of the 1951 Convention relating to the Status of Refugees. It stressed the need to remain vigilant at a time when refugee rights were increasingly challenged by changing realities. It voiced support for the IPU statement adopted by the Governing Council to mark those commemorations.

The Committee welcomed recent legislative changes in Algeria, Kenya and Tunisia, where women had recently been granted the right to pass their nationality on to their children, thereby reducing statelessness in those countries.

The Committee was briefed by the CMC on developments with regard to the Convention on Cluster Munitions, which had entered into force in August 2010. It reiterated the need for continued ratification and implementation, and urged that the Convention be given the widest possible international support.

The Committee ended its session by discussing ways of enhancing its work and functioning. It recommended that:

- The open sessions take place on days when the Assembly was in session;
- It meet at each IPU Assembly, so as to ensure the sustainability of its work; and
- Its members undertake missions relating to particular issues of refugee and international humanitarian law and report back to the Committee.

The Committee deplored the poor attendance at its sessions and proposed that members who failed to attend two consecutive sessions be

removed from the Committee and elections be held to replace them.

4. Group of Facilitators for Cyprus

A meeting of the Group of Facilitators for Cyprus took place on 17 April. It was attended by two of the three Facilitators, Mr. M. Sheetrit (Israel) and Mr. J. Lobkowicz (Czech Republic), by Mr. N. Anastasiades and Mr. Y. Thoma of the House of Representatives of the Republic of Cyprus, and by Mr. H. Tacey, Mr. H. Bozer and Mr. S. Adem representing the Turkish Cypriot political parties. The third Facilitator, Mr. R. Ray, did not attend.

Both parties provided updates on developments and shared experiences since the 2010 meeting. While neither party felt that progress had been made, both said they remained strongly committed to finding solutions in accordance with the relevant United Nations resolutions. They agreed that the Group of Facilitators should continue to meet, focusing on major, overarching issues.

5. Gender Partnership Group

The Gender Partnership Group held its 27th session on 14 and 19 April 2011. Mr. R. del Picchia (France), Ms. Z. Drif Bitat (Algeria), Mr. Ngo Quang Xuan (Viet Nam), Ms. M. Mensah-Williams, Ms. M.A. Saa (Chile) and Mr. D. Oliver (Canada) attended.

The Group compared the composition of the delegations present at the 124th IPU Assembly to that of previous statutory meetings. At 19 April, 182 of the 615 delegates (29.6%) attending the Assembly were women. That was the highest figure for women's participation for the past five IPU Assemblies. It was, nonetheless, slightly lower than the percentage recorded at the most recent Assembly in Geneva (32.7%).

Of the 119 delegations present at the 124th Assembly, 110 were composed of at least two delegates. Of those, 16 were composed exclusively of men (14.5%) compared with 16.7 per cent at the most recent Assembly in Geneva. Those all-male delegations were from the parliaments of the following countries: Burundi, Cyprus, Denmark, Hungary, Kazakhstan, Latvia, Malta, Mauritania, Mongolia, New Zealand, Oman, Papua New Guinea, Portugal, Qatar, Saudi Arabia and the United Kingdom. The following

delegations were penalized for being composed exclusively of the same sex at three consecutive Assemblies: Israel, Malta, Papua New Guinea, Qatar and Saudi Arabia.

The Group discussed gender mainstreaming within the IPU. It noted that one section of the Draft Strategic Plan was devoted to the need to strengthen gender mainstreaming and identified measures that could be put in place, including setting clear targets, presenting sex-disaggregated data, conducting gender-based analyses, providing training and ensuring follow-up and evaluation. It also held a brief exchange with Ms. A. Boman, a Swedish gender expert, on gender mainstreaming strategies.

The Group examined the situation of houses of parliament with no women, of which there were nine, mainly among the Pacific Island States and the Gulf Cooperation Council States. It took a close look at the situation in Qatar and Saudi Arabia, where local elections would be held shortly.

The Group received a status report on a number of activities conducted under the Gender Partnership Programme. It welcomed the *Study on gender-sensitive parliaments* and congratulated the IPU on its campaign, *Parliaments take action on violence against women*. It applauded the organization for supporting electoral reform in Tunisia with a view to seeing a law passed on gender parity in the country's future constituent assembly.

On 19 April 2011, the Group met with the delegation of Saudi Arabia to discuss the situation of women in the country. With municipal elections scheduled for 2011, the Group focused on women's participation in politics. The Saudi delegation explained that although the law did not prohibit women's participation, they would not be taking part in those elections for purely logistical reasons. It pointed out that women's representation as professionals in the industrial, financial and economic sectors had improved. The country had engaged in a national dialogue on reform and change. The Group was informed that women were actively involved in that dialogue and that even though the process of reform might be long, women's right to participate in political life was on the agenda. The Group agreed to continue monitoring the situation of Saudi women as women's participation in politics was a priority for the IPU.

Other events

1. Panel discussion on *Recent political upheavals in the world: Lessons for democracy*

A panel discussion was held in the afternoon of Monday 18 April to debate the significance of recent political upheavals in the Arab world. It featured Ms. Z. Drif Bitat (Algeria), Mr. F. Drilon (Philippines), Mr. N. Lammert (Germany) and Mr. J.P. Letelier (Chile). The moderator was Ms. M. Guerra (Mexico).

Ms. Drif Bitat began by debunking some myths about the Arab world. For a start, the Arab countries were not a single cultural, religious and political entity. People rebelled in different countries for different reasons. Second, it was nonsense that democracy did not suit the Arab world, nor were there any grounds for saying that Islam and democracy were not compatible.

Mr. Drilon said he had not been surprised by the uprisings in the Arab world, because its themes were the same as those of the revolution in his country 25 years previously. The end of the Marcos regime had been one of his nation's finest moments. Free, honest and reliable elections, an independent judiciary, and freedom of expression were all crucial to the survival of democracy. Today, the Philippines had a vibrant media, which had proven to be critical to its democracy.

Mr. Letelier said that the upheavals in North Africa and the Middle East were the most significant events since the collapse of the Berlin Wall in 1989. Looking back at the Latin American continent over the past century, military regimes had been established and international law violated, and the world had looked on in silence. He went on to contrast the no-fly zone imposed on Libya with the lack of action in countries such as Myanmar.

Mr. Lammert alluded to German history and its experiments with democracy. Successful democratic systems had to be both efficient and legitimate. If there was no legal way to remove an unpopular government, then it was inevitable that people would want to get rid of the political system.

In the ensuing debate, there was much discussion of the meaning of the term "intervention", on when it was legitimate and when it was not, and when non-intervention was not justifiable. The new role of the Internet in the revolutions also elicited much comment, as did the question of how the desire to

impose geopolitical stability often stifled the urge for greater freedoms.

2. Panel discussion on *Narrowing the gaps: Achieving the Millennium Development Goals with equity for children*

The panel discussion co-organized by the IPU and UNICEF took place on Monday, 18 April. Ms. M. Vallarino, President of the Committee on Women, Children, Young People and the Family of the National Assembly of Panama, and the IPU President, Dr. T.-B. Gurirab, opened the meeting. Ms. L.M. Noli, a Panamanian television presenter, moderated the discussions, which were launched by Mr. B. Aasen, UNICEF Regional Director for the Americas and the Caribbean, Ms. S.D. Dejanović, Speaker of the National Assembly of Serbia, Mr. F.M. Maalim, Deputy Speaker of the National Assembly of Kenya, and Ms. M.A. Saa, a member of parliament from Chile.

The panel discussion sought to identify ways of reducing glaring inequalities by paying particular attention to the most underprivileged and vulnerable children. Strategies based on equity that targeted the neediest children were not just a matter of justice, they were effective ways of narrowing the gaps and achieving the MDGs.

The participants discussed their countries' experiences with regard to the rights of the child, highlighting progress made and remaining challenges. Access to education, for example, had improved for boys and girls in most countries, but far too often teaching was inadequate and teachers in short supply. A number of good practices were highlighted, such as support programmes for underprivileged women, the introduction of maternity and paternity leave, citizen forums for children and youth, and the work of parliamentary bodies on the rights of the child. It was noted that children and adolescents were often exposed to multiple forms of violence in their families and communities, in particular when faced with drug problems and gang wars. Along with women, they were the primary victims of armed conflict.

The participants identified the following ways of improving the lives of the poorest children:

- (a) Target the children most exposed to discrimination and living in the poorest communities;
- (b) Ensure that national budget allocations are made in keeping with commitments for the

- poorest children and analyse the impact of budget allocations on those children; and
- (c) Enact legislation in favour of marginalized groups so as to reduce disparities and transpose the principles enshrined in the Convention on the Rights of the Child into domestic law.

The participants requested the IPU to establish a standing committee on children to ensure that the question featured prominently in the organization's work.

3. Open Forum on *The Global Parliamentary Report: Parliaments and people, a changing relationship*

As part of the research for the first Global Parliamentary Report, a joint IPU-UNDP project, an event was held to discuss the changing relationship between parliaments and citizens. Parliaments currently faced more diverse challenges and greater expectations of their constituents than before. As opportunities for citizen engagement grew, so did voters' expectations of what parliaments should deliver. Parliamentarians from different continents shared their experiences very frankly in the open forum. They underlined a widely-shared degree of wariness among the public towards their elected representatives. The solution insofar as one could be identified, lied in parliaments creating and maintaining proximity with their constituents. Being physically present, visible and accessible appeared necessary ingredients for building close relations with the citizenry. Those themes were further explored in four informal discussion groups during the Assembly. In addition, over 200 short surveys of parliamentarians' views on their relations with citizens were carried out to inform The Global Parliamentary Report.

4. Panel discussion on *Twentieth-century norms and twenty-first-century realities: Protecting the stateless, refugees, and civilians today*

The panel took place on 19 April and focused on the relevance in today's world of the legal frameworks dealing with statelessness, refugees and international humanitarian law. It underscored the central role that parliamentarians played in the accession of States to international treaties, legal reform and incorporating international legal obligations into domestic law.

The session was opened by Ms. M. Adjami of the Statelessness Unit, Office of the United Nations

High Commissioner for Refugees (UNHCR), Mr. O. Fantazzini, a former member of parliament of Brazil, and Mr. P. Zahnd, Legal Adviser for Latin America and the Caribbean, International Committee of the Red Cross.

An overview was given of UNHCR action in response to the current forced displacement crises in the Libyan Arab Jamahiriya and Côte d'Ivoire, emphasizing how difficult it was to address the plight of the stateless. The spotlight was placed on Brazil's recent constitutional reform, which had changed the status of approximately 200,000 stateless children of Brazilian citizens born abroad. As a best practice, that case underscored the key role parliamentarians could play in transforming international standards on preventing statelessness into concrete solutions through national citizenship law reform.

The panel considered the need for States and other parties to armed conflicts to respect and ensure respect for international humanitarian law standards, most of which had been adopted in the XXth century, and for additional treaty-based and customary rules to address the humanitarian consequences of XXIst century situations of violence and crisis linked to conflict or natural disasters.

5. Round-table discussion on *Parliamentarians taking the lead on maternal, newborn and child health*

The round-table discussion was organized in collaboration with the Partnership for Maternal, Newborn and Child Health (PMNCH) and the Every Woman Every Child campaign. It was co-chaired by Ms. C. Presern, Director of PMNCH and Mr. M. Chungong, Director, Division for the Promotion of Democracy. Panellists included Ms. R. Kadaga, Deputy Speaker of the Parliament of Uganda, and Dr. A. de Francisco from the Countdown to 2015.

The participants were briefed by the Countdown representative on country progress in reducing child mortality and improving maternal health. They were informed about the UN Secretary-General's Global Strategy for Women's and Children's Health, which had led to the establishment of the Commission on Information and Accountability for Women's and Children's Health.

The meeting examined the role of parliaments in promoting maternal and child health. Parliamentarians highlighted their efforts in the areas of legislative reform, budgeting, monitoring, advocacy and oversight. Key issues and challenges

were identified, namely the need to train parliamentarians, in particular with respect to budgeting, ensure that initiatives undertaken were sustainable, and increase donor support. Sustainability called for stronger partnerships, making inter-sectoral linkages, integration (local, national and global) and ensuring interrelation between the MDGs. The importance of adopting a rights-based approach in the work of maternal and child health was also discussed.

In order to further promote the work of parliaments on maternal and child health, the IPU, along with its partners, was requested to:

- Facilitate discussions to raise awareness among parliamentarians on why investing in maternal, newborn and child health was important;
- Undertake activities to endow parliamentarians with the skills to improve their oversight and budgetary functions;
- Create more opportunities for shared learning and exchange of experiences; and
- Establish institutional mechanisms to make the issue of maternal and child health a regular topic at major IPU events.

6. Side event on *Thirty years of HIV/AIDS: Where are parliaments?*

The side event was co-organized by the IPU and UNAIDS on 17 April. Moderated by Mr. M. Burgos, Director of the Panamanian Human Rights and Health Institute, the meeting attracted prominent names in the field, including Ms. S. Timberlake, UNAIDS Senior Human Rights and Law Adviser in Geneva, Mr. C. Núñez, UNAIDS Regional Director for Latin America, Ms. M.A. Saa, a Chilean legislator, and Mr. J.D. Seelam, a member of the Indian Parliament.

The panellists stated that, 30 years into the HIV epidemic, it was time to reorient the response in the countdown to the MDG deadline of 2015. That implied greater recognition of the essential role of parliamentarians and the legal environment. It would require supportive legal and policy frameworks to eliminate discrimination against persons with HIV, promoting human rights, ensuring that governments honoured human rights treaty obligations and that national laws rejected punitive approaches to HIV. Such approaches included mandatory testing, coerced sterilization or abortions for women living with HIV, restrictions on entry, stay and residence in countries, and criminalization of HIV transmission.

Ms. Saa presented a ground-breaking study that identified gaps in HIV-related legislation in 13 countries in Latin America, where stronger legislative action was needed to attune the law more to people's rights. The study could be used as a tool to monitor progress in complying with international guidelines on HIV. Mr. Seelam underscored that prevention of HIV among migrant and underprivileged populations required closer attention. India had called for a national goal of three “zeros”: zero new infections, zero AIDS-related deaths and zero discrimination. They could be achieved if governments invested in youth as their single most important priority, as young people were the hardest hit by HIV.

A lively discussion followed during which the participants stressed the need to educate parliaments about HIV and the crucial importance of political leadership in the AIDS response. The parliamentarians called for the establishment of a regular reporting system to the IPU governing bodies on progress made in weeding out punitive and discriminatory laws that hindered effective HIV interventions.

7. Side event on *The role of parliaments in disaster risk reduction*

A side event organized jointly by the IPU and the International Strategy for Disaster Reduction (ISDR) Secretariat in the afternoon of Tuesday, 19 April, was attended by legislators from Bahrain, Bangladesh, Cambodia, Colombia, Costa Rica, India, Japan, Namibia and Panama. Building on the IPU-ISDR Advocacy Kit for Parliamentarians on disaster risk reduction, launched at the 123rd IPU Assembly in Geneva (October 2010), the legislators discussed how best to support and become involved in the global campaign to make nations and communities more resilient to disasters and climate change.

Disaster risk reduction was a key cross-cutting issue, as it constituted a strategic entry point to all the main development areas. Moreover, even a cursory comparison of the benefits of preventive action (enhanced economic returns in various areas such as tourism) and the devastating costs of inaction, both in material and human terms, sufficed to demonstrate why prevention must enter the mindset of all policymakers.

The participants shared experiences and best practices, including the various institutional mechanisms that could be put in place for more effective disaster risk reduction: legislative and constitutional frameworks, parliamentary select committees and national investment systems designed to take disaster risk reduction into

account. Challenges remained and were discussed in some detail. Parliamentary cooperation in that area needed to be pursued, including through the participation of parliamentarians in the forthcoming Global Forum for Disaster Risk Reduction (Geneva, May 2011). Local UN offices should also engage more actively with relevant parliamentary select committees.

During the final sitting of the Governing Council, on 20 April, IPU Member Parliaments were informed that the Advocacy Kit on Disaster Risk Reduction was now available in all six official UN languages. They were encouraged to use the kit when reviewing legislation and to take new and more decisive action to protect civilians at a time of increasingly frequent and destructive natural disasters.

8. Informal meeting of young MPs

The event took place on 20 April and was attended by 11 young men and women parliamentarians from Croatia, Maldives, Morocco, Namibia,

Pakistan, South Africa, Suriname, Uruguay and Zambia. It was organized as a follow-up to the resolution on *Youth participation in the democratic process*, adopted by the 123rd IPU Assembly (Geneva, 2010).

The participants discussed implementation of the resolution and youth participation in the IPU, underscoring that enhancing such participation was useful for both young parliamentarians and the IPU as an organization. They referred to the crucial role played by young people in the recent pro-democracy uprisings in many countries.

They agreed by consensus that a formal platform for young parliamentarians should be established within the IPU. It would provide a forum for young parliamentarians to meet, exchange experiences and make a "youth" contribution to IPU activities and decisions.

Other activities

1. Media and communications

The IPU communications team worked closely with the Panamanian hosts to ensure wide press coverage of the events at the Assembly. There were five press conferences attended by national, regional and international journalists, including two with the Speaker of the Host Parliament and one with the Executive Director of UN Women. A number of press releases were produced and distributed worldwide in three languages, IPU publications were promoted, eliciting considerable interest among delegates, and a video on the activities of the organization was given a first showing to the Governing Council.

2. Field visits on childhood-related issues

On Sunday, 17 April, 30 delegates participated in one of two field visits on child-related issues organized in cooperation with UNICEF. One group visited Panama City's Santa Ana/Chorrillo area, a marginalized urban community near the newly regenerated *Casco Viejo*, or Old Town. A second group visited indigenous areas in which non-governmental organizations (NGOs) were equipping indigenous women with the skills they needed to make the transition to a more modern lifestyle.

On the first visit, the delegates were introduced to Mr. H. Brands, Executive Director of the *Movimiento Nueva Generación*, a community-based organization that focused on preventing violence in areas that suffered from poverty and marginalization. They visited the community centre, watching performances by children given the opportunity to take part in dance, art and sports activities, including an annual football tournament. One of the centre's primary objectives was to involve children in activities that would stop them from joining local gangs and engaging in acts of violence. After a walk through the area, the delegates talked with Mr. Brands and his team about the challenges they faced and the progress they had made.

The second group of delegates called on women from various indigenous communities, including the Kuna, the Ngabe Bugle and the Embera Wounaan. The delegates spoke with representatives of NGOs such as the *Coordinadora Nacional de Mujeres Indígenas de Panamá* and the *Fundación para el Desarrollo Integral de la Mujer y la Familia*, which worked to support community projects. They watched dances performed by children and adults wearing traditional costumes and colourful masks. The people in those communities could take vocational classes and train in information technology, English and handicrafts. The challenge

was to provide indigenous people with a bridge to a more prosperous, modern future while helping

them maintain their ethnic identity.

Elections and appointments

1. Office of President of the 124th Assembly of the Inter-Parliamentary Union

Mr. José Muñoz Molina, Speaker of the National Assembly of Panama, was elected President of the Assembly.

2. Executive Committee

In order to replace Mr. R.M.K. Al Shariqi (United Arab Emirates), who is no longer a member of parliament, Mr. M. Al-Ghanim (Kuwait) was elected to the Executive Committee for a four-year term.

Bureaux of the Standing Committees

Standing Committee on Peace and International Security

President

Mr. S.H. Chowdury (Bangladesh)
(*Asia-Pacific Group*)

First Vice-President

Mr. H. Quiroga (Argentina)
(*Group of Latin America and the Caribbean*)

Vice-Presidents

African Group
Vacancy – titular
Mr. A. Bougue (Cameroon) – substitute

Arab Group

Ms. L. Bennani Smires (Morocco) – titular
Ms. N. Rousan (Jordan) – substitute

Asia-Pacific Group

Current President – titular
Vacancy – substitute

Eurasia Group

Ms. N. Mazai (Belarus) - titular
Mr. V. Nefedov (Russian Federation) - substitute

Group of Latin America and the Caribbean

Current First Vice-President - titular
Mr. O.S. Reyes (El Salvador) – substitute

Twelve Plus Group

Mr. P. Moriau (Belgium) – titular
Mr. N. Evans (United Kingdom) – substitute

Standing Committee on Sustainable Development, Finance and Trade

President

Mr. S.E. Alhousseini (Saudi Arabia)
(*Arab Group*)

First Vice-President

Ms. B. Contini (Italy)
(*Twelve Plus Group*)

Vice-Presidents

African Group
Ms. L.S. Changwe (Zambia) - titular
Mr. H.R. Mohamed (United Republic of Tanzania)
- substitute

Arab Group

Current President – titular
Mr. W. Rawashdeh (Jordan) - substitute

Asia-Pacific Group

Mr. I.A. Bilour (Pakistan) – titular
Mr. D. Adams (Australia) – substitute

Eurasia Group

Mr. B.-Z. Zhambalnimbuyev
(Russian Federation) - titular
Vacancy – substitute

Group of Latin America and the Caribbean

Mr. R. León (Chile) – titular
Mr. F. Bustamente (Ecuador) – substitute

Twelve Plus Group

Current First Vice-President - titular
Mr. F.-X. de Donnea (Belgium) - substitute

Standing Committee on Democracy and Human Rights

President

Mr. O. Kyei-Mensah-Bonsu (Ghana)
(*African Group*)

First Vice-President

Vacancy
(*Eurasia Group*)

Vice-Presidents

African Group
Current President – titular
Ms. P. Fouty-Soungou (Congo) - substitute

Arab Group

Mr. J. Nassif (Bahrain) – titular

Mr. R. Abdul-Jabbar (Iraq) – substitute

Asia-Pacific Group

Mr. S.S. Ahluwalia (India) – titular

Mr. R. Fatyana (Pakistan) - substitute

Eurasia Group

Vacancy – titular

Mr. S. Gavrilov (Russian Federation) – substitute

Group of Latin America and the Caribbean

Mr. J.M. Galán (Colombia) - titular

Ms. C. Chacón (Peru) - substitute

Twelve Plus Group

Mr. E. Francu (Romania) – titular

Mr. J.P. Winkler (Germany) – substitute

4. Rapporteurs of the Standing Committees to the 126th Assembly

Standing Committee on Peace and International Security

Promoting and practising good governance as a means of advancing peace and security: Drawing lessons from recent events in the Middle East and North Africa

co-Rapporteurs: - Mr. J.J. Mwiimbu (Zambia)
- Mr. M. Gyöngyösi (Hungary)

Standing Committee on Sustainable Development, Finance and Trade

Redistribution of power, not just wealth: Ownership of the international agendas

co-Rapporteurs: - Lord Judd (United Kingdom)
- Mr. O. Benabdallah (Morocco)

Standing Committee on Democracy and Human Rights

Access to health as a basic right: The role of parliaments in addressing key challenges to securing the health of women and children

co-Rapporteurs: - Ms. P. Turyahikayo (Uganda)
- Ms. S. Ataullahjan (Canada)
- Mr. C. Sardinha (India)

5. Committee on the Human Rights of Parliamentarians

Mr. B. Barovič (Slovenia) and Mr. K. Tapo (Mali) were elected titular members for a five-year term until April 2016.

6. Committee on Middle East Questions

The Governing Council elected Ms. A. van Miltenburg (Netherlands) as titular member of the Committee for a four-year term ending in April 2015.

The Governing Council elected Ms. Z. Benarous (Algeria) as a substitute member of the Committee for a four-year term ending in April 2015.

7. Coordinating Committee of Women Parliamentarians

The Vice-President of the Committee, Ms. N. Ali Assegaf (Indonesia), was elected President until April 2012, upon the expiry of the term of the previous President, Ms. S. Greiss (Egypt), who is no longer a member of parliament.

Ms. F. Dağci Çiğlik (Turkey) was elected First Vice-President until April 2012.

Ms. Z. Bouayad (Morocco) was elected titular regional representative of the Arab Group until April 2014 and Ms. A. El-Fahrhan (Jordan) titular regional representative for the Arab Group until April 2012.

Ms. C. Nishimura (Japan) was elected titular regional representative of the Asia-Pacific Group until April 2012.

8. Gender Partnership Group

The Executive Committee appointed Ms. M.A. Saa (Chile) to the Group.

Membership of the Inter-Parliamentary Union *

Members (157)

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea Bissau, 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, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Palestine, 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, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe

Associate Members (9)

Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union, Latin American Parliament, Parliament of the Economic Community of West African States, Parliamentary Assembly of the Council of Europe and Transitional Arab Parliament

* At the closure of the 124th Assembly

Agenda, Resolutions and Decisions of the 124th Assembly of the Inter-Parliamentary Union

1. Election of the President and Vice-Presidents of the 124th 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 *Parliamentary accountability: Living up to people's expectations*
4. Providing a sound legislative framework aimed at preventing electoral violence, improving election monitoring and ensuring the smooth transition of power
(*Standing Committee on Peace and International Security*)
5. The role of parliaments in ensuring sustainable development through the management of natural resources, agricultural production and demographic change
(*Standing Committee on Sustainable Development, Finance and Trade*)
6. Transparency and accountability in the funding of political parties and election campaigns
(*Standing Committee on Democracy and Human Rights*)
7. Approval of the subject items for the 126th Assembly and appointment of the Rapporteurs
8. Strengthening democratic reform in emerging democracies, including in North Africa and the Middle East

PROVIDING A SOUND LEGISLATIVE FRAMEWORK AIMED AT PREVENTING ELECTORAL VIOLENCE, IMPROVING ELECTION MONITORING AND ENSURING THE SMOOTH TRANSITION OF POWER

Resolution adopted by consensus by the 124th IPU Assembly
(Panama City, 20 April 2011)*

The 124th Assembly of the Inter-Parliamentary Union,

Recalling the 1948 Universal Declaration of Human Rights, the 1976 International Covenant on Civil and Political Rights, and the 1981 African Charter on Human and Peoples' Rights, which, inter alia, provide that every citizen, regardless of gender, religion or race, has a right to take part in the conduct of public affairs directly or through freely chosen representatives, and that the will of the people should be expressed through free and fair elections based on universal and equal suffrage and secret ballots, in the full exercise of sovereignty of the people, so as to constitute the basis for legitimate and credible authority of government,

Recognizing that free and fair elections as a prerequisite for the peaceful transfer of power are the cornerstone of democratic practice,

Aware that the smooth transfer of power requires respect for the rule of law, transparent political and electoral institutions, a strong civil society and free and impartial media,

Considering that different countries are at different stages of democratic consolidation, but that all countries need to continue to strive to establish laws that provide optimal conditions for the holding of free and fair elections,

Underscoring that an effective electoral framework should entrench a series of basic elements, including periodic free and fair elections, secret ballots, a competitive and inclusive electoral process, equal and balanced access to the media and to State resources for all political parties, broad-based voting rights, a reliable voter registration process, and an independent and impartial election management body entrusted with organizing free and fair elections,

Expressing deep concern over the increase in electoral violence experienced in several countries in recent years for a variety of reasons: socio-economic disparities; gender inequality; ideological differences; weak governing institutions; inadequate or inappropriate power-sharing mechanisms; electoral systems that create real or perceived inequalities or marginalization; abuses perpetrated by military and/or security forces; unsound statutory and regulatory frameworks; lack of transparency; insufficient civic and voter education; poor transitional mechanisms; absence of sound electoral laws; lack of trust and confidence in election management bodies, of adequate measures to enfranchise eligible voters and of a level playing field; lack of fair, transparent, expeditious, effective and accessible dispute resolution systems; widespread corruption; uncontrolled proliferation of firearms; polarization of community, ethnic or religious identities; international interference in internal electoral processes,

Noting the importance of credible and effective election management bodies that have the confidence of election stakeholders and the wider public, and that operate according to the principles of independence of action, impartiality, integrity, transparency, financial probity, accountability, professionalism, equal access, sustainability and cost-effectiveness,

* The following delegations expressed a reservation on the following words of preambular paragraph 6, "international interference in internal electoral processes": Australia, Austria, Belgium, Canada, Cambodia, Denmark, Finland, France, Germany, Ghana, Iceland, Jordan, Monaco, Netherlands, Norway, Spain, Sweden and Switzerland. The following delegations expressed a reservation on the following words of preambular paragraph 8, "with due regard for the principle of sovereignty, national integrity and relevant national legislation": Belgium, Canada and Sweden.

Underscoring the crucial role played by national and international election observers and monitors in encouraging participation and in providing independent election assessments and a measure of transparency and accountability to the process, with due regard for the principle of sovereignty, national integrity and relevant national legislation,*

Also underscoring the importance of ensuring that electoral management bodies and elections observers include women and have clear gender-equality objectives,

Concerned that women voters and candidates are disproportionately affected by electoral violence and are often vulnerable targets, or are deterred from participating in the political process by a climate of intimidation,

Stressing the need to define gender-based electoral violence, carry out research and develop indicators in order to assess the scope of the problem and monitor the situation,

Underscoring that gender-based electoral violence occurs prior to, during and after elections and includes physical violence and verbal abuse, and that the media's portrayal of women candidates can often be disrespectful and disparaging,

Noting that holding elections in conditions of instability and political fragility, particularly in post-conflict and post-crisis contexts, has often failed to produce credible and legitimate outcomes,

Underscoring that, during the peace-building process, only the national political will, expressed at free and fair elections, can lend full legitimacy to permanent national institutions,

Welcoming the IPU Declaration on Criteria for Free and Fair Elections and the Universal Declaration on Democracy, which underscore the need to ensure transparency of the electoral process and thus promote good governance and the rule of law,

Acknowledging the 2005 Declaration and Code of Conduct for International Election Observation endorsed by a host of organizations, including the United Nations and the International Institute for Democracy and Electoral Assistance (IDEA), in addition to the IPU,

Underscoring the role and responsibility of parliaments and parliamentarians in shaping a sound and comprehensive legislative framework aimed at preventing electoral violence and ensuring a smooth transition of power once elections are over,

1. *Calls upon* parliaments, where necessary, to undertake constitutional and legislative reform, building on international obligations and commitments and taking into account local realities, so as to provide a sound legal framework for free and fair elections that includes the adoption of electoral systems that provide for representative and inclusive outcomes, and for the smooth transfer of power;
2. *Urges* parliaments to conduct such electoral reform through a comprehensive, inclusive and open debate that fosters the broadest possible involvement of all stakeholders, authorities, political parties, media and civil society organizations in the electoral process;
3. *Encourages* national election management bodies to make greater efforts to ensure sustainability and cost-effectiveness, as well as the use of appropriate cutting-edge technologies, in particular information and communication technology, so as to make the electoral process people-friendly, efficient and safe from malpractice, while ensuring transparency and public confidence;
4. *Also encourages* electoral management bodies and election observers to pay specific attention to women's participation in the electoral process, as voters and as candidates, and invites electoral management bodies to develop gender guidelines and tools for their members;
5. *Urges* parliaments to enact legislation giving strong regulatory, investigative and prosecutorial powers to independent and impartial election management bodies so that they can safeguard the integrity and transparency of the electoral process by preventing instances of electoral fraud, intimidation and other improprieties and reporting them to the competent authorities;

6. *Encourages* parliaments, election management bodies, election monitors, civil society groups and international agencies, while respecting the sovereignty of each country, to work together between elections to plan for future elections, evaluate the outcomes and experiences of past elections, identify weaknesses in a given country's electoral apparatus and election legislation, and to take steps to redress such weaknesses, train election officials, update and strengthen voter registries, and educate voters;
7. *Calls upon* parliaments to enact legislation to ensure that political parties and candidates conduct their election campaigns according to prescribed norms, and that the election machinery functions in a non-partisan and professional manner to encourage a level playing field as well as a violence-free electoral and political environment, including through the application of harsh sanctions against perpetrators of such violence;
8. *Also calls upon* parliaments to consider formulating a legislative framework for the funding of political parties and electoral campaigns, and for the conduct of the campaigns themselves, in order to ensure that conditions of safety, order and transparency prevail and that the maximum number of citizens participate in the vote;
9. *Urges* all governments to redouble their efforts to ensure active and wider citizen participation in elections through an inclusive voter registration process that effectively accommodates both women and men, the disabled, national minorities, indigenous peoples, citizens living abroad, internally displaced persons, the homeless and other vulnerable groups;
10. *Encourages* parliaments to consider good practices and modalities in order to ensure the participation of citizens living abroad in the political process of their home countries;
11. *Urges* parliaments and governments to put in place legislation and independent, fair, transparent, expeditious and accessible electoral dispute settlement mechanisms that have the confidence of election stakeholders and the wider public;
12. *Invites* parliaments to organize study, awareness and discussion days on political rights and violence-free politics, in particular during election periods;
13. *Also urges* parliaments to develop legislation that, as appropriate, can regulate and guide the implementation of election results and the peaceful transition to a new government;
14. *Further urges* all the parties concerned in situations where countries are emerging from a crisis, or from violent community, ethnic or religious tensions, to conclude an inclusive political accord to allow the peaceful conduct of free and fair elections in the framework of institutions that are respectful of minority interests;
15. *Calls upon* parliaments and governments to ensure access by election observers and monitors, both national and international, taking into account local needs and the provisions of the law, to observe national elections, in keeping with international obligations, commitments and principles;
16. *Also urges* parliaments to draw up regulations establishing equal access to the mass media - both public and private - during election campaigns;
17. *Encourages* the deployment of election observation and monitoring missions from national, regional and international organizations well in advance of elections and for as long as possible after election results are announced;
18. *Also encourages* enhanced cooperation among election monitoring and observation missions from different national, regional and international organizations, taking into account local legislation;
19. *Invites* the United Nations and other relevant international organizations and partners to incorporate into their peace-building strategies, from the outset, human and financial assistance measures aimed at strengthening or establishing a set of democratic institutions, in particular a parliament elected through free and fair elections;

20. *Urges* parliaments in countries with a history of electoral violence to enact specific legislation restricting the use of firearms and live ammunition, and guaranteeing that military and security institutions and agents remain neutral and are not subject to manipulation for electoral purposes;
21. *Invites* parliaments and governments to enact strict and stringent laws prohibiting any attempt to destabilize the electoral process and providing for the prosecution of the perpetrators of acts of violence;
22. *Appeals* to civil society organizations, media groups, experts, academic institutions, human rights agencies and international organizations to sensitize citizens to their constitutional rights and obligations regarding elections, including through comprehensive civic and voter education programmes;
23. *Urges* parliaments and governments to promote among citizens, in particular youth, a culture of respect for the rule of law and a sense of political tolerance for diverse and opposing views;
24. *Calls upon* parliaments to enact appropriate legislation to guarantee the fundamental rights of citizens in the political process, including the right of individuals to cast secret ballots, the right to open information and freedom of expression, and the right to peaceful public demonstration;
25. *Urges* parliaments to amend election laws so as to incorporate genuine mechanisms for free and fair elections that conform to international democratic obligations and principles;
26. *Calls upon* parliaments to ensure that, until political violence against women is eliminated and women are empowered both economically and politically, women's representation accounts for at least 30 per cent of parliamentary seats;
27. *Urges* parliaments and governments to ensure that electoral laws are stable and predictable by codifying them or enacting them in statute law and by entrenching the basic principles of electoral democracy and the right to vote and to run for office in the national constitution so as to prevent manipulation of election rules;
28. *Further urges* governments to ensure that constituencies are drawn up in a way that is predictable, transparent and not subject to change close to elections, so as to avoid manipulation of electoral systems;
29. *Appeals* to the United Nations, other relevant international organizations and development partners to provide the support and sustainable, cost-effective technical assistance needed to build the capacity of national election management bodies, including improved working conditions for their staff, thereby encouraging appropriate electoral reforms, and to promote better voter and civic education, particularly in emerging democracies;
30. *Calls for* greater cooperation between the United Nations and the IPU on the prevention of electoral violence, the smooth and peaceful transition of political power, and the implementation throughout the electoral cycle of relevant recommendations made by election observation missions, wherever they are deployed.

**THE ROLE OF PARLIAMENTS IN ENSURING SUSTAINABLE DEVELOPMENT
THROUGH THE MANAGEMENT OF NATURAL RESOURCES,
AGRICULTURAL PRODUCTION AND DEMOGRAPHIC CHANGE**

*Resolution adopted unanimously by the 124th IPU Assembly
(Panama City, 20 April 2011)*

The 124th Assembly of the Inter-Parliamentary Union,

Noting that:

- (a) Following a steady drop in poverty levels between 1990 and 2007, hunger rose sharply in 2009 according to the United Nations, and that 925 million persons will go hungry in 2011 according to the latest estimates of the Food and Agriculture Organization of the United Nations;
- (b) The food crisis of 2007-2008 revealed the international community's vulnerability with regard to food security;
- (c) Arable land is being expanded to the detriment of forested areas and fragile ecosystems;
- (d) Desertification is being caused in many places by long droughts and poor land use;
- (e) The United Nations has indicated that the world has lost 13 million hectares of forest every year for the past 10 years, thereby rendering the environment more vulnerable, without counting the 60,000 km² lost each year to desertification;
- (f) Deforestation accounts for 14 per cent of greenhouse gas emissions and consequent climatic change;
- (g) Many regions in the world, notably the Middle East and North Africa, find themselves in a difficult situation regarding water supply, with the Sahel countries suffering from constant water shortages;
- (h) This situation heightens the risk of conflict over access to and the use of water resources;
- (i) Many countries, in particular developing countries, are hard hit by collapsing exports, capital flight and rising unemployment;
- (j) Over the past decades, agriculture has too often been neglected in both national and international policies, thereby contributing to conflict and instability,

Also noting that:

- (a) Governments are obliged by the growing needs of a burgeoning urban population and intensive agriculture - both thirsty for water - to build new dams on rivers and streams and to increase the number of high-speed pumps extracting water from the water table, but are unable to take the measures required to ensure a more sustainable use of water;
- (b) Seventy per cent of the fresh water used worldwide is for agricultural production, while competing claims on water for other purposes are increasing;
- (c) The quality of fresh water is being lowered due to the intensive use of fertilizers, pesticides and herbicides in agriculture, industrial effluents from the growing number of industrial units and untreated domestic sewage from a burgeoning population;

- (d) For some years now, certain regions have been experiencing an unusual overabundance of water, while others find themselves suffering increasingly from water shortages,

Further noting that:

- (a) Population figures have undergone significant change marked by:
- lower birth rates and an ageing population in countries of the North;
 - a high birth rate in Africa, the level of which depends on the country;
 - exponential urbanization compounded by higher levels of migration to coastal areas; and
 - more significant migratory flows - forced or voluntary - as a result of armed conflicts or for economic reasons;
- (b) According to certain projections, in the next 50 years, the population of almost all developed countries will be smaller and older as a result of lower fertility rates and longer life expectancy;
- (c) All countries and regions of the North need immigration to prevent their population from declining, but that the level of immigration, based on past experience, varies greatly owing to the immigration policies adopted by each country;
- (d) Africa is experiencing an unprecedented baby boom and its population will be almost 2 billion by 2050;
- (e) There are about 200 million migrants in the world today, representing 3 per cent of the global population;
- (f) Expatriation of highly educated human resources impoverishes developing countries and causes them to lag further behind in terms of science and technology,

Aware that:

- (a) There is a direct link between the use of land, soil, water, biodiversity, other natural resources and food production, on the one hand, and between food production and poverty on the other;
- (b) Poverty is more pronounced in rural areas in developing countries, where many farmers are finding it difficult to sustain agricultural production and make a living;
- (c) Overcoming hunger requires an increase in both small-scale and large-scale agriculture and effective policies that focus on both categories and are based on sustainable production and environmental protection;
- (d) The private sector on the national and international levels has a key role to play in sustainable agriculture and food security, food production, processing and marketing, and in the development and application of new technologies, including eco-efficient and responsible investments;
- (e) The allotment of more and more arable and forested land for the production of biofuels compounds the growing imbalance between the supply of and demand for foodstuffs;
- (f) The growing demand at the global level for biofuels, compounded by the heightened need for land, may put pressure on marginal lands that are used for subsistence farming by the poor in rural areas;
- (g) Sustainable development in rural areas should focus on the construction of social networks, such as cooperatives and knowledge centres, where people can acquire knowledge and qualifications, combine them and hand them down to the next generation,

Mindful that agriculture, food security, population growth and climate change are closely linked,

Considering that management of the world's natural resources (soil, land, forests, wildlife, marine and freshwater products, water, energy and air) has to become more sustainable, focusing on renewal (sustainable use) and conservation instead of depletion and spending, while pursuing the goals of sustainable economic and social development,

Aware that the multiple challenges facing the world in terms of climate change, ecosystem degradation, food insecurity, and the financial and economic crises require an integrated response ensuring that short-term emergencies are addressed while for long-term strategies for sustainable development, i.e. strategies that meet the needs of the present generation without compromising the ability of future generations to meet theirs,

Underscoring the importance of achieving sustainable fisheries in order to prevent overfishing of the world's oceans, thereby safeguarding fragile ecosystems,

Also underscoring that an integrated and sustainable approach has to be adopted for the management of natural resources, agricultural production and demographic change,

Acknowledging that in order to implement an integrated approach, research, education and the proper application of research results are vital, and that traditional and indigenous knowledge needs to be linked with modern technologies and the latest scientific knowledge about sustainable agricultural production, in particular food production and the sustainable use of natural resources, including poverty reduction in rural areas,

Underscoring that the growth of the world population (approx. 9 billion by 2050) will require higher food production, and that increasing water and energy shortages hamper food production, which inter alia drives migration flows,

Also underscoring that growth in the agriculture sector, particularly in food production, remains fundamental for poverty alleviation, economic growth and environmental sustainability,

Highlighting that it is equally crucial to improve agricultural productivity (including water usage, integrated land and water management, and sustainable agricultural intensification - more with less) without expanding areas under cultivation, and to halt environmental degradation (including biodiversity loss and curbing and reversing land degradation and desertification),

Also highlighting that, in order to avoid large-scale migration and the high risks it poses for stability, peace and security in many regions of the world, it is crucial to provide farmers and other people living in rural areas with the conditions, opportunities and resources they need to increase their food production or incomes, send their children to school, and enjoy rising living standards and fulfilling lives,

Considering the need to devise innovative sources of financing with a view to achieving the Millennium Development Goals (MDGs), supplement official development assistance, guarantee stable flows of funds in the face of long-term needs and facilitate the concerted management of development aid between countries of the North and countries of the South,

Acknowledging that it is critical for countries to share experiences and innovative technologies and cooperate in training and developing human and technical capacities,

Convinced that development policies should focus on providing water-access and transfer systems in and to areas that suffer from water shortage,

Aware that many technologies and much of the knowledge needed are already available, but that their wider dissemination and uptake are key challenges that must be addressed,

Considering that developing countries, with their growing populations and rising living standards, should be at the centre of agricultural and rural revival and that for many of them, halting and reversing land degradation and desertification is a high priority,

Cognizant of the fact that many developing countries need to urgently boost agricultural productivity in a sustainable manner,

Aware that intensifying agriculture for food security must include a vigorous response to major environmental changes such as climate change, desertification, land degradation and drought,

Considering that Africa and Asia, above all, should benefit from a sustainable green revolution, that is, an agricultural productivity revolution that is economically viable, socially equitable and environmentally sustainable,

Also considering that a green revolution, particularly in Africa, should be tailored to the needs of diverse local agro-ecological conditions and cropping systems,

Underscoring the major role of the agricultural sector in feeding a world population of 9 billion in the coming decades,

Also underscoring that the rise in commodity prices affects first and foremost the poorest importers of agricultural products and that the extreme volatility of commodity prices threatens food security,

Further underscoring that a radically different outlook is needed and that agriculture should no longer be seen as a cause of environmental degradation but as part of the solution to improve environmental sustainability,

Aware that agriculture is at the heart of poverty eradication, sustainable development and, increasingly, climate change,

Also aware that achieving gender equality in agriculture and rural labour markets would generate significant gains for agricultural and rural development, food security and society as a whole,

Underscoring that measures to provide an enabling environment for investment in sustainable agriculture and rural development and for tackling the structural causes of food insecurity are needed by both small-scale and large-scale farmers,

Also underscoring that inclusive and secure access to finance, in particular for millions of small-scale farmers, has to be promoted, with due regard for gender equality and the important role of women in agriculture,

Convinced that it is critical to put in place appropriate land tenure systems for private and communal land, so as to promote sustainable agriculture and improve access to land, in particular for small-scale farmers,

Also convinced that the active engagement of all actors, including local government, civil society and private sector partners, should be mobilized in the planning and implementation of policies and practices,

Underscoring the important role efficient food distribution systems and well-functioning markets, at the national, regional and international levels, can play in ensuring global food security and promoting sustainable development,

Also underscoring that it is important to generate opportunities for higher incomes by adding value to the production and supply chain,

Acknowledging that the private sector must play a central role in expanding agriculture through production, building agricultural value chains and assessing the potential of new technologies,

Considering that, in order to promote sustainability, cisgenetic modifications are preferable to transgenetic ones,

Acknowledging that investment in revitalizing developing country agriculture and promoting sustainable rural development will need to be supported by new and additional resources from all quarters, including private, public, domestic and international sources,

Aware that while the increase in large-scale land acquisitions in developing nations by foreign investors might bring opportunities to local people, including guaranteed outlets, employment, investment in infrastructure, and higher agricultural productivity, local people might also lose access to land, water, and other resources, particularly if they are not included in the land allocation decision-making process and their land rights are not protected,

Underscoring that an enabling environment is needed to support investments and domestic, regional and international partnerships, North-South and South-South partnerships, and public-private partnerships among relevant stakeholders,

Convinced that it is crucial that women be given the same access as men to land, technology, financial services, education and markets,

Also convinced that parliamentarians and their constituencies worldwide, together with governments, private stakeholders, and national and international agencies, have a role to play in heightening awareness of the close relationship between climate change, food security and agriculture,

Considering that land for agriculture and other natural resources should be exploited in a sustainable manner,

Also considering that the green revolution can only succeed if it goes hand in hand with a comprehensive and coherent set of political decisions, including financial incentives for small-scale farmers, communication and education policies and land management reform,

Noting the MDGs, the related Action Plan and the commitments contained therein concerning the fight against poverty and hunger,

Aware of the importance of fisheries for food security, including as a source of income,

Knowing that forests are very important for many people's livelihoods and employment, including sustainable forestry management,

1. *Invites* the IPU, parliamentarians and parliaments to act as agents of change in identifying an integrated and sustainable approach to the management of natural resources, agricultural production and demographic change;
2. *Encourages* parliamentarians and parliaments to engage all actors, including local and regional governments, civil society and private sector partners, in the planning and implementation of policies;
3. *Calls upon* parliamentarians to acknowledge the crucial role of women in sustainable agricultural development by adopting legislation and supporting policies and measures aimed inter alia at eliminating discrimination against women and at increasing women's access to agricultural resources, education and training, family planning and maternity health services, labour markets, technologies, micro credits, finance and other facilities, since women's empowerment is key to poverty eradication and sustainable development;
4. *Urges* parliamentarians to ensure that discussions about land use and land acquisition remain on the national and international political agendas;

5. *Encourages* parliamentarians to help draw up or propose plans for regional development and land use that are predicated on the imperative need to save agricultural land;
6. *Calls upon* national parliaments and parliamentarians to encourage their governments to take all necessary measures to restore degraded land;
7. *Invites* parliamentarians to support policies and measures at the national, regional and international levels in order to improve water efficiency in agriculture and promote integrated land and water management and the development of innovative water efficiency technologies;
8. *Calls upon* parliaments and parliamentarians to develop and harmonize legislation for strict and adequate standards on the manufacture and use of fertilizers, pesticides and biotechnology products;
9. *Urges* parliaments and parliamentarians to initiate or strengthen legislative mechanisms for sustainable forest management and prohibit any form of exploitation that does not conform to terms of reference that impose reforestation and the reconstitution of forested areas;
10. *Calls upon* parliamentarians to include, as part of their action, measures aimed at halting biodiversity loss and promoting plant and animal genetic diversity;
11. *Invites* parliamentarians to give broad backing to the premise that a transition to sustainable agriculture should be part of the sustainable development solution;
12. *Calls upon* parliamentarians, in particular those in developing countries, to support and encourage rural development policies;
13. *Encourages* parliamentarians in developed countries to call for transparent decision-making processes, including the setting of clear targets for stepped up official development assistance for agriculture;
14. *Calls upon* parliamentarians to support sustainable growth strategies incorporating policies on agricultural development, food production, rural development and the sustainable use of natural resources;
15. *Urges* parliamentarians and governments to create the requisite conditions and provide opportunities and resources for the most vulnerable farmers to have access to land, increase their food production, participate in knowledge-sharing, have access to education and enjoy rising living standards;
16. *Also urges* parliamentarians to support initiatives aimed at enhancing the way global agricultural commodity markets function, in particular by making these markets more transparent, regulating the corresponding derivatives markets, strengthening the coordination of national and regional agricultural policies and establishing new international mechanisms to support developing country importers;
17. *Encourages* governments and parliaments to advocate environmental awareness and educate the public about food waste-reduction measures and coordinated action against environmental degradation;
18. *Calls upon* parliamentarians, in close cooperation with national, regional and international scientific institutions and agricultural organizations, to organize conferences, seminars and workshops to discuss, develop and support action to improve the sustainable development of agriculture, in particular food production, the sustainable use of natural resources and demographic development;
19. *Invites* the IPU to consider annual reports on global developments in these fields at IPU Assemblies.

TRANSPARENCY AND ACCOUNTABILITY IN THE FUNDING OF POLITICAL PARTIES AND ELECTION CAMPAIGNS

Resolution adopted by consensus by the 124th IPU Assembly (Panama City, 20 April 2011)*

The 124th Assembly of the Inter-Parliamentary Union,

Considering that representative and participatory democracies function largely within the political party system as essential expressions of the political will of the people,

Recognizing that political parties require appropriate funding to fulfil their core functions, both during and between elections,

Mindful that it is to the benefit of the public, and to democracy as a whole, that political parties are adequately funded within an agreed framework of accountability and mechanisms for transparency,

Acknowledging that, in modern democracies, significant resources are required to conduct competitive election campaigns enabling political parties to communicate their policy proposals as broadly as possible,

Also recognizing that political party funding may be both public and private, direct and indirect (free broadcasting time on television and radio, tax remissions, use of public buildings and public election billboards, etc.), and that, in order to mitigate the risks associated with political party funding, measures have been put in place in many countries to regulate spending on elections and ensure transparency and accountability in the funding of political parties generally,

Noting that in systems where there is limited public funding of political parties, the importance of private funding increases, and vice versa,

Also noting that the concerns surrounding the private funding of political parties, which are often viewed as a question of political equality, relate to three main points: inadequate resources that result in political parties and candidates pursuing relationships with donors who expect certain gains should those parties come into power; some political parties being better resourced than others; and cases where campaign finances come from compromised sources that expect a legislative or other benefit,

Recognizing that the aspects of private funding that need to be addressed concern the admissibility of anonymous donations, cash donations, donations by foreign natural and legal entities, foreign international organizations, non-governmental organizations (NGOs), State-owned enterprises and enterprises responding to calls to tender,

Noting that while codes of conduct for members of parliament and the executive have addressed accountability issues as they apply to elected representatives individually, there has been growing concern over the funding of political parties and the associated accountability of political parties, as a whole, to the people,

Further noting that consideration should be given to clear guidelines to regulate party and campaign finance (reasonable limitations on campaign finance, campaign finance reporting requirements, political finance reporting requirements, measures to prevent the misuse of State resources, the establishment of an independent regulatory body to monitor the funding of political parties and electoral campaigns, and appropriate sanctions for violations), in order to ensure that political parties remain accountable to citizens,

Recalling that Article 7.3 of the United Nations Convention against Corruption, which entered into force on 14 December 2005, provides that "Each State Party shall also consider taking appropriate

* The delegation of Sudan expressed a reservation on preambular paragraph 17.
The delegation of Algeria expressed a reservation on operative paragraph 9.

legislative and administrative measures, consistent with the objectives of the Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties",

Convinced that corruption represents a serious threat to the rule of law, democracy, human rights, equity and social justice,

Considering that political parties and election campaigns in all countries should aim to prevent and fight corruption,

Recognizing that the State should provide reasonable and impartial support to political parties, in accordance with a set of agreed criteria promoting equal access to resources under the principle of political pluralism and acting as a counterweight to corruption by eliminating the need for undue reliance on private donors,

Noting that public funding does not necessarily reduce the need for private funding, but should be used to mitigate the negative effects of excessive reliance on the latter and to support smaller political parties that may not have access to private sources of financing for their political campaigns, but whose contributions to political debate are essential to a healthy democracy,

Also noting that, even though women's presence in national parliaments has increased, lack of economic resources in the electoral process is a bigger challenge for women than for men,

Underscoring that temporary special measures, as outlined in Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, aimed at promoting gender equality should not be considered discriminatory and that the allocation of funds based on party support for women candidates could be seen as an incentive for achieving gender equity in parliaments and for increasing women's political participation,

Reiterating that gender equality and the empowerment of women are crucial components of any democratic system and that access to public and private funding can help promote gender equality in politics,

Noting that political parties are key for the achievement of balanced participation by women and men in political life,

Recognizing that many countries have adopted measures such as bans or limits on private political contributions, spending limits for election campaigns, increased public funding of political parties and controls over political expenditure,

Noting that some States have enacted legislation ranging from requiring political parties to put in place financial controls, public disclosure of funding sources and an array of criminal, administrative and financial sanctions to ensure compliance with the law,

Recognizing that public confidence in the democratic process could be undermined by political funding mechanisms that are not accountable and transparent, and that this should not only be a cause for concern for governments and parliaments, but also for international organizations working to enhance world democracy, and for political parties,

Noting that the reasons for regulating political party funding include the need to promote the democratic principles of transparency and accountability, prevent corruption, enhance competition among a broad range of political parties, accommodate a wide spectrum of political viewpoints, platforms and policies, and strengthen political parties and empower citizens to make informed decisions,

Recognizing that while mandatory disclosure of political party funding contributes to greater transparency and gives the public an opportunity to understand what factors might inform the actions of a political party, it might also discourage donors from funding political parties,

Mindful that disclosure laws, regulations and guidelines on campaign and political party funding seek to limit the negative impact of anonymous, foreign or corporate sources of funds to political parties and

to ensure that all parties have an equal opportunity to compete, and that, although these measures may prove difficult to enforce in some countries, they are nevertheless important for ensuring that citizens are able to hold their political parties and elected representatives to account,

1. *Invites* States to consider putting in place measures aimed at ensuring the independence of political parties so as to shield them from undue influence, and at avoiding corruption and excessive spending on election campaigns, including by capping spending during election campaigns;
2. *Recommends* that the call to reduce election spending must take into account gender equality, low levels of income, literacy, access to information and technology, and the vast distances between urban and rural areas in some countries;
3. *Considers* that political party funding should aim to give people a voice in the political and democratic process by encouraging a diversity of opinions and political perspectives, promoting a level playing field between large, well-funded political parties and those less endowed with financial means and generally encouraging meaningful participation in the political process by all actors - men and women - irrespective of their financial means and access to resources;
4. *Is convinced* that raising public awareness of political party funding enhances the functioning of democratic institutions and limits corruption;
5. *Recognizes* that the existence of different democratic and constitutional systems and political parties makes it difficult to set up universal accountability mechanisms for political party funding; *encourages* parliaments, through the IPU, nevertheless to continue to ensure accountability and transparency in keeping with the realities prevailing in different countries while drawing upon the basic principles enshrined in international instruments such as the United Nations Convention against Corruption, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
6. *Recommends* that parliaments, as institutions tasked with overseeing government action, civil society organizations and the media serve as watchdogs, educate citizens about the funding of political parties and continuously monitor the exercise of power in order to build a culture of transparency and responsibility in political life;
7. *Encourages* political parties to be part of the solution and become agents of change in a transparent and accountable manner;
8. *Recommends* the use of self-regulatory mechanisms, including internal codes of conduct and integrity for political parties;
9. *Invites* parliaments to consider putting in place measures to limit, prohibit or regulate funding inter alia by NGOs, corporate bodies and foreign sources, so as to ensure that they do not exert an undue influence on political outcomes;
10. *Recommends* that parliaments, governments and political parties ensure that legislation and mechanisms are put in place that require political parties and candidates to establish internal and financial controls with a view to greater financial accountability;
11. *Encourages* parliaments to adopt, in their legislative frameworks, anti-corruption regulations regarding the funding of political parties and election campaigns, in cases where specific laws, procedures or systems that provide for the regulation of such funding do not already exist;
12. *Calls upon* the IPU to develop a technical assistance and training programme on financial accounting systems and codes of conduct for political parties.

**STRENGTHENING DEMOCRATIC REFORM IN EMERGING DEMOCRACIES,
INCLUDING IN NORTH AFRICA AND THE MIDDLE EAST**

*Resolution adopted unanimously by the 124th IPU Assembly
(Panama City, 20 April 2011)*

The 124th Assembly of the Inter-Parliamentary Union,

Noting that the popular uprisings seeking to consolidate democracy that have spread across the Middle East and North Africa are the most prominent social and political development to have taken place in the months leading up to the 124th Assembly,

Affirming the rights of those peoples and countries to determine their own political future, and *recalling* that democracies should reflect a diversity of histories and cultures,

Also affirming that democracies should all be built on recognized norms, standards and principles, including those relating to human rights, equality, including gender equality, transparency and accountability, and respect for plurality of opinion,

Expressing concern for the humanitarian impact of the political changes in the region on vulnerable groups, particularly women and children, and *noting* that 2011 marks the 100th anniversary of International Women's Day,

1. *Affirms* the importance of holding free and fair elections as soon as practicable;
2. *Also affirms* the particular importance of empowering women, including by ensuring their full participation in the democratic process;
3. *Urges* all parties to refrain from violence and ensure in particular that human rights are respected;
4. *Calls on* all governments to respect the right to peaceful self-determination of peoples;
5. *Underscores* the pivotal role the IPU can play in assisting fledgling democracies.

Reports, Decisions, Resolutions and other texts

COOPERATION WITH THE UNITED NATIONS SYSTEM

List of activities undertaken by the IPU between 6 October 2010 and 14 April 2011

*Noted by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

United Nations

- Over a dozen statements were delivered by the IPU before the General Assembly and its subsidiary organs, including the Geneva-based Human Rights Council. The statements drew from recent IPU resolutions and reported on IPU activities in all fields. The resolutions of the 123rd IPU Assembly were circulated in the General Assembly under the relevant agenda items.
- On 13 December, the UN General Assembly adopted Resolution 65/123 on *Cooperation between the United Nations, national parliaments and the IPU*. Adopted by consensus with the formal co-sponsorship of 90 Member States, the text contains several new provisions aimed at strengthening the partnership between the two organizations and increasing UN efforts to support national parliaments around the world.
- The annual joint IPU-UN Parliamentary Hearing, entitled *Towards economic recovery: rethinking development, retooling global governance*, took place in December 2010. Nearly 160 MPs, along with UN officials, ambassadors and civil society experts attended the event. The final report of the Hearing was circulated at the United Nations as an official document of the General Assembly and of the Economic and Social Council.
- A meeting of the IPU Advisory Group on United Nations Affairs was held in New York on 1 December. The Group heard briefings from senior UN officials on current global affairs and considered its own workplan for the following year, including a field mission to examine progress in the implementation of One UN reform and system-wide coherence at the national level.
- Together with the United Nations, the IPU organized the 2010 World e-Parliament Conference in Johannesburg on 22 and 23 October 2010. The Conference addressed, inter alia, relations between parliaments and the media in the context of new information and communication technologies.
- The IPU and the Mexican Congress held a parliamentary meeting in conjunction with the Conference of the Parties (COP16) to the United Nations Framework Convention on Climate Change (UNFCCC) in Cancún on 6 December. The UNDP Office in Mexico cooperated closely with the IPU in preparing the meeting. Legislators from over 30 countries adopted a declaration stating their common position on one of the most complex issues under negotiation within the United Nations – the global threat of climate change. The Declaration, which was conveyed to participants at the ministerial meeting, was also circulated among parliaments and the broader UN community.
- An International Parliamentary Conference on *Parliaments, minorities and indigenous peoples: Effective participation in politics* was held in Chiapas (Mexico), from 31 October to 3 November. The conference was organized jointly by the IPU, the Mexican Congress of the Union and the Government of the State of Chiapas, in partnership with UNDP, the Office of the UN High Commissioner for Human Rights, the UN Independent Expert on Minority Issues and Minority Rights Group International. The outcome document of the Conference – the Chiapas Declaration – was circulated in the UN General Assembly.
- In preparation for the first High-level Symposium of the 2012 Development Cooperation Forum (Mali, 5-6 May 2011), the IPU contributed to the agenda of the meeting and facilitated the participation of parliamentarians. The IPU also provided support for the 2011 edition of the Survey on mutual accountability and aid transparency. The Survey is part of the exercise led by the Organisation for

Economic Co-operation and Development (OECD) to monitor implementation of the Paris Declaration on aid effectiveness.

- The IPU continued to work closely with the Office of the UN High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) in preparation for the Fourth Conference on the Least Developed Countries (LDC IV, Istanbul, 9-13 May 2011). As coordinator of the parliamentary track to the UN Conference, the IPU made inputs to the outcome document of the conference and will co-organize the Parliamentary Forum that will take place on the eve of the conference with the Grand National Assembly of Turkey. A joint project proposal with UN-OHRLLS is being developed to help implement new LDC commitments for the next decade.
- The IPU organized a one-day meeting for parliamentarians attending the 55th Session of the UN Commission on the Status of Women (23 February 2011). The meeting debated "The role of parliaments in promoting access to and participation of women and girls in education, training, science and technology." During the same week, the IPU held a joint event with UNDP on Political violence against women, and another independently on the role of parliaments in advancing the achievement of Millennium Development Goals (MDGs) 4 and 5: reduce child mortality and improve maternal health.

UNDP

- Work progressed on the first ever IPU-UNDP *Global Parliamentary Report*, to be issued in the second half of 2011. The report will provide an assessment of the state of parliaments worldwide – examining their changing role and the way in which they are responding to the increasingly complex demands of governance, citizens and society. This year's report will focus on the relationship between parliaments and citizens. More than 50 parliaments have already contributed to the research for the report.
- Last year's *Guidance Note for Parliamentarians on Development Effectiveness*, published online as a joint product of IPU and the UNDP-led Capacity Development for Development Effectiveness (CDDE) Facility, was translated into French, Spanish and Portuguese in a bid to extend its readership and facilitate further training of parliamentarians in non-English speaking countries.
- As a follow-up to the joint study of the IPU and the UNDP-led Millennium Campaign (September 2010), the two organizations pursued discussions with a view to formulating a joint work programme to help institutionalize the MDGs in the work of parliaments.
- Further to the conclusion of a global Memorandum of Understanding (MoU) in 2010, the IPU and UNDP have signed MoUs at the national level to build the capacities of parliaments. Under these arrangements and during the period under review, the IPU organized, in partnership with UNDP, activities in Afghanistan, Democratic Republic of the Congo, Guinea-Bissau and Viet Nam. Joint IPU-UNDP activities have also taken place in support of the Palestinian Legislative Council.

UN WOMEN

- Following the merger of several UN gender entities into a single new agency, UN Women, the Secretary General hastened to establish contact and develop cooperation with the agency's Executive Director, Michelle Bachelet, and her team. As a first step, Ms. Bachelet addressed the annual parliamentary meeting on the occasion of the CSW and will be making the keynote address at the 124th IPU Assembly in Panama City.

UNICEF

- The IPU and UNICEF held a regional workshop on "Children and AIDS: The Social Protection Response, The Role of Parliaments" in Windhoek, Namibia, on 22 and 23 October 2010. The workshop examined the need to establish parliamentary mechanisms and build on good practices to develop a comprehensive response to the needs of children affected by HIV/AIDS.

UNAIDS

- Preparations got under way for the IPU to provide an input to the High-level Meeting of the UN General Assembly (June 2011), which will review progress on the realization of HIV/AIDS commitments. The IPU contributed to the related Report of the UN Secretary-General in keeping with

the UN General Assembly resolution on modalities of the meeting, issued in December 2010, calling on the IPU to make a contribution.

- The IPU has joined the UNAIDS-led International Advisory Group (IAG) on universal access. The Group will guide a global vision of the country and regional findings from the 2010/2011 universal access review process. The IAG will produce a "leadership statement" reflecting the recognized global priorities and mapping the way forward to 2015 to scale up comprehensive national AIDS responses with a view to achieving universal access to HIV prevention, treatment, care and support.
- The IPU established contact with the new Global Commission on HIV and the Law in order to organize parliamentary inputs to the Commission's debate, in view of its final report due in December. The subject matter of the Commission is central to the IPU's workplan on HIV/AIDS.

Office of the High Commissioner for Human Rights (OHCHR)

- In cooperation with the Office of the High Commissioner for Human Rights (OHCHR), on 7 October 2010, the IPU held a seminar on *Legislating for Women's Rights*. The seminar focused on the definition of discrimination, mainstreaming gender in the legislative process and monitoring the enforcement of laws. It also dealt with the role of parliaments in implementing the Convention on the Elimination of All Forms of Discrimination against Women, and in particular on ways and means of enhancing cooperation between the CEDAW Committee, national parliaments and the IPU. The IPU presented a report to the 45th Session of the CEDAW Committee.
- Also in cooperation with OHCHR, on 7 October 2010, the IPU held a seminar entitled "Implementing the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights: What part for parliaments?" It sought to familiarize parliamentarians with the rights enshrined in the Covenants, the functioning of the UN monitoring committees and the contribution that parliaments can make to their work. The event also addressed the scope and practical implications of the right to freedom of expression and the right to work in a globalized world.

World Trade Organization (WTO)

- The annual 2011 session of the Parliamentary Conference on the WTO took place in Geneva on 21 and 22 March. For the first time ever, the session was held on WTO premises and was organized with the support of the WTO. A unique tool for parliamentary scrutiny of international trade policies, the Conference is a joint undertaking of the IPU and the European Parliament. It serves as the de facto parliamentary dimension of the WTO.

RESOLUTION ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY ON COOPERATION BETWEEN THE UNITED NATIONS, NATIONAL PARLIAMENTS AND THE INTER-PARLIAMENTARY UNION

*Noted by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

65/123. Cooperation between the United Nations, national parliaments and the Inter-Parliamentary Union

The General Assembly,

Having considered the report of the Secretary-General of 20 September 2010,¹ which attests to the broad and substantive cooperation between the United Nations and the Inter-Parliamentary Union over the past two years,

Taking note of the resolutions adopted by the Inter-Parliamentary Union and circulated in the General Assembly and the many activities undertaken by the organization in support of the United Nations,

¹ A/65/382-S/2010/490.

Taking note also of the outcome of the Third World Conference of Speakers of Parliament, including the Declaration on Securing Global Democratic Accountability for the Common Good,² which reaffirms the commitment of national parliaments and the Inter-Parliamentary Union to support the work of the United Nations and continue efforts to bridge the democracy gap in international relations,

Taking note further of the findings and recommendations of the report of the Inter-Parliamentary Union on how parliaments organize their work with the United Nations,³

Welcoming the annual parliamentary hearings at the United Nations as joint United Nations-Inter-Parliamentary Union events during the sessions of the General Assembly, as well as other specialized parliamentary meetings organized by the Inter-Parliamentary Union in cooperation with the United Nations in the context of major United Nations conferences and events,

Taking into consideration the Cooperation Agreement between the United Nations and the Inter-Parliamentary Union of 1996,⁴ which laid the foundation for cooperation between the two organizations,

Recalling the United Nations Millennium Declaration,⁵ as well as the 2005 World Summit Outcome,⁶ in which Heads of State and Government resolved to strengthen further cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in all fields of the work of the United Nations, including the effective implementation of United Nations reform,

Recalling also its resolution 57/32 of 19 November 2002, in which the Inter-Parliamentary Union was invited to participate in the work of the General Assembly in the capacity of observer, as well as resolutions 57/47 of 21 November 2002, 59/19 of 8 November 2004, 61/6 of 20 October 2006 and 63/24 of 18 November 2008,

Welcoming the close cooperation between the Inter-Parliamentary Union and the Peacebuilding Commission in fostering political dialogue and building national capacities for good governance,

Welcoming also the contribution of the Inter-Parliamentary Union in shaping the agenda and work of the new Development Cooperation Forum held by the Economic and Social Council,

Recognizing the importance of the provision of continued parliamentary support to the work of the Human Rights Council,

Recognizing also the work of the Inter-Parliamentary Union in the areas of gender equality, the empowerment of women and combating violence against women, and the close and systematic cooperation between the Inter-Parliamentary Union and the relevant United Nations bodies, including the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women,

Acknowledging the role and responsibility of national parliaments in regard to national plans and strategies, as well as in ensuring greater transparency and accountability,

1. *Welcomes* the efforts made by the Inter-Parliamentary Union to provide for a greater parliamentary contribution and enhanced support to the United Nations;
2. *Encourages* the United Nations and the Inter-Parliamentary Union to continue to cooperate closely in various fields, in particular peace and security, economic and social development, international law, human rights and democracy and gender issues, bearing in mind the significant benefits of cooperation between the two organizations, to which the report of the Secretary-General attests;¹

² A/65/289, annex I.

³ Ibid., annex II.

⁴ A/51/402, annex.

⁵ See resolution 55/2.

⁶ See resolution 60/1.

3. *Encourages* the Inter-Parliamentary Union to strengthen further its contribution to the work of the General Assembly, including its revitalization, and in relation to the process of United Nations reform and system-wide coherence;
4. *Invites* the Peacebuilding Commission to continue to work closely with the Inter-Parliamentary Union in engaging national parliaments in the countries under consideration by the Commission in efforts to promote democratic governance, national dialogue and reconciliation;
5. *Encourages* the Inter-Parliamentary Union to continue to work closely with the Development Cooperation Forum and bring a robust parliamentary contribution to the Forum process and the broader development cooperation agenda, including in the context of the current Economic and Social Council reform process;
6. *Also encourages* the Inter-Parliamentary Union to continue its efforts in mobilizing parliamentary support and action towards the achievement of the Millennium Development Goals by the target date of 2015;
7. *Further encourages* the Inter-Parliamentary Union to strengthen its contribution to the United Nations human rights treaty body system and to the Human Rights Council, particularly as it relates to the universal periodic review of the fulfilment of human rights obligations and commitments by Member States;
8. *Invites* the new United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) to work closely with the Inter-Parliamentary Union in such areas as the empowerment of women, institutional gender mainstreaming, support to parliaments in promoting gender-sensitive legislation, combating violence against women and the implementation of relevant United Nations resolutions;
9. *Encourages* the Inter-Parliamentary Union to further assist in developing closer cooperation between the United Nations and parliaments at the national level, including in terms of strengthening parliamentary capacities, reinforcing the rule of law and helping to align national legislation with international commitments;
10. *Welcomes* the growing practice of including legislators as members of national delegations to major United Nations meetings and events, as appropriate, and invites Member States to continue this practice in a more regular and systematic manner;
11. *Calls for* the further development of the annual parliamentary hearings at the United Nations as a joint United Nations-Inter-Parliamentary Union event and for the circulation of the hearings summary report as a document of the General Assembly;
12. *Decides* more systematically to engage with the Inter-Parliamentary Union in organizing and integrating a parliamentary component of and contribution to major United Nations deliberative processes and the review of international commitments;
13. *Welcomes* the proposal for a regular annual exchange between the United Nations System Chief Executives Board for Coordination and the senior leadership of the Inter-Parliamentary Union, with a view to building greater coherence in the work of the two organizations, maximizing parliamentary support for the United Nations and helping to forge a strategic partnership between the two organizations;
14. *Decides*, in recognition of the unique role of national parliaments in support of the work of the United Nations, to include in the provisional agenda of its sixty-sixth session an item entitled "Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union".

**STATEMENT BY THE PRESIDENT OF THE 124th ASSEMBLY
ON THE NATURAL DISASTERS IN JAPAN**

*Endorsed by the 124th Assembly
(Panama City, 20 April 2011)*

On 11 March a tsunami slammed into the north-eastern coast of Japan, following in the wake of one of the most powerful earthquakes ever recorded, unleashing widespread destruction and leaving some 28,000 people either dead or missing.

At this IPU Assembly in Panama, the Parliament of Pakistan submitted a resolution expressing solidarity with Japan. Taking my cue from that resolution, and on behalf of all the parliamentarians assembled here, I wish to express our deepest condolences to the people of Japan as they continue to grapple with the consequences of that terrible disaster. Our foremost concern is the appalling loss of human life.

We also express our solidarity with the people of Japan as they confront the full impact of this tragedy. Japan has always demonstrated generosity in providing human, material and financial assistance whenever countries have experienced disasters on such a scale. The world community owes Japan a similar response in the wake of its own calamity, and we will press our parliaments to be attentive to its needs.

We also wish to express our admiration for the resilience and calm of the people of Japan as they work with patience and determination to attenuate the effects of this disaster. Those grappling with the damage to the nuclear plant have worked selflessly, in many cases demonstrating genuine heroism. While the work goes on, we call for all public commentary on the situation to prefer objective analysis to groundless rumors.

Just as the destruction was swift and lethal, so the recovery will be painstaking and time consuming. I know the Japanese people will face the challenge with courage. The IPU expresses its utmost support to Japan as the country embarks upon the road to recovery.

**MESSAGE TO BE DELIVERED TO THE FOURTH UNITED NATIONS CONFERENCE
ON THE LEAST DEVELOPED COUNTRIES (LDC IV)**

*Noted by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

We parliamentarians, gathered at the 124th IPU Assembly,* welcome the fact that once again, the special needs of the least developed countries (LDCs) are placed at the centre of the global development agenda. Indeed, human welfare - the very goal of development - depends directly on substantial progress in these countries, where implementation of past commitments leaves much to be desired. Well over half of the 880 million people living in the LDCs continue to do so in absolute poverty, amidst environmental degradation and lack of access to decent work, basic health care, education, energy and infrastructure. Many of these countries are overrun by conflict or instability, or are unable to cope with the impacts of climate change, spikes in commodity prices, and natural disasters. Graduation out of the LDC category is proceeding far too slowly.

A new agenda is needed that builds on the lessons learned over the past decade and galvanizes the international community around more resolute action. We expect the new Istanbul Programme of Action to carry forward that agenda in a spirit of partnership between the LDCs and the rest of the world, as well as among all stakeholders. Since there is no single formula for success in development, the LDCs will need to adapt their own course to the basic tenets set forth in the new Programme of Action. This process should be guided by the principles of national ownership, mutual accountability, and results-based management, as well as by an overriding concern for sustainability across the economic, social and environmental dimensions of development.

* High-level and multi-party delegations from 120 national parliaments participated in the 124th IPU Assembly (Panama City, April 2011) and endorsed this message.

The LDCs need to become more self-sufficient, less dependent on commodities, and develop more diversified value-added economic sectors in addition to agriculture. Employment generation with basic protections must be at the core of this effort, in both the formal and informal economy, alongside the expansion of productive capacities across all sectors. As in many other countries, the future development of the LDCs will depend critically on gender equality and the empowerment of women in the economy, in society and in politics through proactive initiatives. It will also depend on the fulfilment of long-standing commitments by the international community on aid, trade, debt relief, and foreign direct investments, and on giving a greater voice and representation to the LDCs in global economic governance. We reaffirm the need for LDCs to receive specific treatment when it comes to aid. This implies that donations should be concentrated on those countries and aid allocated on the basis of needs.

Expanding and securing the policy space of the LDCs is essential for them to truly take ownership of their own development. Ultimately, a better life for people is only possible when their own resources and talents are fully utilized and built upon. The LDCs will need to work harder at raising their own resources, through improved taxation and other means, and at giving free reign to entrepreneurship, including through policy reforms for the legal empowerment of the poor. South-South cooperation as well as subregional and regional cooperation have an important role to play in the human and economic development of the LDCs. Therefore, such cooperation, including *inter alia* triangular approaches, should be supported by the international community.

As parliamentarians, we consider good governance to be a prerequisite of development everywhere, and particularly in the LDCs. There can be no thriving private sector and civil society under a dysfunctional government. Corruption is a scourge that must be expunged so that all citizens can feel equal before the law and in the marketplace. In many countries, good governance will also require more prudent regulation of the economy and a better balance between the private and public sectors. This must go hand-in-hand with vigorous action to address economic and social inequalities and to assert fundamental human rights.

A crucial component of good governance reform involves strengthening the oversight, legislative and representative role of parliaments. It is through parliaments that all constituencies are represented, that government can be held to account for the development commitments it has undertaken, and that genuine political support and national ownership can take form. In many LDCs, parliaments still have a long way to go in terms of building their capacities and serving as effective and accountable institutions of democratic governance. For this to be achieved, strong international support, including from parliaments in donor countries, will need to be garnered.

In all countries, a stricter national review mechanism of commitments and policies must be put in place, with parliaments playing a pivotal role. In particular, parliaments will need to review and scrutinize regular progress reports on the implementation of the Istanbul Programme of Action and must be in a position to translate the findings of those reports into further legislative action. Parliamentary scrutiny of aid, which remains crucial to the LDCs, should also be enhanced in both donor and recipient countries. Partner country parliaments will need to do more to hold their own governments to account for their pledges to the LDCs, while facilitating relevant legislation as well as existing and innovative financial flows.

Recognizing the work carried out by the IPU in recent years in support of parliaments in the LDCs, including through the facilitation of parliamentary focal points, we further encourage our organization to develop closer cooperation with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) as the central coordinator of the global drive to implement the new Programme of Action. In this regard, we look forward to the IPU and UN-OHRLLS working together to help mainstream the Programme of Action into the work of parliaments, helping to identify or strengthen appropriate institutional mechanisms and processes, and to mobilize relevant international support for the LDC parliaments. We also call on the IPU to better monitor implementation of the Programme of Action at the global level in close association with the relevant UN bodies.

We commend the IPU and the Grand National Assembly of Turkey for organizing the Parliamentary Forum in the wings of LDC IV and express our deep gratitude and sincere appreciation to the people of Turkey for their hospitality and generosity.

**STATEMENT ON PARLIAMENTARY ACTION IN SUPPORT OF THE
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)
AND REFUGEE PROTECTION**

*Noted by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

We, parliamentarians, meeting in Panama on the occasion of the 124th IPU Assembly, take this opportunity to renew our commitment to extend support for the protection of those who have been forcibly displaced or are stateless and for UNHCR, the principal humanitarian agency of the United Nations system dedicated to their protection.

There are today some 43 million forcibly displaced people around the globe of whom 15 million are refugees. There are 12 million stateless people. Global trends such as environmental degradation and climate change, combined with mega-trends such as urbanization, pose challenges for both UNHCR and States and may call for new approaches to providing protection and assistance to those who are forcibly displaced.

The problem of statelessness has grown over the past decade owing to issues linked to the dissolution of states, the operation of conflicting nationality laws and implementation of legislation which discriminates against women in the passage of nationality. Statelessness prevents individuals from travelling abroad, enrolling children in school, having access to employment and educational opportunities and keeps all too many lives in limbo.

We recall debates and resolutions that we have adopted at IPU Conferences in recent years on the subject of refugees and internally displaced persons. We commend the IPU and the UNHCR for their work to sensitize parliaments to the problem of forced displacement and the ways in which parliamentarians can assist in finding solutions to the plight of forcibly displaced and stateless people.

We are particularly pleased with the handbooks for parliamentarians they have produced together on *Refugee protection: A guide to international refugee law* and *Nationality and Statelessness*, which have been translated into 36 and 29 language versions, respectively. We invite them to update the Handbook for parliamentarians on *Refugee protection: A guide to international refugee law* to reflect contemporary challenges and developments over the past decade.

We recognize that more needs to be done to address the plight of refugees, returnees, internally displaced persons and stateless people. We pledge to do our part, as members of parliament.

In particular, we reaffirm that the *1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol* are the core international refugee law instruments and that they remain crucial for the protection of refugees. We therefore pledge to strengthen the implementation of these instruments and to consider developing flexible tools and approaches to deal with contemporary protection challenges that do not fit comfortably within the 1951 Convention framework.

Similarly, we reaffirm that *the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons* are the principal international instruments for addressing statelessness. We encourage all States that have not yet done so to accede to or ratify these instruments and lift any reservations lodged at the time of accession. We greatly welcome the efforts of UNHCR and propose to work with it in seeking to enact the necessary legal framework and introduce safeguards to avoid situations of statelessness, including through ensuring that every child acquires a nationality at birth and promoting gender equality to enable women to confer nationality on their children.

We propose to mark the 60th anniversary of the adoption of the 1951 United Nations Convention relating to the Status of Refugees and 50th anniversary of the 1961 Convention on the Reduction of Statelessness in an appropriate manner in our parliaments.

We applaud the adoption in October 2009 of the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*. We encourage States in Africa to sign and ratify the Kampala Convention and parliaments to adopt implementing legislation. We encourage States in other regions of the world to consider an analogous approach to improve the provision of protection and assistance for the world's some 26 million internally displaced persons.

We welcome the 60th anniversary of UNHCR and recognize its pivotal role in providing international protection and assistance to refugees, returnees, internally displaced persons and stateless persons.

Finally, we pledge to review the implementation of these conventions in our countries and to report back to the IPU on the results thereof. Specifically, we wish to see progress in the area of accessions to the principal refugee and statelessness conventions, introduction of legislative safeguards for the prevention and reduction of statelessness, and new approaches to deal with those displaced within or across national boundaries owing to environmental factors and natural disasters linked to climate change.

Future meetings and other activities

*Approved by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

Parliamentary forum on the occasion of the 4 th United Nations Conference on Least Developed Countries	ISTANBUL (Turkey) 8 May 2011
Fourth Parliamentary Forum on Shaping the Information Society	GENEVA 18-20 May 2011
Information seminar on the structure and functioning of the Inter-Parliamentary Union (for English-speaking participants)	GENEVA 23-27 May 2011
Parliamentary meeting at the 2011 UN High-level Meeting on AIDS	NEW YORK 7 June 2011
Regional seminar on child rights for Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS countries)	YEREVAN (Armenia) 14-16 June 2011
134 th session of the Committee on the Human Rights of Parliamentarians (<i>in camera</i>)	GENEVA (IPU Headquarters) 4-7 July 2011
Regional climate-related event for Pacific Island parliaments	Australia 8-10 August 2011
Regional seminar on combating violence against women for parliaments in Asia	NEW DELHI (India) 15-17 September 2011
Parliamentary Panel within the framework of the Annual WTO Public Forum	GENEVA (WTO Headquarters) 20 September 2011
24 th session of the Steering Committee of the Parliamentary Conference on the WTO (<i>in camera</i>)	GENEVA (IPU Headquarters) 21 September 2011
Parliamentary Briefing on the occasion of the 66 th session of the UN General Assembly	NEW YORK 21 September 2011
125 th Assembly and related meetings	BERN (Switzerland) 16-19 October 2011
Information seminar on the contribution of parliaments to the implementation of the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights	BERN (Switzerland) 20 October 2011
Information seminar on CEDAW and its optional protocol	BERN (Switzerland) 20 October 2011
Joint IPU-ASGP Conference on professional development for parliamentarians	BERN (Switzerland) 20 October 2011
Regional Seminar on combating trafficking of children for labour	Ghana October 2011
Annual Parliamentary Hearing at the United Nations	NEW YORK November 2011
Seventh Meeting of Women Speakers of Parliament	ISLAMABAD (Pakistan) 15-17 November 2011

Parliamentary meeting on the occasion of the High Level Forum on Aid Effectiveness (29 November-1 December)	BUSAN (Republic of Korea) 28 November 2011
Parliamentary meeting on the occasion of the Fourth Global Forum of the United Nations Alliance of Civilizations	DOHA (Qatar) Dates to be determined
Parliamentary Meeting on the occasion of the United Nations Climate Change Conference (COP17/CMP7)	DURBAN (South Africa) 5 December 2011
Regional seminar (West/Central Africa) on parliamentary oversight of the security sector	Venue to be decided Second half of 2011
Regional seminar (Latin America) on parliamentary oversight of the security sector	Venue to be decided Second half of 2011
Meeting for members of parliamentary human rights bodies	GENEVA Dates to be determined
Regional seminar on reconciliation processes, transitional justice mechanisms and inclusive political processes in Africa	Venue to be decided Dates to be determined
Regional seminar on the Convention on the Rights of Persons with Disabilities in the Middle East	Venue to be decided Dates to be determined
Regional seminar on CEDAW and women's rights	Venue to be decided Dates to be determined
126 th Assembly and related meetings	KAMPALA (Uganda) 31 March - 5 April 2012
127 th Assembly and related meetings	QUEBEC CITY (Canada) 21-26 October 2012
<u>Invitation received:</u>	
128 th Assembly and related meetings	QUITO (Ecuador)

AGENDA OF THE 125th ASSEMBLY

(Bern, 16-19 October 2011)

1. Election of the President and Vice-Presidents of the 125th 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 126th Assembly (Kampala, 31 March - 5 April 2012):
 - (a) Promoting and practising good governance as a means of advancing peace and security: Drawing lessons from recent events in the Middle East and North Africa
(Standing Committee on Peace and International Security)
 - (b) Redistribution of power, not just wealth: Ownership of the international agendas
(Standing Committee on Sustainable Development, Finance and Trade)
 - (c) Access to health as a basic right: The role of parliaments in addressing key challenges to securing the health of women and children
(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 IPU

SUBJECT ITEMS FOR THE 126th ASSEMBLY

(Kampala, 31 March - 5 April 2012)

***Approved by the 124th IPU Assembly
(Panama City, 20 April 2011)***

1. Promoting and practising good governance as a means of advancing peace and security: Drawing lessons from recent events in the Middle East and North Africa
(Standing Committee on Peace and International Security)

2. Redistribution of power, not just wealth: Ownership of the international agendas
(Standing Committee on Sustainable Development, Finance and Trade)

3. Access to health as a basic right: The role of parliaments in addressing key challenges to securing the health of women and children
(Standing Committee on Democracy and Human Rights)

LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED TO FOLLOW THE WORK OF THE 125th ASSEMBLY AS OBSERVERS

*Approved by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)*

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
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 European Parliamentarians with Africa (AWEPA)
Association of Senates, Shoura and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
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
Inter-Parliamentary Union of the Member States of the Inter-Governmental Authority on Development (IPU-IGAD)
Maghreb Consultative Council
Nordic Council
Pan-African Parliament (PAP)
Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the Mediterranean (PAM)

Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)
Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)
Parliamentary Assembly of Turkic-Speaking Countries (Turkpa)
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

Centrist Democrat International (CDI)
International Socialist

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

Resolutions concerning the Human Rights of Parliamentarians

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided at a hearing the Committee held with members of the Bangladeshi delegation to the 124th IPU Assembly on progress in and challenges to the investigation into the grenade attack which led to Mr. Kibria's death,

Recalling the following: the initial inquiry in this case proved to be an attempt by the investigating officers to divert the course of justice; since the investigation was reopened in March 2007, Islamist militants belonging to the Horkatul Jihad al Islami (Huji), including its leader Mufti Hannan Munshi, have been implicated; according to the Home Ministry's report of March 2010, seven persons have been arrested, including the two persons (Mizanur Rahman Mithu and Md Badrul Alam Mizan) who detonated the grenades; in addition, the former State Minister for Home Affairs, Mr. Lutfozzaman Babar, has also been arrested in this case; according to the authorities, substantial evidence continues to be collected and efforts are being made to resolve the case without further delay; the report of the reopened investigation has been deferred many times to enable the investigating officers to "finish the job",

Considering that the Criminal Investigation Department has repeatedly requested additional time to submit its report on the investigation into the attack and that the Court has granted such requests, albeit most recently with a warning not to cause any further delays; on 4 February 2011, media reports quoted the Home Minister as having said that the investigation was nearing completion and that the trial would soon begin,

Considering that, according to the Bangladeshi delegation, the Standing Committee on the Ministry of Home Affairs, which meets once a month, continues to monitor the case; that the Ministry has been directed to report regularly on progress to the Standing Committee's meetings and is indeed doing so,

Considering finally that, according to the Bangladeshi delegation, Mr. Kibria's family is being kept informed of developments in the investigation and proceedings; *recalling* that Mr. Kibria's family stated in October 2010 that they had been contacted by the authorities, which wished to provide them with additional information on the status of the investigation, but which they had still not done,

1. *Thanks* the members of the Bangladeshi delegation for their cooperation and for the information provided;
2. *Acknowledges* that an investigation into a crime of this magnitude and its possible links with other crimes requires both time and thoroughness; *trusts* that the investigatory authorities, besides applying the necessary diligence, are acting as swiftly as possible to complete their report and hence allow justice to be dispensed without undue delay;
3. *Wishes* in this respect to ascertain whether the Criminal Investigation Department has indeed been able to meet the latest deadline set by the Court for the submission of its report and, if so, to learn of its contents inasmuch as it concerns public information;
4. *Would be grateful* to Parliament's Standing Committee on the Ministry of Home Affairs if it could, to the extent possible, share with the Committee on the Human Rights of Parliamentarians any official public information submitted to it;
5. *Is gratified* that information on the status of the investigation appears to have been recently provided to Mr. Kibria's family; *trusts* that the Parliament, through its Standing Committee, will

ensure that such information continues to be provided to the family in a regular and timely manner; and *would appreciate* information as to whether this is indeed the case;

6. *Requests* the Secretary General to convey this resolution to the competent authorities, inviting them to provide the requested information; *also requests* the Secretary General to convey this resolution to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, opposition leader of the Parliament of Bangladesh at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided at a hearing with the Committee by members of the Bangladeshi delegation to the 124th IPU Assembly on progress in and challenges to the investigation into the grenade attack of August 2004 against the then opposition leader Sheikh Hasina and other Awami League members which left scores of people dead and wounded,

Recalling that, according to the Home Ministry's report of March 2010, the investigation into the grenade attack revealed the following: the grenade attack was decided on at a meeting in the government quarters of then Deputy Minister Abdus Salam Pinto; his brother, Mr. Moulana Mohammad Tajuddin, supplied the grenades for the attack; former State Minister for Home Affairs Lutfozzaman Babar and Mr. Salam Pinto provided administrative and financial support; the government of the time arranged for Mr. Tajuddin to leave Bangladesh; according to newspaper reports forwarded by the source, in August 2010 the Criminal Investigation Department (CID) arrested Saiful Islam Duke, the nephew of Bangladesh Nationalist Party (BNP) Chairperson Khaleda Zia, who was the Prime Minister at the time of the grenade attack; Duke is accused of having helped Moulana Mohammad Tajuddin flee the country on the instructions of the then Prime Minister's Office,

Considering that media reports have also made reference to the possible implication of the former Prime Minister's Political Secretary, Mr. Harris Chowdhury, convicted in Bangladesh on several corruption cases, and her son, Mr. Tarique Rahman, charged in Bangladesh with corruption in several cases and released on bail, both of whom are said to be in the United Kingdom,

Considering that the Criminal Investigation Department has repeatedly requested additional time to submit its report on the investigation into the attack and that the Court has granted such requests, albeit most recently with a warning not to cause any further delays; that, according to the Bangladeshi delegation, the CID has been given a further 60 days to submit its final report; *noting* also that the delegation insisted that it was essential for the investigation to take all the time needed so as to prevent any questions from being raised later regarding how the investigation was handled,

Considering that, according to the Bangladeshi delegation, the Standing Committee on the Ministry of Home Affairs, which meets at least once a month, continues to monitor the case, and that the Ministry has been directed to report regularly on progress to the Standing Committee's meetings, which it is doing,

1. *Thanks* the members of the Bangladeshi delegation for their cooperation and for the information provided;
2. *Acknowledges* that an investigation into a crime of this magnitude and its ramifications requires both time and thoroughness; *trusts* that the investigatory authorities, besides applying the necessary diligence, are acting as swiftly as possible to complete their report and hence allow justice to be dispensed without undue delay;

3. *Wishes* in this respect to ascertain whether the Criminal Investigation Department has indeed been able to meet the latest deadline set by the Court for the submission of its report and, if so, to learn of its contents inasmuch as it concerns public information;
4. *Would be grateful* to Parliament's Standing Committee on the Ministry of Home Affairs if it could, to the extent possible, share with the Committee on the Human Rights of Parliamentarians any official public information submitted to it;
5. *Reiterates* its wish to ascertain from the authorities whether or not Mr. Chowdhury and Mr. Rahman have been officially linked to the investigation and, if so, whether the Bangladeshi authorities have issued international warrants for their arrest in this case;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

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 who disappeared together with his friend Mr. Anatoly Krasovsky on 16 September 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account letters sent by the Chairpersons of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States (CIS), dated 6 December 2010 and 2 March 2011,

Recalling the following:

- The investigation into the disappearance, on 16 September 1999, of Mr. Victor Gonchar and his friend Mr. Anatoly Krasovsky, after they had been forcibly abducted, has yielded no result and the authorities have consistently refuted the conclusions of a report by the Parliamentary Assembly of the Council of Europe into disappearances for allegedly political reasons in Belarus (Pourgourides report), which provided evidence linking senior officials to the disappearance of Mr. Gonchar and Mr. Krasovsky; Mr. Pourgourides had gathered evidence to this effect, including a handwritten document from the then police chief, General Lapatik, the authenticity of which the Belarusian authorities have acknowledged, in which General Lapatik accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, of having ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlishenko, with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlishenko with the official execution pistol temporarily removed from SIZO-1 prison; the same method was reportedly used in the execution of Mr. Gonchar and Mr. Krasovsky;
- According to the results of the initial investigation by the Belarusian authorities, Mr. Gonchar and Mr. Krasovsky were forcibly abducted by an organized armed body and taken away by cars to an undisclosed location; the blood traces discovered at the crime scene proved to be the blood of Mr. Gonchar; witnesses of the abduction were found; in November 2000, after mass media reported the alleged implication of senior State officials, the Prosecutor General, the KGB Chairman and his Deputy, together with officials involved in the investigation, were removed and

Mr. Sheyman,¹ the main suspect at the time in this case, was appointed Prosecutor General; according to the source, as of that time the investigation slowed down and two volumes disappeared from the investigation file;

- The Belarusian authorities have consistently stressed that, despite extensive investigative work and despite examination of all possible leads, no tangible results have been obtained; however, the case has not been closed and the preliminary investigation is being regularly extended; the sources fear that such extension is automatic without any investigation taking place and that this may continue until the expiry of the statute of limitations, which is 15 years as of the commission of the crime;
- In a letter of 18 June 2010, the Chairpersons of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States (CIS), respectively, affirmed that the hypothesis of no investigation taking place is far-fetched and unsubstantiated as "the authorities of the Republic of Belarus are interested in a full and objective investigation, the establishment of all the circumstances of the disappearance of Mr. Gonchar and Mr. Krasovsky, and the holding to account of the persons involved in it"; they have consistently affirmed that it is far-fetched and groundless to affirm, alluding to its October 2010 resolution, that the authorities have so far failed to refute convincingly the evidence produced in the Pourgourides report;
- The families of the victims, apart from receiving formal responses, have not been kept informed of the investigation throughout the 11 years it has been under way, although Article 50 (14) of the Criminal Procedure Code stipulates that the injured parties are entitled to receive copies of decisions passed which affect their rights,

Considering that in July and August 2010, a documentary entitled "The Nation's Godfather" was aired on a TV channel in Russia and was also available in Belarus; the film dealt with inter alia the involvement of State authorities in the disappearance of politicians, including Victor Gonchar; that, on 7 July 2010, the President of the opposition United Civil Party (UCP), Mr. Anatoly Lebedko, made an application to the Prosecutor General to investigate the evidence presented in the documentary and to initiate criminal proceedings against the persons mentioned in the film as the masterminds and perpetrators of abductions and killings; that, although under Belarusian law, the Prosecutor General's Office should have responded to Mr. Lebedko's application within one month, he has not received any information about his application to date,

Noting that, in their letter of 2 March 2011, the Chairpersons of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States reiterate that, in accordance with prevailing legislation (including with respect to current operational search measures and inquiries in a criminal case together with their results), no particulars of an investigation may be disclosed before its conclusion, which also concerns information obtained in the course of investigating circumstances featuring in Russian documentary films; *recalling* in this respect that, in its resolution of October 2010, it (the Council) has expressed the view that the authorities should show to the general public, or at the very least to the families of the victims, that they are doing their utmost to reveal the truth in this high-profile case and that Article 198 of the Criminal Procedure Code authorizes the disclosure of data of a preliminary investigation if this is not in breach of the rights and lawful interests of those taking part in the proceedings; that, however, the Prosecutor General's Office affirmed that showing "the general public that the authorities are doing their utmost to reveal the truth could lead to the undue disclosure of information gathered in the course of the investigation",

Considering that, in their letter of 2 March 2011, the two Chairpersons reiterate that various scenarios explaining the disappearance of Mr. Gonchar and Mr. Kravosvsky are being investigated and once again refer in this respect to "unlawful acts (committed) possibly in connection with their business activities"; *recalling* that, in an interview given by President Lukashenko on 10 June 2009 to the Russian *Zavtra* newspaper, he stated that the cases of Mr. Gonchar and Mr. Krasovsky "were murders for business reasons; they had to buy or sell something and failed to stick to their promises, so they were killed, as is usual in 'half-bandit' circles; traces of a murderer have recently been found in Germany"; that the German authorities have

¹ Following strong criticism of his appointment, notably in a common statement issued in this respect by the Committee on Legal Affairs of the Parliamentary Assembly of the Council of Europe and the IPU Committee on the Human Rights of Parliamentarians, Mr. Sheyman was later removed from this post.

nevertheless denied this; that, moreover, Mrs. Krasvosky has denied that her husband had any business problems,

Noting that Mrs. Krasovsky and her daughter have filed an application with the Human Rights Committee established under the International Covenant on Civil and Political Rights, which is awaiting a decision as to its admissibility,

Recalling lastly that, in their letter of 18 June 2010, the two Chairpersons stated that the House of Representatives of the National Assembly was not entitled to issue any appraisal of the steps taken by the State bodies, including the Prosecutor's Office and officials, or of the methods followed in conducting the criminal investigation, since this did not lie within its purview,

1. *Thanks* the Chairpersons of the Standing Committees on National Security and on International Affairs and Relations with the Commonwealth of Independent States for their consistent cooperation;
2. *Regrets*, however, that the information they provide is a repeat of information provided earlier and does not respond to the considerations it has consistently expressed; *stresses* that the Committee has to rely on genuine cooperation, whereby parliament takes into serious account the views it expresses, if progress is to be made in any given case;
3. *Reaffirms* that, while parliament may not be entitled to comment on an ongoing criminal investigation, it is entitled, in the exercise of its oversight function, to ask the competent authorities questions in this regard, in particular when they concern one of its former members; *believes* that it would be entitled to ask President Lukashenko about the statements he made regarding the reasons for the disappearance of Mr. Gonchar and Mr. Krasvosky;
4. *Strongly believes* that, after 12 years of preliminary investigation, the general public and certainly the families of the victims should be informed of the results obtained thus far, and *recalls* in this respect that Article 198 of the Criminal Procedure Code clearly allows the disclosure of information, and *fails to understand* how information released by the Prosecutor's office could lead to undue disclosure of information;
5. *Affirms* that, rather than helping the investigation, the secrecy in which it is shrouded only fuels suspicion that the authorities are unwilling to establish the truth;
6. *Notes* that it appears from the letter of 2 March of the two Committee Chairpersons that an investigation into the evidence produced in the Russian documentary about disappearances in Belarus is under way; *wonders* therefore why the Prosecutor General's Office has so far failed to respond to Mr. Lebedko's application;
7. *Reaffirms* that no documents or other evidence has been produced to sustain the assertion of the authorities that they have convincingly refuted the Pourgourides report, and *notes* that the report is based on information provided by the authorities initially in charge of investigating the disappearance; *observes*, moreover, that such disclosure would have been at odds with the affirmation of the authorities that no investigative results may be disclosed;
8. *Sincerely hopes* that Parliament will make use of its oversight power to ensure that the investigatory authorities indeed comply with their duty to conduct an effective investigation and to release information in accordance with Article 198 of the Criminal Procedure Code;
9. *Requests* the Secretary General to convey this resolution to all parties concerned;
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 125th IPU Assembly (October 2011).

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

CASE No. BDI/02 - NORBERT NDIHOKUBWAYO

CASE No. BDI/26 - NEPHTALI NDIKUMANA
 CASE No. BDI/36 - MATHIAS BASABOSE
 CASE No. BDI/37 - LÉONARD NYANGOMA
 CASE No. BDI/40 - FRÉDÉRIQUE GAHIGI

CASE No. BDI/42 - PASTEUR MPAWENAYO
 CASE No. BDI/43 - JEAN MARIE NDUWABIKE
 CASE No. BDI/45 - ALICE NZOMUKUNDA
 CASE No. BDI/46 - ZAITUNI RADJABU

CASE No. BDI/42 - PASTEUR MPAWENAYO
 CASE No. BDI/44 - HUSSEIN RADJABU
 CASE No. BDI/53 - THÉOPHILE MINYURANO
 CASE No. BDI/57 - GÉRARD NKURUNZIZA

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
 (Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of the above-mentioned Burundian parliamentarians, as outlined in the relevant reports of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling that the cases in question concern the murders of six members of the National Assembly between 1994 and 1999 which have so far remained unpunished, attempts on the lives of eight members of the previous legislature which have likewise gone unpunished, and criminal proceedings brought against four members of the previous legislature,

Noting that the Committee held a hearing with the leader and another member of the Burundian delegation to the 124th Assembly,

Recalling that, in its resolution of October 2010, it expressed the view that an on-site mission would be helpful in making progress towards a settlement of these cases and asked the Secretary General to take the necessary steps to that end,

Considering that, according to the Burundian delegation, efforts are under way to solve the cases: the National Assembly has set up a working group on the human rights of parliamentarians and mandated it to examine cases relating to members of the previous legislature, including those concerned; the parliamentary authorities have questioned the Minister of Justice about these cases and impressed on him the need to speed up the criminal cases pending against the three former members of parliament concerned; *considering* that the delegation confirmed an earlier statement by the President of the National Assembly that a mission organized in close cooperation with the National Assembly was welcome, but that more time would be needed to settle these cases,

1. *Thanks* the delegation of Burundi for its cooperation and for the information it provided;
2. *Is gratified* by the efforts the National Assembly has undertaken with a view to a settlement of the cases in question; *is convinced* that a mission would do much to assist the National Assembly in these efforts and contribute significantly to the long-desired satisfactory settlement;
3. *Requests* the Secretary General therefore to organize this mission in close cooperation with the National Assembly as early as possible;
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 125th IPU Assembly (October 2011), in the light of such results as the mission may have achieved.

CASE No. CMBD/01 - SAM RAINSY - CAMBODIA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Sam Rainsy, leader of the opposition in the National Assembly of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information and observations which the Cambodian delegation to the 124th IPU Assembly provided to the Committee at the session it held during the Assembly, as well as of a letter from the President of the National Assembly dated 10 February 2011; *also taking into account* information provided by the sources on 2 March and 12 April 2011,

Recalling that Opposition Leader Mr. Sam Rainsy, in judgments handed down in January and September 2010, was sentenced to a total of 12 years' imprisonment and a heavy fine for (a) having pulled out border post #185 marking the Cambodian/Vietnamese border in a village in Svay Rieng province and inciting racial hatred, and (b) divulging false information by reportedly having published a map showing a false border with Viet Nam in his attempt to prove that the border marker encroached upon Cambodian territory; that, owing to those verdicts, he will be barred from standing in the 2013 elections by virtue of Article 34(2) of the Law on the Election of Members of the National Assembly, which stipulates that persons who are sentenced to imprisonment for a felony or misdemeanour by the courts and who have not been rehabilitated are not eligible to stand as candidates for election to the National Assembly,

Considering that the verdict whereby Mr. Sam Rainsy was found guilty of destroying public property was upheld in March 2011 by the Supreme Court and that, on 15 March 2011, the National Assembly stripped Mr. Sam Rainsy of his parliamentary mandate by virtue of Article 34 of the Law on the Election of Members of the National Assembly, which stipulates that members convicted at final instance of a crime and sentenced to imprisonment forfeit their membership in the National Assembly; that the appeal against the verdict regarding the divulging of false information is scheduled for hearing on 10 May 2011,

Noting that no one disputes the fact that the process of demarcating the border between Viet Nam and Cambodia is under way, that border marker #185 was a temporary wooden post and that the government recognized it was not a real and legal border marker and officially decided to dismantle it, and that there is at present no map recognized by Viet Nam and Cambodia as being official and binding,

Considering in this respect that Prime Minister Hun Sen stated the following in response to a letter whereby the Speaker of the National Assembly had forwarded to him questions raised by members of parliament belonging to the Sam Rainsy Party regarding the border demarcation process: "In the area surrounding the tentative post #185, in particular posts #184 to 187 along the border between Cambodia and Viet Nam, the joint technical group from the two countries is continuing its study on the actual ground in order to search for material evidence necessary for the determination of the real location of those border posts. Because the joint technical group from the two countries has not planted border post #185 yet, the border demarcation work, which is the work of the joint technical group after the planting of that post, has not started either."

Noting that, in response to the issue of whether or not the Prime Minister's letter existed, the leader of the Cambodian delegation stated that Mr. Sam Rainsy's case was a judicial matter, that the judiciary had decided and that the case should not be drawn into the political arena,

1. *Thanks* the leader of the Cambodian delegation for his observations;
2. *Is nevertheless unable* to share his view that this is a judicial issue, and *reaffirms* that Mr. Sam Rainsy's gesture of pulling out temporary border markers was clearly a political gesture, and that, consequently, the courts should never have been resorted to for resolving a political matter;

3. *Affirms* that, given the official recognition, including by the Prime Minister, that there is no such thing as a legal border post #185 and the absence of any official map as the border demarcation is still under way, Mr. Sam Rainsy cannot possibly have committed a crime by pulling out wooden posts, which were illegally driven in, nor is the accusation of divulging false information a tenable one;
4. *Considers*, therefore, that it is becoming ever more urgent to review Mr. Sam Rainsy's case and to rehabilitate him, and *calls on* the authorities, including Parliament, to take action to this end without delay so as to enable Mr. Sam Rainsy to resume his rightful place as a member of the National Assembly and to stand as a candidate in the next parliamentary elections;
5. *Urges* the National Assembly also to take action to amend the procedure for the lifting of parliamentary immunity in such a manner as to ensure respect for the rights of the parliamentarians concerned to be heard in an open session, with a decision to be taken by secret ballot, so that immunity can serve its primary aim of safeguarding the independence of parliament by shielding its members from proceedings which may be politically motivated;
6. *Requests* the Secretary General to convey this resolution to the parliamentary 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 125th IPU Assembly (October 2011).

CASE No. CMBD/47 - MU SOCHUA - CAMBODIA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Mu Sochua, an opposition member of the National Assembly of Cambodia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information and observations which the Cambodian delegation to the 124th IPU Assembly provided to the Committee at the session it held during the Assembly; *also taking into account* information provided by the sources on 27 January and 12 April 2011,

Recalling the following facts: Ms. Mu Sochua's public announcement that she would bring a defamation lawsuit against Prime Minister Hun Sen for a speech he made in April 2009 referring to her in a derogatory and insulting manner resulted in the Prime Minister's filing a defamation lawsuit against her; while her defamation lawsuit against the Prime Minister was quickly dismissed, the Prime Minister's lawsuit proceeded; in June 2009, the National Assembly decided to lift her parliamentary immunity in a closed session by a show of hands, without having given Ms. Mu Sochua an opportunity to be heard; in August 2009, the Phnom Penh Municipal Court found her guilty, mainly because of a letter she had written on the matter to the IPU and the Global Fund for Women, and sentenced her to a heavy fine, which verdict was, in June 2010, upheld at final instance by the Supreme Court; the judgment failed to establish the existence of the evidence constituting the offence of defamation, namely imputation of fact, bad faith and damage to the honour or reputation of the complainant, the Prime Minister in this case; Ms. Mu Sochua stated that she would not pay the fine, in which case, according to Cambodian law, she would have had to serve a prison term; however, it was decided that the fine would be deducted from her MP's salary,

Considering that by November 2010 the fine had been paid off in full, but that her parliamentary immunity has not been restored; *noting* that the following information was submitted to the Committee on this matter:

- According to an article in the Phnom Penh Post of 12 January 2011, the Chairperson of the National Assembly's Banking and Finance Committee said that parliament was willing to restore her immunity, but that procedure required an official request from the court; he stated that as soon as the court made a request to parliament the Assembly would convene to restore her immunity, which would be possible without a vote; according to another article (Phnom Penh Post, 26 January 2011), the Justice Minister affirmed that the parliament had first to send a letter to the Justice Ministry; the

Director of the Cambodian Defenders Project was of the view that the Ministry of Justice had to write to the National Assembly since it had made the initial request to remove Ms. Mu Sochua's immunity; a statement by the Prime Minister affirming that "if you exit by any way, you must enter by the same way" was also mentioned;

- In response to a petition of the Sam Rainsy Party (SRP) to the National Assembly to restore Ms. Mu Sochua's immunity, the National Assembly stated in a letter of 12 April 2011 that, by virtue of Article 535 of the Penal Code, Ms. Mu Sochua has to wait one year before submitting an application for rehabilitation to the Appeal Court; should no application be submitted, her immunity would be restored automatically after five years,

Considering that, at the hearing held with the Committee, the leader of the Cambodian delegation confirmed this and stated the following: Ms. Mu Sochua has to wait one year before applying for rehabilitation, and that, if she does not apply, her immunity would be restored automatically after five years; Article 535 applies to each and every Cambodian citizen and consequently also to members of parliament; Ms. Mu Sochua is at present not eligible so long as she has not been rehabilitated; the National Assembly respects the Constitution, the Standing Orders and the Statute of Deputies, as well as the Criminal Code; while the National Assembly does indeed lift parliamentary immunity, the Assembly must apply the law; rehabilitation is governed by the Criminal Code and, during the period in question, Ms. Mu Sochua must not commit another crime; however, she is fully exercising her parliamentary mandate, participates in debates and criticizes the Government, and no member of parliament has ever been punished for expressing his or her opinions within the Parliament; moreover, Ms. Mu Sochua's case is the first of its kind in the history of the National Assembly,

Considering the following: Article 14 of the Law on the Status of Members of the National Assembly stipulates that a member who is convicted of a crime and sentenced to jail loses his/her membership of the National Assembly and the rights and privileges pertaining thereto; Article 16 provides for the automatic restoration of immunity and privileges to a Member in the event of acquittal; Article 15 provides that a convicted person has immunity restored upon being granted a pardon by the King of Cambodia; Article 34 of the Electoral Law sets out the categories of persons who cannot stand for election to the National Assembly, which includes persons who have been convicted to a jail term and have not been rehabilitated,

Bearing in mind that United Nations human rights bodies and mechanisms have expressed concern about the independence of the judiciary in Cambodia and that, most recently, the United Nations Special Rapporteur on the situation of human rights in Cambodia, in his report to the United Nations Human Rights Council of 16 September 2010² identified freedom of expression as a major cause for concern, along with the numerous challenges faced by the judiciary, expressed concern about the narrowing of political space, and recommended that defamation and disinformation be decriminalized altogether,

Mindful that Article 31 of the Constitution of Cambodia stipulates that the rights and freedoms of citizens include the "human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the human rights covenants and conventions and those on women's and children's rights; that, moreover, Articles 41, 39, 31 and 45 of the Constitution respectively guarantee freedom of expression, the right of Khmer citizens to denounce public officials for breaches of the law committed while performing their duties, and equality before the law, and prohibits discrimination against women, and that Article 46 explicitly prohibits obscenity against women,

1. *Thanks* the Cambodian delegation for its cooperation and for the information provided;
2. *Notes* that the question of the restoration of Ms. Mu Sochua's parliamentary immunity has given rise to different views as to how it should be restored until finally a provision regarding rehabilitation in the Penal Code was relied upon, and resulted not only in attributing responsibility for the restoration of immunity to the judiciary, but apparently also in debarring Ms. Mu Sochua from standing in elections, possibly for a five-year period;
3. *Is appalled* therefore that Ms. Mu Sochua was not only sentenced on account of having exercised her freedom of speech and defended her honour and reputation, but now faces an

² A/HRC/15/46.

additional punishment since she must wait at least one year to have her immunity restored, and will be ineligible for a period of at least one year, although she has committed no offence or crime punishable with imprisonment, has paid the fine and has thus a clean criminal record;

4. *Fails to understand* how a provision in the Criminal Code regarding rehabilitation can be invoked to settle the issue of restoration of parliamentary immunity, since the question of rehabilitation does not arise in this case; *stresses*, moreover, that by virtue of Article 34 of the Election Law Ms. Mu Sochua does not require rehabilitation to stand for election and therefore cannot be debarred from standing in elections;
5. *Recalls* that in parliamentary traditions following the French immunity model, as is the case in Cambodia, members of parliament recover their immunity automatically once the fine has been paid or the sentence served and that, failing any specific provision to the contrary, the National Assembly should restore Ms. Mu Sochua's immunity without any further delay;
6. *Reaffirms* the serious concerns it has expressed earlier about the defamation proceedings brought against her by the Prime Minister, and *earnestly hopes* that the parliamentary authorities will take action to ensure that cases such as this one, where a letter to the IPU was used to convict a member of parliament who had merely exercised her right to freedom of expression, do not recur;
7. *Urges* the parliamentary authorities also to take action to amend the procedure for the lifting of parliamentary immunity in such a way as to ensure respect for the rights of the parliamentarians concerned to be heard in an open session, with a decision taken by secret ballot, so that immunity can serve its primary aim of safeguarding the independence of parliament by shielding its members from proceedings which may be politically motivated;
8. *Reiterates its call* on the Cambodian authorities to heed the recommendations made by the Special Rapporteur on the situation of human rights in Cambodia; *invites* the Parliament of Cambodia once again to debate his report in parliament and to take the necessary measures to ensure implementation of his recommendations;
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 125th IPU Assembly (October 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the murders between 1986 and 1994 of Colombian congressmen and members of the *Unión Patriótica* (Patriotic Union) party, Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, and the death threats against another party member in Congress, Mr. Motta, which forced him into exile in October 1997, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Having before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)-R.2); *taking into account* the report of 17 January 2011 of the Prosecutor's Office,

Recalling that the state of affairs in the pursuit of justice at the national and regional levels in this case before the on-site mission was carried out was as follows:

- None of the murderers of five of the six congressmen or the perpetrators of the death threats against Mr. Motta, who still lives in exile, had been held to account;
- On 26 May 2010, in a binding ruling, the Inter-American Court of Human Rights concluded that the Colombian State bore responsibility for the murder of Mr. Cepeda and ordered it, first, to conduct an effective investigation to establish the identity of the masterminds and the full scale of the cooperation between State agents and paramilitary forces in carrying out the crime, and secondly to make reparation, including through the organization, in consultation with Mr. Cepeda's family, of an official ceremony in the Colombian Congress, or another prominent public place, during which the State of Colombia, in the presence of members of both Chambers of Congress and the highest State authorities, would publicly acknowledge its responsibility and offer an apology;
- A general petition, first submitted in 1997, regarding the persecution of the Patriotic Union and offences committed, directly and indirectly, against its members, including, except in Mr. Cepeda's case, the aforementioned parliamentarians, is still pending before the Inter-American Commission on Human Rights;
- Since 2008, the *Procuraduría* (Attorney General's Office) has given special attention to the case of Mr. Jaramillo and the Prosecutor's Office has assembled a special team focusing on violations committed against members of the Patriotic Union and reactivated investigations into the assassinations of Mr. Jiménez, Mr. Posada, Mr. Valencia, Mr. Cepeda and Mr. Jaramillo and the death threats against Mr. Motta, and that in the case of Mr. Posada a suspect had been detained and was awaiting judgment,

Considering the following information that has been provided since the on-site mission:

- On 12 January 2011, one of the sources reported that discussions between Mr. Cepeda's family and the Colombian authorities were under way with respect to the reparation measures that the Inter-American Court of Human Rights had ordered the State of Colombia to take in the case of the murder of Senator Cepeda; according to the source, some steps have been taken, although the most important ones were still pending;
 - According to the Prosecutor's report of 17 January 2011, with respect to the murder of Mr. Posada, a former paramilitary member had accepted a plea bargain and, with respect to the murder of Mr. Jaramillo, the former chief of the Administrative Department of Security, Mr. Alberto Romero, had been linked criminally to the case,
1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate;
 2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
 3. *Is gratified* that steps are being taken to implement the ruling of the Inter-American Court of Human Rights in the case of the murder of Mr. Cepeda; *notes*, however, that for the implementation of several of the reparation measures for which the Court established clear deadlines, such as the one-year time limit for organizing the official ceremony in Congress, time is running out; *trusts* therefore that the authorities, in line with their commitment, are acting with the necessary resolution and swiftness to comply effectively with the Court's ruling;
 4. *Takes note* with interest of recent progress in the pursuit of justice in the cases of Mr. Posada and Mr. Jaramillo; *is nevertheless deeply concerned* that this progress, along with the leads that emerged in recent years in the case of Mr. Cepeda, confirms the increasing evidence of involvement of paramilitaries and State authorities alike in the crimes committed against the Patriotic Union parliamentarians;

5. *Considers* that, although these crimes date back at least a decade, the nature of this evidence has direct ramifications for preserving the rule of law in Colombia today and that it is therefore all the more critical that the authorities continue to do their utmost to ensure justice; *trusts* therefore that the current Chief Prosecutor will not, as part of a wider effort to establish accountability for the persecution of the Patriotic Union party and its supporters, desist from identifying those responsible for these crimes and determining the extent of collusion between paramilitaries and representatives of the State in their commission; *wishes* to be kept informed of any further progress made in this respect;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. COL/07 - LUIS CARLOS GALÁN SARMIENTO - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Luis Carlos Galán Sarmiento, a member of the Colombian Senate and the New Liberalism party's candidate in the presidential elections, who was murdered at a political rally on 18 August 1989 in the main square of Soacha municipality, department of Cundinamarca, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Having before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)-R.2),

Recalling the following situation at the time of its last session:

- In 2009 Mr. Galán's family and the Prosecutor's Office submitted a cassation petition to the Supreme Court, requesting it to set aside the 2008 decision by the High Court of Cundinamarca to quash a first-instance guilty verdict against Mr. Alberto Santofimio Botero, a politician from Tolima and one of the alleged masterminds of the murder;
- On 18 August 2009, the Prosecutor's Office arrested General Miguel Maza Márquez, a former Director of the Administrative Department of Security (DAS), on accusations of involvement in Senator Galán's murder; on 4 February 2010, the Chief Prosecutor of Colombia took over the case from the Prosecutor's National Human Rights Unit owing to a privilege question arising from Mr. Maza's status as a General at the time of the alleged facts; the source feared at the time that the Chief Prosecutor's decision could jeopardize progress in the investigation; on 6 April 2010, the Chief Prosecutor ordered the release of Mr. Maza and on 22 June 2010 handed the case back to the Prosecutor's National Human Rights Unit, considering that the allegations against Mr. Maza were unrelated to his functions as Director of DAS; on 14 September 2010, the *Procuraduría* (Attorney General's Office) sought the indictment of Mr. Maza, having concluded that there was sufficient evidence to prove his criminal responsibility as co-instigator of the assassination;
- On 25 November 2009, the Attorney General of Colombia, who had formed a special team to conduct the investigations into the murder, requested the Prosecutor's Office to extend the investigation to retired General Oscar Peláez Carmona, who was the Chief of the Criminal Investigation Department at the time and had allegedly acted in complicity with Mr. Maza in misleading and obstructing the original investigation; in March 2010, the Attorney General's Office also asked the Prosecutor's Office to link to the investigation Mr. Alberto Romero, former DAS intelligence chief, Colonel Manuel Antonio González Enríquez, who served as DAS protection chief, the former paramilitary leader Mr. Iván Roberto Duque Gaviria, alias 'Ernesto Báez', and Captain Luis Felipe Montilla Barbosa, Soacha Police Commander;

- In the past, both the source and the Offices of the Prosecutor and the Attorney General have argued that the murder was part of a pattern of persecution of members of Senator Galán's party, and hence a crime against humanity, which would mean that the statute of limitations of 20 years to which the crime of murder is subject in Colombia would not apply,

Considering the following new information provided by the source since the mission took place:

- On 25 November 2010, Mr. Maza was called to trial; he was rearrested on 15 January 2011; the source is concerned that Mr. Maza's defence counsel are using the fact that a new Chief Prosecutor of Colombia recently, in December 2010, took office to put forward again the privilege question, thus possibly jeopardizing or at least delaying the course of justice;
 - The source fears that the Prosecutor's Office may be moving away from its original thesis that Mr. Galán's assassination was a crime against humanity and may now be arguing that the statute of limitations has run its course;
 - Despite the fact that more than two years had passed since the submission of the cassation petition to the Supreme Court, the latter had yet to examine the matter, which was now further delayed as the term of the magistrate in charge of the case had recently expired,
1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate;
 2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
 3. *Reaffirms its belief* that the serious suspicion that high-ranking officials of prominent Colombian State law and order institutions were implicated in this high-profile crime should prompt the authorities to continue doing their utmost to shed full light on the matter and establish full accountability; *is therefore gratified* that the Prosecutor's Office has meanwhile decided on the question of whether or not to bring charges against Mr. Maza; *is confident* that the Chief Prosecutor of Colombia will ensure that previous decisions and positions adopted by her Office on procedural matters will stand so that criminal proceedings against Mr. Maza can swiftly take place, and that she will soon decide on the question of whether or not to link formally to the investigation those identified by the Attorney General's Office; *looks forward* to receiving specific information from the Prosecutor's Office on these points;
 4. *Is concerned* that consideration of the cassation petition appears to be at a standstill; *recalls* the principle that "justice delayed is justice denied"; and *considers* this principle to be all the more important in this case, which concerns the murder of a high-profile person for which - 21 years later - none of the perpetrators or instigators have been held to account; *calls on* the Supreme Court therefore to act on the petition as a matter of urgency;
 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 125th IPU Assembly (October 2011).

CASE No. CO/121 - PIEDAD CÓRDOBA - COLOMBIA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Piedad Córdoba, a former member of the Senate of Colombia, 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,

Having also before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)-R.2),

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/188/13(b)-R.1),

Considering the following sequence of events:

- In July 2008, the Supreme Court opened a preliminary investigation into allegations that then Senator Córdoba maintained illegal ties with Colombia's main guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), which investigation continues to date;
- While this investigation was ongoing, the Supreme Court provided the *Procuraduría* (Attorney General's Office) with a copy of the documentation in order that it might decide whether or not to institute a disciplinary investigation against her, which decision it took in June 2009;
- On 27 September 2010, the Attorney General's Office concluded that then Senator Córdoba had promoted and worked with FARC and, as a disciplinary sanction, expelled her from Parliament and prohibited her from holding any public office for 18 years;
- On 27 October 2010, the Attorney General ratified the decision of his Office, as a result of which Senator Córdoba lost her seat in the Parliament of Colombia;
- Ms. Córdoba has challenged her disbarment before the Council of State, which petition is pending,

Considering that the source has affirmed from the outset that Ms. Córdoba's disbarment amounts to political persecution and that there is no proof to substantiate the decision,

1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate;
2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
3. *Is appalled* that Ms. Córdoba has been barred from politics, thus depriving her electorate of its voice in parliament as a result of a decision and on the basis of a procedure both of which breach basic international standards regarding respect for the parliamentary mandate and the right to a fair trial;
4. *Points out* the following in this respect: (i) when parliamentarians outside Colombia are submitted to disciplinary sanctions, these are without exception applied by the parliament concerned and with a limited effect in time; (ii) the decision to bar Ms. Córdoba from holding any public office was taken although the Supreme Court had not yet ruled - on the basis of the same facts and events - whether her conduct was reprehensible, and therefore bypassed the route that national jurisdictions would normally follow in establishing legal responsibility; (iii) the decision is disproportionate and unjustifiable since the facts and arguments relied on fail to dispel the suspicion that she was punished for what should rather be seen as a political activity; (iv) Ms. Córdoba lacks the possibility of a full appeal as it was the Attorney General's Office that took the first decision, which, on being ratified by the Attorney General himself, still within the same institution, can only be appealed against in the Council of State, which does not examine the substance of the matter but merely checks whether the decision is in accordance with the law;
5. *Decides*, as recommended in the mission report, to explore the possibility of sending an observer to the proceedings of the Council of State with a view to gathering first-hand information on the extent to which the present concerns are being addressed at final instance;
6. *Notes* the report's observation that the case raises serious doubts about the appropriateness of making the Attorney General's Office competent to revoke a parliamentary mandate; *expresses the hope* that this issue will be included in the political debate on reform of the justice system which is under way in Colombia;
7. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling that Mr. Lozano was convicted and given a lengthy prison sentence, and saw his civil and political rights suspended for 10 years following fundamentally flawed proceedings that he was unable to challenge since, under Colombian law, members of Congress are tried at single instance,

Considering that the source, on the occasion of the hearing with the Committee during the 124th IPU Assembly, stated that the judicial and civil authorities had recently lifted the suspension of his civil and political rights,

Recalling that in 2001 Mr. Lozano submitted a petition to the Inter-American Commission on Human Rights regarding the flawed judicial proceedings leading to his conviction; despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming despite repeated efforts by the IPU to engage with the Inter-American Commission on this issue; Mr. Lozano also submitted an individual complaint on the same matter to the United Nations Human Rights Committee under the First Optional Protocol to the International Covenant on Civil and Political Rights, to which Colombia is a party, and which has thus far remained unanswered,

Recalling that both the Inter-American Convention of Human Rights and the International Covenant on Civil and Political Rights and related jurisprudence, including specific case law to which the Executive Secretary of the Inter-American Commission on Human Rights drew attention in a letter of 12 August 2002 to the IPU Secretary General, provide extensive protection of the right to a fair trial,

Considering that Mr. Jorge Tadeo Lozano is over 70 years old and is suffering from serious kidney problems,

1. *Reaffirms* its belief that action by the Inter-American Commission on Human Rights and the United Nations Human Rights Committee remains crucial to helping address the apparent injustice Mr. Lozano suffered; *considers* that such action has gained further urgency in the light of his advanced age and precarious health;
2. *Requests* the Secretary General to renew his contacts with the Inter-American Commission with a view to encouraging its swift consideration of Mr. Lozano's petition and likewise to approach the United Nations Human Rights Committee to ascertain the status of his individual complaint;
3. *Instructs* the Committee to continue examining the case under its confidential procedure until such time as it has obtained precise information on the prospects of full treatment by these mechanisms of Mr. Lozano's case;
4. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source.

CASE No. CO/140 - WILSON BORJA - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Wilson Borja, a former member of the Colombian Congress and a vocal critic of the Colombian Government, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Having before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)R-2) and which addresses its long-standing concerns in this case with respect to the pursuit and administration of justice regarding the attempt made on Mr. Borja's life in 2000, the recurrent reported deficiencies in his security detail, and the ongoing preliminary investigation of the Supreme Court into his alleged links to the Revolutionary Armed Forces of Colombia (FARC),

Considering the following information provided by Mr. Borja since the mission took place:

- He wrote twice - but received no response - to the Minister of the Interior with respect to the possible release, owing to their potential inclusion as beneficiaries under the Justice and Peace Act, of three members of the armed forces who were convicted for their role in the attempt on Mr. Borja's life in 2000; he met with the Deputy Interior Minister to raise this matter, but was reportedly not given any further clarification on this point;
 - He has decided to discontinue the security arrangement put in place for him, as he considers that there is no real commitment from the authorities to protecting him; he points out in this respect that four accidents which could have been fatal to him and his family occurred as a result of defective vehicles, and that the costs for him of using those vehicles are very high;
 - The preliminary investigation which the Supreme Court initiated in 2008 in relation to accusations against him of illegal ties with FARC continues to be at a standstill,
1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate;
 2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
 3. *Is deeply concerned* that the authorities have still not been able to provide Mr. Borja with an effective security arrangement; *can but consider*, in the light of the risks he continues to run as an outspoken critic in Colombia, that by not addressing his concerns diligently and swiftly the authorities are responsible for putting him at great and unnecessary risk; *urges* them to remedy this situation forthwith by ensuring, as is their duty, that a proper protection arrangement is put in place for Mr. Borja at all times; *would appreciate* receiving information on the steps taken to this end;
 4. *Notes* the report's observation that it is crucial that the Justice and Peace Act, which grants the demobilized paramilitaries certain benefits in exchange for their full cooperation, needs to be faithfully and properly applied when it comes to identifying those individuals who can benefit under it; *trusts* that the competent authorities, as was intimated during the on-site mission by the then acting Public Prosecutor, will ensure that the three military officers convicted for their participation in the attempt on Mr. Borja's life continue duly to serve their prison sentences; *eagerly awaits* confirmation of this point; *also wishes to know* whether the Prosecutor's Office is now also fully investigating the alleged implication in the attempt on Mr. Borja's life, to which the report refers, of former paramilitary chief Mr. Salvatore Mancuso and former Assistant Director of the Administrative Department of Security (DAS), Mr. José Miguel Narváez;
 5. *Remains deeply concerned* that the criminal investigation into Mr. Borja continues to be at a standstill; *recalls* that, as a party to the International Covenant on Civil and Political Rights and to the American Convention on Human Rights, the State of Colombia must guarantee the right to a fair trial, which comprises the right to be tried without undue delay; *calls on* the competent authorities, therefore, to deal with the case with the utmost urgency, either dismissing it or bringing it to trial forthwith, and *wishes* to receive their observations on this point; *would appreciate* receiving copies of any legal decisions taken with respect to the investigation in this case and of relevant legal provisions concerning applicable time limits;
 6. *Requests* the Secretary General to convey this resolution to the competent authorities and to Mr. Borja;
 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 125th IPU Assembly (October 2011).

CASE No. CO/142 - ALVARO ARAÚJO CASTRO - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Alvaro Araújo Castro, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1, and to the resolution adopted at its 187th session (October 2010),

Having before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)-R.2),

Recalling the following information on file:

- On 15 February 2007, the Supreme Court issued detention orders for then Senator Araújo Castro on charges of aggravated criminal conspiracy and electoral coercion; he was also charged with aggravated abduction for the purpose of extortion, which charge was later dismissed;
- Given that Colombian members of parliament are investigated and judged in single-instance proceedings by the Supreme Court, on 27 March 2007 Mr. Araújo relinquished his seat in Congress, as a result of which his case was transferred to the ordinary judicial system, under which he is investigated by the Prosecution Office and tried by an ordinary court with the possibility of appeal;
- However, after a reinterpretation of its jurisprudence, the Supreme Court re-established its jurisdiction with respect to his case and, on 18 March 2010, without giving him the opportunity of being heard, declared him guilty of aggravated criminal conspiracy and coercion of voters and sentenced him to a prison term of 112 months and payment of a fine;
- A legal expert, Mr. Alejandro Salinas, whom the Committee entrusted with examining the question of whether the right to a fair trial had been respected in the case, concluded that the legal proceedings against Mr. Araújo were fundamentally flawed;
- In April 2010, by order of the Supreme Court, an investigation was launched against the magistrate who had earlier considered inadmissible an abduction case previously brought against Mr. Araújo; in March 2010, the Prosecutor's Office opened an investigation into Mr. Araújo for his alleged responsibility in the murder in 1996, at the hands of paramilitaries, of his employee Mr. Eusebio de Jesús Castro Visbal; on 21 May 2010, Mr. Araújo submitted a pleading in which he defended himself against a charge of illicit enrichment, stemming from the sentence handed down on him by the Supreme Court,

Considering the following new information conveyed by the source since the on-site mission:

- On 30 November 2010, Mr. Araújo's prison detention was changed to house arrest after he suffered a hypertensive crisis on 25 November 2010; he was released in early February 2011 upon completing three fifths of his sentence;
 - Contrary to what the acting Public Prosecutor told the delegation on the occasion of the on-site mission to Colombia (October 2010), the source affirms, in its communication of 26 January 2011, that the investigation into Mr. Araújo's alleged involvement in the murder of an employee of his was ongoing; the source affirms that the Prosecutor's Office had ordered that the employee's widow be provided with protection, in view of the risk to her life posed by the Araújo family, and was persuading demobilized paramilitary member "El Pájaro" to make incriminating statements against Mr. Araújo,
1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate;
 2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;

3. *Considers* that, while Mr. Araújo has now finally been released, the on-site mission report has only deepened its concerns about the legal basis for imprisoning him in the first place, given the lack of respect for a fair trial in the proceedings and of compelling tangible and direct evidence to substantiate the conviction on charges of aggravated criminal conspiracy and electoral coercion for working with the paramilitary;
4. *Is deeply concerned* therefore that the Supreme Court has taken this conviction as the basis for ordering an investigation into the much more serious accusation that he was in fact part of the paramilitary structure;
5. *Considers* that so long as basic fair-trial concerns are not addressed, and there is no real evidence that they are, such investigation would be misguided; under the current circumstances, therefore, *urges* the authorities to discontinue it;
6. *Reaffirms its belief* that the concerns about lack of fair-trial standards that are inherent in the procedure applicable to Colombian members of Congress in criminal matters can only be fully addressed through new legislation; *urges* the parliamentary authorities, therefore, to ensure that the planned reform of the justice system includes a genuine separation between the investigating authorities and the courts, and an effective possibility for appeal offering members of parliament guarantees that their cases will be re-examined impartially; *reaffirms* that the Inter-Parliamentary Union is ready to help the National Congress advance in these matters;
7. *Notes* the conflicting information from the authorities and the source regarding the investigation into Mr. Araújo's alleged involvement in the murder of an employee of his; *wishes* to ascertain from the authorities whether an official investigation is indeed ongoing and, if so, on the basis of what facts, and how the concerns regarding the use of statements by demobilized paramilitary members in criminal proceedings are being addressed;
8. *Requests* the Secretary General to convey this resolution to the competent authorities and the source; *requests* him finally to look into the possibility of sending, when and where appropriate, a trial observer to the proceedings pending against Mr. Araújo;
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 125th IPU Assembly (October 2011).

CASE No. CO/146 - IVÁN CEPEDA CASTRO)	COLOMBIA
CASE No. CO/147- ALEXANDER LÓPEZ)	
CASE No. CO/148 - JORGE ENRIQUE ROBLEDO)	
CASE No. CO/149- GUILLERMO ALFONSO JARAMILLO)	
CASE No. CO/150 - WILSON ARIAS CASTILLO)	

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Iván Cepeda Castro, Mr. Alexander López, Mr. Jorge Enrique Robledo, Mr. Guillermo Alfonso Jaramillo and Mr. Wilson Arias Castillo, members of the Colombian Congress for the opposition party *Polo Democrático Alternativo* (Alternative Democratic Pole), 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,

Having before it the written report of the on-site mission which the Committee carried out to Colombia from 9 to 13 October 2010 (CL/188/13(b)-R.2); *taking into account* of the report of 12 January 2011 of the Prosecutor's Office,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/188/13(b)-R.1),

Considering that, in the course of 2010, several local leaders of the Alternative Democratic Pole were murdered, that national leaders received death threats, including the five incumbent Congress members of that party:

- On 10 April 2010, a public communiqué issued by the illegal group known as *Los rastrojos - comandos urbanos*, declared Senators Alexander López, Jorge Enrique Robledo and Guillermo Alfonso Jaramillo to be enemies and hence permanent military targets;
- In a communiqué dated 4 June 2010, the United Self-Defence Forces of Colombia (AUC), Central Bloc, declared Senator Alexander López and Congress member Wilson Arias Castillo to be permanent military targets;
- In early June 2010, it became known that a group of hit men linked to paramilitary groups intended to carry out an attempt on the life of Mr. Iván Cepeda, a member of the Colombian Congress and son of Senator Manuel Cepeda, who was assassinated in 1994; the source affirms that this plan had to be viewed in the context of the growing threats against him and MOVICE (National Movement of Victims of State Crimes), of which he is a major leader; on 13 August 2010, the illegal group *Águilas negras* put out a pamphlet threatening Mr. Iván Cepeda and others who took part in organizing a debate in Congress, on 18 August 2010, on the problem of land dispossession that was going to be broadcast live countrywide,

Considering the following information with respect to their protection:

- The Director of the Human Rights Programme of the Ministry of the Interior stated at the meeting held with the on-site mission that, on 11 October 2010, she was going to meet with the Alternative Democratic Pole to discuss the question of protection for its members;
- Following the threats against MOVICE members, adequate protection was swiftly put in place for Mr. Cepeda;
- Mr. Wilson Arias Castillo has complained to the authorities that his request for effective security has not been met; in its report of 12 January 2011, the Prosecutor's Office makes no reference to this matter, but does mention that the Office sent an extensive self-protection manual to Senators Alexander López, Jorge Enrique Robledo and Guillermo Alfonso Jaramillo, and to the Office of the Alternative Democratic Pole,

Considering furthermore that the then acting Public Prosecutor told the on-site mission that all the threats against members of the Alternative Democratic Pole were being investigated with the utmost diligence, but that it was often very difficult to lay hands on those responsible since they were experts in covering up their identity and whereabouts; in its report of 12 January 2011, the Prosecutor's Office affirmed that the threats issued by *Águilas negras* against Mr. Cepeda and the threats issued by *Los rastrojos - comandos urbanos* against Senators Alexander López, Jorge Enrique Robledo and Guillermo Alfonso Jaramillo were both the subject of ongoing criminal investigations,

1. *Thanks* the Colombian authorities for hosting the mission and making the necessary arrangements to enable it to carry out its mandate; *also thanks* the Prosecutor's Office for the information on the latest developments in this case;
2. *Commends* the delegation for its work and *fully endorses* the findings and recommendations contained in the report;
3. *Expresses alarm* at the multiple death threats against members of Congress belonging to the Alternative Democratic Pole, which situation not only affects their individual physical integrity but also stands as a threat to the work of the political opposition as such and the proper functioning of Parliament as a whole; *stresses* the delegation's final remarks that the case of the Patriotic Union party shows very well how political persecution can take shape and spread, and with what consequences, if it is not brought to an immediate and effective end; *observes with concern* therefore that the death threats against members of Congress belonging to the Alternative Democratic Pole are part of a wider violent attack on that party and its members, shown in its worst form with the growing number of assassinations of local party leaders, and that this violence emanates once again from self-claimed paramilitary groups which also gave rise to the Patriotic Union case;

4. *Considers* therefore that the authorities have to take the incidents targeting the Alternative Democratic Pole all the more seriously and to investigate them, as is their duty, with the utmost determination and diligence, accompanied by decisive action to reverse the resurgence of illegally armed groups; *takes note* in this respect of the information provided by the authorities on the investigations into two of the death threats; *trusts* that they are likewise pursuing investigations into the plan to kill Mr. Iván Cepeda and the threats issued in June 2010 by the United Self-Defence Forces of Colombia, Central Bloc, against Mr. Alexander López and Mr. Wilson Arias Castillo; *observes* that the fact that individual groups have directly claimed responsibility for many of these incidents should allow the competent authorities to make at least some progress towards holding the culprits to account; *would appreciate* hearing from the Public Prosecutor of Colombia about any tangible progress made on this point;
5. *Is concerned* that Mr. Arias Castillo's requests to the competent authorities for adequate security were apparently disregarded; *can but consider* that such requests have to be taken extremely seriously and that, by not addressing his complaints diligently and swiftly, the authorities would be putting Mr. Arias Castillo at great and unnecessary risk; *calls on* the Ministry of the Interior to ensure that an effective security detail is in place for him; *would appreciate* receiving confirmation that such action has indeed been taken;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

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 188th session
(Panama City, 20 April 2011)***

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 in broad daylight in the centre of Quito on 17 February 1999, along with a legislative assistant, Mr. Wellington Borja Nazareno, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided by the President of the National Assembly on the occasion of the 124th IPU Assembly,

Recalling the following:

- The Special Commission of Inquiry (CEI) set up immediately after the murder to help elucidate the crime has from the outset sharply criticized the way in which the investigation has been conducted and the prosecution authorities, including their scant consideration of the serious leads it has presented linking Mr. Hurtado's murder to his uncovering of a web of corruption involving high-profile figures;
- On 23 October 2003, the President of the High Court of Quito declared the plenary trial proceedings open and accused Mr. Washington Aguirre, Mr. Cristián Ponce, Mr. Freddy Contreras, Mr. Martínez Arbeláez and Mr. Gil Ayerve of being the presumed masterminds and perpetrators of the crime, and Mr. Merino as an accessory to the crime, and ordered their arrest and detention; except for Mr. Contreras, who was already in detention in connection with another crime, the other suspects absconded;

- Mr. Ponce was subsequently located in and extradited from the United States of America and sentenced at final instance, like Mr. Contreras, to a 16-year prison sentence for his role in the murder, which sentence they are both serving;
- In 2009 and 2010, Mr. Aguirre and Mr. Gil Ayerve were arrested in the United States of America and Colombia respectively, which led the Ecuadorian authorities to request their extradition,

Considering that on 7 July 2010, the Cassation Chamber of the Supreme Court of Colombia granted the request to extradite Mr. Gil Ayerve; however, on 8 November 2010, the Second Criminal Chamber of the National Court of Justice of Ecuador ruled that, pursuant to Articles 101, 108 and 114 of the Criminal Code, the statute of limitations, which in Ecuador is 10 years for the crime of murder, had expired, thereby barring any criminal proceedings against Mr. Gil Ayerve; it therefore ordered the national Police not to arrest him,

Considering that the National Assembly of Ecuador, in its resolution adopted on 25 November 2010, points out that the ruling disregards paragraph (g) of the *Disposición Transitoria Décima del Código Orgánico de la Función Judicial* (Tenth Transitional Provision of the Organic Code of the Judicial Function), which states that for the periods during which the Supreme Court of Justice was suspended owing to the extraordinary events of 2005, 2006 and 2008, the running of the statute of limitations was likewise suspended for the same periods of time; the National Assembly also affirms that the ruling is in breach of Article 23 of the Constitution (of 1998), which states that political crimes are not subject to the statute of limitations, and calls on the National Court of Justice to take all necessary legal measures to ensure that those responsible for the murder are held to account,

Considering that, according to information provided by the President of the National Assembly on the occasion of the 124th IPU Assembly, the ruling by the Second Criminal Chamber of the National Court of Justice of Ecuador has been challenged, and that Mr. Gil Ayerve was meanwhile extradited and is currently detained in Ecuador,

1. *Thanks* the President of the National Assembly for his cooperation and for the information provided;
2. *Takes note with satisfaction* of the recent breakthrough in putting one of the suspects at the disposal of the judicial authorities of Ecuador and the definite continued interest shown by the National Assembly in the pursuit of justice in this case;
3. *Points out* that, in addition to the arguments found in Ecuadorian legislation in support of continued criminal legal action against Mr. Gil and Mr. Aguirre, in many jurisdictions across the world, murder, as one of the most heinous crimes, has an indefinite statute of limitations or a time limit far exceeding 10 years, and that there are specific circumstances under which it is tolled, most commonly when the suspects are on the run to evade justice, such as in the case of both Mr. Aguirre and Mr. Gil Ayerve;
4. *Sincerely hopes* therefore that trial proceedings can and will indeed soon take place against Mr. Gil Ayerve, particularly since they would provide a crucial opportunity to give due consideration to the work of the CEI; *recalls* in this respect that not only have the CEI's findings revealed serious contradictions and omissions in the competent authorities' handling of this case, but they also offer substantive leads for an alternative line of inquiry that would enable the authorities to identify the instigators of and the motive for the crime;
5. *Requests* the Secretary General to convey this resolution to the competent Ecuadorian 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 125th IPU Assembly (October 2011).

ERITREA

CASE No. ERI/01 - OGBE ABRAHA

CASE No. ERI/02 - ASTER FISSEHATSION

CASE No. ERI/03 - BERHANE GEBREGZIABEHER

CASE No. ERI/04 - BERAKI GEBRESELISSIE

CASE No. ERI/05 - HAMAD HAMID HAMAD

CASE No. ERI/06 - SALEH KEKIYA

CASE No. ERI/07 - GERMANO NATI

CASE No. ERI/08 - ESTIFANOS SEYOUM

CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO

CASE No. ERI/10 - PETROS SOLOMON

CASE No. ERI/11 - HAILE WOLDETENSAE

**Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)**

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, former members of Eritrea's National Assembly who have been held incommunicado since 18 September 2001 (often referred to as the "G11"), as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account information provided by the European Commission by letter dated 17 December 2010,

Recalling that the former parliamentarians concerned - the so-called G11 - have been held incommunicado ever since September 2001, and that concerns have been regularly voiced about their state of health,

Considering that, according to non-governmental sources, on 3 April 2010, Mr. Eyob Bahta Habtemariam, a former prison guard who fled Eritrea, stated in an interview with Radio Wegahta that only two of the 11 former parliamentarians were still alive, namely Mr. Petros Solomon and Mr. Haile Woldetensae, the others having died since 2001, and that he provided the following details in this respect: in mid-2003 the entire group of political detainees was moved to the newly built high-security Era'eRo prison; Mr. Ogbé Abraha attempted to commit suicide, but his life was saved after urgent medical treatment lasting three months in Glass, a military hospital close to Keren; however, his health further deteriorated as he was already suffering from asthma, which led to his death shortly after his return to Embatkala prison in 2002; Mr. Mahmoud Ahmed Sheriffo died in 2003 for want of urgent medical treatment; similarly, in the absence of any medical assistance, Mr. Aster Fissehatsion and Mr. Saleh Kekiya died in June 2003 as a result of the hot weather; Mr. Germano Nati died in June 2009; as to Mr. Haile Woldetensae, he has lost his eyesight and is emaciated,

Considering that this information is unconfirmed and that, according to one of the sources, no concrete evidence exists to support the prison guard's statements; *noting* also that the European Commission regularly raises the case of the former parliamentarians concerned with the Eritrean authorities, also in the framework of political dialogue; that, however, during the most recent session of political dialogue on human rights in September 2010, the Eritrean side refused to discuss individual cases,

1. *Is deeply concerned* at the allegation that only two of the 11 former parliamentarians concerned may still be alive, and *believes* that this allegation must be taken seriously;
2. *Is appalled* that the Eritrean authorities refuse even to provide information on whether the former parliamentarians concerned are still alive; *appeals* to all member parliaments to take whatever initiatives they can to obtain official information on the fate of the G11 prisoners;
3. *Also requests* the Committee and the Secretary General to continue their efforts to this end, inter alia by renewing appeals to the Eritrean authorities, and contacts with the competent authorities of the European Union and the ACP-EU Joint Parliamentary Assembly;
4. *Calls on* the Eritrean authorities to release Mr. Petros Solomon and Mr. Haile Woldetensae immediately, in addition to the other members of the Group whom they may still be holding;
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 125th IPU Assembly (October 2011).

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mohammed Al-Dainy, a member of the Council of Representatives of Iraq at the time of the submission of the communication, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided by the sources in January 2011,

Recalling the following:

- Mr. Al-Dainy, a member of the Council of Representatives of Iraq for the legislative period 2006-2010, is known to have investigated conditions of detention in Iraq and the existence of secret detention facilities; in October 2008 he shared the information he had gathered with competent United Nations human rights bodies in Geneva; on 25 February 2009, parliament lifted his immunity on account of an accusation of having masterminded the 12 April 2007 suicide bombing in parliament; Mr. Al-Dainy fled abroad for fear of his life;
- Ten members of his family and another nine members of his staff (mainly escorts) were arrested in different stages during February 2009, and detailed information has been provided by the source about the circumstances of their arrest without warrants, their ill-treatment and the ransacking of their homes; the release of some of them later in 2009 and 2010 has revealed ample evidence that they were tortured to implicate Mr. Al-Dainy in the commission of crimes, namely (a) bombing of the Parliament; (b) launching mortar shells into the international zone during the visit of the Iranian President, and murdering one of the inhabitants of the neighbourhood from where the shells were launched; (c) detonating car bombs; (d) using his convoy of vehicles to carry the weapons that were used for crimes; (e) murdering two jewellery store owners in the Al-Mansour area; (f) killing 115 people from Al-Tahweela village who were buried alive; (g) fabricating arrest warrants; (h) murdering seven persons in the Al Yarmuk area; (i) murdering Captain Ismail Haqi Al-Shamary; in that case, it turned out that Captain Al-Shamary was in fact alive and working normally,

Considering that on 14 September 2009 the Central Criminal Court of Iraq sentenced two of Mr. Al-Dainy's security staff, Mr. Riyad Jasem and Mr. Rahman Ahmed Kareem, to life imprisonment, reportedly at the closure of a hearing which lasted only a few minutes; that on 15 December 2010, the Cassation Court annulled the judgment, having found serious flaws in the proceedings, and ordered their retrial; *considering* also that, on 21 April 2010, the Al-Karkh Criminal Court found eight of Mr. Al-Dainy's bodyguards guilty of illegal possession of special-category weapons and sentenced them to six years' imprisonment; on 26 December 2010, the Cassation Court annulled that judgment because of misinterpretation of the law and ordered the immediate release of the persons concerned,

Recalling that reports published in April 2010 by the Iraqi Human Rights Ministry reveal the existence of secret detention centres, some at the time under the direct control of Prime Minister Al-Maliki, and the routine practice of torture in those secret prisons,

Recalling also that the joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention, and the Working Group on Arbitrary or Involuntary Disappearances (A/HRC/13/42), presented to the United Nations Human Rights Council at its 13th session, includes a chapter on secret detention centres in Iraq and explicitly mentions the group of people arrested in connection with accusations against Mr. Al-Dainy and held in secret detention in a prison in the Green Zone run by the Baghdad Brigade; it describes the torture inflicted on them (beating with cables, suspension from the ceiling by either the feet or the hands for up to two days at a time, electroshocks, black bags being put over the head to suffocate them, plastic sticks introduced into the rectum, threat of rape of family members) and their being forced to sign and fingerprint pre-prepared confessions,

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

Bearing in mind also that Iraq is a party to the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1971; that the Covenant guarantees the right to life and security, prohibits torture, arbitrary arrest and detention and stipulates fair-trial guarantees; *noting* in this respect the concerns which the United Nations Special Rapporteur on the independence of judges and lawyers has voiced on many occasions regarding the observance of those rights in Iraq,

Noting that there is nothing on file which would enable it to arrive at another conclusion than that it expressed in its resolution of October 2010,

1. *Considers* that, in view of the existing evidence, there can be no doubt that Mr. Al-Dainy was sentenced to death at the close of a procedure which can only be termed a travesty of justice; *calls on* the authorities to quash this iniquitous judgment forthwith and to fully rehabilitate Mr. Al-Dainy;
2. *Recalls* that the Iraqi authorities have a duty to abolish the secret detention centres, to investigate the serious allegations of torture and to bring the culprits to justice;
3. *Calls on* the Council of Representatives and the Speaker to ensure the rehabilitation of a former colleague who was punished on account of having, in the exercise of his parliamentary mandate, revealed the existence of those secret detention centres, and to make every effort to eradicate the practice of torture in Iraq;
4. *Requests* the Secretary General to convey this resolution to the Speaker and to the other competent authorities;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held during the 124th IPU Assembly (April 2011), in the hope that by then Mr. Al-Dainy will have been fully rehabilitated.

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 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, all members of the National Assembly of Lebanon who were assassinated, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling the following:

- Mr. Tueni, Mr. Eido, Mr. Ghanem and Mr. Gemayel were all outspoken parliamentarians and were killed between 2005 and 2007 in car-bomb attacks, except for Mr. Gemayel, who was gunned down;
- Following Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor in his case;

- A Special Tribunal for Lebanon was entrusted by the United Nations and the State of Lebanon with trying those responsible for the assassination of former Prime Minister Mr. Rafiq Hariri, who was murdered in a bomb explosion on 25 February 2005, and started its work in March 2009,

Considering the following provisions regarding the competence of the Tribunal: Article 1 of the Statute of the Tribunal grants jurisdiction of the Tribunal over attacks that occurred in Lebanon other than the attack on Mr. Hariri if they are "connected" with that attack; attacks that occurred between 1 October 2004 and 12 December 2005 (as did that on Mr. Tueni) are "connected" with the attack on Mr. Hariri if they are connected in accordance with the principles of criminal justice, and are of a nature and gravity similar to that attack; Article 1 of the Statute requires further that for attacks that occurred in Lebanon after 12 December 2005 - which would include the attacks on the other three parliamentarians - an additional condition must be met: not only must the Tribunal be satisfied that the attacks are "connected", but the agreement of the United Nations and the Republic of Lebanon, together with the consent of the Security Council, must be obtained before the Tribunal can take jurisdiction over these later attacks,

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. *Observes* that, in the absence of information indicating that the Tribunal has taken jurisdiction over the cases in question, the Lebanese authorities retain jurisdiction for the pursuit of justice with respect to each of these cases;
2. *Is deeply concerned* therefore that, after more than five years since the first murder, it still has no information on file showing that the Lebanese authorities have taken decisive steps towards holding those responsible to account;
3. *Affirms* that, so long as those who killed the four parliamentarians remain at large, their murder continues to serve as a deterrent for others wishing to speak out on critical issues and can only embolden those bent on silencing such voices, and thus undermine freedom of expression;
4. *Calls therefore on* the authorities, as is their duty, to do everything possible - if necessary, by lending fresh impetus to the investigations - to elucidate these crimes and hold the culprits to account; *eagerly awaits* information on the stage reached in the investigations and on whether any suspects have been identified and apprehended;
5. *Reaffirms* that the National Assembly has a special responsibility for ensuring that justice is done in this case, and that the Committee's extensive case-load offers many examples of Parliaments taking action by entrusting one of their committees with or creating a special mechanism for regularly monitoring the investigation into the case of the murder of one of their members; *calls on* the National Assembly to be guided by such initiatives in exercising its oversight responsibility to help ensure that effective investigations are indeed taking place into each of the murders; *eagerly awaits* the views of the parliamentary authorities on this matter, along with information on any concrete steps already taken to this end, including a decision by the National Assembly to associate itself, as in the case of Mr. Tueni, with the court action by the public prosecutor in the other three cases and the results of such association;
6. *Requests* the Secretary General to convey this resolution to the competent parliamentary and judicial authorities of Lebanon;
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 125th IPU Assembly (October 2011).

MADAGASCAR

CASE No. MAG/05 - LANTONIAINA RABENATOANDRO

CASE No. MAG/06 - HENRI RANDRIANJATOVO

CASE No. MAG/07 - MAMISOA RAKOTOMANDIMBINDRAIBE

CASE No. MAG/08 - RAYMOND RAKOTOZANDRY

CASE No. MAG/09 - RANDRIANATOANDRO RAHARINAIVO

CASE No. MAG/10 - ELIANE NAÏKA

CASE No. MAG/11 - MAMY RAKOTOARIVELO

CASE No. MAG/12 - JACQUES ARINOSY RAZAFIMBELO

CASE No. MAG/13 - YVES AIMÉ RAKOTOARISON

CASE No. MAG/14 - FIDISON MANANJARA

CASE No. MAG/15 - STANISLAS ZAFILAHY

CASE No. MAG/16 - RAKOTONIRINA HARIJAONA LOVANANTENAINA

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimbindraibe, Mr. Raymond Rakotozandry, Mr. Randrianatoandro Raharinaivo, Ms. Eliane Naïka, Mr. Mamy Rakotoarivelo, Mr. Jacques Arinosy Razafimbelo, Mr. Yves Aimé Rakotoarison and Mr. Fidison Mananjara, all members of the Parliament of Madagascar when it was suspended in March 2009, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Having before it the cases of Mr. Stanislas Zafilahy and Mr. Rakotonirina Harijaona Lovanantenaina, both members of the Parliament suspended in March 2009, 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,

Recalling that following the coup d'état carried out by Mr. Andry Rajoelina with the backing of the army in March 2009, Parliament was dissolved after a High Transitional Authority (HAT), presided over by himself, was established; that Mr. Lantoniaina Rabenatoandro, Mr. Henri Randrianjatovo, Mr. Mamisoa Rakotomandimbindraibe, Mr. Raymond Rakotozandry, Mr. Randrianatoandro Raharinaivo, Ms. Eliane Naïka, Mr. Mamy Rakotoarivelo, Mr. Jacques Arinosy Razafimbelo, Mr. Yves Aimé Rakotoarison and Mr. Fidison Mananjara, all parliamentarians belonging to the movement of the deposed President, Mr. Ravalomanana, were opposed to the new regime and judicial proceedings were brought against them on public order-related charges; that some of them were sentenced at first instance, others were detained and one of the parliamentarians in question, Ms. Eliane Naïka, was seriously manhandled by the security forces and is at present abroad,

Taking into account the information provided by the Permanent Representative of Madagascar to the United Nations Office at Geneva during a meeting between himself and the IPU Secretary General on 21 October 2010, according to which these persons were free and all proceedings against them had been dropped; he also stated that the majority of parliamentarians concerned had been included in the Transitional Parliament set up on 11 October 2010, with Mr. Raharinaivo even elected Speaker,

Considering the following new information provided by the source regarding three individual former members of parliament:

- On 15 March 2011, Mr. Mamy Rakotoarivelo was allegedly arrested in Antananarivo on accusations of instigating the bomb attack of 3 March 2011 on the vehicle of Mr. Rajoelina; the source affirms that the accusations are baseless and rely on the statements that were obtained under torture, with the use of electric shocks, from two other suspects, namely Mr. Alphonse Rafarahalitsimba and Mr. Misa Arifetra Rakotoarivelo, who were arrested on 12 March 2011. Mr. Rakotoarivelo was conditionally released in early April 2011; the other two suspects remain in detention; the source affirms that the proceedings were brought against Mr. Rakotoarivelo solely because he refused to join the new Government and that the authorities threatened to have him sentenced to death;

- Mr. Rakotonirina Harijaona Lovanantenaina was allegedly arbitrarily arrested, along with four others, on 22 February 2011; he is reportedly accused of endangering state security by encouraging a group of amateur journalists to set up and run an illegal radio station called "Radio-n'ny Gasy"; the source affirms that this radio station was established in response to the closure by the authorities of some 90 private radio stations in 2010 and the detention of all journalists critical of the authorities; Mr. Lovanantenaina has requested his conditional release, which has been refused; according to the source, this rejection stems from Mr. Lovanantenaina's own refusal to switch sides and join the Government;
- Mr. Stanislas Zafilahy, heads the parliamentary group of the Ravalomanana movement, and was arrested along with two other political leaders in Antananarivo on 11 November 2010; according to the source, when they were held at Vatomaniry remand prison, Mr. Zafilahy and his two colleagues were apparently denied any visits and any outside contact, without any justification being offered; according to the source, the political movements they lead were given permission to stage a demonstration against the constitutional referendum of 17 November 2010; the source states that the authorities apparently prevented the holding of the demonstration and that this gave rise to scuffles; according to the source, a band of rioters was behind those clashes and it was therefore a scheme set up against the persons concerned; the source affirms that Mr. Zafilahy was subsequently accused of taking part in an unauthorized gathering, of refusing to obey an order to disperse, and of destroying private property; on 9 February 2011, the Tribunal at first instance of Antananarivo found Mr. Zafilahy guilty and sentenced him to a 10-month suspended prison term; his lawyers have appealed the sentence; the source believed that there would be nothing to prevent Mr. Zafilahy from standing in the next parliamentary elections in Madagascar,

Considering that a transitional political process is under way in Madagascar and that the following steps were recently taken for this purpose:

- A national Conference, held from 13 to 18 September 2010, to discuss the various problems linked to the crisis, which the main opposition parties refused to attend, and the adoption of a road map setting out a timetable for a return to constitutional order, notably the establishment of a Higher Transitional Council (Upper House) and a Transitional Congress, and timelines for the holding of legislative elections;
 - The adoption of a new Constitution by referendum on 17 November 2010;
 - The adoption by political parties and stakeholders on 8 March 2011 of an agreement to advance the transitional process by putting in place a transitional government of national unity and nominating a prime minister entrusted with preparing free and fair elections; its Section III "that the President, Government and all other transitional institutions must commit themselves to taking measures to promote confidence by ending the legal proceedings under way against members of the opposition which could be interpreted as based on political considerations"; the same section also provides for an amnesty in relation to the political events which took place between 2002 and 2009 with the exception of crimes against humanity, war crimes, genocide and other serious human rights violations; the section states that those who were directly harmed as a result of the political events that took place between 2002 and 8 March 2011 are entitled to reparation and/or compensation by the State,
1. *Is deeply concerned* at the arrest, detention and legal proceedings brought against three former members of parliament, which, at this critical time in Madagascar's political history, can only lend credence to the allegation that such steps form part of an attempt by the authorities to bring criminal legal action out of political considerations, a concern the existence of which all parties to the latest political agreement openly acknowledged;
 2. *Is particularly concerned* at the allegation that two persons were tortured into implicating Mr. Rakotoarivelo; *stresses* that the authorities have a duty to investigate any serious allegation of torture and, should it prove correct, to hold the culprits to account and pay reparation to the victims; *stresses* that any statement against Mr. Rakotoarivelo made under torture deprives it of any legal validity in court; *urges* the authorities therefore, as is their duty, to investigate the matter diligently and without delay and to take such steps as the conclusions of the investigation may warrant;

3. *Wishes to ascertain* the exact charges laid against Mr. Rakotoarivelo and Mr. Lovanantenaina, and the facts adduced to substantiate them, and to receive a copy of the relevant indictments, if any; *also wishes* to receive a copy of the judgement against Mr. Zafilahy and to be informed of the appeal proceedings;
4. *Recalls* that it is a well-established principle that a person must be released pending trial unless the State can show that there are relevant and sufficient grounds for continued detention; *wishes to ascertain* what, if any, justification exists to keep Mr. Lovanantenaina in detention;
5. *Points out* that the latest political agreement acknowledges that the transitional process and return to constitutional order in Madagascar can only be successful if it gives all those wishing to take part in it an opportunity to express themselves freely without fear of reprisals; *can but consider* in this respect that the legal steps taken against three members of the opposition cast doubt on the commitment of the authorities to complying with the agreement where it suggests an end to proceedings that can be interpreted as politically motivated, and *urges* them to implement the agreement faithfully in this respect; *considers* furthermore that the agreement compels the authorities to take decisive action with respect to the brutal force used in Ms. Naika's arrest, inter alia by providing her with reparation; and *urges* the authorities to act accordingly;
6. *Considers* that, with respect to the group of parliamentarians who are reportedly free and no longer charged, so long as they have not been officially notified of the dismissal of the charges there is the threat of renewed proceedings; *believes* that it is particularly important in the present context of Madagascar to ensure that such written confirmation is provided to those concerned; *invites* the transitional authorities, therefore, to do so without delay in order to ensure that the individuals can participate fully and with complete peace of mind in the forthcoming legislative elections and the political process under way; *wishes* to be kept informed of any measures the Malagasy authorities intend to take to this end;
7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
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 125th IPU Assembly (October 2011).

CASE NO. MAL/I5 - ANWAR IBRAHIM - MALAYSIA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Anwar Ibrahim, an incumbent member of the Parliament of Malaysia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Referring also to the first trial observer report submitted by Mr. Mark Trowell QC, in August 2010 (CL/187/12(b)-R.2) as well as to his second report, submitted in March 2011, and the comments provided thereon by the Malaysian delegation to the 124th IPU Assembly (CL/188/13(b)-R.3),

Recalling that Dato Seri Anwar Ibrahim is being prosecuted, for the second time, on a charge of sodomy under Section 377B of the Malaysian Penal Code; *recalling also* the concerns it has expressed regarding procedural irregularities and the recommendation of the IPU trial observer in his August 2010 report that the proceedings be discontinued on the ground that this would be in the public interest, the prosecution's case having been completely compromised; *noting* that his second report is likewise critical in particular as regards the question of disclosure of prosecution evidence, possible government interference and the handling of DNA samples; *noting* the view of the Malaysian delegation that Mark Trowell QC, whose status as IPU trial observer it has questioned, made a biased report backing the arguments of the defence; *noting also* that the delegation asserted that Anwar Ibrahim's first trial in 1998 was based not on a sodomy charge but on a corruption charge (acting corruptly by attempting to interfere with a police investigation),

Considering that the prosecution case will be closed, according to the delegation, on 25 April 2011 and the Judge will decide whether to acquit Anwar Ibrahim or require him to enter a defence,

Considering that on 16 December 2010 the House of Representatives suspended Anwar Ibrahim for six months, and *noting* the following in this respect:

- The suspension decision originated in a sitting of the House on 17 March 2010 when Anwar Ibrahim linked Prime Minister Najib Razak's "One Malaysia" concept to the "One Israel" campaign under former Israeli Prime Minister Ehud Barak via the international consultant firm Apco Worldwide, which has allegedly served both governments; on 22 April 2010, the decision was taken to refer Anwar Ibrahim to the Committee on Rights and Privileges for disciplinary action on account of having misled the House; according to the source, that decision was taken despite the fact that Anwar Ibrahim gave abundant supporting evidence in the House on 30 March 2010 and that the Prime Minister failed to respond to his challenge to categorically deny Apco's involvement in the "One Malaysia" concept; the Malaysian delegation affirmed the issue in question to be a highly sensitive one that needed taking into consideration;
- According to the Malaysian delegation, Mr. Ibrahim was given ample time in a plenary meeting chaired by Mr. Roland Kiandee on 30 March 2010 to explain himself on the issue but, instead of doing so, used the opportunity to bring new allegations;
- According to the source, contrary to the pledge made by the Speaker during a sitting of the House on 22 April 2010, and subsequently during the first meeting of the Committee on Rights and Privileges, which he chairs, that all relevant witnesses and documents would be examined, Anwar Ibrahim was denied his right of defence, either through legal representation or in person, and was unable to submit his defence; the source affirms that, at the Committee's fourth and final meeting on 3 December 2010, the two opposition representatives on the seven-member Committee, Karpal Singh and R. Sivarasa, walked out in protest against the Committee's decision to base its final decision purely on a letter from Apco CEO Brad Staples and on answers in the House from Ministers, rejecting the request to allow Anwar Ibrahim to present his defence or to call any witness, including Brad Staples; the Committee decided to suspend Anwar Ibrahim for six months and to admonish Karpal Singh for unacceptable conduct during the Committee meetings; those recommendations were to be submitted to the House in a resolution at its last sitting on 16 December 2010;
- The Malaysian delegation stressed, with regard to legal representation, that under the Standing Orders, legal representation is not mandatory as the Committee only "may" but is not in duty bound to authorize legal representation; it took the decision not to authorize legal representation as it did not wish to turn the Committee into a trial court; moreover, the Speaker had no influence over the denying or admitting of evidence; at the 4th Committee meeting (3 December 2010), Brad Staples had been summoned but could not be questioned as, owing to a heated debate and confrontation between the four majority and the two opposition members of the Committee, the meeting had to be adjourned; Brad Staples subsequently submitted a letter denying that Apco had provided advice on the "One Malaysia" campaign and only advised the Parliament on communication matters, the delegation stressed that all decisions had been taken by 4 against 2 members;
- When the suspension motion was put to the vote in the plenary, according to the source the Speaker ordered a vote without debate after receiving a written note from Minister Nazri Aziz, the author of the two motions; when Anwar Ibrahim demanded his right to answer the charges, the Speaker reportedly replied that he had been given one week in which to respond, which, according to the source, is untrue; when asked by Karpal Singh to recuse himself from chairing the meeting owing to a conflict of interest as he had also chaired the meetings of the Committee on Rights and Privileges, the Speaker reportedly denied having taken part in the Committee's deliberations; however, according to the source, notes of the meeting show that it was the Speaker who had justified the decision not to call Anwar Ibrahim, on the basis of precedence;
- The Malaysian delegation stated, with regard to that session, that when the Minister wished to table the motion, there was an uproar in parliament and chaos, the opposition deliberately obstructing the proceedings - which was confirmed by a member of the delegation who had quit the opposition in February 2011, he himself having been entrusted at the time by Anwar Ibrahim with applying that strategy; after two hours of chaos, the motion was eventually tabled,

Anwar Ibrahim was called, but was not interested; the Speaker then called on the majority to debate the motion amidst the continuing disorder; finally the opposition walked out and the motion was adopted;

- Moreover, according to the source, following another motion by Minister Aziz Nazri, opposition members Karpal Singh, Azimin Ali and R. Sivarasa were also suspended for a six-month period, reportedly for contempt on account of revealing and discussing the proceedings in the Anwar Ibrahim suspension case; the motion was reportedly submitted because of a parliamentary minority report on those suspension proceedings co-authored by Karpal Singh and R. Sivarasa, and which the Speaker refused to admit; the Malaysian delegation stated in this respect that the minority report should have been submitted first to the Committee on Privileges and that, at the press conference they held after walking out of the Committee on Privileges, Karpal Singh and R. Sivarasa had divulged privileged information; as to Mr. Ali, he had revealed the Apco letter to the public,

in 2012, *Bearing in mind* that, according to the Malaysian delegation, parliamentary elections will be held

1. *Thanks* the Malaysian delegation for its cooperation and for the information it provided; *also thanks* Mr. Mark Trowell QC for his report;
2. *Wishes to state* clearly that Mr. Mark Trowell QC was duly mandated by the Committee on the Human Rights of Parliamentarians to observe trial hearings on behalf of the IPU and that the Court was duly informed thereof; *observes also* that accusing a trial observer of bias because he or she, after examination of the issues in question from a legal point of view, concurs with arguments of the defence is a fallacious argument which it cannot accept;
3. *Observes* moreover that, contrary to the affirmation of the delegation, Mr. Anwar Ibrahim was indeed charged with sodomy in 1998 and the corruption charge related precisely to Anwar Ibrahim's alleged attempt to interfere with the police investigation of the alleged sodomy; *points out* that the IPU had sent an observer to the proceedings before the Federal Court and was provided with trial observer reports on the 1998 sodomy proceedings;
4. *Is deeply concerned* at Anwar Ibrahim's suspension from parliament for a six-month period on account of having raised in parliament a highly sensitive issue, which, it *considers*, was protected by parliamentary privilege; *affirms* that punishing members of parliament for raising on the floor of the House any issue they consider important, whether or not highly sensitive, is not only a grave restriction on their freedom of speech but may also have a dampening effect on freedom of speech in parliament as such and so jeopardize its function as a debating chamber;
5. *Stresses* that, while members of parliament may be punished for making deliberately misleading statements, it is an established convention in parliaments following the Commonwealth tradition that rules imposing punishment for making such statements concern Cabinet Ministers of the Government to ensure that they do not mislead Parliament; *considers* therefore that, in this instance, the application of this rule was misplaced;
6. *Notes* that it is uncontested that the Committee on Privileges did not authorize Anwar Ibrahim to defend himself through legal counsel and that he could not call witnesses or cross-examine any witnesses, and *deeply regrets* therefore that the Committee did not observe the fundamental principle of *audiatur et altera pars*, applying to any procedure whereby sanctions can be imposed; *finds* this all the more regrettable and even counterproductive in the case of the Leader of the Opposition since such treatment reinforces the impression that he is a target of politically motivated prosecution and harassment;

7. *Requests* the Secretary General to convey this resolution to the parliamentary authorities, Anwar Ibrahim and his defence team;
8. *Requests* the Committee to continue examining this case, to follow the proceedings in the sodomy case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the State Great Hural of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling that two separate working groups set up by the intelligence agency and the police, respectively, are conducting investigations into the murder of Mr. Zorig Sanjasuuren and have been afforded technical assistance from abroad; a parliamentary working group was first set up in 2006 and reactivated in 2008 in order to “acquaint itself with the investigation into Mr. Zorig’s murder and provide it with the necessary assistance and support”,

Considering that, in his letter of 9 April 2011, the Vice-Chairman of the State Great Hural reported that in the past six months the analyses of certain important pieces of evidence had been completed,

1. *Thanks* the Vice-Chairman of the State Great Hural for the information provided;
2. *Notes with satisfaction* that the investigation is proceeding, and *sincerely hopes* that, more than 12 years after Mr. Zorig’s murder, the evidence that has now been analysed will enable the authorities to make decisive progress towards elucidating the crime and identifying the culprits;
3. *Remains confident* that the parliamentary working group on this case will make every effort to support the work of the investigation, and *remains committed* to providing, to the extent possible, such assistance as the Parliament may seek;
4. *Requests* the Secretary General to inform the parliamentary authorities and the source accordingly;
5. *Requests* the Committee to continue following the investigation and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

MYANMAR**Parliamentarians reportedly serving sentences:**

CASE No. MYN/35 - SAW HLAING	CASE No. MYN/242 - KYAW KYAW
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/261 - U NYI PU
CASE No. MYN/236 - KHUN HTUN OO	CASE No. MYN/262 - TIN MIN HTUT
CASE No. MYN/237 - KYAW SAN	CASE No. MYN/263 - WIN MYINT AUNG
CASE No. MYN/238 - KYAW MIN	CASE No. MYN/264 - THAN LWIN
CASE No. MYN/241 - KHIN MAUNG WIN	CASE No. MYN/265 - KYAW KHAING

Parliamentarians who died in custody or soon after their release:

CASE No. MYN/53 - HLA THAN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/132 - AUN MIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/245 - MYINT THEIN ³
CASE No. MYN/83 - KYAW MIN	

Parliamentarians assassinated:

CASE No. MYN/66 - WIN KO
CASE No. MYN/67 - HLA PE

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned former 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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling that 12 former members-elect continue to suffer imprisonment on account of having merely exercised their freedom of expression and were sentenced on the basis of legal proceedings which blatantly disregarded their right to a fair trial; that their case has to be situated in a context in which it has expressed the following long-standing concerns:

- 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, and the continued removal from politics of former parliamentarians, notably through arbitrary arrests, prolonged imprisonment, forced resignation from political parties, and severe limitations on any kind of political activity;
- The National Convention, an assembly of members selected by the authorities, drafted a new constitution giving the military sweeping powers, without allowing a free exchange of opinions and ideas and penalizing any criticism of its work, which was adopted by referendum in May 2008 in a climate of intimidation,

Considering that, under the new Constitution of Myanmar, on 7 November 2010 elections took place for 75% of the seats in the Lower House (Pyithu Hluttaw) and in the Upper House (Amyotha Hluttaw) of Parliament; the elections saw the overwhelming dominance of the military-backed party Union of Solidarity and Development Party (USDP), which obtained more than 75% of the elected seats; in addition to the elected seats, under the new Constitution, the military-designated nominees to fill the 25% of the seats,

Considering that on 21 March 2011, the United Nations Human Rights Council adopted a resolution in which it strongly regretted that the Government of Myanmar had not held free, fair, transparent and inclusive elections; it called insistently upon the Government to lift restrictions on freedom of assembly, association and movement and on freedom of expression, including for free and independent media, and to end the use of

³ On 2 April 2008, MPU-Burma affirmed that Myint Thein had died following his release, as his health had seriously deteriorated during his detention.

censorship, including the use of restrictive laws to prevent the reporting of views critical of the Government, and strongly urged the Government of Myanmar to release all prisoners of conscience, estimated at more than 2,100,

Considering that on 31 January 2011 the Parliament of Myanmar started its first session; that on 4 February 2011 the Presidential Electoral College elected former Prime Minister Thein Sein (USDP) as President of the country, and that his 30-member cabinet was approved on 11 February 2011; since then members of the opposition in Parliament have repeatedly called on the Government to release all political prisoners, which call the Minister of Home Affairs dismissed on 22 March 2011 as untimely, reportedly stating that "granting amnesty to prisoners is not the concern of the Hluttaw or judiciary" and that only the "President has the power to grant amnesty on the recommendation of the National Defence and Security Council",

Considering that, under Article 80 of the Constitution of Myanmar, the Parliament has inter alia the following functions: ... (c) submitting, discussing and resolving on a Bill; (g) submitting proposals, discussing and resolving; (h) raising questions and replying,

1. *Deplores* the fact that the Myanmar authorities have failed to heed its persistent pleas and those of the international community to release the 12 former parliamentarians-elect, along with all other political prisoners, in time for them to play a meaningful role in the political process that culminated in the recent elections;
2. *Considers* that the present Government's quick dismissal of an amnesty, and the reason invoked to justify the step, is not only insensitive to the plight of those who continue to suffer incarceration without any legal basis and in precarious conditions, but also fails to recognize that their release is an indispensable step towards promoting a meaningful process of dialogue in Myanmar;
3. *Urges* therefore the competent authorities of Myanmar to release, through an amnesty or otherwise, without any further delay and unconditionally the 12 former parliamentarians-elect, along with all other political prisoners;
4. *Considers* that this matter is of direct concern to the Parliament of Myanmar, which, if it is to act as the State institution representing the people and their interests, should first and foremost have their full enjoyment of civil and political rights at heart;
5. *Urges* the Parliament therefore to use its powers to the fullest in support of an amnesty or an effective alternative and to review, and where necessary repeal, existing laws and enact new legislation with a view to promoting respect for human rights; *wishes to ascertain* what, if any, steps the parliament is contemplating to this end;
6. *Requests* the Secretary General to convey this resolution to the competent executive and parliamentary authorities of Myanmar and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

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

Resolution adopted by consensus by the IPU Governing Council at its 188th session* ***(Panama City, 20 April 2011)***

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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Referring also to Mr. Simon Foreman's expert report on Mr. Barghouti's trial (CL/177/11(a)-R.2) and to the study published in September 2006 by B'Tselem (the Israeli Information Center for Human Rights in

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

the Occupied Territories), and entitled "Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons",

Recalling the following: Mr. Barghouti was arrested on 15 April 2002 in Ramallah by the Israeli Defence Forces and transferred to a detention facility in Israel; he was sentenced in June 2004 to five life sentences and two 20-year prison terms; in his report on Mr. Barghouti's trial, Mr. Foreman concluded that "the numerous breaches of international law make it impossible to conclude that Mr. Barghouti was given a fair trial"; those breaches include the use of torture; according to information supplied in March 2009 by Palestinian sources, not only was Mr. Barghouti kept in solitary confinement from 2002 to 2004 but he has since been in an isolated department in Hadarim prison; visiting rights are irregular and only granted occasionally; Mr. Barghouti's children - three sons aged 23, 20 and 19 and one 22-year-old daughter - are not allowed to visit their father; even Mr. Barghouti's mother was not allowed to visit him and died in 2007 without seeing her son again,

Noting that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),⁴ the Human Rights Committee recommended that Israel should incorporate in its legislation the crime of torture, that it should ensure that all alleged cases of torture and cruel, inhuman or degrading treatment by law enforcement officials are thoroughly and promptly investigated by an independent authority, that those found guilty are punished with sentences commensurate with the gravity of the offence, and that compensation is provided to the victims or their families; that, moreover, it recommended that all persons under its jurisdiction and effective control be afforded the full enjoyment of the rights enshrined in the Covenant,

1. *Reaffirms* its position that Mr. Barghouti's arrest and transfer to Israeli territory was in violation of international law; *reaffirms further*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial failed to meet the fair-trial standards which Israel, as a party to the International Covenant on Civil and Political Rights, is bound to respect, and that his guilt has therefore not been established;
2. *Consequently calls on* the Israeli authorities to release Mr. Barghouti forthwith;
3. *Remains deeply concerned* at the extremely limited family visiting rights enjoyed by Mr. Barghouti and, more particularly, the arbitrariness of the decisions authorizing or denying visits; *recalls* that Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners stipulates that "prisoners shall be allowed ... to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits"; *wishes to ascertain* Mr. Barghouti's current conditions of detention, in particular with respect to the frequency of visits he receives and the access to medical care afforded him;
4. *Considers* that the many national and international reports denouncing the conditions of detention of Palestinian prisoners in Israeli jails should be of concern to the Knesset; *affirms* that the Knesset is not only fully entitled but should exercise its oversight function of the Israeli prison service with regard not only to Israeli but also to Palestinian prisoners in Israeli jails and so ensure that all persons under Israel's jurisdiction and effective control are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR);
5. *Reiterates* its long-standing wish to be granted permission to visit Mr. Barghouti;
6. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and to the competent governmental and administrative authorities, and to seek the requested information from them;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

⁴ CCPR/C/ISR/CO/3.

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

***Resolution adopted by consensus by the IPU Governing Council at its 188th session*
(Panama City, 20 April 2011)***

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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

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

Recalling that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to Hadarim prison in Israel together with four other prisoners suspected of involvement in the murder; the Israeli authorities concluded one month later that he had not been involved in the killing and charged the other four suspects with the murder; subsequently 19 other charges were brought against Mr. Sa'adat, all of which arise from his leadership of the Popular Front for the Liberation of Palestine (PFLP), considered a terrorist organization by Israel, and none of which allege direct involvement in crimes of violence; on 25 December 2008 Mr. Sa'adat was sentenced to 30 years' imprisonment; Mr. Sa'adat suffers from cervical neck pain, high blood pressure and asthma and has reportedly not been examined by a physician and does not receive the necessary medical treatment; at the beginning of his detention the Israeli authorities refused to let his wife visit him; for the first seven months, Mr. Sa'adat received no family visit; his children, with Palestinian identity cards, have not been allowed to visit their father since his arrest, for reasons unknown; in March and June 2009, solitary confinement was imposed on him, which was why he went on a nine-day hunger strike in June 2009,

Considering that on 21 October 2010, Mr. Sa'adat's fourth isolation order, due to expire on 21 April 2011, was confirmed for another six months, and that Mr. Sa'adat has by now been held for 25 months in solitary confinement,

Noting that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),⁵ the Human Rights Committee recommended that all persons under Israel's jurisdiction and effective control be afforded the full enjoyment of the rights enshrined in the Covenant,

1. *Is appalled* at the prolonged solitary confinement imposed on Mr. Sa'adat, to which he has now been subjected for more than two years;
2. *Firmly recalls* that under international human rights law all persons deprived of their liberty have the right to be treated with humanity, with respect for the inherent dignity of the human person, and not to be subjected to torture and to cruel, inhuman or degrading treatment or punishment;
3. *Stresses* that international human rights bodies have on several occasions concluded that prolonged periods of solitary confinement can be tantamount to torture, and *fears* that such is the case here; solitary confinement can seriously affect the health of prisoners, and certainly does so in the case of Mr. Sa'adat, who suffers from various ailments for which he has not been receiving medical treatment; *urges* the authorities to put an immediate end to his solitary confinement and to refrain from imposing it again, and *recalls* that they are responsible for any irremediable harm to his health while in their custody;

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

⁵ CCPR/C/ISR/CO/3.

4. *Wishes to ascertain* Mr. Sa'adat's current conditions of detention, in particular with respect to the access to medical care he is afforded and the frequency of visits he receives; *reiterates* its wish to be granted permission to visit Mr. Sa'adat;
5. *Considers* that the many national and international reports denouncing the detention conditions of Palestinian prisoners in Israeli jails should be of concern to the Knesset; *affirms* that the Knesset is not only fully entitled but should exercise its oversight function of the Israeli prison service with regard not only to Israeli but also to Palestinian prisoners in Israeli jails, and so ensure that all persons under Israel's jurisdiction and effective control are afforded the full enjoyment of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR);
6. *Reaffirms* its position that Mr. Sa'adat's abduction and transfer to Israel was related not to the murder charge but rather to his political activities as PFLP General Secretary, and that the proceedings against him were, therefore, based solely on political considerations, which also explains the extremely harsh sentence imposed on him; *calls on* Israel to release him forthwith;
7. *Points out* that Mr. Sa'adat was tried by a military court and *recalls* in this respect the persistent concerns expressed by United Nations human rights treaty bodies and special procedures regarding the compliance of military courts with fair-trial guarantees;
8. *Requests* the Secretary General to forward this resolution to the Speaker of the Knesset and the competent governmental and administrative authorities, and to seek from them the requested information;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

PALESTINE / ISRAEL

<p>CASE No. PAL/16 - OMAR MATAR (OMAR ABDEL RAZEQ) CASE No. PAL/17 - NAYEF AL-ROJOUB CASE No. PAL/22 - ANWAR ZBOUN CASE No. PAL/24 - ABDULJABER AL-FUQAHA CASE No. PAL/25 - KHALED YAHYA (KHALIL AL-RABIA) CASE No. PAL/28 - MUHAMMAD ABU-TEIR CASE No. PAL/29 - AHMAD ATTOUN CASE No. PAL/30 - MUHAMMAD TOTAH CASE No. PAL/32 - BASEM AHMED ZAARER CASE No. PAL/34 - MOHAMED MAHER BADER (BADIR)</p>	<p>CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL CASE No. PAL/37 - ALI SALEEM ROMANIEN CASE No. PAL/43 - MOTLAK ABU-JHEASHEH CASE No. PAL/47 - HATEM QFEISHEH CASE No. PAL/48 - MAHMOUD AL-RAMAHI CASE No. PAL/51 - AYMAN DARAGHME CASE No. PAL/52 - NIZAR RAMADAN CASE No. PAL/53 - AZZAM SALHAB CASE No. PAL/54 - KHALED TAFISH</p>
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Resolution adopted by consensus by the IPU Governing Council at its 188th session*
(Panama City, 20 April 2011)

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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

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

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

Taking into account the information provided by sources on 16 and 18 January 2011 and on 7, 10 and 31 March 2011,

Recalling the following: the parliamentarians concerned are part of a group of initially more than 30 PLC members who had been elected in January 2006 on the Change and Reform Party list (Hamas) and were arrested following the kidnapping of an Israeli soldier on 25 June 2006, prosecuted and found guilty of membership in a terrorist organization (Hamas), of holding a seat in parliament on behalf of that organization, of providing services to it by sitting on parliamentary committees, and of supporting an illegal organization; they were sentenced to prison terms of up to 40 months,

Considering that, while most of them were released after serving their sentences, many were subsequently rearrested and placed in administrative detention, and *noting* the following in this regard:

- Ayman Daraghme (PAL/51), Nizar Ramadan (PAL/52), Azzam Salhab (PAL/53) and Khaled Tafish (PAL/54), were rearrested on 19 March 2009 and taken into administrative detention after the failure of negotiations for the release of the Israeli soldier; Khaled Tafish and Ayman Daraghme were since released, the latter on 16 November 2010;
- Basem Ahmed Zaarer (PAL/32) was released on 30 December 2010 after 25 months in administrative detention;
- Ali Saleem Romanien (PAL/37) was released on 19 October 2010 after serving four and a half years in Israeli detention;
- The following PLC members were rearrested and placed in administrative detention for six months: Nayef Al-Rojoub (PAL/17), released on 20 June 2010, rearrested on 30 November 2010; Hatem Qafisha/Qfeisheh (PAL/47), rearrested on 18 October 2010; Mahmoud Al-Amahi/Ramahi (PAL/48), released on 31 March 2009, rearrested on 10 November 2010; Mohammed Ismail Al-Tal (PAL/35), released in December 2009, rearrested on 28 December 2010; Khalil Al-Rabia (Khaled Yahya, PAL/25), released on 11 February 2009, rearrested on 30 December 2010; Mohamed Maher Bader (Badir, PAL/34) rearrested on 31 March 2011; it is unclear for how long he was placed in detention;
- Omar Abdel Razeq (Omar Matar, PAL/16), released in late April 2009, rearrested on 11 January 2011; as of 15 January it was unclear whether he would be charged with an offence or placed in administrative detention;
- Mahmoud Al-Amahi/Ramahi (PAL/48), rearrested on 10 November 2010, has up to 15 January 2011 reportedly been unable to receive any family visits,

Recalling further the following: Mr. Abu-Teir, Mr. Totah and Mr. Attoun were elected in the electoral district of East Jerusalem where they live and were born; on 28 May 2006 the then Israeli Minister of the Interior revoked their Jerusalem residency permit arguing that they had shown disloyalty to Israel by holding seats in the PLC; an appeal against that decision was lodged in the Supreme Court and the deportation order was not implemented owing to their arrest on 26 June 2006, so that the deportation was de facto suspended until their release in May/June 2010, when they were immediately notified that they had to leave East Jerusalem; Abu-Teir was ordered to leave by 19 June 2010 and, refusing to do so, he was arrested on 30 June 2010; the other two parliamentarians were ordered to leave by 3 July 2010 and, likewise refusing to comply with the order, they took refuge in the International Committee of the Red Cross (ICRC) building in Jerusalem; a motion for injunction to the Supreme Court seeking to halt the deportation was rejected, the Chief Justice ruling that there was no point in issuing the requested injunction because “this is not an irreversible measure”; on 6 September 2010, the Supreme Court heard their petition against the revocation of their residency permit and deportation order; the Court decided to give the petitioners a 30-day period in which to reiterate their request to the Interior Minister for a re-examination of their residency status, a 30-day period for the Minister to respond, and a further 10 days for the petitioners to react to the Minister’s reply; it adjourned the case without setting a new date for hearing,

Noting that by 18 January 2011, the Supreme Court had not set a new hearing date; that Abu-Teir was released from prison and, on 8 December 2010, deported to Ramallah; that the other two PLC members are continuing their sit-in in the Red Cross Building in East Jerusalem,

Recalling that Mr. Motlak Abu-Jheasheh, arrested on 29 June 2006 and released on 2 September 2009, requested a permit to allow him to travel to Mecca to perform the hajj/pilgrimage in November 2010, which the Israeli authorities reportedly refused without providing any reason; *noting* that no further information has been provided by the source in this regard,

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

Noting that, in its concluding observations on the third periodic report of Israel under the International Covenant on Civil and Political Rights (ICCPR),⁶ the Human Rights Committee recommended inter alia that all persons under Israel's jurisdiction and effective control be afforded full enjoyment of the rights enshrined in the Covenant,

1. *Deplores* the deportation of Mohammed Abu-Teir, which violates Israel's obligations under international and national law, as set out in its resolution of October 2010;
2. *Deplores* likewise the failure of the Supreme Court to rule on matters of such great importance, thereby de facto depriving the persons concerned of their right to seek legal redress and hence prolonging a grave injustice to which it could have put an end when it heard the case in September 2010; *earnestly hopes* that the Court will set a date for a new hearing as a matter of urgency;
3. *Reaffirms* that, over and above the compelling legal grounds which prohibit the deportation of the PLC members concerned and the fact that the argument of disloyalty - in itself highly questionable - must fail since the Israeli authorities accepted the participation of Palestinian residents of East Jerusalem in the elections, the deportation would constitute an inhuman act against the persons concerned, their families and their community;
4. *Urges* the Israeli authorities once again therefore to revoke the deportation orders and to issue the persons concerned with the residency permits to which they are entitled;
5. *Requests* the Committee to send a delegation to Jerusalem for the purpose of visiting the two members of parliament risking deportation;
6. *Considers*, with regard to the rearrest and administrative detention of PLC members, that such rearrest shows the arbitrary nature of administrative detention, which leaves any resident of the occupied territories, including PLC members, at the mercy of the authorities, depriving them of any legal procedure and redress; *affirms*, for all these reasons, that administrative detention, as practised in the occupied territories, is incompatible with fundamental human rights norms and unworthy of a State based on the rule of law;
7. *Remains deeply concerned*, in the light of the reported denial of family visits to Mr. Mahmoud Al-Amahi/Ramahi, at the conditions of detention of detained PLC members;
8. *Wishes to ascertain* the legal grounds for the rearrest and imposition of administrative detention on Mr. Mahmoud Al-Amahi/Ramahi, Mr. Nayef Al-Rojoub, Mr. Hatem Qafisha/Qfeisheh, Mr. Mohamed Ismail Al-Tal, Mr. Khalil Al-Rabia (Khaled Yahya), Mr. Omar Abdel Razeq (Omar Matar) and Mohamed Maher Bader; *also wishes to ascertain* their conditions of detention;
9. *Reaffirms* that the arrest, detention and prosecution of the parliamentarians concerned were politically motivated and hence arbitrary, since Israel was undoubtedly aware of and accepted the participation of Hamas in the election, which was recognized by the international community as free and fair;

⁶ CCPR/C/ISR/CO/3.

10. *Calls on* the Israeli authorities to release the remaining detained PLC members forthwith and to refrain from the practice of administrative detention; *urges* once again the Israeli authorities, and in particular the Knesset, to heed the recommendations made by the international human rights bodies and mechanisms in this regard, most recently by the United Nations Human Rights Committee in its concluding observations on Israel's 3rd periodic report under the International Covenant on Civil and Political Rights (ICCPR), and to bring their practices into conformity with the State's international human rights obligations and hence ensure that all persons under Israel's jurisdiction and effective control are afforded the full enjoyment of the rights enshrined in the ICCPR;
11. *Decides to* close the case of Abu-Jheasheh, inferring from the absence of any further communication from the source that he finally obtained authorization to travel to Mecca;
12. *Requests* the Secretary General to forward this resolution to the Israeli authorities and to the sources, inviting them to provide the requested information;
13. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. PHI/02 - SATURNIÑO OCAMPO)	PHILIPPINES
CASE No. PHI/04 - TEODORO CASIÑO)	
CASE No. PHI/05 - LIZA MAZA)	
CASE No. PHI/06 - RAFAEL MARIANO)	

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Saturniño Ocampo, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, incumbent members of the House of Representatives of the Philippines at the time the communication was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided by the Executive Director of the Inter-Parliamentary Relations and Special Affairs Bureau of the House of Representatives by letter dated 28 March 2011, as well as the letter from Rep. Casiño of 12 April and the information provided by the sources on 21 March 2011,

Recalling the following: in February 2006 the Inter-Agency Legal Action Group (IALAG) established under the previous government of Gloria Macapagal-Arroyo to prepare cases of rebellion and sedition against suspected enemies of the State, laid charges of rebellion against the persons concerned, all being members of parliament at the time; the Supreme Court dismissed them in July 2007, holding that they were based on political considerations; since then new criminal cases were brought against them (also called the "Batasan Four"); one of them, filed by a "self-confessed rebel returnee" with the Commission for Elections (COMELEC) alleging that Rep. Ocampo and Liza Maza committed "acts of terrorism to enhance their candidacy", which is a ground for disqualifying a candidate from standing in elections, was dismissed on 19 July 2010, COMELEC holding that the allegations made were unsubstantiated,

Noting that the following cases are still pending and have not been proceeding:

- In the so-called "Nueva Ecija" murder cases, being dealt with by two different courts, the courts had before them extrajudicially obtained testimonies; the competent court in one of the cases dismissed it, while the court in the other case ordered a new investigation; a motion seeking dismissal of the case for lack of probable cause was denied and the petition before the Supreme Court against that decision is still awaiting resolution; according to the information supplied by the National Commission on Human Rights, extrajudicially obtained confessions or testimonies cannot be used in court unless supported by other evidence or given under circumstances which ensure that they were made voluntarily;

- In May 2007, four days before the parliamentary elections, Representative Casiño was charged with obstructing justice by allegedly preventing the arrest of a person; the case has not since been proceeding although, according to the Court Rules, the investigating officer shall determine within 10 days after the preliminary investigation whether or not there is sufficient ground to hold the respondent for trial;
- On 19 May 2009, the prosecutor had suspended the preliminary investigation into a twin murder charge against former Rep. Ocampo pending the Supreme Court's decision on his petition for certiorari and prohibition in a multiple murder case brought against him in February 2007; on 5 July 2010, the prosecutor resolved those cases, deciding to dismiss one and to file an indictment in the second concerning the murder of Guillermo Daguino; on 4 August 2010, Mr. Ocampo filed a motion seeking outright dismissal for complete lack of evidence against him; on 10 November 2010 the judge ordered suspension of proceedings in the case,

Considering that by Executive Order No. 808 of 15 May 2009, the Inter-Agency Legal Action Group (IALAG) was abolished, pursuant to earlier recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions,

Bearing in mind that the Secretary of Justice, in a letter of 1 October 2010, gave assurances that the new administration under President Benigno S. Aquino III would ensure that the IPU's concerns in this case were properly addressed,

1. *Thanks* the House of Representatives for the information provided;
2. *Notes* with satisfaction that IALAG has been abolished and *considers* that this will make it more difficult to subvert the judicial process for political ends;
3. *Considers* that there are serious grounds for believing that the cases still pending against the persons concerned are - like the rebellion and electoral disqualification cases - not based on sound evidence;
4. *Is therefore dismayed* that these cases have remained at a standstill, thus not only leaving the persons concerned in a state of uncertainty for too long but also diserving the interests of justice; *affirms* that this is all the more grave in the case of members of parliament, who must be able to exercise their mandate freely;
5. *Recalls* the fundamental principle that justice delayed is justice denied and that anyone charged with a criminal offence has the right to be tried without undue delay; *urges* the authorities therefore either to proceed without delay in these cases or to dismiss the charges forthwith;
6. *Calls on* the House of Representatives to exercise its oversight function so as to ensure respect for this principle and prevent these cases from dragging on any longer;
7. *Remains confident* that the administration under President Benigno Aquino III will make every effort to ensure proper administration of justice, and *would be grateful* for information on any initiatives that may have been taken to ensure that its concerns in this case are properly addressed;
8. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
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 125th IPU Assembly (October 2011).

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

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Senator Antonio Trillanes of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Referring also to Senator Trillanes's letter of 21 March 2011,

Recalling that Navy Lieutenant Antonio Trillanes was arrested in July 2003 and charged with an attempted coup d'état on account of the so-called Oakwood siege when he and more than 300 young officers and soldiers of the Armed Forces of the Philippines denounced corruption and graft in the Armed Forces and the Government of the then President Gloria Macapagal-Arroyo; that while in detention he was elected in the May 2007 Senate elections, having obtained the 11th highest number of votes; that, however, his continuing detention prevented him from actually exercising his parliamentary mandate; *recalling* also its concerns about the conformity of Senator Trillanes's preventive detention with the international human rights norms governing detention, as well as its consistent calls upon the authorities to respect Senator Trillanes's fundamental rights and to enable him to participate meaningfully in the work of the Senate,

Considering that on 24 November 2010 President Benigno Aquino issued Proclamation No. 75 granting amnesty to military and police personnel involved in coup attempts during the previous administration, which Amnesty Proclamation was approved by the Philippine Senate and Congress in December 2010; that, having been provisionally released on 21 December 2010, Senator Trillanes applied for and was granted amnesty under Proclamation No. 75 of the President,

1. *Welcomes* the amnesty granted to Senator Trillanes, which enables him finally to exercise his parliamentary mandate and to represent the people who voted for him;
2. *Commends* the President of the Philippines and the parliamentary and governmental authorities for their action to ensure respect for the fundamental rights of a member of parliament;
3. *Decides* to close this case in view of its satisfactory settlement.

CASE No. RUS/01 - GALINA STAROVOITOVA - RUSSIAN FEDERATION

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Galina Starovoitova, a member of the State Duma of the Russian Federation who was assassinated on 20 November 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling the following information on file, as provided over the years, most recently on 9 October 2009, chiefly by the State Duma, regarding the investigation and judicial proceedings:

- In June 2005, two persons were found guilty of Ms. Starovoitova's murder and sentenced to 20 years in prison by the St. Petersburg City Court, which, in its judgment, concluded that the murder had been politically motivated; in September 2007, two others were found guilty of complicity in the murder and sentenced to 11 and 2 years in prison respectively; four other suspects were acquitted and released;
- National and international arrest warrants are pending for three individuals;
- On 25 August 2009, the Federal Security Service reopened the investigation into the case after new evidence emerged and an appeal was made by Mr. Linkov, Ms. Starovoitova's assistant, and her sister, to the President of the Russian Federation; those efforts examined the possible implication in the crime of a former member of the State Duma, Mr. Mikhael Glushchenko, but did not produce sufficient evidence in this respect;
- According to the Prosecutor General's report of 2 October 2009, "the investigation of the case was suspended on 4 September 2009" and "there are at present no grounds for changing the decision taken and reopening the investigation"; yet the same report continues by stating that, in accordance with legislation on criminal proceedings and the Federal Law on "operational investigative activity", the preliminary investigation body determined a set of measures intended to identify the instigators of the crime and locate the accused who were evading justice, and

that the investigation of the case and the operational investigative steps were monitored by the Public Prosecution Department in St. Petersburg and by the Prosecutor General's Office,

Recalling that Ms. Starovoitova was a prominent Russian human rights advocate and had denounced instances of high-profile corruption shortly before her assassination; *recalling also* that in November 2009, the United Nations Human Rights Committee expressed "its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the Russian Federation, which has created a climate of fear and a chilling effect on the media ...", and urged it "to take immediate action to provide effective protection and ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders and, where appropriate, prosecute and initiate proceedings against the perpetrators of such acts"; *recalling further* that many States made similar recommendations during the Universal Periodic Review of the Russian Federation's compliance with its human rights obligations before the United Nations Human Rights Council (February 2009),

1. *Regrets* that it has not been possible for the Russian delegation to meet with the Committee to exchange views on this case in which, more than 12 years after Ms. Starovoitova was murdered for political reasons, the masterminds have yet to be identified and held to account;
2. *Reaffirms* that, as borne out by the many attacks and murders of journalists and human rights defenders that have occurred since Ms. Starovoitova's murder, the failure of the authorities to fully elucidate such crimes, in particular to identify the masterminds, serves as a continuing deterrent for others, including members of parliament, wishing to speak out on critical issues and can only embolden those bent on silencing such voices, and thus undermine freedom of expression; *strongly believes* that this should be of particular concern to the members of the State Duma, who cannot exercise their mandates without being able to speak out fearlessly;
3. *Calls again* on the authorities to do their utmost, as is their duty, to lend fresh impetus to the investigation with a view to finally elucidating this crime and identifying the instigators;
4. *Calls once again* on the Parliament of the Russian Federation, which has a vested interest in the case since the victim was one of its members and was killed on account of having exercised her freedom of speech - a parliamentarian's basic tool - to continue ensuring strict oversight as warranted by the lack of results; *eagerly awaits* therefore information on the steps the State Duma has taken to continue its monitoring of the investigation as well as information on the status of the efforts made to identify the masterminds, including the challenges and opportunities to shed full light on this heinous crime;
5. *Requests* the Secretary General to bring this resolution to the attention of the authorities, inviting them to provide the requested information, and of 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 125th IPU Assembly (October 2011).

CASE No. RW/06 - LÉONARD HITIMANA - RWANDA

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, who disappeared in April 2003 while he was a member of the Transitional National Assembly of Rwanda, which was subsequently dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Considering that, in the decision it adopted on this case at its 132nd session (January 2011), the Committee on the Human Rights of Parliamentarians proposed to the Rwandan parliamentary authorities that it carry out an on-site mission since, in its view, direct dialogue not only with the parliamentary authorities but also with competent government and administrative authorities, and with the National Human Rights Commission, would do much to assist progress towards a settlement of this case by enabling it better to

understand all its aspects, including the existing challenges and opportunities to elucidate Mr. Hitimana's fate, and to elaborate on its functioning and work on this case,

Considering that, in their letter of 23 March 2011, the Speakers of both Houses of the Rwandan Parliament signified their assent to the proposed mission,

1. *Is gratified* that the parliamentary authorities have assented to the proposed on-site visit, which it welcomes;
2. *Requests* the Committee and the Secretary General to take the necessary steps to organize the on-site visit;
3. *Looks forward* to resuming the examination of this case on the occasion of the 125th Assembly (October 2011) in the light of the results of the visit.

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

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham of Sri Lanka, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the information which Minister Mahinda Samarasinghe, Special Envoy of the President of Sri Lanka for Human Rights, provided to the Committee on the Human Rights of Parliamentarians at the hearing held during the 124th IPU Assembly,

Recalling the following information provided in the past by the authorities, who have repeatedly stated that they were committed to fully elucidating this crime, about the murder investigation:

- Mr. Pararajasingham, a member of the Tamil National Alliance (TNA), was shot dead on 24 December 2005 during the Christmas Eve mass at St. Mary's Church in Batticaloa by unidentified gunmen in the presence of some 300 persons; his wife and seven other persons sustained gunshot injuries; St. Mary's Church was located in a high-security zone between two military checkpoints; at the time of the murder, additional security forces were on duty, which suggests that the culprits could have escaped only with the complicity of the security forces;
- According to the information provided by Minister Samarasinghe in October 2009, one of the main problems was the question of witnesses as the priest playing the organ had been unable to identify any suspects, and witnesses were afraid to come forward; he said that a witness protection bill, providing inter alia for video-conferencing of witnesses living abroad, was pending at the time before parliament; the police had been unable to establish whether the information provided on the occasion of the on-site mission was bona fide, suggesting that a certain "Ravi" (Kaluthavalai or Kommathurai Ravi) was the killer, since TNA parliamentarians who had provided the name were unable to give an address; according to the sources, Ravi was a member of the Karuna group and well known in the region;
- Six empty 9mm cartridges found at the crime scene were sent to the Government analyst; two army-type uniforms were recovered from locations in the church and two soldiers who had been roaming around during the night of 24/25 December 2005 were taken into custody but later released as the main eyewitness was unable to identify them at an identification parade held on 1 September 2006,

Considering the following additional information which Minister Samarasinghe provided at the hearing held during the 124th Assembly: police inquiries to trace Kaluthavalai or Kommathurai Ravi proved unavailing because Ravi is a common name used by Tamils and Kaluthavalai and Kommathurai are names of villages; since these names are common in these villages, it is difficult to trace them with these names alone; given the absence in particular of eyewitness evidence, the investigation (Magistrate Court Batticaloa case No. B. 1357/05) has been laid by with the provision to reopen it if and when fresh material is received,

Considering that, as regards the issue of the adoption of a Witness Protection Bill, Minister Samarasinghe reported that the Bill, debated in Parliament in 2008, was not passed because the Opposition had insisted that it should not be taken up at that point, for which reason the debate was adjourned; that shortly afterwards the Parliament was dissolved and the Bill therefore lapsed so that party leaders would have to discuss the matter anew; *noting* in this respect that the 2007 Witness Protection Bill was criticized by many, in particular by human rights groups, as inadequate to the task of providing victims and witnesses with the requisite protection,

1. *Thanks* the authorities and, in particular, Minister Samarasinghe for the consistent cooperation extended to the Committee and for the information provided;
2. *Remains deeply disappointed* that six years after this high-profile murder took place in circumstances which, one would think, should have made it easier for investigators to identify the perpetrators and instigators, the investigation has been unavailing to the point that it has now been suspended;
3. *Notes*, however, the stated commitment of the authorities to continuing the investigation of this crime, which, it *believes*, would nevertheless imply that the investigatory authorities do not wait for fresh evidence to be brought to their attention, but that they continue actively to seek such evidence;
4. *Is convinced* that effective legislation to protect victims and witnesses, corresponding to international witness protection standards, is crucial as it would encourage eyewitnesses of this crime to come forward and testify; *urges* therefore the Government and the Parliament to resume the debate on the Witness and Victim Protection Bill, amending it as necessary, and to promote its passage and adoption as quickly as possible;
5. *Requests* the Secretary General to inform the authorities and the sources accordingly;
6. *Requests* the Committee to seek, to the extent possible, more information from the sources on "Ravi", and to report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

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/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010); *referring also* to the report on the on-site mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the information which Minister Mahinda Samarasinghe, Special Envoy of the President of Sri Lanka for Human Rights, provided to the Committee on the Human Rights of Parliamentarians at the hearing held during the 124th IPU Assembly,

Recalling that Mr. Raviraj, a member of the Tamil National Alliance (TNA), was shot dead in Colombo in the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a main road in Colombo; the gunman escaped on a motorcycle,

Recalling the following information provided in the past by the authorities, who have repeatedly stated their commitment to fully elucidating this crime, about the murder investigation:

- Investigations revealed that the motorcycle was sold by two brokers named Nalaka Matagaweere and Ravindra to Arul, who at the time was living at the house of S.K.T. Jayasuriya; the latter was taken into custody together with Nalaka; Jayasuriya revealed that Arul was a former Liberation Tigers of Tamil Eelam (LTTE) member; Nalaka and Jayasuriya were later

released on bail as inquiries revealed that they were not in Colombo when Mr. Raviraj was shot dead; arrest warrants were issued for Arul and Ravindra, who, according to the police progress report forwarded in April 2009, were strongly suspected of having gone to the areas then controlled by the LTTE;

- A Scotland Yard team arrived in Sri Lanka on 4 January 2007; it conducted investigations and recommended that further tests be carried out; the team commended the Sri Lankan investigators for their work; according to the police report of March 2010, no real breakthrough was possible, investigations were continuing, and the case was regularly reported to the Chief Magistrate Court Colombo,

Considering the following additional information which Minister Samarasinghe provided at the hearing held during the 124th Assembly: since the defeat of the LTTE in May 2009, the CID has attempted to trace Arul and Ravindran among the refugees from the north and has even checked 300,000 displaced people without so far having been able to trace them; a report was sent to the Attorney General seeking advice for further investigation; moreover, reports by NGOs, including University Teachers for Human Rights, about the murder were checked but no useful information was found; as regards Scotland Yard, the team traced the bloodstain in the bag found at the crime scene in which the firearm was hidden and brought for Mr. Raviraj's assassination; the swabs taken during the visit were profiled by Scotland Yard and preserved for matching if and when the suspects are apprehended; the court case is to be called next on 13 July 2011,

1. *Thanks* the authorities and, in particular, Minister Samarasinghe for the consistent cooperation extended to the Committee and for the information provided;
2. *Acknowledges* the efforts made by the investigatory authorities to locate the two suspects, as reported by Minister Samarasinghe; *regrets* nevertheless that those efforts have so far remained unavailing;
3. *Observes* that the stated commitment of the authorities to advancing the course of justice must be matched by firm action on the ground, and *trusts* that the investigation is indeed being pursued with the necessary vigour;
4. *Recalls* that Parliament, in the exercise of its oversight function, is entitled to follow an investigation, especially when it concerns a member of parliament; *wishes* therefore to ascertain the views of Parliament on taking such an initiative;
5. *Requests* the Secretary General to convey this resolution to all parties concerned;
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 125th IPU Assembly (October 2011).

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010); *referring also* to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the information which Minister Mahinda Samarasinghe, Special Envoy of the President of Sri Lanka for Human Rights, provided to the Committee on the Human Rights of Parliamentarians at the hearing held during the 124th IPU Assembly,

Recalling the following information on file:

- Mr. Maheswaran voted against the budget on 14 December 2007 and, soon after the vote, the number of security guards assigned to him was cut from 18 to two; he openly made several

statements to the effect that the reduction of his security detail put his life seriously at risk and made repeated requests to the Government to enhance his security, but to no avail; on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and later died in a Colombo hospital; the attack came after he had stated in a television interview that, upon the resumption of parliamentary sittings on 8 January 2008, he would describe in detail the terror campaign that the Government was pursuing in Jaffna, particularly how abductions and killings were managed;

- The authorities arrested Johnson Collin Valentino alias "Wasantha" from Jaffna, who had been identified as the gunman on the basis of a DNA analysis; the investigators concluded that the assailant was a Liberation Tigers of Tamil Eelam (LTTE) activist who had been trained and sent to Colombo to kill Mr. Maheswaran; he confessed to the crime and his parents too confirmed that he was a LTTE member; according to the police progress report forwarded in August 2008, the Attorney General filed an indictment and the case was to be called on 19 August 2008; according to the police report of October 2009, the case was to be called on 16 October 2009 for the purpose of serving the indictment and listing the case for hearing,

Considering the following information provided by Minister Samarasinghe at the hearing held during the 124th Assembly: the Attorney General served the indictment on Johnson Collin Valentino for murder and the case is proceeding before High Court of Colombo, Court No. 02; further evidence of witnesses and forensic evidence confirms the complicity of the assassin; on 2 February 2011, one witness was heard and the case is fixed for further hearing on 21 April 2011,

1. *Thanks* the authorities and, in particular, Minister Samarasinghe for the consistent cooperation extended to the Committee and for the information provided;
2. *Notes* that the trial is proceeding and *wishes to ascertain* whether Mr. Valentino's confession and the other evidence gathered have helped to shed light on the identity of the instigators and the motives of the crime;
3. *Requests* the Secretary General to seek this information from the authorities, inviting them to keep it informed of the proceedings;
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 125th IPU Assembly (October 2011).

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M. Dassanayake, Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010); *referring also* to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Taking into account the information which Minister Mahinda Samarasinghe, Special Envoy of the President of Sri Lanka for Human Rights, provided to the Committee on the Human Rights of Parliamentarians at the hearing held during the 124th IPU Assembly,

Recalling the following: Mr. D.M. Dassanayake was killed on 8 January 2008, along with a bodyguard, in a roadside Claymore mine attack in the town of Ja-Ela, north of Colombo, while on his way to parliament; according to information provided in October 2009, the arrest of a key Liberation Tigers of Tamil

Eelam (LTTE) suspect operating in Colombo led to the arrest of other suspects, whose revelations resulted in the recovery of the remote control device used to detonate the explosive device triggering the explosion that killed Mr. Dassanayake; the investigation has since been completed and the relevant file was to be forwarded to the Attorney General for filing of an indictment and the case was to be called in court on 14 October 2009; the police report of March 2010 reiterated this information, adding the name of the three suspects (Malcom Tyrone, Sundara Sathies, W.D. Hyacinth),

Considering that, according to the information provided by Minister Samarasinghe at the hearing held during the 124th IPU Assembly, out of the three suspects, indictment was issued on W.D. Hyacinth and sent by the Attorney General on 31 March 2011 to the Negombo High Court, and that charges of conspiracy and abetment to murder are being finalized against the other two suspects,

1. *Thanks* the authorities and, in particular, Minister Samarasinghe for the consistent cooperation extended to the Committee and for the information provided;
2. *Notes* that the case is now proceeding towards the trial stage, and *wishes* to be kept informed of the proceedings;
3. *Requests* the Secretary General to inform the authorities and source accordingly and *requests* the Committee to report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

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

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), who was killed in a Claymore mine attack on 6 March 2008 in the Vanni area, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010); *referring also* to the report on the mission to Sri Lanka carried out by the Committee in February 2008 (CL/183/12(b)-R.2),

Recalling the following: Mr. Sivanesan's vehicle was targeted when he was returning to his residence in Mallaavi after attending parliamentary sessions in Colombo; the attackers reportedly exploded four mines in a row; Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan succumbed to his injuries while being rushed to hospital; the Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was perpetrated by deep penetration units of the Sri Lankan military, which has been denied by the Sri Lankan military, who have blamed it on the LTTE; the authorities have consistently pointed to the fact that the killing took place in an area controlled by the LTTE at the time and that the police had consequently no access for investigating and that, moreover, no complaint had been lodged,

Considering that the source has provided no further information enabling the Committee to continue examining this case and that, moreover, owing to the circumstances of this killing, the prospects of identifying those responsible are extremely remote,

Decides therefore to close this case, while deeply regretting that this murder has remained unpunished, and *requests* the Committee to reopen it should new evidence come to light.

THAILAND

- CASE No. TH/03 - LT. DR.THAKSIN SHINNAWATRA
 CASE No. TH/04 - MS. SUDARAT KHEYURAPHAN
 CASE No. TH/05 - JATURON CHAISANG
 CASE No. TH/06 - CHAIYOT SASOMSAP
 CASE No. TH/07 - GEN. THAMMARAK ISSARANGKUL NA AYUTHYA
 CASE No. TH/08 - NEWIN CHIDCHOB
 CASE No. TH/09 - PRACHA MALEENON
 CASE No. TH/10 - PRAYUTH MAHAKITSIRI
 CASE No. TH/11 - PORNGPOL ADIREKSARN
 CASE No. TH/12 - PONGTHEP THEPKANJANA
 CASE No. TH/13 - PINIT JARUSOMBAT
 CASE No. TH/14 - POKIN PALAKURA
 CASE No. TH/15 - MS. YAWAPA WONGSAWAT
 CASE No. TH/16 - WAN MUHAMADNOR MATA
 CASE No. TH/17 - SONTAYA KHUNPLEUM
 CASE No. TH/18 - SOMKIT JATUSEEPITAK
 CASE No. TH/19 - SOMCHAI SUNTHORNWAT
 CASE No. TH/20 - SOMSAK THEPSUTIN
 CASE No. TH/21 - SORA-ATH KLINPRATOOM
 CASE No. TH/22 - SUCHART TANCHAREON
 CASE No. TH/23 - SURAKIET SATHIENTHAI
 CASE No. TH/24 - SUWAT LIPTAPANLOP
 CASE No. TH/25 - SURIYA JEUNGRUNGRUANGKIJ
 CASE No. TH/26 - PROMMIN LERTSURIYADECH
 CASE No. TH/27 - CHARNON SUWARIN
 CASE No. TH/28 - PONGSAK RAKPONGPAISARI
 CASE No. TH/29 - WICHET KASEMTHONGSRI
 CASE No. TH/30 - POOMTHAM WECHYACHAI
 CASE No. TH/31 - MS. SIRIKORN MANEERIN
 CASE No. TH/32 - SITHA THIWAREE
 CASE No. TH/33 - KANTATHEE SUPHAMONGKOL
 CASE No. TH/34 - JAMLONG KRUTKHUNTHOD
 CASE No. TH/35 - CHATCHAI EARSAKUL
 CASE No. TH/36 - GEN. CHIDCHAI WANNASATHIT
 CASE No. TH/37 - CHUCHEEP HARNSAWAT
 CASE No. TH/38 - BOONCHOO TRITHONG
 CASE No. TH/39 - PRAJUAB CHAIYASARN
 CASE No. TH/40 - TEWAN LIPTAPUNLOP
 CASE No. TH/41 - MS. PUANGPETCH CHUNLA-IAD
 CASE No. TH/42 - PANLERT BAIYOKE
 CASE No. TH/43 - RAWEE HIRUNYACHOTE
 CASE No. TH/44 - RUNGREUNG PITHAYASIRI
 CASE No. TH/45 - MS. LADAWAN WONGSRIWONG
 CASE No. TH/46 - WARATHEP RATANAKORN
 CASE No. TH/47 - WISIT JOOPIBARN
 CASE No. TH/48 - WICHIT PLANGSRISAKUL
 CASE No. TH/49 - SUKHAWIT RANGSITPOL
 CASE No. TH/50 - SUPORN ATTHAWONG
 CASE No. TH/51 - SUCHAI CHAREONRATANAKUL
 CASE No. TH/52 - SUNAI SETHBUNSARNG
 CASE No. TH/53 - SURANAND VEJACHIVA
 CASE No. TH/54 - SURIYA LARBWISUTHISIN
 CASE No. TH/55 - SERMSAK PONGPANICH
 CASE No. TH/56 - ADISORN PIENGKET
 CASE No. TH/57 - ADISAI POTHARAMIC
 CASE No. TH/58 - ANUTHIN CHANWEERAKOON
 CASE No. TH/59 - EKPORN RAKKWARMSOOK
 CASE No. TH/60 - KRIENG KALTINUN
 CASE No. TH/61 - KASEM RUNGTHANAKIET
 CASE No. TH/62 - JATURONG PENGNORAPAT
 CASE No. TH/93 - PAKORN BURANUPAKORN
 CASE No. TH/94 - PRATHUAN KHIEWRITH
 CASE No. TH/95 - PINIJ CHANTARASURIN
 CASE No. TH/96 - PAIROJ LOAHSUNTHORN
 CASE No. TH/97 - PAISARN CHANPAKDEE
 CASE No. TH/98 - MS. MAYURA MANASIKARN
 CASE No. TH/99 - REUNGWIT LIK
 CASE No. TH/100 - WISARN TECHATHEERAWAT
 CASE No. TH/101 - WEERAKORN KAMPRAKORB
 CASE No. TH/102 - ADOON BOONSET
 CASE No. TH/103 - KRIT SRI-FAH
 CASE No. TH/104 - WAIROJ PIPITPAKDEE
 CASE No. TH/105 - WEERA MUSIKAPONG
 CASE No. TH/106 - SUTHAM SANGPRATHOOM
 CASE No. TH/107 - SURACHET DUANGSORDSRI
 CASE No. TH/108 - DHAMRONGDITH DHITSAKUL
 CASE No. TH/109 - MS. PAWEENA HONGSAKUL
 CASE No. TH/110 - PIMOL SRIWIKORN
 CASE No. TH/111 - MS. LALITA RERKSAMRARN
 CASE No. TH/112 - MS. SANSANEE NAKPONG
 CASE No. TH/113 - WIBOON SHAMSHEUN
 CASE No. TH/114 - SOMCHAI WONGSAWAD
 CASE No. TH/115 - YONGYUTH TIYAPAIKAT
 CASE No. TH/116 - LT. KANT THIENKEO
 CASE No. TH/117 - CHAIYA SASOMSAP
 CASE No. TH/118 - SOMPONG AMORNIVAT
 CASE No. TH/119 - SAMPHAN LERTNUWAT
 CASE No. TH/120 - PRASONG BOONPONG
 CASE No. TH/121 - MS. SUPAPORN THIENKEO
 CASE No. TH/122 - SUWAT WANNASIRIKUL
 CASE No. TH/123 - SURAPONG SUEBWONGLEE
 CASE No. TH/124 - CHUSAK SIRINIL
 CASE No. TH/125 - ANUSORN WONGWAN
 CASE No. TH/126 - SUKHUMPONG NGOANKAM
 CASE No. TH/127 - SONGKRAM KITLERTPAIROTE
 CASE No. TH/128 - KUDEP SAIKRACHANG
 CASE No. TH/129 - SRIMUANG CHAROENSIRI
 CASE No. TH/130 - SUTHA CHANSAENG
 CASE No. TH/131 - MONGKON KIMSOONCHAN
 CASE No. TH/132 - LT. WAIPOT ARPORNAT
 CASE No. TH/133 - SONGSAK THONGSRI
 CASE No. TH/134 - NISIT SINTHUPRAI
 CASE No. TH/135 - THEERACHAI SAENKEO
 CASE No. TH/136 - VEERAPON ADIREKSARN
 CASE No. TH/137 - SUTHIN KLANGSAENG
 CASE No. TH/138 - ITTHI SIRILATHAYAKORN
 CASE No. TH/139 - KITTIKORN LOASUNTHORN
 CASE No. TH/140 - BUNLUE PRASERTSOPHA
 CASE No. TH/141 - PICHET TANCHAROEN
 CASE No. TH/142 - BANHARN SILPA-ARCHA
 CASE No. TH/143 - SOMSAK PRITSANANANTAKUL
 CASE No. TH/144 - JONGCHAI THIEANGTHAM
 CASE No. TH/145 - ANURAK JUREEMART
 CASE No. TH/146 - MS. KANJANA SILPA-ARCHA
 CASE No. TH/147 - NIKORN CHAMNONG
 CASE No. TH/148 - PRAPAT PANYACHARTRAK
 CASE No. TH/149 - VEERASAK KOWSURAT
 CASE No. TH/150 - PRAPAT POTHASUTHON
 CASE No. TH/151 - NATHAWUTH PRASERTSUWAN
 CASE No. TH/152 - MS. JANISTA LIWCHALERMWONG

CASE No. TH/63 - CHUCHAI MUNGCHAREONPORN	CASE No. TH/153 - NOPPADON POLASEN
CASE No. TH/64 - THOSAPON SANGKASAP	CASE No. TH/154 - MONTHIEN SONGPRACHA
CASE No. TH/65 - THONGLOR POLAKOT	CASE No. TH/155 - THAMMA PINSUKANJANA
CASE No. TH/66 - THEERAYUT WANITCHANG	CASE No. TH/156 - KAMON JIRAPANWANICH
CASE No. TH/67 - PRACHATHIPATAI KAMSINGNORK	CASE No. TH/157 - KUHENG YAWORHASAN
CASE No. TH/68 - PRASIT JANTHATHONG	CASE No. TH/158 - CHAIWUTH THANAKAMANUSORN
CASE No. TH/69 - PREECHA LAOHAPONGCHANA	CASE No. TH/159 - THEERAPAN VEERAYUTHWATANA
CASE No. TH/70 - PAIROJ SUWANCHAWEE	CASE No. TH/160 - PANAWAT LIENGPONGPHAN
CASE No. TH/71 - WICHAI CHAJITWANICHKUL	CASE No. TH/161 - PATHOMPONG SOONCHAN
CASE No. TH/72 - WITHOON WONGKRAI	CASE No. TH/162 - YUTHANA POTHASUTHON
CASE No. TH/73 - WUTHICHAJ SA-NGUANWONGCHAI	CASE No. TH/163 - RATTHAKIT PHALEEPAT
CASE No. TH/74 - SAKSIAM CHIDCHOB	CASE No. TH/164 - WARAWUTH SILPA-ARCHA
CASE No. TH/75 - SOMSAK KHUN-NGERN	CASE No. TH/165 - SAKCHAI JINTAWECH
CASE No. TH/76 - SAKORN PROMPAKDEE	CASE No. TH/166 - SOMPAT KEOPICHIT
CASE No. TH/77 - MS. ORADEE SUTHASRI	CASE No. TH/167 - SIRIPONG ANGSAKULKIAT
CASE No. TH/78 - ATTHASIT SAPAYASITH	CASE No. TH/168 - EKAPOT PAANYAEM
CASE No. TH/79 - EKKAPARB PONSEU	CASE No. TH/169 - SAMERKAN THIENGTHAM
CASE No. TH/80 - CHARNCHAI PATUMARAK	CASE No. TH/170 - SUNTHORN WILAWAN
CASE No. TH/81 - THANEE YEESARN	CASE No. TH/171 - MAJ. GENERAL INTHARAT YODBANGTOEY
CASE No. TH/82 - BOONPHAN KHAEWATTANA	CASE No. TH/172 - LT. BANYIN TANGPAKORN
CASE No. TH/83 - PONGSAK WORAPANYA	CASE No. TH/173 - KARUN SAI-NGARM
CASE No. TH/84 - MS. PIMPA JANPRASONG	CASE No. TH/174 - MS. AMONGWAN THEPSUTHIN
CASE No. TH/85 - YONGYOT ADIREKSARN	CASE No. TH/175 - MANOO MANEEWATTANA
CASE No. TH/86 - LIKHIT MOODEE	CASE No. TH/176 - CAP. RACHATA PISITBANNAKORN
CASE No. TH/87 - WANLOP YOUNGTRONG	CASE No. TH/177 - SOMBOON THONGBURAN
CASE No. TH/88 - SITTHICHAJ KITTITHANESUAN	CASE No. TH/178 - KAMNUAN MOHPRASIT
CASE No. TH/89 - SURASIT NITIWUTHIWORARAK	CASE No. TH/179 - KRITSADA SATJAKUL
CASE No. TH/90 - ANUCHA NAKASAI	CASE No. TH/180 - SUKHUM LAOWANSIRI
CASE No. TH/91 - UDOM KRAIWATNUSORN	CASE No. TH/181 - MS. BUSABA YODBANGTOEY
CASE No. TH/92 - THOTSAPORN SERIRAK	CASE No. TH/182 - DIT-ATCHAPON SUTHSUKON

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of 180 former members of the Parliament of Thailand, 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/188/13(b)-R.1),

Considering the following information on file as provided by the source:

- I. The dissolution of the political parties to which the former MPs concerned belonged
- In September 2006, while the then Prime Minister, Mr. Thaksin Shinawatra, was abroad, the military took control of the country; an Administrative Reform Council under the Democratic System, later changed into Council for Democratic Reform (CDR), was established with General Sonthi acting as its official leader; it abrogated the 1997 Constitution and abolished, among other institutions, the Senate, the House of Representatives and the Constitutional Court; in October 2006, an Interim Constitution was promulgated and established a National Legislative Assembly, to replace the former Senate and House of Representatives, its members being appointed by the Council for National Security (CNS); in addition, the CNS appointed a 35-member Constitution Drafting Assembly; the draft constitution prepared by that Assembly was adopted in August 2007 by referendum;
- The Interim Constitution established a Constitutional Tribunal, composed of nine members appointed by the CNS; on 30 May 2007 that Tribunal dissolved Prime Minister Shinawatra's Thai Rak Thai Party, which had won elections in 2001, 2005 and 2006 (the latter being

invalidated by the Constitutional Court) and banned the party's entire executive committee, including 111 members of parliament, from participation in politics for five years; according to the source, the decision was ostensibly based upon a finding that two executive members of the Thai Rak Thai Party were guilty of bribery in the April 2006 elections; the source points out that, on the day of the ruling, the Constitutional Tribunal cleared the (then opposition) Democrat Party of charges, reportedly considering that the party should not be held responsible for the action of its officials;

- Following the dissolution, former Thai Rak Thai members founded the People Power Party (PPP); in the December 2007 elections, the party won 233 out of 480 seats and set up a coalition government under Prime Minister Samak Sundaravej; on 2 December 2008, the Constitutional Tribunal decided to dissolve the PPP and its coalition partners Chart Thai and Matchima Thipathai parties; according to the source, the PPP was dissolved and its executive committee, including the parliamentarians concerned, disqualified on the basis of violations which former House Speaker Yongyuth Tiyaparat was alleged to have committed in the run-up to the 2007 general election; as regards its two coalition partners, a member each of their executive committees was found guilty of vote-buying; following their dissolution, the Democrat Party established a coalition government with Mr. Abhisit Vejjajiva as Prime Minister.
- II. Legal basis for the dissolution of the political parties and the debarment of their executive members from holding political office and engaging in political activities for a period of five years
- The source affirms that the dissolution and the debarment from political office is based on the notion of "collective guilt", which cannot be used to justify the dissolution of a political party and the punishment of persons for crimes committed by others without their knowledge and, still less, complicity;
 - The source stresses that the military authorities pushed through the creation of a legal basis for these steps by extending the existing, already far-reaching, provisions on party dissolution, under the 1998 Organic Act on Political Parties, with the adoption of Announcement 27 by the CDR on 21 September 2006 and the 2007 Constitution; Announcement 27 empowered the Constitutional Tribunal to revoke for five years the electoral rights of members of the executive committee of any party which had been dissolved for committing an act prohibited under the Organic Act, even if the alleged misconduct had occurred before the military takeover in 2006; this meant that although the prohibited act still had to be committed by the "party", there were penalties for the entire membership of the executive committee; Section 237 of that Constitution, moreover, gives the Constitutional Tribunal the option to dissolve any party whose executive committee included at least one politician found guilty of fraud by the Election Commission of Thailand and, concurrently with the dissolution, ban the party's entire executive committee from voting and holding elective office for a period of five years;
 - The source affirms that the Constitutional Tribunal which adopted the two decisions was not competent since its members had been hand-picked by the military authorities that took over the country in September 2006 and showed bias by not applying the same standards in its adjudication of cases that could have potentially led to the dissolution of the Democrat Party and smaller parties that support the Government,

Taking into account the information provided at the hearing with the Committee by the leader of the Thai delegation to the 124th Assembly, who likewise insisted on the legal concerns with respect to the Constitutional Tribunal's decisions,

Considering that, in July 2009, a parliamentary committee appointed to explore reforms to the Constitution reportedly did propose amending Section 237 by deleting the provisions allowing the Constitutional Tribunal to disenfranchise party executives not accused of wrongdoing; the source states that similar proposals were put forward by a government-appointed "Constitutional Reform Committee" in October 2010, although none of the proposals were pushed through in the National Assembly,

Bearing in mind that Thailand is a party to the International Covenant on Civil and Political Rights, which in its Articles 22 and 25 protects the right to freedom of association and the right to take part directly in the conduct of public affairs,

1. *Thanks* the leader and the other members of the Thai delegation for their cooperation and for the information provided;
2. *Is deeply concerned* that 175 of the parliamentarians in question had their parliamentary mandates revoked and their political rights suspended in connection with alleged offences for which they were not responsible and on the basis of legal provisions that were applied retroactively;
3. *Notes* that the adoption of Announcement 27 and Section 237 of the Constitution and the decisions of the Constitutional Tribunal to dissolve their parties and disbar their executive members have the effect of removing a sizeable segment of the national political elite from the political process;
4. *Expresses concern* that the Constitutional Tribunal's decisions have direct consequences not only for the political parties and the individuals concerned but also for the electorate they represent, accounting for a significant part of the Thai population, which, as a result of their disbarment for five years, has been deprived of its voice in Parliament and of a free choice to elect its representatives in the next elections;
5. *Believes* that this situation can but seriously compromise the political process in Thailand and, in view of the legislative elections scheduled for mid-2011, *calls on* the competent Thai authorities, including the Parliament, to do everything possible to lend fresh impetus in support of earlier initiatives to address the concerns arising from Section 237 of the Constitution and to look at ways to have the disbarment of the parliamentarians reconsidered;
6. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).

CASE No. TK/55 - MEHMET SINÇAR - TURKEY

Resolution adopted unanimously by the IPU Governing Council at its 188th session (Panama City, 20 April 2011)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Mehmet Sinçar, a former member of Kurdish origin of the Grand National Assembly of Turkey shot dead at close range in September 1993 in Batman, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Taking into account the information provided by the source on 14 April 2011,

Recalling the following:

- In October 2006 the Turkish authorities reported that the persons initially suspected of Mr. Sinçar's murder - members of a terrorist group - had all been acquitted for want of evidence, except two persons who were at large; in 2008 the Turkish IPU Group reported that a criminal case regarding Mr. Sinçar's murder was pending before the 6th Assize Court of Diyarbakir; Mr. Sinçar's family was initially unaware of those proceedings but joined them later as a claimant;
- On 1 October 2010, the President of the Turkish IPU Group reported that two persons, Rifat Demir and Cihan Yildiz, had been found guilty of many murders, including that of Mr. Sinçar, which were committed in the 1990s in the south-eastern part of Turkey; both were sentenced to life imprisonment; Mr. Sinçar's family appealed against that verdict considering that the

conviction failed to establish the identity of the instigators and did not take into account reports that would show that the many assassinations that occurred during the period in question in south-eastern Turkey, which is where Mr. Sinçar was killed, were part of a "State policy" to combat terrorism,

Considering that, according to the source, the Court accepted the application of Mr. Sinçar's family to be admitted as joint plaintiff,

1. *Is hopeful* that the ongoing judicial proceedings will open up a real prospect for the full elucidation of Mr. Sinçar's assassination;
2. *Requests* the Committee to continue following the proceedings, including, if possible, through the services of a trial observer, and to report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011);
3. *Requests* the Secretary General to inform the Turkish parliamentary authorities and the source as well as Mr. Sinçar's family accordingly;
4. *Requests* the Committee to continue examining this case and report to it at its next session.

CASE No. ZBW/20 - JOB SIKHALA) ZIMBABWE
CASE No. ZBW/27 - PAUL MADZORE)
CASE No. ZBW/44 - NELSON CHAMISA)

***Resolution adopted unanimously by the IPU Governing Council at its 188th session
(Panama City, 20 April 2011)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Job Sikhala, Mr. Paul Madzore and Mr. Nelson Chamisa, opposition members of the Parliament of Zimbabwe at the time the complaint was submitted, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/188/13(b)-R.1), and to the resolution adopted at its 187th session (October 2010),

Recalling the following:

- Mr. Sikhala and Mr. Madzore were tortured by police officers in January 2003 and March 2007 respectively; Mr. Sikhala, in his complaint regarding his torture provided medical certificates and names of suspects that were even divulged in media reports at the time; Mr. Madzore told the court about his torture when he appeared for initial remand on 20 March 2007; he stated that, while in remand custody, he was regularly visited by the Central Intelligence Organisation (CIO) and military intelligence agents and taken to torture sessions; he had to be taken to a private hospital and to be put on a life-support system because of the torture he had suffered;
- Despite the existence of complaints and evidence, their torturers have so far not been brought to justice;
- Mr. Madzore filed a lawsuit for damages on which no action has been taken so far, and the application filed by Mr. Sikhala to compel the police to investigate his complaint properly has yet to be ruled on by the High Court;
- Mr. Chamisa was badly injured in an attack on 18 March 2007 at Harare International Airport, reportedly by State security agents; the police took no action, arguing that Mr. Chamisa had not lodged a complaint; Mr. Chamisa does not wish to lodge a complaint since the attack occurred in the presence of police officers who did nothing to stop and arrest the attackers,

Recalling that, in his letter of 30 August 2010, the Attorney General of Zimbabwe affirmed that Mr. Chamisa, Mr. Sikhala and Mr. Madzore had not brought any admissible evidence enabling any suspect(s) to be identified and, that being so, there was no basis for alleging that they had not been accorded the protection of the law,

Recalling furthermore that the Speaker of the House of Assembly of Zimbabwe has repeatedly stated in the past that Parliament is firmly committed to protecting the human rights of its members and to taking action to this end within the limits imposed by the doctrine of the separation of powers,

1. *Remains deeply concerned* at the continuing impunity of the State officials responsible for the torture of Mr. Sikhala and Mr. Madzore and the State agents who allegedly carried out the attack on Mr. Chamisa;
2. *Can but consider* that, since a serious investigation of the existing evidence with respect to the torture should have permitted the identification and punishment of the culprits, and that the attempts by the victims to promote justice and reparation apparently continue to be disregarded, the present state of affairs can only be viewed as the intentional failure of the authorities to redress a flagrant human rights violation committed by their officials;
3. *Recalls* that Zimbabwe, as a party to the International Covenant on Civil and Political Rights (ICCPR), is bound not only to guarantee the right to life and to prohibit torture, but also to institute ex officio investigation into known crimes against life and into torture allegations and complaints in order to hold those responsible to account; *stresses* also in this connection that, with respect to the attack on Mr. Chamisa, the absence of a formal complaint regarding an attack of which the authorities are aware cannot be invoked to justify inaction;
4. *Again urges* the authorities therefore to fulfil their duty to make a serious effort, without any further delay, to identify and punish the culprits of both the torture and the attack; *also urges* them to take action forthwith on the legal steps taken by Mr. Sikhala and Mr. Madzore;
5. *Affirms* that the current appalling state of affairs in this case should be of great concern to the Parliament of Zimbabwe; *urges* it therefore to give serious meaning to its stated commitment to protecting the rights of its members by using its oversight function to the fullest in order to ensure that the competent authorities are finally indeed taking action; *would appreciate* receiving further details in this respect;
6. *Requests* the Secretary General to convey this resolution to the parliamentary and competent authorities and to the parliamentarians concerned;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 125th IPU Assembly (October 2011).